DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 April 1994

Thursday, 21 April 1994

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

LEAVE OF ABSENCE TO MEMBER

Motion (by Mr Humphries) agreed to:

That leave of absence from 22 April 1994 to 8 May 1994 inclusive be given to Mrs Carnell.

PUBLIC SECTOR MANAGEMENT BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (10.31): Madam Speaker, I present the Public Sector Management Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill establishes a separate ACT public service, a step that will see the Territory emerge finally as a fully self-governing Territory. I say this because no State or Territory can claim to be fully self-governing if it does not manage its own public service. The service established by this Bill will be a unified service, one which will employ the vast majority of public sector employees. It will be a service that is built on sound values, principles and ethics which reflect the community values of our modern city-state.

One of those principles is that the government is responsible for the public service, which in turn should be responsive to the government of the day. This Bill gives ACT public servants clear direction as to their obligations and makes them accountable to the government for achieving what is expected of them. As one measure to achieve this accountability, we have established a Department of Public Administration, reporting directly to the Chief Minister, rather than a public service commission or similar statutory authority, to manage the service as a whole. The Bill is the result of broad consultation with our employees, the unions, the Commonwealth Government and the community.

The ACT public service has served Canberra well in the transition to self-government. The new service established by this Bill will be the vehicle for the Territory's public servants to continue into the next century the excellent service they have given this community over many years.

Let me provide the background of this legislation. In April 1992, the Prime Minister, Mr Keating, wrote to me proposing that the Commonwealth and the Territory commence moves towards establishing a separate ACT public service. His intention was to end the transitional arrangements included in the Commonwealth's 1988 self-government legislation. I was happy to commence the action suggested by the Prime Minister once agreement was reached on several threshold issues, the most vital of which was permanent mobility between the two services. When the Prime Minister acceded to my requests in December 1992, the formal process to create Australia's newest and possibly last public service began. That was only 16 months ago.

The Commonwealth's self-government legislation requires both governments to consult with unions and, by implication, with each other on this exercise. So, when Mr Berry, as Minister for Industrial Relations, met last year with his Commonwealth counterpart and union representatives we tabled 20 draft resolutions, or 20 points, as they have become known. A draft of the 20 points was included in the Government's submission to the Assembly Select Committee on the Establishment of an ACT Public Service last year. These points deal with the continued mobility and other links between the two public services and provide for Territory access to Commonwealth services, the most important of which are Commonwealth superannuation schemes and Comcare, the Commonwealth workers compensation scheme. These negotiations are continuing, even though agreement on the vast majority of the points was reached quite some time ago.

The outstanding issues are few but they are important. They relate to the way in which we give effect to the permanent model of mobility on merit that the Prime Minister and I agreed in 1992. The resolution of these issues may require some later amendment of this Bill. We shall introduce any Government amendments when debate on the Bill resumes, and we undertake to circulate these in advance, if that is possible.

I am conscious that the Select Committee on the Establishment of an ACT Public Service has yet to present its report and is required to do so before the resumption of debate on this Bill. The Government has been happy to assist the committee wherever possible. I provided an earlier draft of this Bill to assist the committee in its deliberations and I have made officers of my department available for briefings. These steps are a reflection of the Government's commitment to the committee's work. The committee clearly will want to study the final Bill very carefully. I look forward to its contribution to this debate.

I would like to reassure ACT Government employees and their union representatives that we shall not commence the new service until the Government is satisfied that the mobility model is a good one. Mobility was a vital threshold issue and, having obtained the Prime Minister's agreement to permanent mobility on merit, I am not about to let it be taken away because of problems in resolving a few relatively minor points. I would like to say also that I am disappointed with the lukewarm commitment of others in the

Commonwealth to implementing the undertakings of the Prime Minister and Mr Brereton on this issue. I wish to assure the Assembly that I shall be doing everything in my power to see this issue resolved before the resumption of debate on this Bill. I have given my officers directions to act and I shall be taking up the matter personally.

While speaking of issues involving the Commonwealth, it is relevant to explain that establishing our new public service requires counterpart legislation by the Commonwealth Parliament. Last year the then Minister Assisting the Prime Minister for Public Service Matters, Mr Brereton, gave the Government a commitment that the Commonwealth would match the Territory's legislative timing. I understand that the Commonwealth intends to introduce its legislation next month. Because of rules that now apply in that Parliament, in theory that legislation cannot be passed until the next sitting, which will take place in August. I have written to the Prime Minister asking for his assurance that the Commonwealth will adhere to its commitment given last year. I shall inform the Assembly of the Prime Minister's response when it is to hand.

I should also inform the Assembly that the new service will not include ACT firefighters in its initial period of operation. While the Government believes that there are substantial advantages to both employer and employees in having firefighters as members of the new service, the United Firefighters Union has raised with the Government some legitimate concerns about the effects of incorporating a disciplined, uniformed service such as the fire service into a broader public service that does not operate along the same semi-military lines as the fire service. The Government and the union have agreed that negotiations shall continue and that the union will review its position at the end of the year in the light of experience with the operation of the Bill. I am confident that at that point both parties will be much better placed to assess the advantages of firefighters being employed under the provisions of this legislation.

It should also be pointed out that the ACT police will not be covered by this Bill. They will continue to be employed under the provisions of the Australian Federal Police Act. I am pleased to say, however, that the ACT teachers will formally become officers of the ACT Government Service. They will enjoy the same rights and privileges as other officers, including mobility within the service and the Commonwealth Government.

I turn now to the policy objectives of the Bill. The shape and culture of the ACT Government Service, as the service will be formally known, needs to be uniquely suited to the ACT. The Government was very clear from the start about its policy objectives in relation to a separate service. It was important that the service be a unified and merit based career service of permanent officers, under a single employing authority; that it operate on the basis of clearly enunciated values, principles and ethics; that it provide for equal employment opportunity for all in every respect, so that every position at every level is potentially available to any officer; that it treat all employees equally, for example, by appointing industrial employees as permanent officers, in the same way as their white-collar colleagues; and that it in no way reduce the rights and entitlements of existing employees.

The object of the Bill is not only to set out employment matters but also to give clear direction as to how the public sector should be managed. The Bill, therefore, deals with a range of matters from equal employment opportunity, ethical behaviour and industrial democracy to whistleblowing and the public administration principles that managers are required to apply.

I would now like to outline some of the major provisions associated with the Public Sector Management Bill. The Government has made clear its commitment to enhanced accountability and improved service in the ACT public sector. To achieve this, the Bill sets out the values and principles that guide the work of the public sector and the obligations that public employees are required to uphold in the execution of their duties. Through these provisions, ACT Government Service employees will be aware of what is expected of them, as will the community.

The Bill promotes a whole-of-government approach to public administration. One way in which it does this is by requiring chief executives, in addition to their traditional direct responsibility to their Ministers for their departments, also to take responsibility in regard to the interests of the Government and the service as a whole. The Bill also creates the new position of Commissioner for Public Administration. The responsibilities of this job will go beyond the traditional role of personnel management to include a broader statutory role of management review across the service. The commissioner will have an overall responsibility to advise the Government on the administration of the public sector, including equal employment opportunity, access and equity and industrial democracy issues.

Madam Speaker, consistent with the Government's commitment not to reduce the conditions of members of the new service, the provisions relating to the creation and abolition of offices, employment, retirement and redeployment, long service leave and maternity leave are similar to those that apply in the Australian Public Service. We therefore will have in a single Bill the provisions that are found in a number of pieces of legislation in the Commonwealth public sector. Whilst this makes the Bill fairly large, it has the strong advantage that all of the law about the public service can be found in the one place. We will be adopting the same approach in relation to the public sector management standards which are provided for in the Bill. The standards will be a single compendium of all the subordinate rules that govern the new service, apart from the finance directions.

The processes for discipline remain unchanged from the Commonwealth model, although the definition of misconduct is now much simpler: An officer is guilty of misconduct if he or she fails to comply with obligations contained in clause 10 of the Bill, and clause 10 sets out what those obligations are. The existing public servants retain access to the Merit Protection and Review Agency on appeal and grievance matters, and this service has been extended to teachers and employees of ACTEW and the Legal Aid Commission.

I am pleased to advise also that this Bill includes provisions for the protection of public servants who blow the whistle on maladministration, corruption, fraud or risks to public health or safety in the ACT Government Service. The legislation is based on the recommendations of the 1991 review of Commonwealth criminal law chaired by a former Chief Justice of Australia, Sir Harry Gibbs. Whistleblowers will, in specific

circumstances, be allowed to disclose information to the Ombudsman, the Auditor-General or certain officers within departments, and in some cases to the public. Officers who follow the prescribed procedures will not be subject to any disciplinary or criminal action, and any victimisation as a result of the disclosure will be an offence. These provisions are part of the Government's ongoing commitment to greater accountability in public sector management in the ACT Government Service. With the assumption of full responsibility for its own public service, the Territory also assumes responsibility for occupational health and safety matters in the public sector. This area is currently regulated by Commonwealth law. The Bill provides for the application of the Territory's Occupational Health and Safety Act 1989, with appropriate modifications for the public sector based on the currently applicable Commonwealth law.

I wish to foreshadow the Government's intention to introduce a Public Service (Transitional and Consequential Provisions) Bill. I expect that it will be ready for introduction in the May sittings, for cognate debate with this Bill. The Government would have liked to introduce the Bill today, but it has not been possible to complete the drafting. As before, the Government will make copies of the draft available to unions for consultation and to the Select Committee on the Establishment of an ACT Public Service to assist in their deliberations.

Madam Speaker, when I addressed the Assembly in 1992 about the Government's decision to establish the new service, I spoke of the vision of creating the best system of public sector management in Australia. After six years and the devolvement of employees from 10 Commonwealth departments, five major statutory authorities and numerous smaller agencies, totalling 140 in all, I can say with great pride that we are now very close to achieving that vision. In conclusion, this Bill delivers on the Government's commitment to establish a unified, merit based and equitable public service. It is one of the most important Bills ever considered by the Assembly. Madam Speaker, I present the explanatory memorandum to the Bill.

Debate (on motion by Mr Kaine) adjourned.

NATIVE TITLE BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (10.44): I present the Native Title Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, today I am pleased to present to the Assembly the Native Title Bill 1994. This Bill arises from a decision of the High Court of Australia that has had a profound impact upon Australia and Australians. That decision has asked us as a nation to reassess fundamentally our relationships with Aboriginal peoples and Torres Strait Islanders.

In the first instance, the High Court's decision has demanded that many of the assumptions underlying Australia's systems of land administration be re-examined in the context of a new understanding of the legal status of the connection between Aboriginal peoples and Torres Strait Islanders and the land. Perhaps more importantly, the sheer scope of the High Court's decision has asked us to look well beyond its direct legal implications to contemplate more broadly the relationships between the peoples of this country. In this sense, the native title decision contains within it the potential to be a powerful force for achieving reconciliation, provided that as a nation we can grasp the opportunity it presents and rise to the occasion. It is against this background that today the Assembly as a legislature can take an important step towards placing our relationships with Aboriginal peoples and Torres Strait Islanders on a just footing through the introduction of the Native Title Bill 1994.

I believe that it is useful, in presenting the Bill, to rehearse briefly its legal origins. The High Court in its 1992 native title decision rejected the doctrine that Australia was terra nullius - land belonging to no-one - at the time of European settlement. Rather, it held that the common law of Australia recognises a form of native title that reflects the entitlement of the indigenous inhabitants of Australia, in accordance with their laws and customs, to their traditional lands. At the same time, the court held that native title rights may be extinguished by valid government acts that are inconsistent with the continued existence of those rights, such as the grant of freehold or leasehold estates.

In response, the Commonwealth Parliament has enacted the Native Title Act 1993. It provides for a national scheme which, amongst other things, provides for the recognition and protection of native title, establishes ways in which future dealings affecting native title may proceed, and sets standards for those dealings. The Act also establishes a Native Title Tribunal for determining claims to native title and provides for, or permits, the validation of past acts which are invalid because of the existence of native title.

As I have indicated on a number of occasions, the Government believes that the national scheme now enshrined in the Native Title Act has struck a careful balance between certainty of land administration and justice for Aboriginal peoples and Torres Strait Islanders. This balance reflects in part the extensive consultations that took place with all interested parties during the development of the Commonwealth's policy position and as the Bill progressed through the Commonwealth Parliament. Accordingly, the ACT Native Title Bill provides an appropriate basis on which the Territory will participate in the national scheme. In particular, it provides for the validation of past acts attributable to the Territory which may be invalid because of the existence of native title and confirms existing rights to natural resources and access to waterways and public places.

However, to fully understand the operation in the ACT of the national scheme it is also essential to discuss the relationship between the Territory legislation and the Commonwealth Act. The Commonwealth law largely relies on the common law, as set out in the High Court's decision, to provide meaning for the term "native title".

It defines native title by reference to traditional laws and customs and puts beyond doubt that hunting, gathering or fishing rights are native title rights or interests. The Act goes on to allow claims that native title does or does not exist to be determined in response to a request by a person who has an interest in land or by a Commonwealth, State or Territory Minister.

The Commonwealth Native Title Act 1993 establishes the machinery for making decisions on applications that native title has survived. Included in this machinery is the Native Title Tribunal. Madam Speaker, the ACT Government has decided that it wishes to rely upon the Commonwealth tribunal for determining native title in the Territory rather than create its own potentially costly and complex machinery. Accordingly, the ACT legislation makes no provision for a tribunal or related processes. As a result, the procedures in the Commonwealth Act for applications and determinations to be made will apply in the ACT.

The Commonwealth Act validates past acts by the Commonwealth in relation to land in the Territory up to self-government day and any land management activity it has undertaken since then. The ACT Native Title Bill will similarly validate any acts of the Territory Government. It is important to note that the validation of these land management activities of the Commonwealth and ACT governments in the Territory relates only to acts that are invalid because of the existence of native title. In this context, I should add that the ACT Government is not aware that acts have occurred in the past in the Territory that are invalid because of the existence of native title. For example, extensive grants of freehold over what is now the ACT which were made during the nineteenth century are considered valid and, in accordance with the High Court's decision, would have extinguished native title.

Under the native title system being put in place by the Commonwealth and ACT laws, validation of a past act can have differing effects on native title, depending upon the nature of the interest in land that is being validated. Category A past acts have the effect of extinguishing any native title and include freehold grants, leases for commercial, agricultural, pastoral or residential purposes, and public works, which includes buildings, roads, major earthworks and other fixtures. Therefore, very nearly all leases in the ACT fall into category A and, under the legislation, will be able to be extended in the normal ways and will, on validation, extinguish any native title that might exist.

Category B past acts, when validated, extinguish native title to the extent that the interest in the land is inconsistent with the exercise of native title. In the ACT it appears that what are referred to as community leases would, if invalid, fall into category B. As these kinds of leases provide for exclusive possession, it appears that validation would also extinguish native title since it would not be capable of coexisting with the rights under the lease. The Bill also provides for other categories of interests in land, such as mining leases, licences and permits, to have different impacts upon native title on validation in a way that seeks to minimise the extent to which native title is affected.

The Commonwealth Act establishes a regime for future dealings by the States and Territories which affect native title land. The regime applies regardless of any legislation by a State or Territory. Accordingly, it is not necessary for the ACT to legislate on this matter. Nevertheless, it is valuable to record that the Commonwealth Act permits the following future acts to affect native title land: Legislative action which applies in the same way to native title land as land held under another form of title; other actions which could be done if the native title land was instead land held under another form of title; a renewal, regrant or extension of a commercial, agricultural or residential lease; an act which has been authorised by the native title holders; and an act which has a minor defined impact upon the native title land. Other acts are not permitted and, to the extent that they actually affect native title, are invalid.

The Commonwealth Act goes on to establish procedures that give people who wish to deal in land the native title status of which is uncertain a capacity to seek from the Native Title Tribunal a determination of whether such title exists or not and its nature. The Commonwealth legislation also provides that compensation is to be paid on just terms where, for example, native title is extinguished or suppressed by the effect of a validation or where a future act in relation to land will affect native title rights. Usually any compensation is paid by the Commonwealth, State or Territory to which the compensable act is attributable. Again, as the Commonwealth Native Title Act creates the right to compensation, it is not necessary for the ACT Bill to duplicate this provision.

Finally, the Commonwealth legislation enables a State or Territory to confirm certain rights relating to natural resources, waters, fishing and access to various areas, including public places. The Bill I am introducing today provides for relevant confirmations in relation to the Territory and, consistent with the Commonwealth legislation, will not have the effect of extinguishing or impairing native title rights.

Members of the Assembly, in combination the Commonwealth Act and the ACT Native Title Bill will provide for a comprehensive regime for dealing fairly with native title in the Territory. The scheme has its complexities, relying as it does on the interaction of two complementary laws. The Government has also been careful to consult the ACT Aboriginal and Torres Strait Islander Advisory Council on the legislation. The council's comments on the Bill have been adopted wherever possible. The council has indicated that, following the Bill's introduction into the Assembly, it wishes to consult further with Aboriginal peoples and Torres Strait Islanders in relation to the legislation. The Government looks forward to receiving any further advice the council wishes to offer. At the same time I intend to raise the Bill for a round table discussion amongst members of the Parliamentary Awareness Group on Aboriginal and Torres Strait Islander matters in advance of debate in the Assembly.

I believe that it is vital that, in the spirit of reconciliation, we maximise the chances of the Bill receiving the full support of the Aboriginal and Torres Strait Islander community, Assembly members and the community generally. The consultation process I have outlined aims to achieve just this outcome. Important as the national native title scheme is, we must keep it in perspective. The effect of the High Court's decision and the legislative response to it is that many Aboriginal peoples and Torres Strait Islanders will not benefit directly from the existence of native title. These are the peoples for whom dispossession through valid acts that have extinguished native title is complete.

Nor will the Native Title Bill directly address the extreme disadvantage so commonly faced by Aboriginal peoples and Torres Strait Islanders. With these considerations in mind, the Government is developing a social justice agenda for Aboriginal peoples and Torres Strait Islanders. Consistent with proper consultation with the ACT Aboriginal and Torres Strait Islander Council, the Government intends to unveil this agenda in the very near future. I present the explanatory memorandum for the Bill.

Debate (on motion by Mr Kaine) adjourned.

FINANCIAL AGREEMENT BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (10.56): I present the Financial Agreement Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

This Bill introduces an Act to approve a new financial agreement between the Commonwealth, States and Territories to provide for the continuation of Loan Council with a broadly specified role and powers. Importantly, it provides for formal membership of Loan Council for the Australian Capital Territory and the Northern Territory for the first time. Previously, the Territories had observer status only. This is a further milestone in achieving an equal footing with the States. The new agreement also abolishes the past restriction on States and the Northern Territory borrowing in their own name and removes the Commonwealth's power to borrow on behalf of the States.

The new agreement recognises that Loan Council scrutiny of public sector borrowings has for many years taken place under voluntary arrangements rather than the provisions of the agreement. The Commonwealth has undertaken no new money borrowings on behalf of the States since 1987-88 and the States' extensive borrowing activities are now conducted through their central borrowing authorities, outside the provisions of the agreement. The Australian Capital Territory undertakes borrowings on its own behalf which are also transacted outside the provisions of the agreement.

It is important that members appreciate the fact that many of the provisions of the new agreement do not apply to the Australian Capital Territory. For example, the Bill provides for the establishment of debt redemption arrangements, through the Debt Retirement Reserve Trust Account, to replace those operated through the former National Debt Sinking Fund. This has no relevance to the Australian Capital Territory as we were not party to these former arrangements. The Australian Capital Territory is repaying debt formerly raised on its behalf by the Commonwealth directly to the Consolidated Revenue Fund of the Commonwealth.

The new agreement will be given effect by the passage of complementary Commonwealth, State and Territory legislation and will not become effective until legislation has been enacted in all jurisdictions. I present the explanatory memorandum to the Bill.

Debate (on motion by Mr Kaine) adjourned.

PAYROLL TAX (AMENDMENT) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (10.59): I present the Payroll Tax (Amendment) Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, the Payroll Tax Act 1987 provides for the imposition of payroll tax on ACT employers where the Australia-wide wages of the employer or group of employers exceed the $500,000 tax free threshold. Section 3A of the Act sets out the amount to be included in the calculation of an employer's liability to payroll tax. This section provides that, where a non-cash benefit is provided by an employer, the value of the benefit is to be included for payroll tax purposes. The value of the benefit is its value as a fringe benefit for the purposes of the Commonwealth Fringe Benefits Tax Assessment Act 1986 - the FBT Act.

The FBT Act was recently amended to change the method of calculating an employer's liability for fringe benefits tax. From 1 April 1994, the Commonwealth will assess fringe benefits tax liability on the tax inclusive value of the fringe benefit in the hands of the employee. In order to calculate this tax inclusive value, employers are required to increase current fringe benefits tax values to 193 per cent. As this value is currently used to calculate ACT payroll tax amounts, these amendments would result in an almost doubling of ACT employers' payroll tax liability in respect of the fringe benefits component of their wages bill.

In response to representations from taxpayer groups such as the Australian Taxpayers Association, New South Wales has moved to amend its legislation to limit payroll tax liability to the actual value of the fringe benefit to the employee. Victoria has instigated administrative measures to achieve the same result, while Tasmania and South Australia are yet to take some action in this regard. Western Australia, Queensland and the Northern Territory do not rely on the FBT Act for payroll tax purposes.

It is considered that the approach being adopted in New South Wales and Victoria is fair to taxpayers, and a similar approach in the Territory will maintain the ACT payroll tax base at existing levels, even though the fringe benefits tax liability for employers is substantially increased by virtue of the Commonwealth changes. Also, at a practical level, for the ACT to adopt a different approach would put us out of step with

New South Wales and Victoria and disadvantage ACT employers in comparison with employers in these other jurisdictions. Following consultation, agreement for adopting this approach has also been reached with the Law Society of the ACT and the Australian Society of Certified Practising Accountants.

Madam Speaker, this Bill introduces amendments to the Act to maintain the current position that payroll tax is calculated on the actual value of the fringe benefit to the employee. It is proposed that the Bill take effect retrospectively from 1 April 1994, corresponding to the date of commencement of the amendments to the Commonwealth's FBT Act. I present the explanatory memorandum to the Bill.

Debate (on motion by Mr Kaine) adjourned.

AIR POLLUTION (AMENDMENT) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (11.03): On behalf of my colleague Mr Wood, I present the Air Pollution (Amendment) Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill, which follows on amendments to the Air Pollution Act 1984 that were enacted in December 1993, meets the Government's commitment to the introduction of effective controls over emissions from solid fuel appliances, in response to relevant recommendations of the report of the ACT Legislative Assembly Standing Committee on Conservation, Heritage and the Environment entitled "Fuelwood Heating in the ACT". These recommendations related to the need for legislative controls over pollution from solid fuel appliances and the need for emission standards for new solid fuel appliances.

Amongst these amendments to the Air Pollution Act was the requirement that new solid fuel burning appliances cannot be sold unless a certificate of compliance with the emission standard has been issued in relation to the appliance model line. This certificate of compliance is to be issued by a person or body authorised for this purpose by the Pollution Control Authority. At the time of drafting of the amendment to introduce this requirement, it was anticipated that certificates of compliance would be issued by the organisations which were responsible for testing of the solid fuel burning equipment. The wording used in section 24A reflected this. Section 24A(3)(a) states that a certificate of compliance is to be issued by an authorised person or body who has tested an appliance.

Recently the situation has changed. In order to avoid duplication of work and minimise the impost on industry through lack of uniformity, it has been agreed by State and Territory environmental agencies and industry that a central national agency be appointed as a clearing house. The Energy Information Centre of the South Australian Department of Mines has been selected as the national clearing house and will be appointed as such by other jurisdictions. The function of the clearing house is to receive a certificate of tests carried out on behalf of the manufacturer by a laboratory certified by the National Association of Testing Authorities and to verify that all tests have been carried out and the appliance model meets the emission standard. The clearing house itself will not be carrying out any testing. Because of this, together with the current wording of section 24A of the principal Act, the clearing house cannot currently be authorised by the Pollution Control Authority to issue valid certificates of compliance.

The proposed amendment removes the need for the person or body issuing certificates of compliance also to be the person or body who has tested the appliance to which the certificate refers. The amendment provided by this Bill will ensure that the Pollution Control Authority can authorise the national clearing house to issue certificates of compliance with the national emission standard for new solid fuel burning equipment. This will streamline certification procedures for the solid fuel burning industry, while at the same time protecting air quality in the ACT. I present the explanatory memorandum for the Bill.

Debate (on motion by Mr Westende) adjourned.

DOMESTIC RELATIONSHIPS BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (11.07): I present the Domestic Relationships Bill 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, this is landmark legislation which puts the ACT in advance of legislation in other parts of Australia. This legislation applies to those who have provided personal or financial commitment and support of a domestic nature, to the material benefit of another person over a period of two years, allowing them to seek adjustment of the ownership of property which is held by the other person to reflect the value of their contribution. Members have had the opportunity to read the exposure draft of the Bill in the discussion paper, and the discussion paper has already been debated in principle in this place. As I will explain, the Bill is not much different from that exposure draft. However, I will briefly outline the Bill to refresh members' recollection of what it does.

The Bill provides that, where a person has lived in a domestic relationship for two years, that person may apply to the Magistrates Court or Supreme Court for adjustment of property rights in relation to property which is in the possession of the other person on the basis of the applicant's contribution to that property. A domestic relationship includes not only those who live in traditional de facto relationships but also relationships where one party at least provides a personal or financial commitment and support of a domestic nature for the material benefit of the other. Whether there is or has been a sexual relationship between the parties is thus an irrelevant consideration. The common factor for applicants will be their contribution to financial resources of another, and that alone. A person who fulfils the stipulated requirements is eligible to apply for a remedy.

As Mr Humphries pointed out in the debate on the discussion paper in this Assembly on 12 October last year:

It is one thing to be judgmental about some of the relationships and the lifestyles we are talking about here; it is quite another to say that people who adopt those lifestyles deserve no protection from the law.

He went on to say that, although he believed that not all relationships would generate the same rights, we should give such people certainty. This is not indicating that the fount of all wisdom is the Liberal Party, but he went on:

We should be able to find a medium which gives people in those particular relationships some chance of knowing where they stand under the law of this Territory, and that is a very important goal ...

On this point, we are in full agreement with the view from the other side, and I am glad to see that those entering the debate, both here and in the community, have so far recognised that we are talking about a particular need based on equity, one which may be common to those who live in different sorts of domestic relationships. If we do not provide a remedy for all who are faced with the same need, we are denying a group of people access to that remedy on irrelevant considerations.

The contribution may be direct or indirect, financial or non-financial, and the Bill specifically includes consideration of contributions which have conserved or improved property or financial resources, as well as through home-making and care of the other person or the care of a child of the relationship. The law would require the applicant to demonstrate a real personal commitment of a domestic nature to the welfare of the other person.

Orders under this legislation would be made by a court only where the relationship has existed for at least two years, unless special circumstances exist. The two-year threshold can be disregarded where there is a child of the relationship. It can also be disregarded where the court considers that there would be serious injustice either because the applicant has not been adequately compensated for his or her contributions or because he or she has the care and control of the other person's child.

The legislation would place a limit on the making of an application for orders under this legislation, requiring application to the court within two years of the relationship ending. However, the court would retain the discretion to hear matters outside this two-year period if the hardship suffered by the applicant if it refused an extension would be greater than the hardship suffered by the respondent if it granted one.

The Bill also provides for a claim for what commentators have called child-care related maintenance and rehabilitation based maintenance. We believe, however, that the term "rehabilitation based maintenance" is not an appropriate one. It implies that the person receiving the maintenance is somehow deficient or disabled. Compensation is a more appropriate description of the basis of this form of maintenance than rehabilitation because the maintenance is in fact compensation for the applicant's contribution to the relationship, so we will use that term.

The child-care based maintenance can be claimed where the person has care and control of a child of the parties or a child of the other party and because of this is unable to support himself or herself. Compensation based maintenance can be claimed where the applicant's earning capacity has been adversely affected by the circumstances of the relationship and the applicant is therefore unable to support himself or herself adequately. The court must be satisfied that a compensation based maintenance order would enable the applicant to undertake a program of educational training and that it is a reasonable order in the circumstances.

Finally, the Bill provides that where an agreement has been drawn up at the beginning of, during or on the termination of a domestic relationship, and the court is convinced that the parties have been properly advised, the court must not make an order which is inconsistent with that agreement unless serious injustice would result. The value of a domestic relationship is that it is a form of certification that the domestic relationship exists. In itself it is a reminder to those involved that they have a responsibility to account for the property or financial resources they amass with the assistance of the other party.

A termination agreement is, likewise, a recognition that the relationship does not exist and thus a reminder that each is no longer obliged to be responsible to the other for such property or financial resources. The court would also have a residual discretion to set aside an agreement where it is satisfied that a serious injustice will result from enforcing its terms. It should be noted that nothing in an agreement will affect the power of the court to make an order with respect to the right to custody of, maintenance of, or access to the children of the parties who are the partners to the agreement.

The purpose of the Bill is to extend and clarify the application of principles of equitable trusts as they relate to domestic situations. The law would apply to de facto relationships as well as, say, the break-up of family relationships such as would exist with an adult son or daughter who has given up a career to provide the domestic care for a parent in need.

The Bill grants to the Magistrates Court jurisdiction to deal with applications, which is an extension of its jurisdiction. The Magistrates Court cannot presently deal with claims based on equitable trust principles, but we are now giving it that jurisdiction. This means that the law will be more accessible and less expensive to those with smaller property claims, or those with larger claims who nevertheless agree to accept

a Magistrates Court decision. However, the legislation also requires the court and each legal practitioner representing a party both to allow and to encourage the party to settle matters by alternative means such as mediation or arbitration. This, plus associated requirements to provide information on mediation and the Government's support of mediation services in the ACT, will further make the task of those who seek fair and equitable property adjustment less expensive and onerous.

The response from the community to the discussion paper and draft legislation has been overwhelmingly supportive, and specific comments have been taken into account. I will at a later time be circulating to all members a schedule of the community consultation. We have removed the definition of de facto relationships which was in the exposure draft of the Bill, as this was considered an unnecessary distinction on the basis of gender. The definition, in referring to a relationship between a man and a woman, seems to unnecessarily put the issue of sex back into the Bill. Instead of the Bill being debated on issues of equity and convenience, the definition redirects attention to the contentious and divisive issues of government recognition of non-marital heterosexual and homosexual relationships.

The only other significant change we have made is to clause 38 of the Bill. We have altered that clause to make it quite clear that not only can a court make a declaration that a domestic relationship does or did exist at a particular time or during a particular period but it can also specifically declare that the relationship does or did not exist at a particular time or during a particular period. This is to provide parties with a clear court declaration that a relationship is over. We have done this in consideration of the fact that it is often important for those who have been involved in a personal relationship with another to have some material indication that the relationship no longer exists. This may be particularly useful for those who have been living in a potentially violent relationship, and I would point out that a study of domestic violence in the ACT which the Law Reform Committee released last year indicates a significantly higher rate of violence reported in de facto relationships than in marital relationships.

This Bill addresses the fact that those who live in domestic relationships are subject to the laws which, for the most part, are based on the traditional laws of property, which do not take account of matters such as unpaid labour in the home and have not evolved to do so. The Commonwealth Family Law Act takes account of those matters when dealing with property claims between spouses. However, it can deal only with legally married couples. There is no similar legislation for those living in domestic relationships in the ACT.

By limiting special consideration of indirect and non-financial contributions to property to those who are legally married, the law does not adequately recognise that families may take other forms than the traditional nuclear family of a married couple and their children. This is a relevant consideration for this Assembly in the Year of the Family.

This Bill is based on the current principles of equitable trusts in relation to domestic situations. Equitable trusts were established by judges at common law as a means of providing a remedy in situations where one person has provided another with a material advantage to their own detriment. What the Bill does is to firmly establish these principles and specifically apply them to domestic relationships on the general principles of common law and equity. The doctrine of equitable trusts already applies to most of the

cases we have in mind, but not all of them. We are properly criticised for forcing applicants to have recourse to the antiquated and costly processes involved in those situations which are covered. This proposal is simply a means for those who have in theory a means of legal resolution to resolve those legal issues quickly and efficiently. I commend the Bill to the house and present the explanatory memorandum.

Debate (on motion by Mr Humphries) adjourned.

EVIDENCE (CLOSED-CIRCUIT TELEVISION) (AMENDMENT) BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (11.17): I present the Evidence (Closed-Circuit Television)(Amendment) Bill 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, the purpose of this Bill is to make use of closed-circuit television more readily available to children who give evidence in court. In 1989 a project was commenced in the ACT Magistrates Court to evaluate the use of closed-circuit TV for children who give evidence. The aim of the project was to find out whether the use of closed-circuit TV reduces the harm suffered by child witnesses and improves the quality of their evidence without unfairly interfering with the rights of parties to a fair trial. The evaluation was to be done by the Australian Law Reform Commission.

Members will recall that in December 1992 the Evidence (Closed-Circuit Television) Act 1991 was amended to remove a sunset clause. By that time the Law Reform Commission had released a research paper which was very positive in its assessment of closed-circuit television for children's evidence. I said at the time that I expected to bring a further Bill to the Assembly after the Law Reform Commission had submitted its final report on the project, and this is that Bill.

The Law Reform Commission's report generally endorsed the findings and recommendations of the research paper. It reported that all children who had taken part in the study and used closed-circuit television found it easier to testify in that way than to do so in the courtroom in the presence of the accused person. It said that all of the professional groups involved and parents of participating children believed that closed-circuit TV achieved its aim of reducing the stress on children as they gave evidence. It reported that closed-circuit TV was generally seen by respondents to be fair, both to the defendant and to the child. The overwhelming majority of legal professionals did not believe that the use of closed-circuit TV prejudiced the conduct of the defence case, although a minority did have some concerns about that.

The commission made a number of recommendations for amendments to the legislation. Those recommendations were tested in wide-ranging consultations with organisations and individuals with an interest in children's evidence, both in the ACT and elsewhere. The main change proposed was that the present presumption about use of closed-circuit TV should be reversed. At present the Act presumes that children will give evidence in the courtroom in the usual way unless the court is satisfied that grounds exist to make an order for the use of closed-circuit TV. The commission recommended that the presumption should be that children will give evidence by closed-circuit TV unless they do not wish to or if there is a convincing reason why they should not.

The reason for that recommendation was to avoid problems in the present procedure where, before a court can order that a child gives evidence by closed-circuit TV, it must be satisfied either that it is likely that the child will suffer mental or emotional harm if required to give evidence in open court or that the facts will be better ascertained if the evidence is given by closed-circuit TV. The commission said that some of the potential benefits to children of using closed-circuit TV are lost because of the uncertainty and complexity of those procedures. It said that a procedure which gives rise to protracted legal argument, delay and the exposure of children to additional assessment defeats the purpose of making it easier for children to give evidence. This Bill implements that recommendation.

With some exceptions, which I will discuss shortly, the Bill makes it a general rule that a child gives evidence by closed-circuit TV. I realise that some lawyers have some reservations about this, particularly since the general rule will be the same for the Supreme Court as for the Magistrates Court. Some lawyers believe that it is less necessary for children to use closed-circuit TV in the Supreme Court than in the Magistrates Court. I do not accept that. I note that the Law Reform Commission's study found that, amongst lawyers who had been involved in cases where children gave evidence by closed-circuit TV in the Magistrates Court, there was considerable support for using closed-circuit TV in the Supreme Court.

The Bill provides for several exceptions to the general rule. Firstly, child defendants are excluded from giving evidence by closed-circuit TV. Although the Law Reform Commission recommended that all children who give evidence should be able to use closed-circuit TV if they wished, the need for child defendants to do so was not convincing. We may, of course, be referring to a 17-year-old accused of fairly serious violent crimes. The underlying aim of the closed-circuit TV project when it was begun in the Magistrates Court was to protect child victims in physical and sexual assault cases from having to directly confront in open court the person accused of the crime. The aim is to save the child from the mental and emotional trauma of having to tell their story in the presence of that person. Extending the entitlement to use closed-circuit TV to child defendants would go beyond that aim, and the need for doing so has not been demonstrated. It must be kept in mind that child defendants are almost invariably dealt with in the Children's Court and that procedures in that court are designed to minimise any emotional harm to the child.

The Bill provides a further three exceptions to the general rule. All were recommended by the Law Reform Commission. The first is where a child prefers to give evidence in the courtroom rather than by television. The second is where it would cause unreasonable delay if the child were to give evidence by television. This exception is designed to cope with occasional breakdowns in the equipment, which we saw here yesterday. The third is where the court believes that there is a substantial risk that it would be unable to ensure that proceedings were conducted fairly if the child were to give evidence by television. This is designed to preserve a court's common law responsibility to ensure a fair trial and is intended to be an infrequently used safeguard.

One recommendation of the Law Reform Commission that requires no legislation is that closed-circuit TV equipment should be made available in the Supreme Court as soon as practicable. I am pleased to advise that the court is acting on that recommendation and that the necessary equipment will be installed shortly.

In conclusion, I would like to thank the Australian Law Reform Commission for its valuable work in examining the effectiveness of closed-circuit television for children to give evidence. I trust that the amendments will improve present procedures and provide children, particularly those children who have been the victims of sexual and other assault, with increased protection against the mental and emotional trauma associated with giving evidence in court. I commend the Bill to the Assembly. I also note that the rest of Australia is watching with great interest the experiment in the ACT of use of closed-circuit television. I present the explanatory memorandum.

Debate (on motion by Mr Humphries) adjourned.

HEALTH (AMENDMENT) BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (11.23): I present the Health (Amendment) Bill 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, the Health (Amendment) Bill 1994 provides explanatory footnotes to be added to each of the Medicare principles and commitments which are currently noted in the ACT Health Act. In January 1993 the ACT and the Commonwealth jointly signed the new Medicare agreement. This agreement required, in part, that the ACT include in legislation specific Medicare principles and commitments, with the intention of providing guidelines governing the delivery of public hospital services.

As well as including the basic Medicare principles and commitments in the ACT legislation, it has always been the Government's intention to include the explanatory notes as set out in the Commonwealth Medicare Agreements Act 1992. These explanatory notes, which are the focus of this amendment, detail the ACT's obligation to provide a high standard of hospital services as well as information about those services in a manner that ensures that both the services and the information are available equally to all eligible persons. Therefore, the Bill amends the Health Act to include as footnotes the explanatory notes contained in the Commonwealth Medicare Agreements Act 1992. With the enactment of this amendment, the ACT legislation now fully meets the requirements of the Medicare agreement. In addition, the Bill provides a legislative basis in the ACT for the release of specific confidential information, under certain circumstances, with the consent of the Minister for Health.

A working party of the Australian Health Ministers Advisory Council, the advisory body to the Australian Health Ministers Conference, is considering strategies to prevent fraud in Medicare in all States and Territories. Our participation in this process is dependent upon our amendment of the Health Act. The amendment is also relevant to the issues identified by the Auditor-General in report No. 5 of August 1993 in relation to visiting medical officers, in which he commented that there may be some elements of irregularity in certain payments to doctors. The Auditor-General noted that there were no arrangements for the exchange of information between the Department of Health and the Commonwealth and, in particular, for claims between the Health Insurance Commission and the ACT public hospital system.

The Auditor-General also reported that information in public hospital records relating, for example, to payments to visiting medical officers for services provided to patients cannot currently be released without legal authority or the consent of the patient. The Auditor-General subsequently recommended that the Government make a regulation under the Health Act to permit the release of relevant information with the consent of the Minister for Health. The proposed section 21 in the Health (Amendment) Bill now before the Assembly provides for the Minister for Health to consent to the release of information relating to the provision of health services by a health service provider at a health facility to assist with the prevention or detection of fraud.

With the consent of the Minister, a person responsible for the management of a health facility or another person authorised in writing by the identified health facility manager may release such confidential information. This amendment will allow, with the consent of the Minister for Health, the release of relevant confidential information to such agencies as the Health Insurance Commission. The provision of such information would assist the investigation of any fraudulent claims by medical practitioners with clinical privileges in the ACT public hospital system. The release of such information is consistent with the principles contained in the Privacy Act.

The Health (Amendment) Bill 1994 also provides for the insertion in the Health Act, under proposed section 22, of the power for the Executive to make regulations. The amendment will allow the Executive to make regulations which are consistent with the Act and which are required or permitted by the Act to give effect to provisions within the Act. I anticipate that the commencement of the Health (Amendment) Bill will assist

the Government in reducing potential fraud in the ACT, in accordance with the Auditor-General's recommendations. The ACT cannot be part of the Commonwealth's, States' and Territories' broad prevention strategies without such legislation. I present the explanatory memorandum to the Bill.

Debate (on motion by Mrs Carnell) adjourned.

MEDICAL TREATMENT BILL 1994

MR MOORE (11.27): I ask for leave to present the Medical Treatment Bill 1994.

Leave granted.

MR MOORE: I present the Medical Treatment Bill 1994.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, rather than making a presentation speech on this Bill, I indicate that it is a result of the report of the Select Committee on Euthanasia. Part 4 of that report recommends this procedure and sets out the arguments as to why this Bill should be presented to the house for debate. I commend it to the house.

Debate (on motion by Mr Connolly) adjourned.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Inquiry into Smoke-free Areas (Enclosed Public Places) Bill 1993

MR MOORE (11.28): I move:

That the resolution of the Assembly of 23 February 1994, referring the Smoke-free Areas (Enclosed Public Places) Bill 1993 to the Standing Committee on Conservation, Heritage and Environment, be amended by omitting "report by 21 April 1994" and substituting "report by 19 May 1994".

Mr Deputy Speaker, the Standing Committee on Conservation, Heritage and Environment believes that it is appropriate for us to do a full and significant report on this issue and that we would benefit a great deal from an extended reporting date until 19 May. I seek the support of the Assembly for that extension.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Report on Mental Welfare and Crimes
(Amendment) Exposure Draft Bills

MS ELLIS (11.29): Pursuant to order, I present the report of the Standing Committee on Social Policy on the inquiry into the Mental Welfare and Crimes (Amendment) Exposure Draft Bills, together with extracts from the minutes of proceedings. I move:

That the report be noted.

I am pleased to be able to table this report today. The report shows the way forward on how we can improve mental health legislation in the ACT - a difficult and complex area in which the ACT is lagging behind the rest of Australia. In regard to mental health, the ACT is currently governed by the Mental Health Acts of 1983 and 1962, the Insane Persons and Inebriates Act 1936, and the New South Wales Lunacy Act 1898. This legislation is failing to meet the needs of the ACT community. The Burdekin report on human rights and mental illness describes the 1983 Mental Health Act as "the least comprehensive of any mental health legislation in an Australian State or Territory".

This report is part of a long process that has been going on to reform our mental health legislation. It should be noted that the report is by no means the end of the process. Any new legislation will need to be reviewed in the light of its operation and in response to developments that are occurring nationally. The report has recommended that an amended Bill be passed as interim legislation, in recognition of the fact that the development of this legislation needs to be ongoing.

There have been calls for the reform of mental health legislation in the ACT since the beginning of self-government. In response to those calls, in 1990 the then Minister for Health, Gary Humphries, MLA, established the ACT Mental Health Review Committee to advise on legislative changes required to overcome deficiencies in the legislation and to meet community concerns. The review committee comprised 14 members from the health, legal, law enforcement and academic professions and the community. It met regularly from May to November 1990, during which time it received submissions and held public hearings. That committee brought down its report, *Balancing Rights*, in November 1990. *Balancing Rights* had 59 recommendations which set out directions for new mental health legislation in the ACT. The present Government tabled its response to *Balancing Rights* in February 1993.

The Government then proceeded to draft a Mental Welfare Bill and Crimes (Amendment) Bill to establish a new mental health regime in the ACT based on the recommendations of the ACT Mental Health Review Committee. The Government, through the then Minister for Health, Mr Berry, and the Attorney-General, Mr Connolly, tabled these Bills as exposure drafts in June 1993 and sought community and professional comments on them

by September of that year. The Attorney-General's Department and the Department of Health received a number of submissions on those draft Bills. On 14 September 1993 this house referred the exposure draft Bills to the Standing Committee on Social Policy for further inquiry and report by 16 December 1993. The committee was granted an extension on 9 December to report by today.

This issue has been through a long inquiry process, including at least three calls for submissions and two public hearings. At the same time, work has been occurring nationally and internationally to address mental health legislation. In March 1991 the Australian Health Ministers Conference, of which the ACT is a member, agreed on a mental health statement of rights and responsibilities which sets out standards with which mental health legislation should comply. In December 1991 the United Nations General Assembly adopted 25 principles on the protection of persons with mental illness and the improvement of mental health care.

In April 1992 the Australian Health Ministers Conference agreed to a national mental health policy and a national mental health plan. These included the goal of developing nationally consistent mental health legislation in line with the Health Ministers' statement of rights and responsibilities and the United Nations principles. To help reach this goal, work has commenced at the national level to develop model clauses for consideration by all jurisdictions. However, as outlined in our report, it is uncertain when these will be available and the ACT simply cannot afford to wait under the present regime.

As I mentioned, the issues involved in developing mental health legislation are indeed complex. As indicated by the name of the earlier report, *Balancing Rights*, it involves trying to balance the rights and needs of people who are unable to look after themselves, people who are a danger to themselves or the community, their families and carers and the community as a whole. There are no easy answers to these issues. This is reflected in the length of the inquiry process and the fact that what we have now is a recommendation for interim legislation.

The committee could not agree on how best to resolve the issues involved with reforming mental health legislation and, as a result, various members of the committee, I understand, are not entirely happy with different parts of the Bill. However, the committee was unanimous in the belief that the regime we have at present is inadequate and that something needs to be done now. The committee's report sets out directions for new legislation that draws upon the inquiries that have preceded it and the Australian Health Ministers' and the United Nations' stated principles. In doing so, it shows the way forward towards meeting the rights and the needs of all in our community.

The report also raises the need for resources for people with a mental dysfunction. The Government formed a interagency working group on mental dysfunction, which reported in May 1993 on 11 gaps in service delivery for people with a mental dysfunction. The Government also submitted to the committee a report outlining action that had been initiated to date to address these gaps. The committee acknowledges the work the Government has done to improve service provision. It also notes, of course, that there is still more to be done. The committee is also aware that a new legislative regime may produce new resource needs and make present unmet needs more apparent. It is also envisaged that the new regime could make the use of present resources more efficient.

The committee has recommended that the Government continue to address the need for services for people with a mental dysfunction, noting particularly the need for more acute beds for people with a mental illness and services for children and adolescents requiring psychiatric intervention. The committee is also concerned that the need for resources continues to be monitored, particularly under the operation of any new legislation. It therefore recommends also that the Government report to the committee, or its equivalent at the time, every six months on the need for and provision of services. It should also be noted that the interim legislation has a sunset clause of two years, with a renewable two years as a disallowable instrument within the recommendations in the report.

I firmly believe that this report shows the way forward for reform of mental health legislation in the ACT, a way to bring the ACT out of Dark Ages legislation into the treatment, care and human rights standards of the 1990s. The proposed legislation is obviously not perfect. It will need to be changed. However, I do not think we can afford to sit and worry about perfection - something which no-one has yet achieved - while the law is failing people's basic needs. The complexity of the issues involved and the need to balance everybody's interests and concerns have delayed the introduction of new legislation for years. I believe that we have now come to a place where we can act and remedy, or begin to remedy, an intolerable situation. The proposed legislation brings together the concerns raised by all parties involved and shows the way forward. It has been developed to meet the specific needs of the ACT while keeping within national guidelines. Adopting the recommendations of the report will provide a long awaited and well guided start to the reform of mental health legislation in the ACT.

I would like to place on record on behalf of the committee our sincere thanks, firstly, to everyone from the public who participated in this very difficult and complex inquiry. The representations received by the committee from people in the community, both individuals and groups, have certainly been heeded. My sincere thanks on behalf of the committee go also to Kim Bond, who was the secretary to the committee when this process started, and to Russell Keith, who is the current secretary to the committee. Sorting the enormous amount of information for the use of committee members was an enormous task carried out incredibly well by both Kim and, latterly, Russell. I do not think the committee could have come to any conclusions without that assistance. I am sure that the other committee members will join me in that vote of thanks and recognition of that workload. I have pleasure in endorsing this report to the Assembly.

MR MOORE (11.39): I would like to add a few words, Madam Speaker. The issue of mental health is most difficult; in fact, I would say that it is one of the most difficult issues I have dealt with since being elected to this Assembly. We are going through a transition period, both nationally and internationally, in the way we deal with people with different forms of mental dysfunction. The notion that, even in the time we have been given, we would be able to get this Bill right simply was not a notion that I could accept. It is for that reason that I am pleased with the interim nature of the recommendations of the committee. We suggest that the Mental Health (Treatment and Care) Bill, after it has been renamed, proceed for two years, to allow further discussion and to give people an opportunity to understand what is happening within the national sphere, which is very important.

Through this most difficult process, one of the positive aspects of working in this Assembly has been that the committee members have struggled to work together and come up with a unanimous decision. I feel that it will appropriately take this issue forward, and I would like to thank other members for their work. In particular, I recognise the very difficult job of the chair of the committee, Ms Ellis, in taking this matter forward.

MRS CARNELL (Leader of the Opposition) (11.41): I will keep my comments to a minimum, taking into account the time. I endorse Mr Moore's comments. It will be no revelation to anybody that I am not overly happy with the timeframes that have been placed upon the committee, but I do understand the imperative of having some legislation available to those people in Canberra who need desperately to have their needs looked after by this community. It is an almost impossible area to get right. To start with, the definitions are still, in my view, not perfect in this proposed legislation. We now have recommended legislation that covers a very wide group of people - from those who are mentally ill through to those who are intellectually disabled. Those are people with very wide needs, very different concerns and very different lifestyles. To cover all those things in one piece of legislation, I believe, is almost impossible.

I am also concerned that we are proceeding before the national task force and the associated consultancy have reported. One of the most interesting things we found as a committee was the huge service gaps that exist in the ACT at the moment. If there was anything positive that came out of the committee, it was identifying all those areas that need to be addressed. I am very pleased that these recommendations include a six-monthly monitoring of the progress of the proposed Act and of the tribunal and treatment under that tribunal. It will be very interesting to see whether the dire predictions of a number of the community groups involved come to fruition or whether, against all odds, the services in the ACT will be able to cope with the inevitable increase.

I am also pleased to endorse the sunset clause on this legislation. There has been a decision made nationally to move to similar legislation in every State. National legislation in this area is an imperative. At the end of this two years the national recommendations should be in place, so we should be able to move to a piece of legislation in line with other States.

Question resolved in the affirmative.

ASSEMBLY COMMITTEE REPORTS - GOVERNMENT RESPONSES
Ministerial Statement and Papers

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a statement concerning the Government's responses to Assembly committee reports listed on today's notice paper as orders of the day Nos 5, 6, 7, 8, 9 and 13, and also to the Standing Committee on Tourism and ACT Promotion report on ACT and region tourism and the Standing Committee on Social Policy report on community and cultural use of schools.

Leave granted.

MS FOLLETT: Members will recall that during the last sitting period I gave a commitment to bring forward as soon as possible those Government responses to Assembly committee reports that were overdue - in other words, where the committee's report was presented to the Assembly more than three months ago. I am pleased to say that today in the Assembly I will be presenting eight responses to Assembly committee reports, the first of which I will table shortly.

I had also hoped to be in a position to present the remaining three outstanding Government responses to the following committee reports: The Conservation, Heritage and Environment Committee report on renewable energy; the Legal Affairs Committee report No. 3 on the Traffic (Amendment) Bill (No. 2) 1992; and the Legal Affairs Committee report on the Crimes (Amendment) Bill 1993. However, in relation to the first two of these reports, the Government's response has been delayed as a direct result of the recent changes to ministerial responsibility and the need for the new Minister in each case to examine the issues to which the Government is responding. With regard to the third of those reports, the Legal Affairs Committee report on the Crimes (Amendment) Bill 1993, I understand that consultation is presently being undertaken with Mr Humphries's office prior to finalisation of the Government's response. In relation to those three outstanding reports, I anticipate that a formal Government response will be ready shortly.

I have taken the unusual step of tabling all of these documents, not out of any lack of respect for the committees' work, which I regard as very valuable indeed; rather, I am seeking to expedite matters in this way in recognition that we need to get through the electoral legislation today and that we also have the Canberra Institute of Technology legislation, which ought to be passed today if it is at all possible. It is a question of expediting the Assembly's work. I seek leave to table the Government's responses and to have the tabling statements incorporated in *Hansard*.

Leave granted.

Documents incorporated at Appendix 1.

ESTIMATES 1994-95 - SELECT COMMITTEE
Membership

MADAM SPEAKER: Members, I wish to inform the Assembly that the membership of the Select Committee on Estimates 1994-95, as determined pursuant to the resolution of the Assembly on 19 April 1994, is Mr Berry, Mrs Carnell, Mr Cornwell, Mr De Domenico, Ms Ellis, Mrs Grassby, Mr Humphries, Mr Kaine, Mr Moore, Ms Szuty and Mr Westende.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Auditor-General's Report No. 5 of 1993

MR KAINE (11.47): Madam Speaker, I present a report of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 5, 1993, Visiting Medical Officers", together with extracts of the minutes of proceedings. I move:

That the report be noted.

The Auditor-General in this report was dealing with the administration of visiting medical officers within the Health organisation. I want to make the point that the committee did not deal with the recent visiting medical officers dispute with the Government, and our report makes no mention of that. If it is the wish of the Assembly or anybody else that the committee should look at that matter, we can take it on as a separate inquiry. Generally speaking, the Auditor-General made some criticisms of the Health organisation in terms of the way the visiting medical officers are administered. There were some criticisms of whether or not the amounts being paid to visiting medical officers for the work they had done under their existing contracts were reasonable.

Some deficiencies in the administration were noted. However, the committee, in speaking to officers of the Health organisation, accepted that they were aware of the shortcomings and were doing whatever they could to overcome them. There was one matter that was in a sense outside their control. The Auditor-General commented that the records of visits by VMOs were often not sufficient to be able to establish whether the VMOs had been in attendance and had delivered a service or not. The VMOs made the point to the committee that their contracts did not oblige them to maintain such records, but in discussions with the VMOs they agreed that it was not unreasonable for the Government to expect that if VMOs visited a patient in one of our hospitals they would record the fact that they had been there and make some annotation on the records as to the kind of service they had delivered.

I was convinced, and I think the committee was convinced, that, despite the fact that there was an ongoing dispute with the VMOs at the time that this hearing was being conducted, the VMOs were not averse to assisting the Health organisation in maintaining proper records; that they were prepared to play their part in that. The committee was satisfied that the matters raised by the Auditor-General were being adequately addressed by the Health organisation and by the VMOs themselves. We will, of course, have a look at this matter in the future, to make sure that all of the corrective actions that were discussed with the committee have been taken.

I would think that the Auditor-General himself, at some future time, may well want to go back and review the situation as he found it and satisfy himself that everything is in order. The committee has no particular criticisms of the response from the people concerned. We have made a number of recommendations, and I believe that if those recommendations are picked up there should be no future problem in this regard. I commend the report to the Assembly.

MS ELLIS (11.51): The Public Accounts Committee inquiry into the Auditor-General's report No. 5 of 1993, *Visiting Medical Officers*, has proven timely but also difficult, given recent events in this area and the complexity of the issues involved. Whilst acknowledging that the aim of the audit was "to review the management and control of payments to Visiting Medical Officers (VMOs) in the ACT public hospital system and to examine the terms and conditions under which the payments were made", I also note the comments by the Auditor-General in paragraph 1.2 of his report. He says:

As well, it -

the audit -

reviewed the contractual arrangements under which VMOs provide services and compared rates of payment with the amounts paid under Medicare and the rates paid by other States.

The committee, guided by the chairman, attempted or, should I say, determined not to involve itself in the debate or process still under way - that is, the negotiations for contract renewals between ACT Health and the VMOs. I have, with other committee members, endorsed this report of the PAC. However, I believe it appropriate to note here today the difficulty that I believe some committee members faced in deliberating this way. Many of the Auditor-General's comments could have easily and appropriately led us down broader paths. Nevertheless, there are some comments in the Auditor-General's report and within our report which I believe warrant some additional consideration.

The chapter in the committee report referring to fee-for-service arrangements outlines some interesting findings by the Auditor-General. In it we report the Auditor-General's comments as follows:

. payment to fee-for-service VMOs of up to $1.3m per annum cannot be proved to relate to services actually provided by doctors.

. fee-for-service rates were above national rates. If payments were similar to national rates, the annual payment to VMOs would be lessened by at least $1m.

The Auditor-General also comments on the record keeping within ACT Health and appropriately points out areas for improvement. The AMA, to their credit, indicated a willingness to attempt to address the VMOs' side of the record keeping requirements, although they doubted the level of misdemeanour on the part of their members. The committee states at paragraph 3.16:

The Committee nevertheless formally recommends that ACT Health ensure that claims made by VMOs for payment for the provision of services are verified and properly documented.

That is fair enough; but the VMOs ought to be called upon as well, I believe, to lodge only strictly correct and accurate claims for payment. It is their responsibility to do so in the first instance, I believe.

On the other hand, sessional payment arrangements, covered in chapter 4 of our report, raise a different set of concerns. The practitioner is required to maintain a record of the dates and times medical services have been provided. The Auditor-General has suggested that improvements can be gained by ACT Health's proper verification of those records. Whilst that is a constructive comment, I again refer to the moral and legal obligation of the practitioners involved in honouring their contractual arrangements and in supplying correct and proper records.

Another area of concern to me was the Auditor-General's finding that an estimated 1,000 public patient admissions each year contain some element of irregularity in the payments to treating doctors. Whilst there was some question as to the regularity or level of this sort of fraud, there is no room, in my view, for any level of fraud. The report goes into some detail in outlining ways of reducing or eliminating the possibility of fraud. I am pleased to see these developments, and I endorse completely the recommendation the committee has made at paragraph 6.21.

Whilst our chapter 7 discusses a number of issues raised by the Auditor-General in relation to obstetrics, I am particularly concerned with the matter of hospital booking fees. The Auditor-General explains in detail the reasons why he could not examine the allegations as part of the audit. The allegations were sufficient, though, for him to mention this issue in his report. He says in his report that the reason he could not verify those allegations was that the alleged fees would have been paid directly to the doctor and not received in ACT or Commonwealth records. Obviously our committee was not in a position either to generate evidence on those allegations.

I must say, though, that in a personal conversation I had with acquaintances of mine - people, in fact, I have known for many years - they mentioned that in the past a member of their family had encountered the obstetrics booking fee practice. It is, to me, totally and absolutely unacceptable that such manipulative and corrupt practices should take place. Our committee has made a recommendation at paragraph 7.31, and I take this opportunity to strongly urge the adoption of this recommendation, particularly in relation to future contracts for VMOs. On the attitude displayed by the AMA on this issue, I believe that they would agree, with no query at all, that proof of any practitioner pursuing this practice deserves nothing less than cessation of contract. I am confident of the AMA's stance on that issue.

I want to take the opportunity of thanking my committee colleagues for the way in which our deliberations occurred over an issue that was sometimes fairly heated. My thanks also go to the committee secretary and secretariat for their assistance in the course of the inquiry and in the production of the report. Along with the chair, I endorse the report to the Assembly.

MRS CARNELL (Leader of the Opposition) (11.57): I endorse totally the comments made by Mr Kaine on this issue. It was difficult to separate the issue of the VMOs dispute and VMOs' levels of payment from the actual methods of payment and the paperwork done at the hospital, but I think the committee did everything in its power to achieve that. During the public hearings we limited ourselves quite definitely to questions along those lines. To expand our inquiry after the public hearings into something broader would have been unfair.

I was interested in Ms Ellis's comments about fraud both in the area of booking fees and in terms of the 1,000 admissions. As I understand it, the Auditor-General found absolutely no evidence at all of fraud. In fact, he suggested that there was every chance that the abnormalities involved could easily have been due just to very bad record keeping. I do not think anybody disagrees that booking fees are unacceptable. The AMA itself suggests that booking fees just are not professional and should have no place at all in the hospital. In fact, we could not find anybody who would come forward and, even off the record, tell us that they had been charged a booking fee. I think it is a bit unfair to use this forum - or any other, for that matter - to suggest that such fees have been charged in recent times by anybody in the hospital system.

Mr Berry: It is on the record in this place.

MRS CARNELL: You mean that you said it, yes.

Mr Berry: No; there is a statutory declaration.

MRS CARNELL: I think that what we are talking about is booking fees having been charged in recent times. But certainly it was good to see the AMA come out and say that, yes, they agreed that booking fees do not have a place and should not now or in the future. Everybody in the committee certainly agreed on that, and I am sure that the Government and the Opposition agree as well. I hope that the Government picks up on all the recommendations in the report. They will improve the running of the hospital, and I believe that the AMA, the doctors and everyone involved would agree.

MRS GRASSBY (12.00): I would also like to thank the committee members and the chairman. I do not altogether agree with Mr Kaine on all points. I think that the cost of VMOs did come up during the hearing leading to this report. It was at a public hearing where VMOs were present to talk about costs. If I remember rightly - and I did not get the papers to look at this - one cost the Government had to pay was $396,000 a year. I also remember one of the doctors telling me at this public hearing that you had to pay for good health services and that if you paid well you got good health services. Of course, I disagree with that. When I was a nurse many years ago, some of the best medical practitioners I ever worked with used to put beside their accounts "FLGP". It took me years to learn that it meant "for the love of God patients", meaning that the doctors were never going to get paid for them. So I do not agree with that statement.

When we discussed ACTEW and ACTION buses and overpayments made to people, I thought it was a little unfair that blue-collar workers should be criticised for what they were paid when for the doctors it was entirely different. I felt that that should have been part of the report; however, we came to an agreement that that would not be in

the report. I agreed to that; but on my feet today I have to make that point because, as a member of the Labor Party, I represent, I would say, nearly all the blue-collar workers in this city. Many blue-collar workers would love to get $396,000 a year.

One other thing in the report worried me. We pay a Medicare levy, and I think that every Australian is entitled to public care. People will say to you, "But that is wrong. If people have private insurance, then they should be paying". My argument is that we do not want to have a two-class health system; we want to have the very best and a one-class health system. We pay a Medicare levy, and I believe that everybody has the right to public care. So I did not quite agree with all the comments about private patients.

The Auditor-General brought to light quite a few things that needed to be tidied up in the Health Department, and I am quite sure that the necessary action will be taken. That is what we have an Auditor-General for. He points to the Government areas where money can be saved. If VMO salaries were not part of our inquiry, then I do not know why we had VMOs present at a public hearing at which their salaries were brought up. I would like to thank the members on the committee. Mr Kaine is a very good chairman. He listens to you and gives you an opportunity to say what you want to say. I was able to put my point of view. We agreed to disagree on some things. I also thank the secretariat. It is always a hard job for them to put reports together. I think they all do a very good job.

Question resolved in the affirmative.

EXECUTIVE BUSINESS

Motion (by Mr Berry) agreed to:

That, pursuant to standing order 77(d), executive business be called on forthwith.

ELECTORAL (AMENDMENT) BILL 1993
Detail Stage

Clause 22, as amended

Debate resumed from 20 April 1994.

MS FOLLETT (Chief Minister and Treasurer) (12.04): Madam Speaker, I wish to move some further amendments to clause 22. I would like first to ask for leave to move a number of amendments together. They all have the same purpose. Those amendments are Nos 37, 42, 43, 46, 47, 48, 49, 50 and 51.

Leave not granted.

MS FOLLETT: Madam Speaker, I move the Government amendment No. 37, which reads:

37. Page 57, lines 19 to 23, proposed new paragraph 147(1)(d), omit the paragraph, substitute the following paragraph:

"(d) shall make available to persons visited any electoral matter taken by the officer in accordance with paragraph (b).".

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.05): Madam Speaker, I move the Government amendment No. 38, which reads:

38. Page 60, line 10, proposed new section 154, add at the end the following subsection:

"(3) Paragraph (1)(a) does not apply to ballot boxes containing ballot papers for ordinary voting where the polling place is also a scrutiny centre and the procedures set out in section 179 are to be carried out in respect of those ballot boxes and ballot papers at that centre.".

This amendment is being inserted to ensure that ballot-boxes containing ballot-papers to be counted immediately after the close of the poll in polling places can be opened for counting without delay. As it stands, the new section requires all ballot-boxes to be closed and sealed before being opened for scrutiny. This was not intended in the case of ballot-boxes used in polling places that will also be scrutiny centres, where the ballot-boxes will be opened and ballot-papers therein counted as soon as the poll closes. I commend the amendment.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.05): Madam Speaker, I move the Government amendment No. 39. It reads:

39. Page 60, line 24, proposed new subsection 155(3), omit "Part VIII, IX or this Part", substitute "Part VIII or IX".

This is an amendment required to correct a drafting error. The amendment will ensure that, where appropriate, references to polling day in this Part include references to days to which polling has been extended under the new section. Related amendments are made to proposed new sections 123 and 156.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.06): Madam Speaker, I move Government amendment No. 40. It reads as follows:

40. Page 61, line 8, proposed new subsection 156(4), omit "polling day", substitute "the day on which the poll for the election was required to be held".

This amendment is required to ensure that this section of the Bill does not have the unintended result of extending the right to vote to a person who might be entitled to vote on a date to which polling has been adjourned but who was not entitled to vote on the ordinary polling day. As it stands, the use of the defined phrase "polling day" would have that unintended effect. The amendment will ensure that the only persons who can vote on a day to which polling has been adjourned are those who are entitled to vote on a normal polling day.

MR HUMPHRIES (12.07): Madam Speaker, I do not oppose this amendment. I might indicate that I was unwilling to grant leave to bring together a number of these amendments, basically, because I had no notice or very little notice, and I do not know which ones the Chief Minister wants to bring together.

MADAM SPEAKER: Mr Humphries, we are talking about amendment No. 40. Would you please proceed?

MR HUMPHRIES: Madam Speaker, I am trying to expedite matters by explaining what we might do - - -

MADAM SPEAKER: You do not explain while addressing an amendment. If you want to seek to explain, you do it under standing order 46 or 47, Mr Humphries.

MR HUMPHRIES: Okay. Fine, Madam Speaker. It will take twice as long.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.08): I move Government amendment No. 41, which reads:

41. Page 61, line 9, proposed new subsection 156(5), omit "Part VIII, IX or this Part", substitute "Part VIII or IX".

Again this is a matter of correcting a drafting error. It is to ensure that, where appropriate, references to polling day include references to days to which polling has been adjourned under the new section. Related amendments are also made to proposed new sections 123 and 155.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.08): Madam Speaker, I seek leave to move Government amendments Nos 42, 43, 46, 47, 48, 49, 50 and 51 together.

Leave granted.

MS FOLLETT: I move:

42. Page 68, lines 20 to 27, proposed new section 176, omit the section.

43. Page 68, line 29 to page 69, line 4, proposed new subsection 177(1), omit the subsection.

46. Page 69, lines 16 to 19, proposed new subsection 177(4), omit the subsection.

47. Page 69, lines 20 to 23, proposed new subsection 177(5), omit the subsection.

48. Page 69, lines 24 and 25, proposed new subsection 177(6), omit the subsection.

49. Page 69, lines 26 to 32, proposed new subsection 177(7), omit the subsection.

50. Page 69, line 33 to page 70, line 2, proposed new subsection 177(8), omit the subsection.

51. Page 70, lines 3 to 6, proposed new subsection 177(9), omit the subsection.

Madam Speaker, the purpose of all of these amendments is to remove any mention of the party ticket voting scheme wherever it occurs in the Bill.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.09), by leave: I move Government amendments Nos 44 and 52, which read as follows:

44. Page 69, lines 5 and 6, proposed new subsection 177(2), omit the subsection, substitute the following subsection:

"(2) Except as provided by this section, a ballot paper is formal and effect shall be given to the elector's intention as far as that intention is clear.".

52. Page 70, lines 7 to 13, proposed new subsection 177(10), omit the subsection, substitute the following subsection:

"(10) In determining whether a ballot paper is formal -

(a) a preference marked outside a candidate square shall be taken to be marked in the square if the voter's intention to indicate that preference for that candidate is clear; and

(b) subject to paragraph (3)(a), any other writing outside a candidate square shall be disregarded.".

These amendments are to proposed new subsections 177(2) and 177(10) and they are to clarify that all preferences on a ballot-paper that is otherwise formal are to be given effect to as far as the voter's intention is clear. For example, Madam Speaker, it is not uncommon for a voter to make a mistake in a candidate's square, to cross out the mistake and to mark an alternative preference adjacent to the square. These amendments will ensure that such a preference can be counted. As it stands, proposed new subsection 177(10), which makes reference to giving effect to a voter's intention as far as that intention is clear, applies only in relation to determining whether a ballot-paper is informal.

MR MOORE (12.11): Madam Speaker, this provides for a situation where a voter makes clear their intention and that intention can be carried through. It is most important. We will come to this debate later on another issue. These amendments in this Part of the Bill are to ensure that that can be done where possible. It is a principle that I think we ought to support.

MR HUMPHRIES (12.11): Madam Speaker, I also support these amendments. I think it is worth noting one point. People who scrutineer, for example, often assume that the only requirement in determining whether a vote is formal or it is not - this maybe reflects some provisions that exist, for example, at the Commonwealth level - is that the elector's intention is clear; that one is entitled to take into account a formal vote if the intention of the elector is clear. I should point out that, as I read this section, that is not quite the case. The intention is that basic formality provisions need to be met. If they are met, then, within those basic provisions, the intention as exhibited by the elector should be given effect to. Of course, those formality provisions are fundamental and must be met. I simply note that, in order to make it clear that we are not giving prominence to an elector's intentions above the formality requirements.

MR STEVENSON (12.12): Mr Humphries made the point that I felt should be made. There is one other point, when it comes to allowing the vote provided the intention of the elector is clear. In Tasmania that is not the case. If you do not mark 1 to 7 in each of the electorates, your vote is informal. The proposal here is to not follow that practice. We will be talking about that later on. I can understand why, and I think it is a reasonable thing to do, but it runs counter to what is done under Hare-Clark in Tasmania.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.13) Madam Speaker, I move Government amendment No. 45. It is as follows:

45. Page 69, line 11, proposed new paragraph 177(3)(b), omit the paragraph, substitute the following paragraphs:

"(b) no first preference is marked in a candidate square;

(ba) a first preference is marked in 2 or more candidate squares; or".

This is the amendment which has the intention of relaxing the formality criteria for ballot-papers to overcome some of the difficulties that were referred to, particularly by Mr Humphries, in some of the debate on this Bill, where voters had made a mistake, not marked enough numbers, or got them out of sequence and so on. The amendment provides for a ballot-paper with a minimum of a single first preference to be counted as a formal vote. Under the Bill as it stands, a ballot-paper must be marked with at least as many preferences as there are vacancies in the electorate for it to be formal. Of course, that will continue to be the instruction to voters. For example, in a five-member electorate the numbers 1, 2, 3, 4 and 5 must be present, without omission or duplication, for a ballot-paper to be formal. Under this amendment a ballot-paper with a single number 1 would be formal. Any further preferences are therefore optional.

In keeping with the referendum options description sheet, as I said, the instructions on the ballot-paper will still instruct voters to put a minimum number of preferences for at least as many candidates as there are vacancies. This is desirable to maximise the number of ballot-papers that will have effect during the scrutiny of preferences, right through the count, and to minimise the number of ballot-papers that are exhausted because there is an insufficient number of preferences shown. The intent behind this amendment is to provide a safety net for those voters who fail to follow the instructions on the ballot-paper, but whose voting intention is nonetheless clear.

Proposed new section 291 makes it an offence to disseminate, or authorise to be disseminated, electoral matter, including a representation of a ballot-paper, or part of the ballot-paper, that is likely to induce an elector to mark his or her vote otherwise than in accordance with the directions on the ballot-paper. In other words, campaigners will not be able to distribute how-to-vote material that instructs voters to mark fewer preferences than for the number of vacancies in an electorate, even though, at the end of the day, such a vote might be counted as formal under this amendment. Again, I think it is desirable, Madam Speaker, to minimise the number of exhausted votes in the scrutiny. I commend the amendment to members. I think that it is a reasonable matter to take up. As a person who has scrutineered many times at different elections, I do consider that, where the voter's intention is clear, they have a right to have their vote counted, at least up until the point that they have made a mistake. That is the intention of this amendment.

MR MOORE (12.16): Madam Speaker, I think this is a very important amendment. We need to distinguish between what happens as far as voting goes, and instructions on voting, and what happens in terms of having a sensible and reasonable way of assessing what people have tried to do. In any democratic society we ought to be trying to allow people to cast a vote if they possibly can, and if we possibly can recognise that vote we ought to recognise it. That is the principle that we are dealing with.

We also have in our referendum description sheet a description of how voters must be instructed to vote, and that is being followed. The Chief Minister, in turn, refers to proposed new section 290, which provides a penalty for people who encourage others to vote in any way other than in accordance with the instructions. It is really not a matter of how we are asking people to vote; it is really a matter of whether we are understanding enough when people make a mistake. That is really what this is about. If their voting intention is clear, Madam Speaker, we would be disenfranchising them if we did not take into account that intention.

It seems to me, Madam Speaker, that we have a duty to ensure that we can enfranchise as many people as possible. That is why I believe that this is an important amendment, and it is consistent with the referendum description sheet. I have heard Mr Stevenson argue that it is not consistent, and he wishes to carry through a black and white argument on this issue. Like most of the discussion that comes before this house, there are very few things in life that fit into a category of black and white. Here we have the opportunity to ensure that we can enfranchise as many people as possible, and we ought to proceed in that way.

MR STEVENSON (12.19): I will correct what Mr Moore thought I said. I did not say that it was not consistent. I said, as other members would know if they were listening, that it was not consistent with the Tasmanian Hare-Clark system, and it is not. In Tasmania - I will repeat it for Mr Moore - you are required to vote 1 to 7. If you do not do that in any of the electorates your vote is informal. We are going to propose that you can vote apart from that. So it is not consistent with the Tasmanian system, and that is what I said.

The other point is, as I said earlier, that I agree with the change. However, I think it is important to say what the description sheet says. It says:

Instructions on the ballot paper will require voters to show preferences (1, 2 and so on) for as many candidates as there are vacancies to be filled in the electorate concerned.

We say that we are going to require it on the ballot-paper, but we do not really mean that they will have to do that; we will allow them to do something else, unlike what they have in Tasmania. The description sheet goes on to say something that makes it a bit stronger. It then says:

Voters will have the option of showing as many further preferences as they wish.

One could very easily understand that to mean that they do not have the option to number as many candidates as exist in that electorate. That, I would suggest, would probably be the strongest argument; not to say that we will put the directions in but we will not require them to be followed. I think that both points should be made. They were not made by anybody else, but they should be.

MR HUMPHRIES (12.20): Madam Speaker, my party is prepared to support these relaxed formality provisions. I am flattered that the Chief Minister has attributed these provisions to comments that we made; but I think, with great respect, that she is giving me more credit than I deserve. The Chief Minister has made another very pertinent change in the structure of the Bill, and that change is what has led to this amendment, not what I have said. The change she made was the change to remove above-the-line ticket voting.

Members will recall that the structure of the Bill with above-the-line ticket voting was that, if there was a possibly informal vote below the line but a formal vote above the line, the formal vote above the line would count as the elector's vote. By making the requirements for voting below the line as strict as possible, the effect is to make it more likely that an informal vote will occur below the line. Hence it drives voters above the line. So it was very much in the interests of the Government, when it had above-the-line voting, to ensure that the formality requirements for below-the-line voting were as tight as possible. Now that the Government is removing ticket voting above the line, its interest suddenly changes. It now needs to make it as relaxed as possible in order to ensure that all those potential Labor voters who might cast votes below the line do not have their votes invalidated by mistakes that they might make. So, Madam Speaker, I think that it is very flattering of the Chief Minister to attribute these changes to me. I wish that I had the same influence in other matters, such as how-to-vote cards; but I do not think that I do. I do not think that my comments were particularly influential either on above-the-line voting generally; it was the reaction of the community which caused the Chief Minister to change her mind on that subject.

I might also point out briefly that these provisions do make the formality arrangements in the ACT for Hare-Clark quite different from what they are in Tasmania. In Tasmania you need to cast votes 1 to 7 without omissions and without repetition in order to have a formal vote. We are departing from that fairly dramatically in this respect. My party generally has taken the view that we should closely follow Hare-Clark as in Tasmania, but in this respect we feel that there is no strong argument for preferring the Tasmanian model. We believe that this is an improvement on that. It seems to me to make a lot of sense to allow people to have the most chance they can have of recording formal votes. I think the argument that we should have strict requirements is not a very strong one. It is better to have requirements that allow most voters to get in a formal vote.

I also point out that doing that has a consequence on the method of counting the votes, and, in particular, how you deal with exhausted votes. The Chief Minister had some comments to make about that at the end of the in-principle debate. She accused my party of pulling away from the Tasmanian provisions on transfer values, which we have done, of course, in consequence of the fact that we are changing the formality requirements.

If you have relaxed formality requirements it follows that you will have more exhausted votes. To prevent votes from exhausting it is therefore in your interest to have more relaxed exhausted vote provisions, which is why we have also departed from the Tasmanian provisions in that respect. We will come back to that debate later, of course.

I might also comment that the Chief Minister suggested during her presentation speech that her provisions were quite in line, as they stood then, with provisions used for formal voting in the Senate. She was asked a question about that subsequently in question time and she stood by that view, but I hope that she acknowledges that that view was inaccurate. Those of us who have scrutineered Senate votes will know that it is not necessary to number every square below the line. It is necessary only to number 90 per cent of the squares below the line. So her original provisions were more onerous than was the case for certain Senate elections.

As I say, we support this arrangement. We cannot see a strong argument for excluding people from having a formal vote. The effect, though, is that more votes will peter out, will exhaust themselves earlier, under this arrangement, and we have to think about adjusting the plan to guard against too many people losing any say or any role at all in the election because their votes have petered out earlier.

MS SZUTY (12.26): I wish to speak very briefly and specifically to this amendment. Proposed new subsection 177(3) says:

A ballot paper is informal if -

... ...

(b) it has no vote recorded on it; ...

The Government's amendment seeks to delete the words "it has no vote recorded on it" and to be a little bit more explicit. It wants to say "no first preference is marked in a candidate square" and "a first preference is marked in 2 or more candidate squares". Other speakers to this amendment have drawn attention to the broader question of optional preferential voting, but I think it is pertinent to discuss the specificity of this particular amendment.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.27): Madam Speaker, I move Government amendment No. 53. It reads:

53. Page 72, line 8, proposed new section 180, after "Schedule 3" insert "but not before the close of the poll for the election".

Proposed new section 180 is to be amended to make it clear that declaration votes admitted to further scrutiny following the preliminary scrutiny cannot be counted until after the close of the poll on polling day. I commend that to the Assembly.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.27): I move Government amendment No. 54, Madam Speaker, noting that the Opposition has a similar amendment. Our amendment is as follows:

54. Page 76, line 31, proposed new section 189, add at the end the following subsection:

"(5) In this section -

'eligible person' means a person who -

(a) is eligible to be an MLA; or

(b) would, but for paragraph 97(2)(b), be eligible to be an MLA.".

The amendment is necessary to insert a definition of a person eligible to contest a casual vacancy. This definition was omitted from the Bill in error. The definition of "eligible person" prescribes the same qualifications for candidates contesting casual vacancies as are prescribed for candidates contesting general elections - that is, a candidate must be qualified to be an MLA under new section 97, with the exception that disqualification relating to the holding of a public office or public employment does not apply. A candidate declared elected to fill a casual vacancy must resign from public office or employment before the declaration of the election result. I note that under this amendment only candidates eligible to be enrolled on the ACT electoral roll are eligible to contest a casual vacancy.

MR HUMPHRIES (12.29): Madam Speaker, I have an amendment, amendment q., which has been circulated. My amendment is different from the Chief Minister's. I think she indicated just then that her amendment would exclude people who were no longer living in the Territory from being part of a count-back poll. My belief is that my amendment q. permits that to happen, at least in conjunction with later amendments, and therefore I would urge members to vote for my amendment q. in preference.

In speaking against the Chief Minister's amendment No. 54, there is a simple question to be resolved. It is not a difficult matter. The question is whether a person should be excluded from consideration in a count-back because that person has, for whatever reasons, ceased to be a resident or to be on the electoral roll of the ACT. Canberra is a particularly mobile community in one sense. Many people in various positions, particularly public servants, have the experience of moving backwards and forwards between various posts, and often between Canberra and other places. Such people may, from time to time, contest elections for the ACT Legislative Assembly and, under the provisions that we want to deal with, would be eligible to contest that election.

It is my contention that people who are eligible at one election but who might be based outside the ACT because they, as public servants, have been posted outside the ACT, or possibly are temporarily resident outside the ACT for other reasons, should be eligible, nonetheless, to be considered for election under the count-back. This is simply a policy question. Should such people be in the count or not? Bear in mind that electors have potentially elected these people to be members of the Assembly. Person X was the next cab off the rank, so to speak, for a seat in the Assembly. Person X misses out. Person X is a public servant, is posted to Sydney for a while, and is technically not on the electoral roll in the ACT, not being a resident in the ACT during that posting. That person is ineligible to be considered for election under the proposal that the Government has put forward. My contention is that they should be eligible because people have voted for them and a period of absence during the three-year period following their election ought not to disqualify them.

I put the case as simply as that. There is not much more to argue about than what we consider to be that person's position. I would contend that there will be such cases. From time to time they will occur, particularly because of Canberra being Canberra. I think it is appropriate to give voice to people's choice. As the person is the next person who would have been elected had some other person not been there, I think that we should try to give expression to that opinion by the electorate.

MS FOLLETT (Chief Minister and Treasurer) (12.32): Madam Speaker, in supporting my own amendment, I would like to address a few remarks that Mr Humphries has made in foreshadowing his own amendment. I am sure members understand that the difference between my amendment and Mr Humphries's is that mine defines as an eligible person somebody who is resident. Mr Humphries's does not so define it. I object to the principle on the basis that I consider that the people elected to the ACT Assembly should have a current commitment to the ACT. I feel that very strongly. I do not believe that people who are no longer resident in the ACT should be able to contest casual vacancies simply because they stood for election at some time in the past.

There is a further complication because Mr Humphries's proposed amendment goes a great deal further than simply opening up candidacy to non-residents. Under Mr Humphries's amendment, a candidate for a casual vacancy not only would not have to live in the ACT; they could in fact be in gaol for life, or be insane, or be an illegal immigrant. They could have permanently left Australia. There is a range of other very dire circumstances which, I am sure, Mr Humphries did not intend. Those are all conditions that normally would disqualify a person from enrolment. I just want to flag with members that, should the Government's amendment not succeed and Mr Humphries's amendment succeed, we will need additional amendments as a consequence.

Madam Speaker, I again commend the Government's amendment to the Assembly. I believe that living in the Territory is a fairly minimal qualification for taking up a seat in this house. If people have not made that basic commitment, you really do have to query how in touch they are with the electorate that they would seek to represent. How genuine is their commitment to serving this Territory if they do not even live here?

MR STEVENSON (12.35): The Chief Minister raises some important points regarding who could be elected that I am sure Mr Humphries will address when he rises. As for the general principle for when there is a retirement from the Assembly, if people in Canberra gave someone enough votes to indicate that they would have wanted that person elected, it is reasonable that that person have that opportunity. A person might be living outside Canberra. They might be just on the other side of the border, or they might be in Sydney. It may have just happened. There is any number of possibilities, I grant you.

We could require a residency qualification. We could say that you have to live in Canberra for one month or three months and have it put off for that time, but would that make any sense? The person would come back to Canberra and fulfil the residency requirement that currently exists. All that would do is slow down the matter. I take your points. I think the more important point is the one you raised about a criminal. I am sure that Mr Humphries will discuss those points. That is something that needs to be handled.

MS SZUTY (12.36): I have some sympathy with what Mr Humphries is attempting to do with his amendment. After all, we are talking about people putting themselves in the running for a casual vacancy in the ACT Legislative Assembly should one arise. Presumably, if that person thought, "Yes, I would like to be a member of the ACT Legislative Assembly", there would be some commitment from them at a future date to return to the ACT and to reside here. I think it would be very beneficial from that person's point of view to be an ACT resident if they sought election and were successful for a casual vacancy. I do have some sympathy with what Mr Humphries is attempting to do.

MR MOORE (12.37): Madam Speaker, I also have some sympathy with what Mr Humphries is trying to do. I just think he is wrong. That was a bit harsh, Madam Speaker. I actually do not think he is wrong. I think that what he is trying to do is to leave it open as far as possible for people who have already made a commitment in that they have gone through an election process in the ACT and done well. However, there have been various examples that I have noticed after elections here. People very rapidly say, "Well, I have done that and it is finished". They have left Canberra, sometimes to pursue a job and sometimes for a civic purpose. Perhaps they feel let down. The Chief Minister raises the point that people who have a real commitment to the ACT are most likely to deliver for the legislature. If people know this beforehand they will know how close they are. They may then determine that they are going to remain in Canberra because they stand a fair chance of being elected on a count-back. I think the amendment is appropriate and I will be supporting it.

MR HUMPHRIES (12.39): I want to deal with a couple of matters, Madam Speaker. I have just been reminded of an example that applied in the Liberal Party's ticket for the last election. These provisions will not apply to any candidates elected at the last election, so this is only for the purpose of illustration. Our No. 7 candidate, who was the next person who obviously would have been elected and would have been elected had we had a count-back provision in this Assembly and if there had been a vacancy of some kind, was offered the chance to do a graduate degree in clinical psychology in a university in Sydney. She cannot do that degree in the ACT; she has to go to Sydney to do it.

She cannot commute between Canberra and Sydney. The Chief Minister may say that she has abandoned the ACT, but I think the more likely interpretation is that she is furthering her education and would be likely to return to the ACT at some point in the future. In Tasmania there have been instances of people in this position and the constitution Act of Tasmania was amended, I think in the 1960s, to allow people to take up seats in the Tasmanian Parliament under count-back if they were eligible under that procedure, notwithstanding the fact that they might have moved interstate at that time.

I think, Madam Speaker, that we have here an appropriate arrangement, particularly for a place like Canberra where these sorts of things happen all the time. Another possible example, incidentally, is where somebody has contested an election and after the election has moved to a property just outside the ACT but still works in Canberra. It would be a bit harsh to exclude such people from participation in the ACT. My provision, particularly my amendments which are circulated on the dark green sheet - that is an amendment to proposed new section 193 - make it clear that the combined effect of that amendment and the other amendments to the Bill is to make it necessary for a person to move back to the ACT straightaway. They cannot indefinitely not be a resident. They must move back to the ACT in order to take up their seat. At the point where they become a member of the Assembly they would have to be resident in the Territory. It is possible that someone might have gone to Alaska and have no intention of coming back. They, first of all, would not put their name forward if that were the case. Secondly, they would not be eligible because they would not be a resident of the ACT at the time they were to take up their seat. I think, Madam Speaker, we have covered those points, and I hope that this amendment will be supported.

MADAM SPEAKER: Chief Minister, we are going to vote on the Government's amendment No. 54, not the Opposition's amendment.

MS FOLLETT (Chief Minister and Treasurer) (12.42): That is right, Madam Speaker. Very briefly, Madam Speaker, in support of my amendment and foreshadowing opposition to Mr Humphries's, it has been pointed out to me that somebody with a fixed or definite intention to return to their enrolled address in the ACT can remain on the roll for the ACT. It may not be necessary, in the circumstances that Mr Humphries has described, for somebody to ever be taken off the role. I would commend my amendment rather than Mr Humphries's.

MR MOORE (12.43): The question I have in my mind for Mr Humphries is this: Had one of the members currently in the Liberal Party lost their seat under the current d'Hondt system, would the Liberal Party have replaced that candidate with the person that he refers to? I think it is highly unlikely that that would have been the case, but we do not know. I concede that. I think, Madam Speaker, that Ms Follett answered the last of those questions that gave me any doubt when she said that somebody who intends to remain an ACT citizen can, under certain circumstances, remain on the electoral roll. I think that is a reasonable way to deal with the problem that you are trying to deal with. For that reason I reaffirm my position.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (12.44): Madam Speaker, I move the Government amendment No. 55, which reads as follows:

55. Page 77, lines 3 and 4, proposed new paragraph 190(1)(b), omit the paragraph, substitute the following paragraph:

"(b) arrange for a notice containing particulars relating to each candidate (other than any suppressed address) to be displayed at the office of the Commissioner.".

Under this amendment proposed new section 190(1)(b) will be amended to bring the requirements for publication of casual vacancy candidates' details into line with the equivalent provisions for candidates contesting general elections. As it stands, new paragraph 190(1)(b) can be taken to require the Electoral Commissioner to publicise the details of candidates, with suppressed addresses. This was not intended. This amendment will ensure that candidates' suppressed addresses will not be made public under this provision.

MR HUMPHRIES (12.45): Madam Speaker, I have no objection to that change; but I do note that another change is effected by the amendment, and that is to replace the reference to specific information being made available - that is, name, address and occupation - with a less specific requirement that particulars relating to the candidate be displayed. I assume that the effect of that is to allow the commissioner to decide whether he or she thinks a candidate's occupation should be displayed. My feeling is that we should know - and particulars should be displayed to this effect - the name, the address, except in the circumstances indicated, and the occupation of the person concerned. I think that is relevant information. I do not propose to move an amendment; but I would like some commitment from the Chief Minister, as Minister responsible for the commission, that "particulars" does not mean that in the future we will stop publishing the occupation of the person concerned.

MR MOORE (12.46): While the Chief Minister is working that one out, Madam Speaker, perhaps she may suggest whether age will be included as part of "particulars". "Particulars" is a generic term. Previously something like age was excluded, whereas it is possible that that will be published. Although I do not mind people knowing that I am 44, there are - - -

Mr Humphries: Forty-four?

MR MOORE: Yes. It is hard to believe when I look so young, is it not, Gary? Even though that is the case, I know that there are some people who feel that it is inappropriate.

MS FOLLETT (Chief Minister and Treasurer) (12.46): In relation to the matter that Mr Humphries has raised, I am advised that that could be taken up administratively. It should not prove to be any sort of a problem.

Amendment agreed to.

MR HUMPHRIES (12.47): I think that my amendment r. lapses, given that we have accepted the Government's view on that residency requirement. I think the same might apply to amendments s. and t. I am not positive about that. The Government might let me have its view on that, but I think that my amendments r., s. and t. are all related to that question.

Ms Follett: I believe that that is the case.

MR HUMPHRIES: In that case I withdraw those amendments, and supplementary amendment e. at the same time.

MADAM SPEAKER: Right. What about amendments u. and v., Mr Humphries?

MR HUMPHRIES: No; they proceed, Madam Speaker.

MADAM SPEAKER: It is your turn then.

MR HUMPHRIES (12.47), by leave: I move together amendments u. and v., which are as follows:

u. Page 79, line 33, proposed new subsection 195(1) (definition of "gift", paragraph (a)), add at the end "or".

v. Page 79, line 34, proposed new subsection 195(1) (definition of "gift", paragraph (b)), omit the paragraph.

Madam Speaker, amendment u., and a large number of amendments which follow from that - I am not quite sure how many - deal with the question of public funding of elections. The Liberal Party's position on public funding of elections is quite well known and I think therefore, at this point, that it is appropriate to have that debate. There were a couple of arguments advanced, when public funding of political parties was first introduced in Australia, to support the view that there should be a public subsidy, a taxpayers' subsidy, to political parties and candidates who contest elections. One was that the measure was designed to increase participation in the political process by groups which did not have many resources, and to allow potentially popular but personally poor candidates to have the chance to take part in the political process. The second argument was that public funding would reduce the dependence by major political parties who regularly succeeded at elections on those special interest groups that have traditionally funded those parties.

I think it is perfectly clear that both of those objects have not been met by public funding in the places where it occurs. There is no evidence to support the view that more people have been able to take part in the political process because of access to public funding. It is possible that more people have been tempted by the prospect of being able to defray their costs, but there is no evidence that there has been any particularly great level of participation. The Government may consider the fact that 117 candidates stood at the first ACT election, where we had public funding, as evidence that more people are encouraged to participate under public funding. I suspect that that particular phenomenon

of the 1989 election was due more to the fact that we had a controversial election in its own right. This brought many people out of the woodwork to put their toe in the water, or in some cases to ridicule the process by virtue of their candidacy. Generally speaking, in places where these things have occurred, to my knowledge there is no strong evidence that there is any greater number of people nominating to stand for election.

The second argument, that public funding would reduce dependence on special interest groups, is certainly not the case. The political parties, particularly the Liberal and Labor parties, have not ceased to turn to their respective special supporters. The trade union movement continues to fund the Labor Party at elections; the business community, or parts of it, continues to fund the Liberal Party. It is hard to argue that either of those parties is now more in a position to make some kind of independent judgment because of public funding. It certainly has not had the effect of reducing that dependence, but it has had the effect of allowing political parties to run bigger and better campaigns.

It might also be said to have had the effect of causing some parties to be a little bit more reckless about the debt that they have incurred. I suspect that the Australian Labor Party is still paying off some of the debt it incurred at the 1989 election when, for all the major parties, there was an extraordinarily large difference between the votes that were obtained and the votes that were expected, and therefore the public funding that was expected. Perhaps the Labor Party is not paying off the 1989 election, but I understand that it is still paying off the 1992 election. There is a knowing nod from a certain adviser.

These proposals, Part XIV, have more to do with giving the established parties an edge over minor parties than they have with levelling the playing field. Had we had public funding at the last ACT election something like three-quarters of all the public funding, or more, would have gone to the Liberal and Labor parties. It has not had the effect of letting other players have a particularly significant role. It is all about giving those parties that extra capacity to take part in very big, flashy campaigns. That is what it has been all about.

I think, therefore, that we need to ask ourselves whether the commitment of $170,000-odd of taxpayers' money - money which, as the Chief Minister has often told us, is in increasingly short supply - should be defrayed for the purposes of running political parties' campaigns. When I was being interviewed about this subject a few days ago one journalist said to me, "Well, why should we not do this? This is what is done everywhere else in Australia". It occurred to me that these people had been fed some sort of line. We know that public funding is not the norm in Australia. The Western Australian elections do not have public funding. South Australian elections do not have public funding. Elections in Queensland do not have public funding - at least, not at this stage. The Northern Territory has no public funding. Tasmania, on which we are basing this system, has no public funding. Victoria has no public funding. It is only in New South Wales and at the Commonwealth level that we have had public funding, and, of course, for the first ACT election. So there is no norm of public funding. Indeed, it is the exception, I would argue, and I think that there is no strong case for it to be introduced.

In case people might think that I am arguing for not having public funding because my party can get by very well without it, thank you very much, I can indicate that my party has had the same difficulties in raising enough money to fight what we would like to consider to be a reasonable campaign as has the Labor Party, I am sure. In at least the past two elections the Australian Labor Party has greatly outspent and outraised the Liberal Party. Therefore our particular interest in a sense would be for continuing public funding in order to keep up with the ALP, but we have no interest in that sense. As I have indicated, our position consistently has been that we do not have public funding here or anywhere else.

I had commissioned an amendment to cap public funding and, if the idea was to help minor parties or Independents to participate in the process, to direct more of the money in that direction than would otherwise have been the case. I regret that that does not seem to have gained any support from the cross benches, or not enough, so I will not be proceeding with that amendment. It is a pity, Madam Speaker, that we consider it necessary, in this day and age of straitened financial circumstances, to be ploughing money into giving political parties the chance to run glossier ads, bigger features in newspapers and more frequent appearances by people like the Chief Minister on television advertisements. I think that in the present circumstances we could be putting public money to better use.

MR MOORE (12.56): I think, Madam Speaker, the clue to the issue here was given when Mr Humphries pointed out that the Liberal Party and the Labor Party were strapped for funds and that this would only help them. That makes people with perhaps not the same commitment as Mr Humphries to equity and fairness vulnerable to seeking funds from people who would expect a return. When we look at WA Inc. and other situations of this kind in Australia and elsewhere, there is very rarely a straightforward and appropriate agreement that says, "Yes, I will give you money if you deliver this". It does not work that way; it works in a much more insidious way, I think, in that there is a gift of money that requires an understanding that you will be looked after.

Part of the process - only part of the process - of working against that influence over political parties is public funding. Other parts are to do with ensuring that the process is open, that donations are declared, and so forth, and that is already accounted for. Whilst Mr Humphries makes it clear that this will advantage, at the moment at least, the Labor and Liberal parties more than others, it does give individual people without the wherewithal to run an election campaign the opportunity to have a chance to do so. I think that that is a critical factor which fits into part of this concept of enfranchising people and giving them the opportunity to run.

The other point I would like to deal with is the issue Mr Humphries raised of capping election funding. I think that in many ways that would have met the concerns that Mr Humphries has raised. Initially I was very attracted to the notion of capping electoral funding. But I decided that it would not work; that there are so many ways of getting around the capping of election funding that it would not be - - -

Mr Berry: Like salary caps in rugby league.

MR MOORE: We have an interjection from Mr Berry, who draws attention to the fact that they have tried to do salary capping in rugby league. It just does not work. There are so many ways around it that it is better to deal with a law in a straightforward way rather than introducing a law that is not going to work. There is a major difference between this and rugby league, of course. We know that there is an overall cap, and that is the number of voters in the ACT. The most money that we can possibly spend on this issue is limited to a dollar per voter. At the moment, as I recall, that is some $180,000. It will vary a little from that as we get more voters. The amount of money in terms of an election process is not great. It assists us in delivering some important social justice values, and it also assists in delivering some anti-fraud measures. For those reasons, Madam Speaker, I shall be opposing this amendment and that series of amendments.

MR STEVENSON (1.00): On the general idea of public funding, our recently conducted survey of 507 people, over four days at eight shopping centres during business hours, after hours and at the weekend, showed that most people do not agree with public funding. The question we asked was:

Should there be public funding for candidates. This means that an amount, say one dollar, would be issued to candidates for each vote (1st preference) they received at the election.

Then we asked the question, "Should there be public funding?". The result was that 18 per cent said yes, 77 per cent said no, 2 per cent were not concerned about the issue, and 2 per cent said that there was not enough information to make a decision.

As we know, there was public funding for the first election in the ACT but not for the second election in the ACT. As a general rule, we try to steer clear of mentioning in a survey question what the current situation is with any factor because that tends to cause bias. I do not disagree with members doing so here, and saying, "Look, this is the way it is in most other States in Australia" or, "It is not like that in most other States in Australia". The reason we do that is to suggest that it is a good idea and it should be supported. We do not do that when we survey because that usually biases the question. What I will do on any question to do with public funding is: (1) vote against it and support the majority rule of the people; or (2) vote for the least amount of public funding on any question. I would commend Mr Humphries and his Liberal Party colleagues on supporting the will of the people in this matter, and I call on all members to do the same thing.

MR KAINE (1.02): Madam Speaker, I have left it to Mr Humphries to speak to this Bill, essentially, because he has done a lot more work on it than I have. I think he puts the case very well, but this is one issue on which I feel that I should make my position clear. I believe that this is one of the least defensible of the provisions contained in this Bill. For the Labor Party to substantiate its position it would have to demonstrate, first of all, that there have been people who might have stood for this Assembly had funding been available to them in the past. I do not believe that that is the case. I do not know of

anybody who has said to me, "I would have stood for election to the Assembly last time around, except that there was no public funding available". I doubt whether anybody here can honestly claim that anybody has said that to them. So it is not true to say, as Mr Moore said, that perhaps there are people who would have stood had they had public funding available. I do not believe that that is the fact at all.

The second thing that the Labor Party would have to demonstrate is that you would get a better class of candidate for this place by virtue of having public funds. The only way you can prove that, I suppose, is by comparing the qualifications and the quality of the people that are in this place now with those in the New South Wales Parliament. I do not think we can compare ourselves with the Federal Parliament; but if you can demonstrate that, as a result of the last two elections in the ACT and New South Wales, New South Wales has a better class of member because they have public funding, that would be a compelling argument. I do not think that either of those arguments has even been put forward by the Labor Party to contend that public funding is justified.

It is my view that, if somebody wants to represent this community and to sit in this house, they have to put themselves forward as a candidate and justify themselves. How they do that is their business. I do not believe that we ought to be saying, "If there are a few people out there who want to put their names forward to stand for election, we will provide the funding for them to do it". That is the wrong sort of incentive. What we should be doing is saying to them, "If you want to come into this place, it is a hard slog. You have to put yourself before the public and justify yourself, demonstrate that you are capable of doing the job, and then get in here and do it". That is a different thing altogether.

I find it very difficult to accept the argument that public funding should be provided. At the moment, and I do not suppose that it will ever be any different, the Territory is short of money. We complain about the amount of money returned to us by way of tax from the Commonwealth. We go through the agony every year - the Chief Minister has done it for the last three, and I am sure that she is doing it again - of how to raise enough revenue to fund the ongoing operations of health and education, and all the other things. How can we justify in the eyes of the community making $170,000, or whatever the end sum is going to be, available to get ourselves re-elected? I do not believe that there is any justification at all for it. You cannot go to the community and say, "This is something that we can justify", because there simply is no justification for it. I, for one, would be quite happy to see some of that $170,000 given to the Council on the Ageing to allow them to do their job properly. I am sure that there are many other worthy organisations in this city who would use $170,000 a lot better than we can use it in getting ourselves re-elected. That is the simple fact of the matter.

The Government, first of all, has not attempted to justify public funding. It just puts it into the Bill as though it somehow justifies itself. It does not. There has been no argument from the Government that really justifies it. Mr Moore did his best, but I submit that even he is probably only half convinced that he is justified in seeking public money to get himself re-elected. My view is quite strong and unqualified. There is no justification whatsoever for it. The provisions in this Bill that provide for public funding of people to get themselves re-elected should be removed.

MS FOLLETT (Chief Minister and Treasurer) (1.07): Madam Speaker, I am speaking against Mr Humphries's amendments and, in doing so, addressing, as have all other speakers, the broader issues that are specifically contained in them. On the issue of public funding, as members know, the ACT Assembly elections in 1989 did have public funding, and the Commonwealth legislation continues to provide public funding for Federal elections. The scheme of public funding goes together with schemes for full disclosure of political donations and expenditure. The two are the two sides of the same coin.

The general intent behind that entire scheme is to minimise the potential for corruption in the political process. I would go further than to talk about corruption; I would talk also about undue influence. Madam Speaker, I believe that it would be most undesirable if members of this Assembly were to enter the place in some way beholden to their financial backers. I can say that I do not know who makes donations to the Australian Labor Party. I do not want to know. I do think that if there were to be members here who were under a financial obligation to some elements within our community - whether it was business or unions or whoever - that would be very undesirable, and that would, in fact, influence their behaviour in this Assembly. That is the general purpose behind public funding and full disclosure of donations - the intention of reducing - - -

Mr Kaine: The Labor Party does not take any money from anybody else because it gets public funding? Rubbish!

MS FOLLETT: Madam Speaker, we were having a perfectly civilised debate until Mr Kaine butted in, and he continues to interject. Madam Speaker, that is the general intention behind the public funding and full disclosure schemes. It is to ensure that all parties and MLAs and candidates are not totally dependent on donations, and also, because there is a threshold involved in public funding, to ensure that even parties and candidates who attract a quite small proportion of the overall vote do not miss out on public funding where those schemes apply.

In response to concerns raised in general consultation, I am proposing to reduce that threshold from 4 per cent to 2 per cent of the formal vote. I believe that at the 2 per cent level we will still find genuine candidates - candidates who had a good shot at getting elected - receiving at least some public funding by way of recouping the expenses of their campaign. Madam Speaker, I accept that it is a matter for judgment. I am well aware that public funding is not generally applied in State and Territory level elections, but I do believe that we have the chance here to put in such a regime for the Territory and to take advantage of what have been seen to be advantages where such a scheme has applied.

Mr Humphries, and Mr Moore, I think, referred to proposals to cap public funding. I think there is something inequitable in that, in that only the most successful parties would be disadvantaged by capping. I also believe, Madam Speaker, that any party worth its salt would rapidly find a way around that and that the effect of capping may not be to reduce the pay-out under any public funding scheme. Madam Speaker, I oppose Mr Humphries's amendments, just as I will oppose his later amendments which have the effect of removing the public funding scheme and also of capping it.

MR STEVENSON (1.12): The Chief Minister said that it would ensure that even candidates who receive a quite small percentage of the vote will not miss out on public funding. Of course, they will miss out on public funding because you have to get a certain percentage - it was 4 per cent; the Chief Minister proposes 2 per cent - before you get any public funding. My personal view - this is not shared by the majority of people - is that the voter should decide where their public funding percentage goes - whether it is $1 or 50c or whatever - and they can decide that by voting for somebody. Then, however many votes you get, if there is to be public funding - I disagree with that, along with the majority of people - it is proportional to the number of votes you get. What more democratic method is there to determine where public money should go than where the public direct?

What I think we should do about public funding of elections is prevent governments from using public funds up to elections for blatant electioneering by putting Ministers' photographs in advertisements for their departments and so on. That is where we would do a lot to reduce public funding. I will be looking with interest up to the next election to see what the Labor Party may do this time along those lines.

Mrs Grassby: I raise a point of order, Madam Speaker. I do not see how that has anything to do with public funding. I think you are on the wrong track, Mr Stevenson.

MR STEVENSON: I am on the right track.

MS SZUTY (1.14): Like members of the Government and my colleague Mr Moore, I support the principle of public funding of elections. I note that Mr Humphries talked about the provisions available currently in New South Wales and for Commonwealth elections. We are talking here about the reimbursement of some electoral expenses after election campaigns have been concluded, and $180,000 is the figure that has been quoted in the debate today. Questions have been raised as to whether it is appropriate for even $180,000 to be spent to reimburse candidates who have had reasonable success in elections. I think it is a question of priorities, and, from what I have heard in the debate today, most of the members of this chamber think that it is a reasonable commitment to be made.

I also note, Madam Speaker, that public funding was not an issue which was described in the Australian Electoral Commission's referendum options description sheet. I think it is an issue on which this Assembly can come to a view in its own right. I believe that public funding enables fairness and equity for all groups in the election process. The Chief Minister mentioned that she is prepared to amend other provisions of this Bill to enable public funding to come in at a lower percentage of votes received - that is, at 2 per cent. That is a commendable amendment that we will get to a little bit later in the debate. Not only will public funding potentially advantage us as MLAs; it also will favour other people in the next election campaign. Other people, when considering standing for election, will be assured in some respects that some public funding will be available to them if they are reasonably successful during the election campaign. The Chief Minister also mentioned the very important question of the candidates of political parties and Independents not being beholden to other people in terms of their election to office. That is a very important principle with which my colleague Mr Moore and I agree. Public funding is an issue that we both support.

MR HUMPHRIES (1.16): Madam Speaker, I must say that I was pretty incredulous when the Chief Minister spoke about the need to prevent undue influence on politicians and to make sure that people - this is the interesting phrase - are not totally dependent on the special interest groups that fund them. I think the word "totally" is meant to indicate that there is already a large degree of dependence, and having public funding makes them not totally dependent on those groups.

It is undesirable for people to be beholden to anyone outside the Assembly, but I do not think that public funding has done anything at all to prevent that happening. If public funding were at the level of, say, $10 a vote, or $20 a vote, perhaps you might see political parties being able to say, "No, we will not take your money". The fact of life, Madam Speaker, is that political parties continue to take money from special interest groups. I have never heard of a party knocking back very much money, although it has happened from time to time. While they take money you can expect that there will be a certain obligation between the parties.

I might point out that my party was offered some money by certain people associated with the adult video industry prior to the 1989 election and we declined to accept that money. So it does happen sometimes. I note also that the Government was offered money and did not decline to accept the money. To suggest that there is not some kind of relationship of influence there is, quite frankly, a little bit hard to accept. Public funding has not changed that one iota. I would have thought that the mere appearance of money changing hands in those circumstances would create something that one would rather not have, and you should be able to rely on the fact of public funding to say, "Look, we are not going to accept money from the adult video industry in this case because the appearance would be that our vote in the Assembly might be influenced by accepting that money. Instead, we will rely on public funding to make sure that we are not seen to be influenced by the donation from the adult video industry". That was not what happened. The Government took the money anyway and, at the end of the day, voted in favour of retaining Canberra's adult video industry. I would have thought that if public funding made any difference it would have made a difference in that case, but it did not.

I think the argument needs to be posed: Why have a threshold for public funding? If a person is entitled to take part in a campaign and they are to be encouraged to take part in a campaign, why have a threshold? Why should an individual who gets 200 votes not be entitled to some reimbursement for the effort he or she put in to get those 200 votes?

Mr Kaine: Spoils to the victor.

MR HUMPHRIES: As Mr Kaine rightly puts it, it is all about spoils to the victor. It is about making sure that the right people get the right amount of money. That is what public funding is all about.

Mr Berry: Is anybody from the tobacco industry in the 500 Club?

MR HUMPHRIES: We have never taken money from the tobacco industry, Mr Berry, and, of course, you would not be offered it. With you gone, perhaps there will be some softening of the view. The fact of life is that public funding has made very little difference here, and it has made little difference in the United States, where it has operated at some levels at least. I am advised that in the US, with the beginning of public funding, there was a great proliferation of so-called political action committees, sponsored by companies or trade unions or whatever, which were designed to channel money into the coffers of political parties. Rather than pretend that public funding has made any difference there, in fact it has made a very big difference by promoting in some senses the range of avenues which parties have explored to supplement their funds. It has been argued academically in the United States that public funding in that sense has helped the Republican Party more than the Democratic Party, but that study has not been done in the ACT.

The suggestion that parties become less dependent on special sources is rubbish. At the first ACT election the ALP, for example, spent in excess of $200,000 on its campaign. I think the figure was closer to $300,000. But it raised less than $40,000 from public funding. Are you telling me that that made one iota of difference? Of course it did not. It made not one iota of difference. Madam Speaker, it seems to me to be a great tragedy, a great waste. I think that Mr Stevenson is right to say that people are not in favour of public funding. I do not know whether I can prove it.

Mr Kaine: I have not yet spoken to anybody who has said yes.

MR HUMPHRIES: Indeed; yes. My impression is very strong, anecdotally, that there is no support for public funding. My party will continue to promise to the people of the ACT that we will abolish public funding of campaigns, in the event that we are returned to office with a majority. That is not to say that we are therefore opposed, necessarily, to public disclosure provisions. They are another matter altogether. They do not necessarily have to go hand in hand. I think the suggestion was made somewhere that if you abolish public funding you abolish financial disclosure. It does not follow. Madam Speaker, I think that we are doing the ACT a poor service by asking the taxpayers of this Territory to put their hands into their pockets and fund our ads, our how-to-vote cards and our canvassing around the suburbs when the ACT faces so many very serious financial problems at this point in its history.

Ms Follett: I raise a point of order, Madam Speaker. In the course of his remarks Mr Humphries said that the Government had taken money from the X-rated video industry. That is quite incorrect, and I would like that withdrawn. There was also a strong imputation that members of the Government had taken a particular course of action because of a particular assertion of a donation to the party that they belong to. I would like that imputation withdrawn as well.

Mr Humphries: Madam Speaker, I withdraw the suggestion that the Government took money and say instead that Ms Follett and Mr Wedgwood, as the president and general secretary, or whatever the expression is, of the Australian Labor Party, took the money. That is what happened. There was no inference that the Government voted according to the money that was given to it, but I do make the point that the Government could be seen to have been influenced. That was the point I made.

MADAM SPEAKER: Mr Humphries, it is still a very strange statement. Let me reflect on it.

Mr Humphries: I do not think so at all, Madam Speaker. It is - - -

MADAM SPEAKER: Just a minute. Let me reflect on it. The imputation in what you are saying is that someone took the money. It is quite different from accepting the money on behalf of the party. Is that what you meant?

Mr Humphries: Madam Speaker, I will clarify it. Ms Follett and Mr Wedgwood took money on behalf of the Australian Labor Party.

Ms Follett: I take a point of order.. I took no money whatsoever from any source.

MADAM SPEAKER: Thank you, Chief Minister.

Mrs Grassby: I agree. I think that should be withdrawn.

MADAM SPEAKER: Leave it alone, Mrs Grassby. I think we are quite clear on the situation now.

Ms Follett: He is just being grubby. It is disgusting.

Mr Humphries: That is not true.

Mr Kaine: The statement to the Electoral Commissioner clearly shows - - -

MADAM SPEAKER: Order! The situation has now been clarified. Ms Follett has stated her position and Mr Humphries has stated his.

Question put:

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

The Assembly voted -

AYES, 6 NOES, 9

Mr Cornwell	Mr Berry
Mr De Domenico	Mr Connolly
Mr Humphries	Ms Ellis
Mr Kaine	Ms Follett
Mr Stevenson	Mrs Grassby
Mr Westende	Mr Lamont
	Ms McRae
	Mr Moore
	Ms Szuty

Question so resolved in the negative.

Mr Berry: Madam Speaker, a pairing has been arranged involving Mrs Carnell and Mr Wood.

MS FOLLETT (Chief Minister and Treasurer) (1.28): Madam Speaker, I move the Government amendment c. It is on the Government's supplementary amendment sheet D, the pink sheet, and it reads as follows:

c. Page 80, line 1, proposed new subsection 195(1), after the definition of "independent MLA" insert the following definition:

"'non-party group' means a group of non-party candidates whose names are grouped on a ballot paper by virtue of subsection 109(2);".

The purpose of this amendment is to pick up a previous amendment from the Opposition concerning non-party groups. It is to insert, after the definition of "independent MLA", a definition of what a non-party group is.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.28): Madam Speaker, I ask for leave to move amendments Nos 56, 70, 72 and 73 together. They all have the same purpose.

Leave not granted.

MS FOLLETT: Madam Speaker, I move Government amendment No. 56, which reads as follows:

56. Page 81, line 19, proposed new subsection 198(2), (definition of "disclosure day", paragraph (a)), omit "5", substitute "4".

This is a simple amendment to reflect the reduction in the term of the Assembly, on which the Assembly has already voted, from four years to three years. I foreshadow now that amendments Nos 70, 72 and 73 are identical.

MR HUMPHRIES (1.30): My party does not oppose these amendments. They reduce the accounting period from five years to four years, rather than the term of the Assembly from four years to three years. It is as a consequence of that, but it is slightly different, with respect, from what the Chief Minister said.

Madam Speaker, I want to make a brief comment about these provisions on the financial reporting of election campaigns. As I indicated before, I consider the questions of funding and disclosure to be different. The Liberal Party does have a concern about the nature of these reporting provisions in general. The requirements here are, in some respects, significantly different from the provisions which apply at the Commonwealth level for the Australian Electoral Commission's own reporting requirements in the

Commonwealth Electoral Act. Two parties in this place, at least, and possibly others who contest elections for the ACT Assembly, are both Federal and Territorial parties, and those parties will be responsible for producing returns both for the Australian Electoral Commission and for the ACT Electoral Commission.

I think it is unfortunate that we put ourselves in the position of having different reporting requirements in those two places, because very often the paperwork necessary for one has to be quite different from the paperwork for another. Parties who operate at both levels and who have some kind of incorporated association status obviously have a number of requirements that are imposed on them which can be, on some occasions, quite onerous. My party, for example, has requirements for reporting to the Australian Electoral Commission; it has requirements for reporting, under this arrangement, to the ACT Electoral Commission; it has to produce a tax return every year; it has to produce a return under the companies legislation; and there is also our internal constitutional requirement for audit on an annual basis. They are a series of fairly complex and complicated arrangements.

It seems to me that there is no good reason in principle why we could not have the same requirements for Federal and Territorial reporting. This is a complex matter which, unfortunately, I did not have time to deal with before this Bill came forward. I flag that matter and I indicate that in the future I hope to be able to come back to this place with some provisions that might align our provisions more closely with those of the Commonwealth.

MS FOLLETT (Chief Minister and Treasurer) (1.33): Madam Speaker, I am advised that the reason why we have made it four years is in order to accommodate the peculiarities of the fixed election date for the ACT, that is, the third Saturday in February. If we were to make it three years, the third Saturday in February three years hence may be more than three years away.

Mr Moore: Three years and two days, yes.

MS FOLLETT: Yes, there could be a difference. That is the reason why there appears to be a difference; but, in fact, the intention of this scheme is the same as the intention of the Commonwealth scheme.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.34), by leave: Madam Speaker, again working from the Government's pink supplementary amendments D sheet, I move amendments d., e., f., g., h. and i. together. The amendments are as follows:

d. Page 82, line 7, proposed new subsection 200(1), after "party," insert "non-party group,".

e. Page 82, line 15, proposed new subparagraph 200(2)(b)(i), omit "or".

f. Page 82, line 15, proposed new paragraph 200(2)(b), after subparagraph (i) insert the following subparagraph:

"(ia) where the appointment is made by a non-party group - by a member of the group; or".

g. Page 82, line 24, proposed new section 201, after subsection (1) insert the following subsection:

"(1A) Where there is no appointment in force under section 200 in relation to a non-party group, each member of the group shall be taken to be a reporting agent for the group.".

h. Page 82, line 34, proposed new subsection 202(2), after "Register of" insert "Non-party Group and".

i. Page 83, line 27, proposed new section 203, add at the end the following subsections:

"(4) For the purposes of this Division, an eligible vote cast for a member of a non-party group shall be taken to be cast not for the member but for the group.

"(5) For the purposes of this Division, electoral expenditure in relation to an election incurred by or with the authority of a member of a non-party group shall be taken to be electoral expenditure in relation to the election incurred by the group.".

Again, Madam Speaker, I believe that these are consequential amendments following on from the Assembly's decision previously about non-party groups. They are merely to reflect in all of those parts of the Bill the fact that we now have to take account of non-party groups as well.

MR HUMPHRIES (1.35): Madam Speaker, my party supports these amendments. They are consequential. I raise a query about amendment i. on that sheet. That adds two new subsections to proposed new section 203. The first of those says:

... an eligible vote cast for a member of a non-party group shall be taken to be cast not for the member but for the group.

I suppose that that is reasonable in that sense. Then the second says:

For the purposes of this Division, electoral expenditure in relation to an election incurred by or with the authority of a member of a non-party group shall be taken to be electoral expenditure in relation to the election incurred by the group.

I realise that that is an arrangement entered into for simplicity. It assumes that, in a sense, non-party groups behave just like parties, but that is an assumption which may not be borne out in practice. Many non-party groups would prefer to group themselves together on the ballot-paper only for the purposes of being easily identified on the ballot-paper and because they have some common interest. They may not have any other operational connection or function or relationship. Those parties might campaign quite independently of each other, with no connection other than the fact that they appear together on the ballot-paper. For example, environmental groups might have candidates and might put forward their names but not actually group together in any sense other than on the ballot-paper.

I accept that this is a problem which is difficult to resolve. It flows from the fact that we do have these arrangements in place to allow people to group on the ballot-paper. I would suggest that we should keep this under review and ensure that we do not provide for arrangements which are effectively unworkable and which cause all sorts of deeming provisions - provisions which cause people to commit offences or to get into trouble for the purposes of accounting which would be avoidable by having some other arrangements.

MR STEVENSON (1.37): One of the questions we asked was to do with the layout of the ballot-paper. The question was:

Should ballot papers provide for: (read A. to D., then tick one box only)

A. A column for each party, listing that party's candidates?

B. A column for each group of non-party candidates?

C. A column for each party and non-party group? (this would select both A. and B. above)

D. No columns for anyone, with the names of all candidates to be printed at random?

There were interesting results on that question. They were as follows: A column for each party, listing the candidates, 34 per cent; a column for non-party candidates, 3 per cent; a column for each party and non-party candidates, 28 per cent; no columns, names at random, 22 per cent. Six per cent were not concerned with the question and 7 per cent said that there was not enough information to make a decision.

There is a problem when you ask multiple choice questions without allowing for preferential voting. As I have mentioned before, the Electors Initiative and Referendum Bill that will give Canberrans direct democracy allows for that. Other groups can put another question onto a referendum. The allowance for that is there. Also, there is preferential voting for questions. The difficulty with just asking four questions is what to

do with the results if there is no clear answer. I will vote, as I have mentioned, along the line of the referendum description sheet that listed group non-party candidates along with other columns. As that was there, I will vote for that because there is no other clear distinction here.

This raises the question that Mr Moore brought up about the number of years for the term of the Assembly. The two proposals by members in this Assembly were three years and four years. When we carried out our survey we did not ask only about three-year or four-year terms. We asked about two-year terms, three-year terms and four-year terms. The results were about a third each. I normally would have included "Other" in order to give people an opportunity to pick a term other than two, three or four years. A four-year term was greater than anyone proposed around the Assembly anyway. The reason I did not do so is that I feel that many people would have put "zero". As I knew that I had to vote on that question, I needed to get some indication from people of what they wanted.

Mr Humphries mentioned public funding earlier. His point was that the Liberal Party has been against public funding for a long time. While he has not carried out a survey, he says that there is strong anecdotal evidence. Mr Humphries's anecdotal evidence is right, but I would suggest to the Liberal Party that, at any time they wish, they can get out there and make sure that their policies do align with the people, irrespective of anecdotal evidence, no matter how strong.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.41), by leave: Madam Speaker, I move together Government amendments Nos 57 and 58. They read as follows:

57. Page 83, line 36, proposed new subsection 204(2), omit "The", substitute "Subject to subsection (7), the".

58. Page 84, line 1, proposed new subsection 204(3), omit "Subject to subsection (7), the", substitute "The".

These two amendments amend proposed new subsections 204(2) and (3) to clarify that the amounts payable under the election funding scheme cannot exceed the electoral expenditure that has actually been incurred. I will leave it at that.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.42), by leave: Madam Speaker, I move together the Government amendments j. and k., which are set out on the pink sheet, supplementary amendments D. They are as follows:

j. Page 83, line 37, proposed new subsection 204(2), omit "or party", substitute ", party or non-party group".

k. Page 85, lines 5 to 9, proposed new subsection 204(7), omit the subsection, substitute the following subsection:

"(7) The total amount payable under this section in respect of a candidate, party or non-party group in an election shall not exceed the electoral expenditure incurred in relation to the election by or with the authority of the candidate, party or group.".

The purpose of the amendments is to ensure that the amounts payable under the election funding scheme do not actually exceed the electoral expenditure that has been incurred, but this part has to include in it the non-party groups.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.44), by leave: Madam Speaker, I move together Government amendments Nos 60 and 61. They are as follows:

60. Page 85, line 13, proposed new subsection 205(1), omit "4%", substitute "2%".

61. Page 85, line 17, proposed new subsection 205(2), omit "4%", substitute "2%".

These amendments to proposed new subsections 205(1) and (2) lower the threshold for receipt of public funding from 4 per cent to 2 per cent of formal first preference votes. We have discussed the general intention of this scheme previously. The Bill, as it stands, includes the 4 per cent figure because that is what is in the Commonwealth Bill. After consultation with other MLAs, I have been persuaded that the lower figure, 2 per cent, is a more realistic threshold. Hence, I propose that to the Assembly.

MR MOORE (1.45): Madam Speaker, just to round up the debate on public funding, the threshold is being lowered so that the real purpose of public funding, as far as I am concerned, is dealt with in an appropriate way. Mr Humphries raised the issue before when he said, "Why have any threshold at all?". Administratively, we would be asking people to account for $2 here and $5 there. Remember that first ballot-paper when we did have people with just a handful of votes. Really, the imposition on them is not that significant. The intention is to deal with an imposition. A level of 2 per cent is reasonable to deal with what becomes a real financial imposition.

MR STEVENSON (1.46): Madam Speaker, I agree that 4 per cent is too high. I do not think it should be any per cent. Once again I say that the voter should be able to direct where their percentage of public funding goes. However, as I mentioned, the majority of people are against public funding. I said that I will vote for the least amount of public funding; so I will vote to keep the level at 4 per cent, not to drop it to 2 per cent.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.47), by leave: Madam Speaker, I refer again to the pink sheets and I move together amendments l. and m., which read:

l. Page 85, line 18, proposed new section 205, add at the end the following subsection:

"(3) A payment under this Division shall not be made in respect of votes cast in an election for a non-party group unless the number of eligible votes cast in the group's favour is at least 2% of the number of eligible votes cast in the election.".

m. Page 85, line 24, proposed new subsection 206(2), after paragraph (a) insert the following paragraph:

"(aa) in relation to a non-party group for whom eligible votes were cast in an election - a reporting agent of the group;".

The purpose of both amendments is to extend that 2 per cent threshold to non-party groups. As members know, we voted previously to include non-party groups in this specific form. These two amendments arise as a consequence of that.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.47), by leave: I move together Government amendments Nos 62, 63 and 64. They are as follows:

62. Page 85, lines 34 and 35, proposed new paragraph 206(4)(b), omit the paragraph, substitute the following paragraph:

"(b) where the Commissioner is satisfied that the circumstances of the case justify it - such longer period as the Commissioner determines.".

63. Page 86, lines 1 to 3, proposed new subsection 206(5), omit the subsection, substitute the following subsection:

"(5) The Commissioner shall not make a determination under paragraph (4)(b) if the period referred to in paragraph (4)(a) has expired.".

64. Page 86, line 3, proposed new section 206, add at the end the following subsection:

"(6) Where, after being requested to determine a longer period in relation to a claim, the Commissioner decides not to do so, he or she shall give the claimant a review statement about the decision.".

Madam Speaker, these amendments again arise as a consequence, but this time they arise as a consequence of inserting a right of review of a decision to refuse a request to extend the period for lodgment of claims for payment of public funding under this proposed new section. This amendment was recommended by the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I commend it to the Assembly. It appears to me to be fair enough to have a right of review if you are being refused something.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.48): I move Government amendment No. 65, which reads:

65. Page 86, line 9, proposed new subsection 207(2), omit "4%", substitute "2%".

This amendment changes proposed new section 207(2) as a result of our decision to reduce the threshold for public funding from 4 per cent to 2 per cent.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.49), by leave: I refer to the pink sheets, Madam Speaker, and I move together Government amendments n., o., and p., which read:

n. Page 86, line 17, proposed new subsection 209(1), omit "party or candidate".

o. Page 86, lines 21 to 23, proposed new subsection 209(2), omit all the words after "payment due", substitute ", to the claimant".

p. Page 86, lines 35 and 36, proposed new subsection 210(2), omit "to the reporting agent of the claimant party or candidate".

These amendments arise as a result of our decision on non-party groups. They simply make the appropriate amendments to each of those parts of the Bill, to reflect the decision that the Assembly has already made.

Amendments agreed to.

MR HUMPHRIES (1.50): Madam Speaker, I indicate formally that the Opposition is not proceeding with amendment w., which was dependent on the success of amendments u. and v. Madam Speaker, I now move the amendment which appears on the dark blue sheet headed "Supplementary Amendment C". It is as follows:

Page 83, line 19, proposed new subsection 203(1), after "reference to expenditure" insert "(other than the payment of a deposit in respect of the nomination of a person as a candidate)".

We have a situation where there is some slight difference now between the provisions for return of deposit and the provisions for public funding - or at least I think we do, because I note that the minutes of the proceedings of the Assembly on Tuesday night recorded that our amendment on that failed. I understand that that was a mistake.

Ms Follett: Yours did succeed.

MR HUMPHRIES: Yes, it did succeed. I think that matter has been cleared up. I take it that that is the case. On the basis that we did succeed on that, there is now a slight difference between the provisions for return of deposit and the provisions for public funding, and it is possible that somebody who loses their deposit could be entitled, nonetheless, to public funding. That would be, I think, slightly anomalous. In discussions with the Government and its representatives, the point was made that it would be anomalous and perverse even for a person who had lost his deposit to claim the deposit as public expenditure in order to recover some measure of public funding. Clearly, that would effectively remove the barrier which the deposit represents in discouraging frivolous candidacies. I therefore think, Madam Speaker, that my amendment to proposed new section 203 will have the effect of making it clear that one must incur public expenditure in order to get public funding, but you cannot count your expenditure on a deposit to contest the campaign as expenditure for which you get public funding.

MS FOLLETT (Chief Minister and Treasurer) (1.52): Madam Speaker, the Government will not be opposing this amendment.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.52): Madam Speaker, I move Government amendment q., which reads:

q. Page 88, line 2, proposed new section 213 (definition of "gift"), after "party" insert "or non-party group".

This simply adds the words "or non-party group" at an appropriate place in the Bill.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.53): I move Government amendment No. 66, which reads:

66. Page 88, line 12, proposed new paragraph 214(2)(c), omit "made", substitute "received".

Proposed new paragraph 214(2)(c) is to be amended to make the disclosure requirements in the new section internally consistent. The amendment will require the reporting agents of candidates to declare the dates on which gifts were received, rather than the dates on which they were made.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (1.53), by leave: Madam Speaker, I move together Government amendments from r. through to ze. They are set out on the pink sheets. They are as follows:

r. Page 88, line 22, after proposed new section 214 insert the following section:

Disclosure of gifts - non-party groups

"214A. (1) A reporting agent of a non-party group shall, within 15 weeks after the polling day in the election, give the Commissioner a return in the approved form.

"(2) A return shall specify the following matters in relation to the disclosure period for the election:

(a) the total amount of any gifts received by the group;

(b) the number of persons who made gifts to the group;

(c) the date on which each gift was received;

(d) the amount of each gift received;

(e) the defined details of each gift received.

"(3) Notwithstanding subsection (2), a reporting agent is not required to specify the defined details of a gift in a return under subsection (1) if the sum of the amount of the gift and of all other gifts made to the group by the person who gave the first-mentioned gift is less than $200.".

s. Page 88, line 25, proposed new section 215, omit "in respect of a candidate", substitute "or 214A".

t. Page 89, line 35, proposed new paragraph 217(1)(a), after "party" insert "or non-party group".

u. Page 90, line 22, proposed new subsection 217(4), after "parties," insert "non-party group,".

v. Page 90, line 27, proposed new subsection 218(1), after "A party," insert "non-party group,".

w. Page 90, line 28, proposed new subsection 218(1), after "the party," insert "non-party group,".

x. Page 91, line 3, proposed new paragraph 218(2)(b), after "in relation to" insert "a non-party group or".

y. Page 91, line 9, proposed new subsection 218(4), after "party," insert "non-party group,".

z. Page 91, line 17, proposed new subsection 218(5), after paragraph (a) insert the following paragraph:

"(aa) in the case of a gift to or for the benefit of a non-party group - a reporting agent of the group;".

za. Page 91, line 24, proposed new paragraph 218(6)(b), after "for the benefit of," insert "a non-party group,".

zb. Page 92, line 31, proposed new paragraph 219(2)(a), after "party" insert ", non-party group".

zc. Page 93, line 9, proposed new section 220, after subsection (1) insert the following subsection:

"(1A) A reporting agent of a non-party group in the election shall, before the expiration of 15 weeks after polling day for the election, give the Commissioner a return, in writing, in an approved form, specifying details of the electoral expenditure in relation to the election incurred by or with the authority of the group.".

zd. Page 93, line 12, proposed new subsection 220(2), after "party" insert ", non-party group".

zc. Page 93, line 26, proposed new section 221, add at the end the following subsection:

"(2) Where no electoral expenditure in relation to an election is incurred by or with the authority of a non-party group in the election, a return under section 220 in respect of the group shall be given to the Commissioner and shall include a statement to the effect that no expenditure of a kind required to be disclosed has been incurred by or with the authority of the group.".

Madam Speaker, all of these amendments from r. through to ze. are to incorporate references to non-party groups in a suitable format at different parts of the Bill. I commend them to the Assembly.

MR HUMPHRIES (1.54): Madam Speaker, I want to refer to amendment r. and to pose a question to the Chief Minister. Proposed new section 214A reproduces, more or less, the provisions of proposed new section 214 which apply to a candidate, and presumably includes candidates in parties. The amendment reproduces the provision for the reporting agents of non-party groups. That, I understand, is what it does. We find that subsections 214(1), (2) and (3) are reproduced, but not subsection 214(4), which says:

A reference ... to a gift shall be read as a reference to a gift other than a gift made in a private capacity to a candidate for his or her personal use ...

I am curious as to why that would not be considered to be a circumstance that might apply to an individual within a party group.

MS FOLLETT (Chief Minister and Treasurer) (1.56): Madam Speaker, I am happy to respond to Mr Humphries's query. A candidate has to make an individual return, whereas the new section refers to non-party groups. Therefore, if you are operating as a non-party group you do not have to make an individual return. As a non-party group you have to disclose what you get as a party rather than as an individual candidate. That is my understanding.

MR HUMPHRIES (1.56): As I understand what the Chief Minister is saying, a person who is a member of a party has some level of individual responsibility which a person who is a member of a non-party group does not have. There is some difference between those two people in that sense - some lesser level of accountability.

MS FOLLETT (Chief Minister and Treasurer) (1.57): I think the distinction, Mr Humphries, is that you are operating as a candidate, as an individual, as an Independent. Is that right?

MADAM SPEAKER: Would it be appropriate to suspend for lunch?

MS FOLLETT: Madam Speaker, it may be an idea to suspend for lunch in the course of this debate.

[~Bold MADAM SPEAKER: Is it the wish of the Assembly to suspend for lunch? If so, we will resume at 2.30 for question time.

Debate interrupted.

Sitting suspended from 1.57 to 2.30 pm

21 April 1994

21 April 1994

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QUESTIONS WITHOUT NOTICE

Civic Health Centre

MRS CARNELL: My question without notice is directed to the Minister for Health, Mr Connolly. The number of doctors at the Civic Health Centre has decreased from four-and-a-half to only two. A nurse is available to patients only in the morning and no female doctor is on staff. The Minister was recently quoted as saying that patients should not use hospital casualty departments for minor or routine problems and should instead use their local health centres. Minister, it now takes as much as a week to get an appointment at the Civic Health Centre, while new patients are no longer being accepted. Does the Minister think this is an appropriate level of service to the predominantly elderly patients who use the Civic Health Centre, and where does he think patients will go if he says that they should not attend the accident and emergency part of the hospital and if they cannot get into the health centre?

MR CONNOLLY: Madam Speaker, nothing much has changed. We have the same carping, whingeing little questions from the Leader of the Opposition on health issues.

Mrs Carnell: People actually care about this.

MR CONNOLLY: As indeed they should. Any parliament in Australia can do this sort of thing. I see that the Independents did it to your Minister for Health in the New South Wales Parliament last night fairly comprehensively by passing a motion to do in Mr Phillips for exactly the sort of thing that you are carping about.

Madam Speaker, I did make the point that people who are concerned about accident and emergency waiting lists, in many cases, would be better served in attending some of the 24-hour clinics in Canberra. It is clear, as I think Professor Gatenby made the point when he was interviewed about his appointment as the first professor of the clinical school, that many people in Canberra will attend accident and emergency for a service which people in New South Wales would never dream of going to accident and emergency for. They will be seen at A and E, but they may have to wait. The health centres, of course, have long provided a very useful service in the ACT. They are not 24-hour clinics. There are - - -

Mrs Carnell: They cannot get in even during the week.

MR CONNOLLY: In the case of Civic, I know of at least one bulkbilling clinic in the city area at which an appointment is easily able to be obtained; so there are options, Madam Speaker. I understand that a somewhat long running industrial matter with the Australian Salaried Medical Officers Association has delayed the filling of some positions of salaried doctors in the community health centres. I understand that that matter was very close to resolution when the changes occurred in the portfolio, and I hope that it will be rapidly resolved so that there will be some additional appointments. Mrs Carnell is the constant carper about health problems who constantly says that people should look to the private sector for alternatives. I would not urge them to go to doctors who do not bulkbill; but there are doctors in the city area who do bulkbill, providing that community based alternative to full fee charging doctors. People do have that choice.

Housing Trust - Rent Arrears

MRS GRASSBY: My question is directed to the Minister for Housing and Community Services. I am sure that the answer will be appreciated not only by me but also by Mr Cornwell. Can the Minister please inform the Assembly of recent trends in the amount of rental arrears owing to the Housing Trust?

MR LAMONT: I thank the member for her question. Yes, Madam Speaker, I can provide a good deal of advice - some good news and some bad news - for Mrs Grassby and Mr Cornwell. There was a reduction in the value of current arrears as a percentage of rent receivable between June last year and March this year. Arrears were reduced from 3 per cent in June last year to 2.2 per cent as at 31 March 1994. However, what is of concern to me is that there has been an increase in the percentage of vacated arrears to rent receivable. As a result of that, I have engaged a professional agency to pursue that outstanding debt. I believe that, while it is regrettable, it is necessary to ensure that we take the appropriate action to recover that amount of debt.

The reduction in current arrears is due to the housing staff promptly addressing arrears following the early advice, negotiating realistic repayment agreements and ensuring that clients adhere to their agreements, and encouraging tenants to pay by automatic deductions from their salary or bank or credit union. Negotiations have recently concluded between the Housing Trust and the Reserve Bank in relation to direct payments of Housing Trust rents. I will be making a further announcement on that matter very shortly.

ACTTAB - Contract with VITAB Ltd

MR DE DOMENICO: My question without notice is addressed to the Minister for sport, recreation and racing, Mr Lamont. Minister, on Tuesday night, I think it was, on WIN Television you issued a public invitation to the Victorian Racing Minister to cooperate with the Pearce inquiry. I think they were your words. You are probably also aware that last night the Victorian Minister publicly said that he would be delighted to do so if he was invited to by Professor Pearce. Minister, will you now also publicly demand that Mr Bob Hawke, Mr Con McMahon, Mr Dan Kolomanski, and Mr Michael Dowd and Mr Peter Bartholomew - the owners of the mysterious Oak Ltd - and Mr Alan Tripp all also appear before the inquiry to explain their roles in this shonky deal?

MR LAMONT: I thank the member for his question. Madam Speaker, I am not aware that any of those people used their mates to get police records out of confidential files held in Victoria. If that were the case, I am sure that Professor Pearce will ask them to appear as well.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Noting that Mr Lamont's answer is in no way, shape or form reflective of the terms of the inquiry that Professor Pearce is conducting, I ask whether the Minister will give this Assembly an assurance and a commitment that he will offer the same public invitation to all those people, including - to use his term - some of his mates, among them Mr Hawke, to appear before the inquiry.

MR LAMONT: Madam Speaker, I believe that I have answered the substance of the question. I think that what Mr De Domenico and the Opposition should be doing is concentrating on issues which are not currently the subject of an inquiry. I find this absolutely reprehensible from the alleged spokesperson. Here it is - Wynken, Blynken and Nod. All they want to do is not only frustrate the process of the inquiry but continue to besmirch the names of anybody who they think needs that besmirching. It is about time you understood the very simple fact that this Government is saying that the appropriate way to handle those matters and have them tested is through the Pearce inquiry.

Mrs Carnell: So why did you go on television and tell Pearce whom he should call?

MR LAMONT: For a very simple reason. The dirty little deal that you people have struck on that side of the room to elicit confidential police information through your mates in Victoria needed to be exposed. It has been exposed and you should stand condemned for it.

Police Force - Advisers at Interviews

MR MOORE: My question is addressed to Mr Connolly as Attorney-General. I gave an indication that I would be asking a question of this nature. I understand that under the Commonwealth Crimes Act 1914 the Federal Police must have a lawyer or an independent person present when interviewing people. Have the AFP kept statistics for the ACT in 1993? If so, how often was a lawyer present during an interview and how often was an independent person present during an interview?

MR CONNOLLY: Mr Moore did indicate before lunch that he was interested in that point. In fact, the Crimes Act does not require that an independent person or a lawyer be present, full stop. It gives a person a right to request that, and, if they request that, the independent person or lawyer must be present. It is not an absolute requirement; it is a right to have a lawyer or an independent person present during questioning.

I understand that in fact - and I am just trying to track it down in *Hansard* - there was a question on notice along similar lines. My records show that I signed the answer off in December, but I cannot find where it appears in *Hansard*. It was a similar question in relation to statistics. The advice is that, while the information would form part of the record of interview, which is kept now in written or, most commonly, audio-video form - records of interview for serious crime in the ACT now are invariably videotaped - there is no statistical analysis kept of how many times a lawyer or independent person is asked to

be present and how many times not. So the information would not be easily retrievable; it would require that a search of all records of interview be conducted. But there is an absolute right to have a lawyer or a next friend present if a person being interviewed by police chooses, except in certain very limited specified circumstances. Understandably, the police officer who finds a person with a smoking gun and body is entitled to ask some questions. Basically, there is a statutory right to have a lawyer or a person present, but statistics are not kept as to how often that right is taken up.

MR MOORE: I ask a supplementary question, Madam Speaker. Surely, Minister, the police would be able to give you an indication of whether this happens often or regularly or hardly ever. Can you inform us at least in a conceptual way?

MR CONNOLLY: It is certainly not uncommon for people to say, "I would like to have my lawyer present". It is not infrequent, and members of the legal profession would tell you that it is not uncommon to receive a telephone call to come into the watchhouse and take part in such an interview.

ACTTAB - Contract with VITAB Ltd

MR KAINE: Now that Mr Lamont has had time to cool down a bit, I would like to ask him a question as Minister for Sport. It is a simple question. It does not need a tirade; it needs only a simple yes or no. Mr Lamont, can you confirm whether you or ACTTAB have received a letter of demand from VITAB Ltd?

MR LAMONT: A simple answer to a reasonable question put in a reasonable fashion: No, I cannot confirm that such a letter has been received.

Cigarette Lighters

MS ELLIS: Madam Speaker, my question is directed to the Attorney-General in his capacity as Minister for consumer affairs. Is the Minister aware of a product safety recall issued by a cigarette manufacturer for cigarette lighters in the ACT?

MR CONNOLLY: Yes, Madam Speaker, I am aware of that, and I thank the member for the question. I understand that the *Valley View* actually raised this issue with Ms Ellis. They became aware that one of the cigarette companies trying to peddle its product some time ago ran a promotional campaign which gave you a brass cigarette lighter with a particular brand of cigarettes. That cigarette lighter proved to be dodgy. Indeed, it was quite dangerous. As a result of that, a product safety recall was put out to call that product back.

It fairly prominently featured the name of the cigarette company, and the cigarette company then put out a press release, saying, "Shock, horror! Because the nasty Government prevents us from advertising the brands of cigarettes, we have been prevented from placing our ad calling on a dangerous product to be withdrawn". In fact, they were quite incorrect, because on the date they put that press release out their ad appeared, certainly in the *Canberra Times*, telling people to return the Peter Jackson 30s cigarette lighter.

I welcome companies that issue product safety notices and recall dangerous products. I welcome the recall by Philip Morris of a dangerous cigarette lighter. I would welcome it even more - and my colleague Mr Berry would join me in this - if they recalled the dangerous cigarettes with the dangerous cigarette lighters.

Nursing Home Care - Young Disabled

MS SZUTY: My question without notice is addressed to the Minister for Health, Mr Connolly. It concerns the provision of nursing home care in the ACT for younger people with disabilities. As members will be aware, there are currently over 40 people under the age of 65 years being accommodated in nursing home facilities which have largely been designed to meet the needs of aged people. The former Minister for Health, Mr Berry, was quoted in the *Canberra Times* of 29 January of this year as saying that he would take a submission to Cabinet within weeks on the problem of providing suitable nursing home care for younger disabled people. My question of the Minister is: Can the Minister inform the Assembly of what action the Government intends to take to provide appropriate nursing home care for younger people with disabilities?

MR CONNOLLY: Madam Speaker, I am not able to inform the Assembly of any concrete proposals, other than to say that it is a problem that I am very conscious of, as I was in my former hat as Community Services Minister. I think the definition of a younger person in nursing homes as someone under 65 is somewhat artificial, because a 64-year-old early dementia sufferer has much more in common with the traditional nursing home patient than the 18-year-old motor traffic trauma victim has. So the numbers of people defined as young people in nursing homes tends to be skewed, because some of them have early onset dementia or other diseases of ageing and would probably be not uncomfortable in a nursing home environment. Some of them clearly are not and would be most uncomfortable. Equally, a 63-year-old with early onset dementia would probably not fit into any purpose built facility for young brain injured. It is an area that the Government is aware of, and Mr Lamont in his capacity now as Community Services Minister will also have an input. We have no simple solution yet, but we are conscious that it is a real problem.

Teacher Numbers

MR CORNWELL: Madam Speaker, my question is directed to Mr Wood, the Minister for Education. I refer the Minister to the financial imperative of the 1993-94 budget that required 80 teachers in the government system to be sacrificed. As members will know, they have been saved. But can you now advise, 10 months into the financial year, where the financial cuts have been made that you maintained were essential in relation to these 80 teacher positions?

MR WOOD: Madam Speaker, the proposal we made, though hard, was nevertheless the best proposal at the time and has proved so since. I did consider a range of alternative savings measures; but in my view, and in the view of the Government, they were less desirable and rather more disruptive to teaching patterns. In the event, we have managed the education budget as tightly as possible, receiving very considerable assistance from the success of the redundancy scheme. You will recall that some 203 teachers accepted redundancies. That has resulted in very significant savings to the education budget. Nevertheless, it remains the case that we are managing the budget as tightly as we can. I will give you a full report on that outcome, no doubt, in the Estimates Committee.

MR CORNWELL: I ask a supplementary question, Madam Speaker. How much money has been saved on this, and am I therefore to understand that it was not necessary to dispense with the services of 80 teachers?

Mr Wood: What was that second bit?

MR CORNWELL: Am I to understand that it was not necessary to dispense with the services of 80 teachers; that you have discovered now that you can manage your education budget without getting rid of them?

MR WOOD: Madam Speaker, the education budget remains under severe financial pressure. The education system is an expensive system to operate, though of course a good system. The forward estimates still show the difficulty for the Government ahead in needing to make savings in education. I think Mr Cornwell asked what the savings from the redundancies were. In a full year, the saving is $3.2m.

Mrs Carnell: This year?

MR WOOD: In a full year.

ACTTAB - Contract with VITAB Ltd

MR HUMPHRIES: Madam Speaker, my question is addressed to Mr Lamont as Minister for Sport. I refer to Mr Kaine's question of him concerning a letter of demand from VITAB Ltd.

Mr Lamont: A what?

MR HUMPHRIES: A letter of demand or a letter from VITAB Ltd concerning the contract between VITAB and ACTTAB. Given the intense interest that this Assembly and, indeed, the public have had in this matter, will the Minister undertake to table such a letter in this place if and when he receives it?

MR LAMONT: I thank the member for his question. Obviously, Madam Speaker, I appreciate, as indeed does the Government, the level of interest that has been exercised in this regard. Upon receipt of any such correspondence, it will be dealt with in accordance with what I regard as an appropriate practice - that is, to determine whether or not such information can or should be publicly released, given what could or may be any liability of the Government or any of its agencies. After that consideration has been given, Mr Humphries, I will consider acceding to that request.

MR HUMPHRIES: I have a supplementary question, Madam Speaker. If Mr Lamont has given me a definite maybe, can he tell the Assembly what criteria he would use to not table in this place this letter on this important public matter?

MR LAMONT: I thank the member for his supplementary question. Obviously there are standard tests to determine the level of liability and the degree of liability, and you can rest assured that I will implement them.

Dual Occupancy Developments

MR BERRY: My question is directed to the Minister for the Environment, Land and Planning, and it is in relation to an article in Saturday's *Canberra Times* in which the Conservation Council urged neighbours of dual occupancies to seek rate reductions because they will be adversely affected by the dual occupancies. Could the Minister respond? Your ears will not be pinned back on this one.

MR WOOD: Madam Speaker, I did see that article, and I think there has been a letter or two about dual occupancies. Members in the Assembly will recall that we changed the Unit Titles Act to allow dual occupancies or to allow unit titling down to two units. That was an encouragement for dual occupancy, and I recall that it had very strong support here. I would also point out that dual occupancies have been a feature of Canberra going back to the early 1980s. The granny flat, for example, is fairly well known in this city. I get the occasional complaint about dual occupancy. The complaint comes to my table from the people who want to provide dual occupancies but who do not like the very strict controls and the strict planning requirements we have put on them - for example, screening to ensure privacy and a range of things.

Mr Cornwell: Not as many restrictions as some would like, Minister. Read some of the correspondence I have sent you.

MR WOOD: The member may take that up. Dual occupancy, as I say, is a feature of Canberra, has been and will continue to be; and I believe that it has pretty widespread support. Certainly we have to see that, as with all developments, it is of a very high quality. I note the comment about reduced valuations. I am informed that the Australian Valuation Office is monitoring that situation and has seen no evidence of declining values as a result of dual occupancy. That is the best information I have, so I do not think there is any need for people to be concerned. Dual occupancies are as likely to increase values as to decrease them. I am sure that citizens in Canberra would be confident with that and willing to pay their rates.

Assembly Members - Office Accommodation

MR WESTENDE: Madam Speaker, my question without notice is addressed to the Chief Minister. I remind the Chief Minister that in answer to a question from me last Tuesday, 19 April, she said:

... the office space Mr Berry now has appears to be about the same as that of the other backbenchers.

As we are advised that Mr Berry's office is 80.1 square metres and Mr Moore's is about 66.78 square metres, would you still claim that they are the same?

Mr Wood: The ceiling height is more on the ground floor or the first floor, so there is a greater volume - - -

MR WESTENDE: Madam Speaker, I cannot remember asking the question of Mr Wood. I asked the question of the Chief Minister.

MS FOLLETT: Madam Speaker, I have to admit to not having been down to every backbencher's office and measuring it. In fact, I have not even been to all of them. Madam Speaker, I submit that Mr Berry's new office looks about the same to me, from what I know of backbenchers' offices.

Mrs Carnell: Which is nothing.

MS FOLLETT: If that is not the case, I accept that it is not the case; but the point is, Madam Speaker, that this is one of the most petty and vindictive campaigns I have ever seen in a long political career. It really is absolutely ludicrous. Madam Speaker, I know that members opposite were resistant to the idea of anybody from this side of the chamber taking extra space on their floor, so that was obviously a difficulty. We had to do the best

we could for Mr Berry within the accommodation that was available to us, and that is what we have done. I do not know how long the Liberal Party wants to keep up this campaign. My guess is that the next thing they will be doing is measuring the capacity of Mr Berry's car and comparing it with everybody else's. I assure you that yours are bigger.

Mr Lamont: Measuring the dunnies.

MS FOLLETT: Yes, measuring the capacity of everybody's toilets, measuring the tread on the tyres, Madam Speaker, doing a quick review of the quality of pens and pencils issued to Mr Berry, and so on. It is just so petty as to be quite pathetic, and that is the way I intend to treat it.

State Bank of New South Wales

MR STEVENSON: My question of the Chief Minister concerns the ACT Government's bankers. I have raised two matters of public importance - the first mainly to do with the State Bank and the second entirely to do with the State Bank - as well as questions in this house of both the Chief Minister and the Attorney-General, both of whom indicated that the matter would be followed up. On the last occasion, the Attorney-General indicated that one of the matters that I raised was before the New South Wales Supreme Court and was sub judice. That case has long finished. I note that the bankers of the ACT Government are the State Bank of New South Wales. We note that the bankers formed a $2 company, Fouron Pty Ltd, with senior members of the bank as its directors; and we note that this $2 company had, over a period of 15 months, in excess of $115m to on-lend. We also know that at this time it has loaned some $3m to dubious characters to conduct a company, Halbear Pty Ltd, involved in the operations - - -

Mr Connolly: Madam Speaker, I have to take a point of order on the grounds of brevity of a question and the relevance of this question to the Chief Minister's portfolio responsibilities. We are getting into the private dealings of bank directors and matters that have been raised in New South Wales courts.

MADAM SPEAKER: I remind members that standing orders are quite curious. Questions have to be brief; answers have to be concise. There is an interesting difference.

Mr Kaine: Answers are supposed to be brief too.

MADAM SPEAKER: No, concise. It is quite different, Mr Kaine. Your idea of brief is awfully long, Mr Stevenson; so will you please wind up your question. Of course, it must also relate to something that the Chief Minister has actual responsibility for. Would you focus and finish your question, please.

MR STEVENSON: As Treasurer, one would think that the Chief Minister has certain responsibilities for banking in the ACT. That company was involved in actions - running a brothel and whatever - in Goulburn Street, Sydney. What I ask is on behalf of - - -

Mr Lamont: How do you know this?

MR STEVENSON: Mr Lamont asks how I can know this. The particular brothel, et cetera, used to be in my police division in Sydney. Apart from that, everybody and his uncle knows that a brothel was operating out of that business.

Mr Lamont: Madam Speaker, I need to rise to a point of order. The question of - - -

MR STEVENSON: Relevance or brevity?

Mr Lamont: Either will do me. I suggest that the question needs to be relevant and it needs to be in a fairly concise form. At the moment it is neither of those.

MADAM SPEAKER: Mr Stevenson, you were directed to finish your question, to focus it and make it relevant. Would you please do so.

MR STEVENSON: Even the State Bank knew whom they were dealing with. I raise this matter on behalf of all Canberrans, as we bank with the State Bank of New South Wales, there are many people who bank with the State Bank of New South Wales in Canberra, and there are many shareholders. I am concerned that over a considerable period of time nothing has been done by this Assembly to look at the detailed matters that I have raised and do not have time to raise again in this question.

Mr Connolly: On a point of order: This is a matter of public importance speech, not a question. It has ended with no question.

MR STEVENSON: What action has been taken? That is the question.

Mr Lamont: About what - a brothel in Goulburn Street?

MR STEVENSON: You did not want me to mention the details again, but I have already mentioned them.

MADAM SPEAKER: Order! The Chief Minister is going to endeavour to answer the question - whatever it was.

MS FOLLETT: I am not actually, Madam Speaker. If that was a question, I am an Independent, I am afraid. There was no question that I could discern involved in that long diatribe of Mr Stevenson's. I would suggest that if he does have a serious question along these lines he perhaps consider putting it on notice. That will allow him to actually get to the point without having to waste the time of the rest of the Assembly in listening to what was a fairly pointless dissertation.

MR STEVENSON: I ask a supplementary question, Madam Speaker. I put specific questions on notice in great detail in a matter of public importance. The Chief Minister and the Attorney-General said that they would look into the specific questions I raised. That is what I did. I can go through the whole lot again, but there is not time. But I am concerned about the action.

Mr Berry: I raise a point of order, Madam Speaker. This is hardly a supplementary question.

MADAM SPEAKER: You are out of order, Mr Stevenson.

Cardio-Thoracic Unit

MRS CARNELL: My question without notice is directed to the Minister for Health, Mr Connolly. On 16 September 1993 Mr Berry told the Assembly:

This Government started up the process to establish a cardio-thoracic unit. We are the only ones that will carry it through.

Currently, 350 people are being sent to Sydney for cardio-thoracic surgery every year. Cardio-thoracic surgery is also an essential element of a clinical school for Canberra, something that the Minister spoke very eloquently about this week. Yet recently the Government decided to commission yet another consultancy into the provision of cardio-thoracic surgery. Minister, no staff have been recruited to the unit and no concrete plans are in place. What is the Government doing to fulfil the commitment made by Mr Berry and your Government?

MR CONNOLLY: Madam Speaker, I enjoy being read Mrs Carnell's press releases in the Assembly during question time. It always adds a touch to question time. Yesterday the Burmah Oil press release failed dismally in the public record. What is happening with the cardio-thoracic unit? Mrs Carnell says, "Spend it. Do it, do it, do it". The advice I get - and I think it has been aired in the public domain - is that we are talking about $3m to $4m for current expenditure to start something - - -

Mrs Carnell: It is $1.9m in the first year.

MR CONNOLLY: Yes, in the first year, but when the unit is set up it will be of the order of $3m to $4m. It will be a very expensive, massive investment of ACT taxpayers' dollars if we are to go down that path. We are quite sensibly seeking the best advice possible before going off on cheap little gimmicky promises, for which Mrs Carnell has developed a reputation. I am currently awaiting a report, which is the one that Mrs Carnell referred to, commissioned by Mr Berry from, I think, experts from Brisbane. To my recollection, they were basically asked whether, for a community of this size, with its feeder district which takes the community up to half a million people, a cardio-thoracic unit is - - -

Mrs Carnell: Mr Berry said that he would carry it through.

MR CONNOLLY: As one gets more advice, one wants to make sure that one is spending public money wisely. There is the major threshold question of whether it is a sensible investment of $3m to $4m a year to run a full-scale cardio-thoracic unit for a community of this size. When that report is received, I will read it. No doubt, once I have read it, I will give members here the opportunity to read it. It will be a substantial matter for the Government to decide and, at the end of the day, for this Assembly, I suppose, if it wants to pass motions and direct me - - -

Mrs Carnell: So people can still go to Sydney.

MR CONNOLLY: Mrs Carnell, they may well, because patients from Hobart go elsewhere and patients from Darwin go elsewhere. There is a substantial - - -

Mrs Carnell: They have it in Hobart.

MR CONNOLLY: For different forms of treatment. I apologise. I may have misled on that because I am not fully briefed on this issue, but it is common for patients to move to the best centre of excellence. It is easy for Mrs Carnell cheaply to promise, promise, promise. Here is a $3m to $4m promise. Can we afford it, and is it a viable and sensible - - -

Mrs Carnell: You have to have one with a clinical school.

MR CONNOLLY: Mrs Carnell says so, but that does not necessarily make it so. Is it a sensible and viable investment of ACT dollars? I will read what the experts say before forming a judgment.

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

ANSWERS TO QUESTIONS ON NOTICE

MR CORNWELL: Madam Speaker, I raise a matter under standing order 118A. I refer the Minister for Education to my question on notice No. 1178, which was due to be answered on 24 March 1994, and, further, to my questions on notice Nos 1212 and 1214, which were due to be answered on 2 April 1994. I ask whether the Minister can provide answers today or, if not, indicate to the Assembly when the answers will be provided.

MR WOOD: Madam Speaker, those answers will be provided as rapidly as possible. There is always some research involved in these. I am not sure of the particular topic of each of them and whether they have actually passed through my hands, but I will get back to you and let you know.

Mr Cornwell: One of them was to do with the school census figures from 14 February, and the other two related to the Sutton Road training track.

MADAM SPEAKER: Mr Wood, do you wish to make any further comment?

MR WOOD: I will inform Mr Cornwell during the day.

MRS CARNELL: I also raise a matter under standing order 118A. I refer the Treasurer to my question on notice No. 1159, which was due to be answered on 24 March 1994. Can the Chief Minister provide an answer today? If not, can she indicate to the Assembly when an answer will be provided?

MS FOLLETT: Madam Speaker, I will advise Mrs Carnell about that in the course of the day. I suspect that it is a question that needed a great deal of research.

Mrs Carnell: It is the Totalcare question.

MS FOLLETT: Are you sure that it has not been answered?

Mrs Carnell: Not as far as I know.

MS FOLLETT: Madam Speaker, I will inform Mrs Carnell in the course of the day as to progress on that; but I suspect that it is a quite lengthy question, and I suspect that it is taking a fair amount of research to put together a complete answer.

ASSEMBLY PREMISES
Motion of Thanks

MS FOLLETT (Chief Minister and Treasurer) (3.05): Madam Speaker, I ask for leave of the Assembly to move a motion of thanks to those associated with the refurbishment of the Assembly's new premises.

Leave granted.

MS FOLLETT: Madam Speaker, I move:

That the Assembly extends its sincere thanks to the following persons and organisations associated with the planning and refurbishment of the Assembly's new premises:

(1) Mitchell Giurgola and Thorp, architects, who designed the project;

(2) John Hindmarsh ACT Pty Ltd as project manager, and ACT Capital Works as construction authority, and all contractors and workers who worked on the project; and

(3) the Members who served on the Steering Committee, parliamentary and other staff,

for their endeavours in providing an elegant, functional and restrained building for the Legislative Assembly for the Australian Capital Territory.

Madam Speaker, on behalf of members, I would like to take this opportunity to sincerely thank the many people who have been involved in the planning and refurbishment of the new Legislative Assembly building. I have mentioned in the motion all of those to whom I believe we owe particular gratitude. I think the hard work and the dedication that have been shown by everybody involved have culminated in the very elegant and very functional surroundings that our Assembly now finds itself in. I would like also to extend our thanks to those members and staff who served on the steering committee dealing with the Assembly's relocation, and to the public servants whose tireless endeavours over the past few months have made our move a reality. Madam Speaker, I would like to mention that for many of those people, the members and the staff especially, this work was an add-on. It was an additional task to their already pretty busy days, so I think we do owe them a debt of thanks.

I am sure that all members would agree with me when I say that this move does mark a very important milestone in the maturity of self-government. The Legislative Assembly is now located in a building that is owned by the Territory and that is certainly much more suited to our functions. The building is far more accessible. It is identifiable to the citizens of the ACT, and, Madam Speaker, I believe that that is what self-government is all about.

I commend the motion to the Assembly as a mark of appreciation to all the people who have contributed to our new premises. I would like particularly to commend whoever designed the premises. I find the architecture and the finish very appealing indeed. I also believe that a very high quality of craftsmanship and workmanship is shown throughout the building. That is very pleasing indeed because we know that this building was completed to a very tight budget and in a very tight timescale. The fact that it has come up so well is a great tribute, I think, to our Canberra designers and builders and construction workers. Madam Speaker, I would also like to thank you for the part that you played in coordinating so much of the work associated with the new building. I ask all members to join with me in endorsing the sentiments I have expressed. I think that everybody who has worked on this building has done us proud.

MR DE DOMENICO (3.08): Madam Speaker, I am delighted to rise on behalf of the Liberal Party to endorse the comments made by the Chief Minister, and I do so as a member of that initial steering committee, as you are aware, Madam Speaker, with Mr Lamont and Mr Moore and others. Perhaps the two most appropriate words that can be used to describe this building were used by Mr Lamont, I think, at our first meeting. I am sure that he will not mind me plagiarising his words. At the very first meeting he said that, whatever we do, it has to be "modest and appropriate". The building is, as Ms Follett has said, very appropriate. In terms of the amount of money spent and the timescale in which it was built, I should imagine that the community of Canberra also realises that it is very modest.

Ms Follett: In time they will.

MR DE DOMENICO: Yes, in time they will. That is an important point. There may be many members of the community out there who think that 1c spent on us is 1c too many. With the completion of this building I think self-government in the Territory has come of age. There is no doubt about that. I join with Ms Follett in congratulating Mitchell Giurgola and Thorp, John Hindmarsh and the people from ACT Public Works and Services. The shift was made over a weekend. The desks and furniture, and boxes of books and papers of 17 members were moved. I came into my office on the Monday morning and found every box that I had left on the Friday night at another place. They did it in 48 hours. I think the workmen do need to be commended for that.

Mr Lamont: I will return the two boxes, Mr De Domenico. I have two. I will return them.

MR DE DOMENICO: Mine? Right.

Mr Humphries: They were in Wayne's office, were they?

MR DE DOMENICO: He has plenty of room. Yes, Ms Follett, we agree also that the accessibility of the community to this building is fantastic. I dare say that we noted that we have come of age in that we can be door-stopped, or some of us can be door-stopped, on the way in and out of this place by people with microphones. As I said, it is modest but appropriate. I think it is a magnificent building. I certainly do not have many complaints, but I suppose I need less room than most people. Once again I thank John Hindmarsh and his team for getting it done on time, and I also thank the people who continue to work here on the spot, fixing the little things that crop up from time to time - the people working on the sound system, the people who put up the clocks and everything else. The job is well done. Thank you very much. On behalf of the Liberal Party, I am pleased to endorse Ms Follett's comments.

MR MOORE (3.11): Madam Speaker, I also was a member of your committee. I am very pleased to stand here and support this motion of thanks. Some of the principals involved in putting the building together are in the gallery today. I think that a great deal of credit is due to them. I think the best contrast of all, Madam Speaker, is with the Northern Territory Parliament House. It is due to be opened within a couple of months and has cost 10 times this building, although they have a population of about half ours. I am sure that that will be drawn to some people's attention at different times. I think it reflects the attitude that all members in this Assembly have to what is appropriate.

The work that has been put into this building has been of a high standard. We see that everywhere we walk. It is a delight to work here. One of the great pleasures I get comes from opening a window in my office occasionally and letting a bit of fresh air in. I find that a joy. The implication arising from a series of Liberal questions is that my office is nearly as big as Mr Berry's, or bigger. That is quite extraordinary, I think.

Mr Berry: But not as big as Mrs Carnell's.

MR MOORE: But not as big as Mrs Carnell's. It is probably time for the Liberals to put a scale on each of those offices so that they can be satisfied that they provide just enough room. It is obvious from Mr De Domenico's comments that he does not require that much room, and I support him there. Of course, I require a little more. If I keep doing as little running around as I have done previously, I will need even more room. One of the side benefits here is that we can walk up and down stairs and around the building. I certainly find that I feel a bit better for it. The other thing I would like to say is that, having held a public hearing in the committee room, the difference between the old committee room and the new committee room is extraordinary. I think that that will enhance the work we do with the people of Canberra. I would like to join in thanking the workers for making this possible.

MR KAINE (3.14): Madam Speaker, I would like to say a few words on this subject. The process of achieving self-government for the ACT has been a long one. It has gone on for decades. Greg Cornwell and I were elected to the first Legislative Assembly of the ACT in 1974 and it was thought that that was going to be a self-governing body. That turned out not to be the case; but, 20 years later, in 1994, here we are.

The process of achieving self-government has many elements to it. The first substantive step was taken in 1988 when the Commonwealth decided that there would be self-government and that there would be an election in 1989 which would elect a self-governing body for the Territory; but that went only part way. It was later that we began to take on functions like the court system and the police. We have not yet completed the process of establishing our own ACT Government Service, although, within the next six months or so, I suppose that will be in place too.

Establishing a place in which this legislature could meet was, in my view, very much a part of that process. Our first meeting place was adequate, but we must have been the only parliament in the former British Commonwealth that operated from rented premises. They were never designed for the purpose and there were many difficulties. This building is associated with some of the earlier bodies. The Legislative Assembly of 1974 met in that corner of the building behind the Government members, and before that the Advisory Council met here; so, in some sense, this building has been associated with the self-government process for a long time. It is pleasing to me, 20 years later, to come back to this building which, as I said, Greg and I came into in 1974. When I heard that this was going to be the Assembly building I wondered what it was going to be like inside, because I remembered what it used to be like. Even in 1974 this was not a particularly good building, and I wondered how we were going to make a silk purse out of that sow's ear. I came to have a look part way through the process. There were holes being drilled in the concrete and walls being knocked out, and I could not visualise what it was going to look like when it was finished. I did not really see it after it was finished until the day we moved in, and I must say that I was pleasantly surprised.

This building will be the home of the ACT Legislative Assembly for many decades to come. It will be a long time, if ever, before we build another. It is appropriately located on Civic Square, and I believe that the people who turned this old building into what we have today do deserve to be commended. It is a credit to them. It will be here, as I said, many decades from now, and in some respects it will be a monument to their efforts and their work. I express my personal thanks for that.

Question resolved in the affirmative.

CANCER TREATMENT
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 need for the ACT Government to recognise and implement new methods for the prevention and treatment of cancer.

Mr De Domenico: Where is he?

MADAM SPEAKER: That is that. We will proceed to executive business.

ELECTORAL (AMENDMENT) BILL 1993
Detail Stage

Clause 22, as amended

Debate resumed.

MADAM SPEAKER: We were dealing with the Government's amendments r. to ze. which are set out on the pink sheets. Mr Humphries had addressed amendment r. and the Chief Minister was to respond. The question before us is: That the amendments be agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.20): Yes, Madam Speaker, we were debating amendments r. to ze. on the pink sheets. I believe that Mr Humphries's query about the absence of a fourth paragraph in proposed new section 214A has been answered. For the sake of completeness, Madam Speaker, I point out that section 214 still applies. Section 214 applies to all candidates, whether they are with parties, they are Independents or they are with non-party groups. Therefore, section 214A does not need that additional fourth paragraph. It would be redundant to include the fourth paragraph in section 214A, since the fourth paragraph in section 214 applies to these non-party groups.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.21): I move Government amendment No. 67, Madam Speaker, which reads:

67. Page 97, line 4, proposed new section 226, add at the end the following subsections:

"(6) Where the registration of a party is cancelled during a financial year, this section applies to the party in relation to that year as if a reference to a reporting agent were a reference to the person who was the reporting agent immediately before the cancellation.

"(7) Where a person ceases to be an independent MLA during a financial year, this section applies to the person in relation to that year as if the person were the reporting agent.".

This amendment is in order to make it clear that parties that cease to be registered parties and persons who cease to be MLAs during the financial year are required to submit an annual return for that part of the financial year in which the party was registered or the person was an MLA, as the case may be. This appears to be a matter that was overlooked in the original drafting.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.22): I move Government amendment No. 68, Madam Speaker, which reads:

68. Page 98, lines 1 to 5, proposed new section 230, omit the section, substitute the following section:

Outstanding amounts

"230. If, at the end of a financial year, the sum of all debts owed by a party or MLA to a particular person or organisation is $1,500 or more, the return shall specify the sum and include the defined particulars.".

This is to make it clear that all outstanding debts owed by a party or MLA at the end of a financial year to a particular person or to an organisation of $1,500 or more must be disclosed, not just those debts incurred during that financial year.

MR MOORE (3.22): Madam Speaker, I seek clarification from the Chief Minister in terms of the limitations for an individual MLA. For example, could she clarify "debts"? I assume that this does not include housing loans and things like that. Have they been exempted? Only after re-reading this amendment now, Chief Minister, has this occurred to me. An independent MLA without a party background may well be forced, by this amendment, to provide personal details that we would not normally intend would have to be provided.

MS FOLLETT (Chief Minister and Treasurer) (3.23): Madam Speaker, the best advice I have at the moment is that that is intended to include all debts, including ones such as Mr Moore has described. It may be that we need to amend that section or discuss it further with a view to clarifying just what the legislative intent is. I take Mr Moore's point on that matter.

MR MOORE (3.24): My understanding is that it does not apply to anybody in the legislature at the moment, but I can see that it could well apply, because everybody here, in this sense, is in a party. That would be my understanding. I accept the Chief Minister's willingness to come back and look at this, should we need to.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.24): I move Government amendment No. 69, which reads:

69. Page 98, lines 9 and 10, proposed new section 231 (definition of "return"), omit the definition, substitute the following definition:

"'return' includes a notice under paragraph 236(1)(c) or subsection 236(4).".

Proposed new section 231 is to be amended to correct an incorrect cross-reference to paragraph 236(4)(b). It should simply be a reference to subsection 236(4).

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.25): Madam Speaker, turning to supplementary amendments D, on the pink sheets, I move Government amendment zf., which reads:

zf. Page 98, line 22, proposed new section 232, after subsection (2) insert the following subsection:

"(2A) For the purposes of subsection (1) or paragraph (2)(b), it is a reasonable excuse for a reporting agent of a non-party group to fail to give a return or retain records if another reporting agent of the group has given the return within the time required or retained records in accordance with section 235, as the case requires.".

That is there in order to pick up the inclusion of non-party groups.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.26): I move Government amendment No. 70. It reads:

70. Page 99, line 9, proposed new subsection 232(7), omit "4", substitute "3".

Madam Speaker, this amendment is necessary as a consequence of the reduction of the term of the Assembly from four years to three years.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.26): I move Government amendment No. 71, which reads:

71. Page 101, line 20, proposed new section 234, add at the end the following subsection:

"(7) Where a document is retained under paragraph (6)(a) -

(a) the person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Commissioner to be a true copy and the certified copy shall be received in all courts as evidence as if it were the original; and

(b) until the certified copy is supplied, the Commissioner shall, at such times and places as the Commissioner thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document.".

Madam Speaker, this new subsection is being inserted to give a right of access to documents seized under this section to persons otherwise entitled to possession of such documents. The amendment was recommended by the Standing Committee on Scrutiny of Bills and Subordinate Legislation.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.27), by leave: I move Government amendments Nos 72 and 73 together. They are as follows:

72. Page 101, line 25, proposed new subsection 235(1), omit "4", substitute "3".

73. Page 101, line 30, proposed new subsection 235(2), omit "4", substitute "3".

Again, Madam Speaker, these amendments reflect the Assembly's previous decision to reduce the term of the Assembly from four years to three years.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.27), by leave: Madam Speaker, turning to the supplementary amendments D, the pink sheets, I move Government amendments zg. and zh. together. They read:

zg. Page 103, line 26, proposed new paragraph 237(2)(a), omit "and".

zh. Page 103, line 26, proposed new subsection 237(2), after paragraph (a) insert the following paragraph:

"(aa) where a member of a non-party group was elected at the election - a failure by a reporting agent of the group to comply with this Part in relation to the election does not invalidate the election of the member; and".

Both amendments again reflect the Assembly's previous decision about non-party groups.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.28): Madam Speaker, I move Government amendment No. 74, which reads as follows:

74. Page 104, lines 1 to 7, proposed new subsections 238(2) and (3), omit the subsections, substitute the following subsections:

"(2) A person specified in subsection (3) may, by written notice signed by the person and given to the Commissioner, request the permission of the Commissioner to make a specified amendment of a claim or return for the purpose of correcting an error or omission.

"(3) A request may be made by -

(a) the reporting agent of the party, independent MLA or candidate the subject of the claim or return; or

(b) the person who gave the return.".

Proposed new subsections 238(2) and (3) are to be amended to allow a request to amend a claim or return to be made by the person who lodged the claim or return, or the person who is the relevant reporting agent at the time of making the request, rather than allowing requests for amendments to be made only by the person who lodged the original claim or return. Under this new section as it stands, the provision could be unworkable if the person who made the original request is unavailable or has ceased to have any connection with the party, the MLA, or the candidate, as the case may be.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.29): I move Government amendment No. 75, which reads:

75. Page 104, line 13, proposed new subsection 238(5), omit "written notice of the reasons for", substitute "a review statement about".

Proposed new subsection 238(5) is to be amended as a consequence of inserting a right of review of a decision to refuse a request to amend a claim or return under this new section. This was recommended by the Standing Committee on Scrutiny of Bills and Subordinate Legislation.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (3.30), by leave: I move Government amendments Nos 76, 77, 78 and 79 together. They are as follows:

76. Page 105, line 17, proposed new section 241, after paragraph (d) insert the following paragraph:

"(da) a decision to reject an objection to the enrolment of a person under subsection 75(4);".

77. Page 105, line 19, proposed new section 241, after paragraph (e) insert the following paragraph:

"(ea) a decision to refuse an application for the registration of an eligible political party under subsection 84(2);".

78. Page 105, line 27, proposed new section 241, after paragraph (i) insert the following paragraph:

"(ia) a decision not to determine a longer period for the purposes of paragraph 06(4)(b);".

79. Page 105, line 30, proposed new section 241, add at the end the following paragraph:

"(m) a decision to refuse a request to make a specified amendment of a claim or return under subsection 238(4).".

Madam Speaker, these amendments are necessary in order to meet some recommendations made by the Standing Committee on Scrutiny of Bills and Subordinate Legislation. We are inserting some new paragraphs in proposed new section 241. The purpose of these new paragraphs is to provide review mechanisms for the following decisions: To reject an objection to an enrolment under new section 75 on the basis that the commissioner considers the objection frivolous or vexatious; to refuse an application for party registration under new section 84; to refuse a request to extend the period for lodgment of claims for payment of public funding under new section 206; and to refuse a request to amend a claim or return under new section 238.

MR HUMPHRIES (3.31): Madam Speaker, the Opposition is pleased to support these amendments. The effect of them is, in a sense, to increase the level of accountability by the commissioner and to ensure that the appropriate decisions made by him or her are reviewable by the AAT. If a decision has any element of importance about it, if a decision is of some significance - and these are - there ought obviously to be some capacity to challenge it, or to challenge a failure to make a decision in this way. In particular, the amendment that provides for the right to challenge a dismissal of an objection to the enrolment of a person could be quite significant, given the matters that Mr Stevenson has raised in this place before about fraudulent voting and possible fraudulent registration. This ensures that we have a capacity to be assured that the process is open and accountable. My party has strong views about the need for maximum accountability for this particular process, in both the conduct of elections and the operation of the office of the commissioner. We would like to see some of those measures taken even further, and we will, no doubt, do so in conjunction with further amendments we might consider in the future in respect of this legislation.

MS SZUTY (3.32): I wish to ask a question of the Chief Minister, if she is able to answer it. It concerns Government amendment No. 79, which seeks to add the following paragraph at the end of the section:

(m) a decision to refuse a request to make a specified amendment of a claim or return under subsection 238(4).

Going through the list of reviewable decisions, they go all the way through from (a) to (k), but there is no (l). Perhaps the Chief Minister, or somebody, could explain to me why we do not have an (l)? We go from (k) to (m)?

Mr Humphries: I think the "l" is too much like "1".

MS SZUTY: Yes, I wondered about that.

MS FOLLETT (Chief Minister and Treasurer) (3.33): Madam Speaker, I am advised that the answer to Ms Szuty's question is that it is a drafting convention. An "l" is too readily confused with a "1", so it is not used.

Amendments agreed to.

MR HUMPHRIES (3.33): Madam Speaker, I move amendment zr., which reads:

zr. Page 112, line 2, after proposed new section 258 insert the following sections:

Withdrawal and abatement of application

"258A. (1) In this section -

'election application' means an application disputing the validity of an election made in accordance with section 254;

'leave application' means an application for leave to withdraw an election application.

"(2) An applicant may withdraw an election application only with the leave of the Supreme Court.

"(3) An applicant is not entitled to make a leave application unless notice of the applicant's intention to do so has been -

(a) pubished in a daily newspaper circulating in the electorate to which the relevant election application relates; and

(b) given to the Commissioner and to each of the respondents to the relevant election application.

"(4) A leave application shall not be made without the consent of all the applicants to the relevant election application.

"(5) The following persons are entitled to appear as respondents to a leave application:

(a) the Commissioner;

(b) a respondent to the relevant election application;

(c) any other person with the leave of the Court.

"(6) Unless the Court orders otherwise, if an election application is withdrawn, the applicant is liable to pay the costs of the respondent in relation to that application and the leave application.

"(7) In determining a leave application, the Court shall inquire into the reasons for it and determine whether it was -

(a) the result of an agreement, arrangement or understanding; or

(b) in consideration of -

(i) the seat in the Assembly that is in issue being vacated at any time in the future;

(ii) the withdrawal of any other election application; or

(iii) any other matter.

"(8) The Court shall publish its reasons for a determination as if it were a judgment and furnish a copy of them to the Commissioner.

"(9) If, before the hearing of an election application, a respondent other than the Commissioner -

(a) dies or gives the prescribed notice that he or she does not intend to oppose the application; or

(b) resigns from, or otherwise ceases to hold, the seat in the Assembly that is in issue;

then -

(c) the person ceases to be a respondent;

(d) the person, or his or her personal representative, shall -

(i) publish notice of that fact in a daily newspaper circulating in the electorate to which the election application relates; and

(ii) give a copy of the notice to the Registrar, and

(e) if a person who might have been an applicant in respect of the election files a notice of appearance within the prescribed period, that person is entitled to appear as a respondent to the application.

"(10) A person who has ceased to be a respondent to an election application is not entitled to appear as a party in proceedings in relation to that application.

"(11) The Registrar shall notify the Commissioner of the receipt of a notice mentioned in subparagraph (9)(d)(ii).

"(12) An election application shall be abated by the death of a sole applicant or the last survivor of several applicants.

"(13) The abatement of an election application does not affect the liability of the applicant or any other person for costs awarded against the applicant or other person.

Hearing of applications

"258B. (1) The Registrar shall, as soon as practicable after the time for filing applications in respect of an election under section 255 has passed, prepare a list of the applications pending in the order of filing and shall make a copy of the list available for inspection at the Registrar's office in the manner prescribed by rules of court.

"(2) Subject to subsection (3), an application shall, as far as practicable, be heard in the order in which it appears in the list.

"(3) All applications in respect of an election for an electorate shall be heard together.".

Madam Speaker, this provision is drawn very heavily from provisions that exist in the Tasmanian Electoral Act and that relate to circumstances where an application is made to the Supreme Court acting as the Court of Disputed Returns for adjudication of an issue concerning the conduct of an election, that application being an application which disputes the validity of an election because of some breach of the Electoral Act or

regulations. It is true that, from time to time, those applications will be made, and it is also true that those applications will have some degree of controversy about them. There may be allegations of voting fraud or of breaches of rules regarding campaign expenditure or campaign disclosure. There are some matters which potentially will go to the heart of the outcome of an election. Therefore, it is very important that this process be entirely open and entirely above board.

Provisions of the kind that appear here were inserted into the Tasmanian legislation as a result of some matters that occurred in Tasmania in 1979. I will refer to Mr Terry Newman's book *Hare-Clark in Tasmania*, and quote briefly from it:

In July 1979 there was a general election for the House of Assembly, in which seven members had to be elected in each of five divisions. On 10 September Mr W.G. McKinnon, an unsuccessful candidate in the Division of Franklin, who had been endorsed by the Australian Labor Party, filed a petition to the Supreme Court of Tasmania against the election of Mr Michael Aird, a successful candidate in that Division, who had also been endorsed by that Party, on the ground of a contravention of the Electoral Act 1907 ...

The petitions were heard in the Supreme Court and there was controversy about the withdrawal of those petitions, and the circumstances under which some of them were withdrawn. The assertion that was made in connection with that particular matter was that it is open, in those circumstances, for there to be pressure applied to people to withdraw applications. There might be some inference that people had been offered, for example, inducements, or, on the other side of the coin, threats of some kind, to not have those matters dealt with in connection with that process.

It is important, I believe, for the court, as a court of disputed returns, to be able to ascertain the circumstances of any withdrawal of an application. If an application is made to the court and it is withdrawn, the court, under these provisions, will be required to make inquiries of the applicant as to why the application is being withdrawn. The court shall publish its reasons for agreeing to a leave application to withdraw an application. By doing so, it indicates the background - that any person has been induced, possibly, or threatened, possibly, to withdraw an application from the court.

I expect that these provisions would be rarely, if ever, used. Since their enactment in Tasmania, to my knowledge they have not been used. In those circumstances we can see thereby a discouragement, a strong disincentive, for people to attempt to influence proceedings before the court by encouraging certain persons who have made those applications to withdraw them. It is, I suspect, not above politicians to be tempted to want, for example, to offer an appointment or a post somewhere to avoid having a matter dealt with in the court, and we should guard against that by these sorts of provisions. They are a major change, but I think, Madam Speaker, that they will be effective by their existence on the statute books. By never having to be used, quite probably they effect the purpose for which they have been put into the statutes.

MS FOLLETT (Chief Minister and Treasurer) (3.38): Madam Speaker, the Government will not be opposing this amendment moved by Mr Humphries. I do consider, though, that it is most unlikely that these provisions will ever be called upon. I think Mr Humphries has also accepted that point. These provisions are modelled very closely on those that apply in Tasmania, and I know of no reason why we should not adopt them for the ACT. I will not be opposing them.

MR MOORE (3.39): I would like to indicate my support for these provisions too, Madam Speaker. It seems to me that, if legislation fulfils its role by being on the statute books, that is the most effective way. We would all hope, I imagine, that that would happen with lots of our criminal legislation as well.

Amendment agreed to.

MR HUMPHRIES (3.39): Madam Speaker, I move amendment zs., standing in my name, which reads as follows:

zs. Page 116, line 28, after proposed new section 276 insert the following section:

Admissibility of evidence

"276A. (1) A person who appears as a witness in a proceeding is not excused from answering a question or producing a document or other thing that the person is required by the Court to answer or produce on the ground that the answering of the question or the producing of the document or thing may tend to incriminate the person or on the ground of privilege.

"(2) A statement or disclosure made, or a document or other thing produced, by a person in the course of a proceeding, or any information, document or other thing obtained as a direct or indirect consequence of the making of the statement or disclosure, or of the production of the first-mentioned document or thing, is not admissible in evidence in any civil or criminal proceeding except -

(a) a proceeding before the Court; or

(b) a proceeding for an offence relating to the giving of false evidence.".

If I may be permitted to digress slightly, I wish to mention a matter which I forgot to mention in respect of the previous matter. There is also a section 258B in that previous amendment which requires that applications to the court of disputed returns be heard together. This ensures that those applications are consolidated and that there is a capacity to deal with them at the same time, presumably by the same judge of the court sitting in the court of disputed returns. That is a fairly important provision.

Turning to amendment zs., Madam Speaker, it is quite important for a court of disputed returns to be able to get to the nub of the matter, and that is whether there is evidence that there has been a breach or breaches of the Electoral Act or regulations such as to suggest that the election ought to be declared invalid. In other words, what is the nature of what has occurred, and how serious is what has occurred that has given rise to these applications? In those circumstances it is extremely important to make sure that people will give evidence fully and accurately before the court if summoned as witnesses before the court. The new section 276A, which I have proposed be inserted in the Act, provides, in a sense, a protection for witnesses who appear before the court. It requires witnesses to give evidence before the court and says that a person is not exempted from answering the court's question if that might tend to incriminate them. There are two exceptions to this rule. One is in proceedings before the court itself, and the other is in proceedings for perjury. Clearly, except in those limited circumstances, there will be incentives for people appearing as witnesses in the court to give full evidence of what they happen to know about a particular application or a particular matter before the court. That is quite important. I hope that the effect is, again, to encourage the process whereby people are allowed the maximum possible candidness in their comments before the court.

Amendment agreed to.

MR HUMPHRIES (3.42), by leave: I move together amendments zt. and zu., which read as follows:

zt. Page 117, line 11, proposed new subsection 278(2) (definition of "electoral bribe", paragraph (b)), omit "or".

zu. Page 117, line 12, proposed new subsection 278(2) (definition of "electoral bribe"), add at the end the following paragraphs:

"(d) inducing a person not to apply, or to withdraw an application, under section 189 to be a candidate for a seat in relation to which a casual vacancy has occurred, where that person is an eligible person within the meaning of that section; or

(e) inducing a person not to apply, or to withdraw an application, to the Court of Disputed Elections under Division 3 of Part XVI to dispute the validity of an election, where that person is entitled to dispute the validity of the election under section 253.".

These are simple amendments which have the effect of expanding the definition of "electoral bribe". These add two further instances of electoral bribery. One is inducing a person not to apply, or to withdraw an application, under section 189 - that is a casual vacancy arrangement - and the second is inducing a person not to apply, or to withdraw an application, to the court of disputed returns under the provisions we have just been talking about. That is there to buttress the preceding provisions we have just passed which strengthen the integrity of the process. Where a person makes an application, that application should be dealt with by the court and should not be the subject of any manipulation. These provisions make it quite clear that that should not be tolerated and would constitute an offence under the Act.

Amendments agreed to.

MR HUMPHRIES (3.43): Madam Speaker, we come to one of the more significant elements of the legislation, the provision dealing with how-to-vote cards. I move:

zv. Page 123, line 15, proposed new subsection 296(1), omit "6", substitute "100".

Section 296 in the Bill, as it presently stands, has a prohibition on persons handing out material - we are referring here to how-to-vote cards, principally - within six metres of the entrance to a polling place. My amendment has the effect of extending that zone from six metres to 100 metres. How-to-vote cards are anathema to the Hare-Clark electoral system; but, what is worse, they are positively confusing to people who must vote under that system. That confusion will be particularly acute in the case of the first ACT election when people are adjusting to the new system and will be attempting to cast a vote using a Robson rotated ballot-paper. How-to-vote cards are not used in Tasmania. Indeed, they are banned in Tasmania. They are seen in that State as being anathema to the good operation of the Hare-Clark electoral system.

I believe that to permit how-to-vote cards in this context corrupts the principle of the Robson rotation. I believe that this provision, and the opposition of the Government to my amendment, has more to do with Labor's factions than it has to do with any measure or any notion of government. That is the perception of the broader community, and I believe that it is the perception that we should adopt in this place as well. There is a wider public interest than merely making sure that the factions of the ALP can put their preferred choice, their anointed candidates, squarely before the electorate and make every effort to ensure that those are the only persons or the first persons elected in an election held under this new system. The more important public interest is, I believe, to ensure that choice is maximised in the campaign and that the effect of the Robson rotation is not countered by the device of how-to-vote cards.

Madam Speaker, the Chief Minister said on the ABC, in connection with this debate, that she believed that how-to-vote cards were appropriate because they facilitated free speech. I would have found those comments a little more credible if they had not been coming from a person who was herself a very vocal supporter of the Federal Government's legislation not so long ago to ban electoral advertising and so on by parties in Federal, Territorial and State campaigns. If there had been a champion of free speech in the Assembly at that time I am sure that we would have heard the Chief Minister opposing

the position taken by the Federal Government. Of course, we did not. We heard nothing but the stoutest defence of the Federal Government's position from the Chief Minister. So I must say that it sounds highly implausible to hear her now say that how-to-vote cards, which are, after all, simply another form of electoral advertising, should be permitted under this new system. It seems that freedom of speech is a fairly dispensable commodity.

Madam Speaker, how-to-vote cards are wasteful of human resources, they are environmentally unfriendly, they are irritating to a great many voters, they are an affront to the fundamentals of the Hare-Clark electoral system, and they are, perhaps worst of all, intensely confusing to many people and will actually accelerate the process of causing informal voting to occur. This argument, I think, is a very important one, and we need to understand the nature of the system. I particularly want to address an argument to Mr Stevenson, who has already put himself on the record as being in favour of people power, of giving people the maximum capacity to make decisions for themselves and to exercise a sort of people power basis of influencing decisions in this community.

The ALP argues that a how-to-vote card provides information; it merely tells people what is going on; there is no compulsion to use it; it just tells people what is going on; it is a very innocent kind of device. That, Madam Speaker, is, I think, a disingenuous approach. The real reason how-to-vote cards are important is that they undermine the value of the unstructured votes that people cast in an election campaign. Many ALP voters, who know that there is a how-to-vote ticket, who see that there is an anointed order, will believe, by the mere existence of those cards, that their vote, if it departs from that preordained ticket, is unlikely to succeed or will be of less value because it conflicts with that preordained order. Because people assume in these circumstances that the approved line, the party version, will predominate, very often they believe that they have less choice in making a different decision. That, of course, strictly speaking, is a misapprehension on their part in one sense. People have, under this system, as they have under the Senate system and as they have under the House of Representatives system used in this Territory, a free choice about what candidates they vote for and in whichever order, and they can number them from last to first, if they wish to, in contrast to the party's preferred order.

I think I can illustrate what I am saying by looking at votes for the Senate. It is perfectly possible for the electors of, let us say, New South Wales to vote for the bottom candidate on a particular ticket, and then vote up the column, and vote for the preferred candidate from a particular party last. This is perfectly possible in theory, but in practice it does not happen. My understanding is that, since the present basic system was adopted half a century ago, the electors of no State or Territory have ever succeeded in reordering the party ticket in the sense of who was elected. Party voters have always ended up giving us the order which has been determined by the parties. Does that prove that people actually like the order that the parties have determined, or does it prove that the mere fact that an order has been determined directs and overcomes the residual opposition that electors would feel towards reordering it as they see fit?

A good example of this was the 1987 election, I think - but I could be wrong about that - where the Australian Labor Party in Victoria nominated Mr John Halfpenny to be a candidate for the Senate in that State. Mr Halfpenny was an intensely unpopular figure in that State and there was a widespread feeling of dissatisfaction with the fact that Mr Halfpenny stood a chance in theory of getting in on the ALP ticket. Despite that fact Mr Halfpenny - I think he was the third person on the Labor Party's ticket - still managed to poll the third highest number of votes for the ALP. It was not because ALP voters were saying, "Yes, we think he is a wonderful person". It was because voters were led to believe that that was the only way they could effectively cast their vote. Voters who turned up to the polling booth knew that it was quite hopeless to decide to reorder the ballot-paper to achieve any particular outcome; they knew that the order determined by the parties in those ticket arrangements would be the order that would finally result.

Most voters vote down the column because they believe that it is pointless to do otherwise. That is quite different from the Hare-Clark electoral system, where there is enormous point in choosing the candidates that you happen to want in the order in which you happen to want them. It proves, I think, that people realise that the only effective way to vote is to have something like a Robson rotation whereby it is possible to cancel out the effect of the donkey vote.

In Tasmania, for example, although voters in that State follow the above-the-line ticketing arrangements with approximately the same frequency as do voters in other States, when it comes to Hare-Clark elections - that is, for the Tasmanian House of Assembly - when it comes to those sorts of forums, they follow the Robson rotation and effectively choose a different order of candidates. My advice from Mr Terry Newman, the author of the book I referred to before on the Hare-Clark electoral system, suggests that between 80 and 90 per cent of voters in Tasmania choose a different order of candidates from the one that is displayed on the ballot-paper. They make a deliberate choice. In other words, Hare-Clark with Robson rotation does not just cancel out the donkey vote; Hare-Clark and Robson rotation almost entirely eliminates the donkey vote. If you do not let the Robson rotation operate in that way, I submit that you will partly destroy the capacity of the system to deliver a completely fair vote for all candidates in the election.

Madam Speaker, if, as Mr Berry has maintained in this place, 84 per cent or so of people prefer ticket voting, why is it that there is so little donkey voting in the Tasmanian context? Why do so many people abandon the order that appears on the ballot-paper in favour of something else?

Mr Moore: Because Mr Berry thinks 84 per cent of people are donkeys.

MR HUMPHRIES: Mr Moore makes some comment about donkeys which I did not hear, but I am sure that it is very - - -

Mr Moore: Mr Berry thinks that 84 per cent of people are donkeys.

MR HUMPHRIES: That must be the case. Clearly he does. I think he might find that those donkeys are going to give him a very big kick at the next election if he does not watch out. I want to quote from a couple of people who have worked very long and hard with Hare-Clark with Robson rotation. Doug Lowe was the Premier of Tasmania for several years. He was a Labor Premier of Tasmania and I met with him when I visited Tasmania in October/November last year. He said that he strongly supported the maintenance of a ban in that State on how-to-vote cards. He said that he sees the ban as an excellent idea, and he feels that there is no greater informality of votes within the system because of the operation of that ban.

Is there a high informality under the system as put forward in Tasmania because of the ban on how-to-vote cards? I would suggest that there is not. In the 1992 election in that State there was a whole of State average of 5.3 per cent informal voting. The average informal vote for the House of Representatives, where generally the ballot-paper is much shorter in that State, was 3.3 per cent at about that time, or in recent years. So there is a very insignificant difference between those two. Some of the informal voting can be accounted for by the longer ballot-paper, and much of it can be accounted for by deliberate informal voting. There is no argument that informal votes are significantly avoided by having how-to-vote cards.

I believe, Madam Speaker, that there is also a high degree of support from ordinary voters for the position we have taken in this place. I believe that we will prove that by taking to the next election campaign a strong promise to the people of the ACT to ban the how-to-vote cards which they have thrust in their faces during this coming campaign. I am sure that voters who find difficulty in working out the difference between the Robson rotation ballot-paper and the order of candidates that appears on the how-to-vote cards will in many cases say to themselves, when they see that confusion, "What is the point of doing this? Why am I put in this position?". I am sure that they will say that the position adopted by the Liberal Party and the Independents on this matter, that how-to-vote cards are inappropriate, is the better position. I believe that it may even result in some votes coming in our direction. People will not forgive the confusion which how-to-vote cards will engender in this debate.

Ms Follett: You are out of time, Gary.

MR HUMPHRIES: Madam Speaker, I commend this amendment to the Assembly. Thank you for the de facto extension of time.

Debate (on motion by Ms Follett) adjourned.

CANCER TREATMENT
Discussion of Matter of Public Importance

Motion (by Mr Stevenson) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent the matter of public importance submitted today being called on forthwith.

MR STEVENSON (3.58): This matter of public importance arose out of the World Congress on Cancer that was held at the Darling Harbour Convention Centre, Sydney, from 15 to 18 April. This was a medical conference. I highlight the point that there were 43 medical scientists, doctors and professors from 14 different countries around the world. The treatments for cancer that they were talking about are legitimate, are fully researched and are university backed. They are independent of large pharmaceutical company funding. They do not attract that commercial funding. They are low cost; they are very inexpensive.

Some of the people who appeared at the conference were Dr Stephen Davies, chairman of the British Society of Nutritional Medicine; Dr Wolfgang Kostler, president of the Austrian Oncology Society; Dr Hans A. Nieper, past president of the German Society of Oncology; Professor Banerjee, secretary-general of the International Federation of Homeopathic Physicians; Cliff Sanderson, from New Zealand, who won the Albert Schweitzer award in 1992; and so it goes on. I would refer to some of the people in more detail, but I simply have no time to give their qualifications. These are eminent researchers-scientists from around the world.

Dr Bjorn Nordenstrom, from the Karolinska University is a former president of the Nobel Assembly. He has won various scientific awards dating back to 1954, including the Linus Pauling award in 1982. Let me read from someone reporting on his electro-chemical treatments:

He found that tumours generally have the same polarity as white cells and as like charges repel, so the tumour repels the white cell. By inserting a probe into the tumour and slowly reversing the polarity with a slow pulsed electrical field, he could cause white cells to cluster around the tumour and destroy it. He can now also treat the whole of the body rather than using the probe insertion method. Results are fast ...

This particular treatment is safe and simple. It is less traumatic than some orthodox treatments and it is certainly inexpensive. In China 3,200 patients have been treated at 416 hospitals. Over the last five years, the overall success rate is 79 per cent. This includes breast and lung carcinomas. The good news is that clinical trials are under way in Europe, but not in Australia yet.

Dr Ian Brighthope is the president of the Australian College of Nutritional Medicine. He is one of the founding directors of the Ortho-molecular Medical Association of Australia and is the editor of the College of Nutritional Medicine journal. One of the studies he conducted, reported in the National Cancer Institute of America journal, was a study of some 30,000 people in China treated with beta carotene, vitamin E and silenium. That resulted in a 21 per cent reduction in cancer. The National Cancer Institute in the United States said:

To improve the overall health of people, people should improve their diet, fortify their diet and use supplements.

Another study Ian Brighthope referred to was a study on nutritional and dietary factors in bowel cancer. There were two groups studied. The group that underwent the dietary changes showed only a 5 per cent recurrence of the cancer, whereas the control group showed a 35 per cent recurrence of the cancer.

Avni Sali is an associate professor at Melbourne University who works out of Heidelberg Repatriation Hospital. He is on the editorial board of four medical journals and is a member of 15 national and international medical societies. He spoke of one study largely concerned with stress. Those patients who received 90 minutes a week of group social support after 10 years had twice the survival rate of those who did not. During that time both groups had received the best orthodox medical treatments. In another study of longevity involved with stress reduction, at 73 retirement homes 478 residents with an average age of 81 were divided into two groups. One group were given three relaxation methods to do daily, one of which was transcendental meditation. After three months it was noted that this group had lower blood pressure and that there was a memory improvement. In the other group, after three years it was noted that 62.5 per cent of them had died, while none had died in the group involved in relaxation techniques. There had been no deaths in three years. It is interesting that the life expectancy of people who reach 60 has changed very little in the last century - from 1890 to now. The big changes, of course, have occurred with babies.

Dr William Lane has received a great deal of publicity around Australia. He is the doctor who wrote the book *Sharks Don't Get Cancer,* and has extensively researched the use of shark cartilage in cancer and arthritis therapy. There are over 15,000 patients currently being treated or who have been treated in the past. This work has gone on over a period of 12 years. He has a PhD in biochemistry and studied under two Nobel Prize winners. In a remarkable study in Cuba, 28 patients had terminal cancer and were given a maximum of six months to live. After his treatments, seven died of cancer, seven died of other diseases, and 14 are still alive. All of these 28 people failed to respond to orthodox medical treatment. This so impressed the Food and Drug Administration in America that, for the first time ever, they ordered human clinical trials on what is termed a natural substance. Whereas the initiation of these trials normally takes years, Professor Lane mentioned that the whole thing had been speeded up because of the FDA's concern for the benefit of this particular treatment. Shark cartilage is largely protein and, while it is unusual, it does have results.

In Australia, breast cancer has been referred to as the silent killer. Few people understand that 2,500 women each year die of breast cancer. That is six every day. Worldwide, six million will get breast cancer in the next 10 years. In Australia, 100,000 women have breast cancer at the moment, over the next 10 years another 100,000 will get breast cancer, and 25,000 will die of breast cancer in the next 10 years, unless something changes. Since the 1960s, there has been an improvement in early detection of breast cancer, largely from the encouragement of education in self-discovery. But, regardless of the medical treatment, the outcome has usually remained the same.

Dr Contreras, from Mexico, gave some figures on the results of treatments for cancer. He said that super-radical mastectomy had been a massive failure and surgeons were now abandoning that treatment. Treatment of cancer - colon, rectal, gastric, breast, ovarian, cervical, head and neck - with chemotherapy largely made no difference to the results. As to the treatment of pancreatic cancer, the chemotherapy actually has a negative effect on survival against the control studies. He mentioned - and this was true of most of the scientists who appeared during the four days of the conference - that orthodox treatments tend to be too aggressive, they are highly toxic, usually non-selective, and mainly immuno-suppressive. They can be administered for only a limited time because of their toxicity and its inherent dangers.

The more up-to-date treatments that were presented at the congress were usually non-aggressive and low- or non-toxic. They were selective; they were protective of immunity, and they frequently achieved long-term remission. What that means, in my estimation, is that people no longer had their cancer, but scientists presented their cases by saying that they frequently achieved long-term remission. It was interesting that Dr Contreras reported that 60 per cent of oncologists who themselves contracted cancer refused orthodox treatments. When questioned as to why this was, they maintained that they were different from their patients. Dr Contreras said that the doctor-patient relationship of old times had been lost, especially in oncology. He said that it requires teamwork and mutual affection. Love for the patient is the basis of being a good doctor, and I would certainly agree with such a principle. His message to doctors was, "Treat your patients as you would treat yourself".

There is no doubt that the medical profession has a history of vehemently objecting to new treatments, to new propositions. Later, many of these propositions are taken aboard by the medical profession. I well remember Ignaz Semmelweis's discovery that it was not a good idea to go from the mortuary to the delivery room without scrubbing up. He presented evidence regarding childbed fever, but was hounded by the medical authorities of the day to such a degree that he finally committed suicide. Fortunately, his supporters continued with his valuable work and saw it brought to fruition, and many mothers and children were saved.

One of the most remarkable statements I have heard was to do with William John Harvey, who was a young medical intern around the time the medical authority of the day, Galen, said that blood ebbed and flowed through the body like a tide. William John Harvey showed, after studying bodies, cadavers and so on, that the blood pumped through the

body, as we know it does today. As is usually the case, the medical authorities of the day attacked Harvey. Someone, because of this attack and because what you were supposed to believe was obvious, said at the time, "I would rather err with Galen than be right with Harvey". What a truly remarkable statement!

We have an opportunity in Canberra to save lives. It is unfortunate that some people within the medical profession are not prepared to look at the evidence. The AMA was so concerned about its membership, its image and its credibility that it appointed a task force to investigate the association. In a 73-page report in the AMA journal on 6 April 1987 it said on page 33:

... there exists a multitude of national medical bodies each with differing interests, scientific, philosophical, industrial and political. In the result the profession, the public and Government have gained the impression that the medical profession is hopelessly divided, disorganised, difficult to negotiate with and unfortunately, largely self-seeking.

It went on:

... many members emphasised that there was a need to have a body actively and openly concerned with the conduct of ethics of the profession.

It was made clear that many believed that the AMA had abdicated responsibility for these matters at the present time. From 1961 to 1987 AMA membership dropped from 90 per cent to 50 per cent of the profession. It was seen by members as being no longer representative of the profession. The report went on:

It is important to emphasise at this point that ordinary members of the AMA, unless they are appointed as representatives to the Assembly, have neither voting rights for the election of the president and other officers, nor the formal opportunity to ask questions of the executive committee or Federal Council on the activities of their association.

It concluded:

The AMA now appears to allocate higher priority to financial gain than to the practice of medicine.

That was the AMA task force. I call on members and the Government to take action along these lines.

MR DEPUTY SPEAKER: Order! The member's time has expired.

MR CONNOLLY (Attorney-General and Minister for Health) (4.14): Mr Deputy Speaker, I have heard Mr Stevenson's remarks. I am not an expert, but I will give the Assembly the benefit of the views of people who are. I would like to quote from the editorial in this month's *Medical Journal of Australia* entitled "On eye of newt and bone of shark - The dangers of promoting alternative cancer treatments". The writer, who is professor of oncology at the University of Tasmania, says:

Despite its name, the Congress -

from which Mr Stevenson was quoting extensively -

does not have the endorsement or involvement of any of the mainstream cancer bodies in this country, such as the Australian Cancer Society, or of any recognised international cancer organisations. Rather, its major sponsor is the supplier of "Green Magma", "Zell Oxygen" and other herbal nostrums.

... ...

For one used to attending cancer conferences at which the subject is dealt with scientifically and rationally, the list of topics is an eye-opener. It includes discussion of antiviral resonance frequencies, neural therapy and "endosymbiontic life" ... Some of the speakers appear to believe that cancer can be cured by eating shark's cartilage, practising homoeopathy and using crystals ... The danger is that cancer patients may misunderstand the status of the Congress, and be persuaded to forgo effective treatment, to waste money on useless, unproved and sometimes dangerous remedies and, at worst, to die of a curable disease.

The current American fad for shark cartilage, which seems to have replaced the ... (apricot pip) scam of the '70s and '80s, is based, firstly, on the notion that "sharks don't get cancer" ...

He goes on to cite scientific authority which, in fact, shows that they do. He continues:

The idea was popularised by an American *60 Minutes* television feature in February 1993, that was in turn based on an alleged response in three of 15 patients who participated in a 16-week trial in Cuba. According to a review carried out by the United States National Cancer Institute, the data were "incomplete and unimpressive". They were not enough even to persuade the newly established Office of Alternative Medicine (set up by an Act of the US Congress) to take any action. The sensational claims are a cruel hoax; they cannot be justified by this standard of evidence and only furnish false hope. None the less, in their desperation, many patients are spending large sums purchasing shark cartilage and other unproved remedies, and the World Congress on Cancer is clearly designed to encourage such actions even more.

Proponents of alternative therapies often claim that orthodox medicine and the pharmaceutical industry are in cahoots to deny the public the knowledge, that allegedly already exists, about "natural" cures for cancer in order to preserve their power and profits. While this argument may appeal to those who have a conspiratorial view of the world, it does not take much perception to see its absurdity. After all, doctors themselves get cancer, as do their families and friends. The idea that medical practitioners would die rather than betray such information is too ridiculous to take seriously, except that desperate and vulnerable people may be persuaded to do so by those who would profit from their distress.

The article goes on to survey the literature, and concludes:

To quote the distinguished British oncologist, Dr Jeffrey Tobias, simply wishing fervently that something is true does not, regrettably, make it happen.

Mr Stevenson suggested, and read to this Assembly, that there is a magical cure for cancer based on shark cartilage. To paraphrase again that final quote in the AMA's editorial, one may wish that that were true because there are many people and families in desperate straits. Many people in desperate straits will try alternative remedies, and that is understandable; but the sad reality is that those alternative remedies have been proven time and again to be either quite ineffective but often financially very painful or, at worst, quite damaging.

In another article in the same issue of the *Medical Journal of Australia*, a study on children with cancer, based in the South Australian health system, showed that about half of the parents of children with cancer were prepared to try alternative remedies. That is perhaps not surprising; anyone who has seen *Lorenzo's Oil* - a very distressing, recently released movie - can understand why a parent would look for anything. But most distressing was the finding that fewer than half of those parents who were trying alternative medicines were advising their doctors of what they were doing. The doctors who produced that article, "Children With Cancer", suggested that that could have very serious consequences for treatment because the treating oncologist would have no knowledge of whether something that is harmless - ground up shark cartilage or apricot pips - is being consumed, or something that is potentially damaging.

Madam Speaker, it would be wonderful if there were a simple cure for cancer. Tragically, there is not. As the *Medical Journal of Australia* says, there are great dangers in promoting these quack cures. Many people, vulnerable and in distress, may be misled into shelling out large sums of money. What is normally common to these quack cures is that they are very expensive, and people may be misled into believing that people with impressive titles have found the answer. Tragically, they have not. I am not an expert, but I do listen to the experts, and the experts tell me that this is nonsense.

MRS CARNELL (Leader of the Opposition) (4.19): Madam Speaker, I think it is important to take this issue seriously. We all know that cancer is one of the greatest killers in our society. We are all very well aware of the problems of breast cancer amongst women - it is the biggest killer of young women particularly - and of other types of cancer. I understand that prostate cancer is killing almost as many men as breast cancer is killing women. So it is an issue that must be taken on board seriously. I suppose that the most important issues involved are information, education and understanding of what we are dealing with.

Modern medicine, I think many of us would agree, is a matter of balance between the orthodox medicine that most of us have grown up with and natural medicine and oriental medicine - things that we in Western societies are only coming to grips with of recent days. When I was at university, particularly when I was doing medicine, the thought of anything oriental, anything natural, in the medical course was out of the question. Now we know that medicos are doing courses in acupuncture, in vitamin therapy, and even in homoeopathy in some circumstances. So what not all that many years ago we thought was a whole lot of rubbish we are now understanding does have a place.

Where both sides of this argument are getting it wrong is in the balance between the two. To suggest for one moment that shark cartilage is the answer for cancer therapy is obviously silly. To suggest for one moment that nothing in the natural medicine area is any good is equally stupid. We know very well, from examples of recent times and from some very interesting books that have been written, that one of the things Mr Stevenson brought up, stress management, is a huge issue in the control and treatment of cancer. I am sure that many people have read books on this subject - Gawler's is one of the most interesting - about people who have combated cancer by the appropriate use of meditation and keeping stress levels under control. Of course, that can be explained quite simply by looking at immune systems and at the sorts of things that stimulate immune systems in the body and take the pressure off it.

That can be achieved by a number of means. In terms of stimulating the immune system, we know that stress management is a big issue. We also know that vitamin C helps quite dramatically. There are a number of other vitamins and herbs that can go a long way to giving people a greater capacity to fight infections, to stimulate their white blood cell counts, and the list goes on. That is all quite scientific and easy to show. This debate should be looking at the balance between natural therapies and the more traditional therapies. It is unfortunate that amongst our traditional medicos there are still many who believe that all natural medicine, whether it be Chinese in nature or vitamin therapy on its own, is a whole heap of rubbish. I think all of us who have done any training in that area know that that is not the case.

One of the most important issues now in cancer treatment is screening, and that is one thing I do not think Mr Stevenson spoke about.

Mr Stevenson: I was brief.

MRS CARNELL: You were brief. The issue of screening has to be one that we concentrate on. We know that screening for breast cancer, cervical cancer and cancer of the large bowel has saved many lives, but many more lives could be saved. I mentioned earlier that breast cancer is one of the greatest killers of young women particularly. Although it is a women's disease, we had a fairly interesting argument in my office not so long ago when I was speaking at length about the problems of funding for breast cancer. This is a Federal issue, of course. It was raised, quite appropriately, with me that funding for prostate cancer is at a lower level than that for breast cancer. But, for all of that, funding for breast cancer simply is not high enough.

Mr Stevenson: Ten cents a person.

MRS CARNELL: That is right; you have got it. The issue of breast cancer screening and cervical cancer screening is a public health issue. It comes back to making sure that every woman in our society knows that every two years she should be having a breast cancer screen. I would like to get to the stage where it is not only women over the age of 50 or over the age of 40 but somewhat lower than that. We now know that breast cancer is a problem in the thirties. When women go along for their Pap smear it would be nice to see breast screening available as well.

We know that 10 to 20 per cent of breast cancers will go undetected, even with a regular mammogram. That shows that we also have to make sure that women have information at their disposal so that they can pick up problems when they occur. They must know how to do a self-examination. Women are aware of the symptoms of cervical cancer, and everyone is aware of the symptoms of large bowel cancer. I am always interested, when Rotary run their large bowel cancer screen every year, in how few people take part. When it is free, when it is available in shopping centres, when it really is a quite simple thing to do, there is still only a very small section of the community that takes part in it. Again, it is one of those cancers where, once it is symptomatic, it is far too late.

I am interested in just how much money is spent on cancer research in Australia. I think the Chief Minister has mentioned that she is unhappy with the very small amount that has been allocated to research and treatment of breast cancer and, again, how small an amount has been used of the $64m that was allocated in 1990-91 for the three-year program. Again, although I would not suggest that one dollar be taken out of the money for AIDS, it is interesting when you compare that $64m for a three-year program with $300m over a three-year period for the AIDS program. We know that AIDS is a dreadful disease, but it is fatal to only about 270 people per year in comparison to the huge number of people who fall victim to breast cancer, let alone all the other cancers.

Mr Stevenson spoke about the people who attended the conference he referred to. Although the AMA were very negative, a number of those people I have heard speak on many occasions and I think it would be very unwise to write those people off. They are very well trained and they know exactly what they are doing. I am seeing regularly in my pharmacy people with cancer, who have come from their own specialists - traditional doctors operating in traditional medical areas - with books clutched in their hands such as this one, *The Cancer Help Source Book*, which speaks at length about diet.

Chapter 4, which is one that I use a lot, is totally about diet and nutrition and how nutrition can make such a big difference to recovery rate, to remissions, and so on. This chapter, as I am sure Mr Stevenson would be aware, is almost standard reading, even in the traditional medicine area. It is very hard to understand why the AMA have come out as hard as they have against a - - -

Mr Stevenson: No, it is not.

MRS CARNELL: Yes, it is, because there are lots of doctors who do understand that traditional medicine, or orthodox medicine, is not the only way to treat cancer. But it does not work on its own either, Mr Stevenson. I think that is the issue. We have to balance both.

MADAM SPEAKER: Mrs Carnell, your time has expired.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Follett: I require the question to be put forthwith without debate.

Question resolved in the negative.

CANCER TREATMENT
Discussion of Matter of Public Importance

Debate resumed.

MR DE DOMENICO (4.30): Very briefly, Madam Speaker, I rise to endorse the points made by Mrs Carnell and, to a certain extent, those made by Mr Connolly. I can speak on this topic from a personal point of view because I am one person - and there are very many in this Territory - who has had cancer. I can quite understand how people feel when they are first told by their doctor that they have cancer. The first reaction is to assume that you are going to die and the first question you ask is, "How long have I got?". When told by people, you learn to respect incredibly that things are not as bad as they seem; once your feet hit the ground again you realise that there is still not a lot being done traditionally that could be done to prevent the disease. The point that needs to be made is that the disease, in certain circumstances, is preventable, that in certain circumstances it is curable. In a lot of instances, it is really up to the individual with the disease as to how preventable and how curable it is.

The three words that stood out in what Mrs Carnell said, and from my personal experience, are information, education and understanding. When you realise that those three words can lead to prevention, you know how true they are. Once again speaking from personal experience, I can remember being at John James Hospital, where the first advice I got was from the first person who came to see me, Mrs Carnell. I took her advice, I must admit, because she told me to swallow these ugly looking vitamin pills. As one who had never had a pill in his life, I thought, "Blow this; if it is going to make me live an extra minute I will swallow anything". It made me think that there are certain traditional things we can do as individuals that can prevent and even cure cancer. For example, Mrs Carnell mentioned diet and vitamins.

Everybody talks about the high incidence of breast cancer, and it is the greatest killer of women in the world. Mrs Carnell, in terms of gender equity, also mentioned the problem of prostate cancer. The particular cancer I had was testicular cancer, and people should know that it is the cancer with the highest incidence in men between the ages of 18 and 40. Interestingly, while a lot of money is spent on informing and educating women on breast self-examination and on cervical cancer, very little, if anything, is said to 18-year-old boys, for example, and even younger boys at school about the benefits of self-examination in terms of testicular cancer, which has one of the highest incidences in men around the world. So there is a lot that can be done traditionally to prevent and sometimes cure cancer. It needs to be stressed that cancer is a word; it is not a sentence. The fact that so much work is being done bears that out.

Mr Stevenson's contribution to the debate needs to be treated seriously. A former member of this Assembly, the previous Speaker, Mr Prowse, as some people are aware, was also into alternative lifestyles and all sorts of things. I can remember Mr Prowse suggesting that I should suck some arsenic tablets and that would get rid of my testicular tumour. Ironically, it was two or three weeks before preselection, so I thought that perhaps there may have been other reasons why he suggested that I should be taking arsenic tablets. That made me sit back and think, "Hold on a tick; I am not going to say no to that". Why would you? In the desperate situation some people find themselves in, if they hear about anything that may cure them, there is an inclination to say, "Yes, you beauty; I will try it".

That is where the words "information", "education" and "understanding" are so very important. I am concerned because some of the things you hear are very quacky, I must admit; they are just incredible. I think any person who attempts to benefit financially or in any other way from someone who has a disease such as cancer ought to be drawn and quartered and have other things done to them that cannot be mentioned in this place. Information is something we all should be aware of. There is a lot of information out there that we ought to get across to the community, for a start. Education is very

important, and by that I mean telling people, for a start, that cancer is a word, it is not a sentence. In a lot of circumstances, it is curable; in more circumstances, it may be preventable. Education is also needed in terms of what Mrs Carnell had to say about traditional things such as diet, vitamins, self-examination, meditation, and stress management and the effect it has on the immune system.

This is a very serious issue; and I think we have consensus on all sides of the house. I endorse what Mrs Carnell said. I know that Ms Follett has said publicly from time to time that she is concerned at, firstly, the amount of money that is being spent on cancer research and, secondly, the way it is being spent. Once again, I think we should keep in mind three things: Information, education and understanding.

MADAM SPEAKER: The discussion is concluded.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on Guidelines for Residential Development

MR DE DOMENICO: Madam Speaker, I present report No. 24 of the Standing Committee on Planning, Development and Infrastructure on guidelines for residential development in area B2, Kingston/Griffith, together with the minutes of proceedings. I seek leave to make a brief statement.

Leave granted.

MR DE DOMENICO: Madam Speaker, I have pleasure, as deputy chairman of the Standing Committee on Planning, Development and Infrastructure, in presenting the committee's report on the draft residential guidelines prepared by the ACT Planning Authority for area B2, Kingston/Griffith. The report was adopted by the committee at its meeting last Friday, 15 April. The report has been sent to the Minister for the Environment, Land and Planning, Mr Wood, for his consideration prior to finalising the guidelines. The Minister has already received the committee's earlier report on the draft residential guidelines for area B1, North Canberra, and I understand that he is still considering his response.

The committee has before it one further set of residential guidelines to consider. These are the draft guidelines for the Forrest, Red Hill, Deakin and Griffith historic areas. The committee will receive further briefings on these guidelines tomorrow and will report to the Minister and to the Assembly soon. Again, I have pleasure in thanking the former chairman, Mr Lamont, for his careful stewardship of the committee during its early consideration of this matter.

ANSWERS TO QUESTIONS ON NOTICE

MS FOLLETT: Madam Speaker, I wonder whether I could have leave to make a very brief statement about a question on notice that Mrs Carnell raised after question time.

Leave granted.

MS FOLLETT: Madam Speaker, following question time today Mrs Carnell asked me a question in regard to question on notice No. 1159. My office has checked the records in relation to this question. It appears that I approved a response to Mrs Carnell on 17 March 1994. However, I am advised by my office that the Assembly Secretariat has no record of that response. I would like, therefore, to take this opportunity to table a copy of the answer, and I will arrange to forward a copy through the usual system so that it appears in *Hansard*.

ELECTORAL (AMENDMENT) BILL 1993
Detail Stage

Clause 22, as amended

Debate resumed.

MADAM SPEAKER: The question before us is: That Opposition amendment zv. be agreed to.

MS FOLLETT (Chief Minister and Treasurer) (4.41): The effect of Mr Humphries's amendment, Madam Speaker, is not to ban how-to-vote cards but rather to prohibit the canvassing of votes within 100 metres of the grounds of a polling place. I believe that this amendment ought to be opposed, and strenuously opposed. The distribution of how-to-vote cards on polling days is seen very much as a part of the political process in every State and Territory except Tasmania. It is not necessary, in my view, to ban how-to-vote cards in order to implement the Hare-Clark system. In fact, from my memory, the question of how-to-vote cards did not appear anywhere on the referendum description sheet or in any of the narrative about the electoral system for the ACT.

A couple of issues have been raised in connection with how-to-vote cards. The first of those is that they are going to be confusing. I do agree that the Robson rotation method will make it difficult to design a how-to-vote card. There is no doubt about that, because the order of candidates in the columns is different on each successive ballot-paper. However, I regard this problem as one of design rather than of substance. It certainly is not a good enough reason to ban how-to-vote cards.

I would put forward, Madam Speaker, that how-to-vote cards are very much a part of freedom of speech and the freedom to express a political view in our society. I also put forward that there is not really a valid comparison between how-to-vote cards and paid television advertising. I think there is a major difference between paying television stations hundreds of thousands of dollars, in many cases, to advertise a political party and

the very cheap option of a how-to-vote card. In fact, it is amongst the cheapest methods of advertising a political party that I am aware of. It is also a fact that how-to-vote cards have been extensively recycled, at least in this Territory, so I do not believe that the environmental aspect holds good. In fact, you can print your how-to-vote cards on recycled paper if you so wish. I think that the environmental question that has been raised is a bit of a furphy.

Madam Speaker, I would ask members to recall also that at the time when television advertising by political parties was banned there was an arrangement whereby television stations were required, at no cost to the parties, to put to air a certain amount of political advertising. That advertising related to the level of public support that parties had received in previous elections. It is my recollection that during the 1992 election many of the parties had five-minute spots on television. Certainly the Labor Party did, the Liberals did, and the Residents Rally did. I think the No Self Government Party did also, but I am not too certain about that. That was all called free time, although, of course, it was not free to the wider public. I do not accept that there is the valid comparison that Mr Humphries was making.

It has been my experience, Madam Speaker, that a great many people rely on a how-to-vote card. In the polling places that I have staffed over many, many years and many, many elections, I have certainly been aware of how valuable those how-to-vote cards are to many voters; not just to people who know how they want to vote but need to know how to do it, but also to people who, for instance, are not really at home with the English language. That how-to-vote card does provide you with an option of giving information to voters in other languages. That is an option that I have seen taken up many times, and it is much appreciated by voters.

Madam Speaker, I think it is very much in keeping now with the views expressed by the High Court when they overturned the Commonwealth's ban on electronic advertising that this right of people to communicate political information ought now to be respected. The right also of people to receive political information is very important. In fact, it is a fundamental right that is essential to a healthy democracy. When you weigh a person's right to be informed against the minor inconvenience that some people experience in running the gauntlet of party workers handing out how-to-vote cards, I think that the freedom of information and the right to information arguments must win out at all times.

Therefore, Madam Speaker, I strongly oppose Mr Humphries's amendment. I think that it is a major departure from the usual electoral process as it has been experienced in this Territory. I do think also, Madam Speaker, that, with a new electoral system, people are going to need as much information as they can get their hands on in order to cast a valid vote. I know that there are complications with the Robson rotation system; but, as I say, I do not believe that those complications are a valid reason to ban how-to-vote cards.

I find it rather strange that Mr Humphries's amendment, rather than seeking to ban how-to-vote cards, seeks to keep them outside a 100-metre perimeter of the polling places. I think that this is a very hypocritical proposal on behalf of the Opposition. If they want to ban how-to-vote cards, why do they not have the courage of their convictions and just say so? To impose a 100-metre limit seems to me to beg the question, "How can people get over that 100-metre limit?". What sort of an arrangement

can you come up with that will provide people with information from political parties on how to vote that does not offend against Mr Humphries's amendment? I have no doubt that people will come up with methods of doing it. Rather than banning how-to-vote cards, Mr Humphries simply is making the whole issue of how to get political parties' information to voters very much more difficult and more complicated.

I realise that the reason why Mr Humphries has not sought to ban how-to-vote cards outright is that he is not game. It would have been the honest thing to do. He knows that in this Territory people do value that right to freedom of expression and the right to obtain political information.

Mr Humphries: It is not done in Tasmania.

MS FOLLETT: Mr Humphries makes much of the fact that it is not done in Tasmania. No, it is not; but in the legislation we have made some departures from what occurs in Tasmania. We have already done that. Madam Speaker, there is no way in which the banning of how-to-vote cards is integral to the Hare-Clark system with Robson rotation. As I have said many times, it is difficult to have a how-to-vote card that is effective, but just because it is difficult is no reason to ban it. I believe that in this Territory people do value that information. They look for it on polling day. Often they rely upon it in order to cast a vote, particularly those people who may have literacy problems or who may be from non-English-speaking backgrounds. For those reasons, I would urge members to oppose Mr Humphries's amendment and allow the people of this Territory to have the advantage of how-to-vote cards if they want to use them. They do not have to. There is no compulsion about taking a how-to-vote card or using it. Madam Speaker, I suggest that it is a gross infringement of political liberty to ban them in the way that Mr Humphries suggests.

MS SZUTY (4.50): I spoke during the in-principle debate about my views in general on this Bill, and I have spoken briefly on other amendments as they have come before this chamber. I would like to spend some time talking about this issue of banning how-to-vote cards from within 100 metres of a polling booth. Quite simply, I believe that Canberrans expect their new electoral system to reflect their choice at the referendum, the Hare-Clark system, as described in the Electoral Commission's referendum booklet, and as practised in Tasmania, as most people understand it.

The Tasmanian electoral system has evolved over the years to the system in operation today. Indeed, Madam Speaker, Tasmanians have done good work in ironing out the wrinkles, and the electors of the ACT can benefit from this. The aim of virtually all the changes to the Hare-Clark system in Tasmania since 1907 has been to achieve greater fairness for candidates. It is accepted that, on polling day, voters will make the final decision about who is elected to the Assembly. Party preselection, where it occurs, is seen as an important part of the process, but not as the final arbiter in determining who is elected. There is no need to try to reinvent the system. Add-ons, like how-to-vote cards, are nothing more than a denial of the current Tasmanian experience.

Since 1949 Tasmanians have been quite capable of casting their votes, despite the fact that on polling day it is illegal to do a number of things, such as, first, to distribute any electoral matter, including advertisements, how-to-vote cards, handbills, pamphlets, posters or notices; secondly, to canvass for votes or solicit for votes within 100 metres of a polling booth; and, thirdly, to publish or cause to be published in any newspaper any election advertisement. Why should it be different in the ACT?

I believe, Madam Speaker, that the use of how-to-vote cards in an electoral system with Robson rotation defies logic. Can we expect each party to distribute a how-to-vote card for each possible permutation of positions on the ballot-paper, or would we perhaps see a card with such complex instructions that tuning a video would seem easy in comparison? If we have such complex cards, what might that do to the queues at polling booths on election day? It is clear that there is no form of how-to-vote card that will expressly assist voters on election day. I believe that Canberrans do not want to be buried under mountains of paper on election day; nor do they need to take an IQ test to decide whom to vote for. People will make up their minds, just as they currently do in Tasmania, before exercising their suffrage. Having done this, the last thing any voter wants, or will want, is to be harassed by party workers outside their polling place. Many voters find it offensive to be harassed in this way as they arrive to perform their compulsory civic duty.

There is another matter which complicates the issue even further, and this stems from the prohibition on the publication of candidates' names without their consent. This means that, in order to produce a how-to-vote card, the consent of each candidate named on it will be needed. While this may be fine for major parties running as many candidates as there are seats, or more, it would create great difficulty for Independent candidates, for parties wishing to give voters a range of secondary choices, and even for factions of major parties seeking to get their preferred groupings up. Policing this requirement on polling day would be difficult, if not impossible. The last thing the Assembly or the ACT needs is to have the results of the election disputed due to infringing how-to-vote cards being distributed on polling day.

While the issue of how-to-vote cards was not explicitly addressed in the referendum by not being mentioned in the Electoral Commission's referendum booklet, the electorate, I believe, has an expectation that, as far as possible, the Tasmanian Hare-Clark model will be implemented in the ACT. Distribution of how-to-vote cards at polling places is not part of that model. Richard Farmer said this in his column in the *Canberra Times* on 17 December 1993:

The rotation of party candidates on the ballot paper so that how-to-vote cards become impossible in those multi-member electorates therefore has my support. No one faction of either of the major parties can completely stack the endorsement process, so people have a real choice instead of a pretend choice.

The *Canberra Times* editorial of the same date stated:

Party machines, of course, do not trust the people to pick people in the right order.

It went on to say:

From the machine's point of view, this could produce the wholly unacceptable result that the party's elected representatives in the Assembly were there because they were popular with voters, rather than beholden to the machine. It might even produce the result that the voters, having made their own assessments of the candidates, reject altogether the candidates most favoured by the machine.

The architect of Robson rotation, Neil Robson, was quoted in the *Canberra Times* the previous day as saying:

One of the main principles was it [the rotation] was there so there could be no undue influence of the party over apathetic voters.

Allowing how-to-vote cards is no more than setting a scene for parties to influence voters. How-to-vote cards are totally at odds with the intent of Robson rotation.

In summary, Madam Speaker, I believe that how-to-vote cards are useless and totally illogical to be used in conjunction with Robson rotation; that canvassing within 100 metres of a polling place is potentially offensive and certainly unnecessary; that the risks arising from the prohibition on publishing candidates' names without their consent could give rise to major difficulties with how-to-vote cards; and that the use of how-to-vote cards is contrary to the philosophy of Robson rotation. The maturity of the ACT electorate can, and must, be trusted to deliver a sensible outcome in the next and following elections without the need for how-to-vote cards. If people in the USA and New Zealand, as well as Tasmania, can exercise their democratic right to vote without how-to-vote cards, surely the electors of the ACT can be expected to do the same.

Madam Speaker, my position is clear, and I fully support recommendation 14 of the Working Party on the Implementation of the Hare-Clark Electoral System, chaired by a member of this chamber, Mr Humphries, which states:

No canvassing should be allowed within 100 metres of a polling place, as specified in the Tasmanian Electoral Act of 1985.

In support of this view, the working party further states:

It is recommended that such a ban apply in the ACT Electoral Bill, though it should be noted that this recommendation is not inconsistent with recommendation thirteen ...

Recommendation 13 states:

The ACT Electoral Bill should contain no ban on the distribution of election material on the day of polling.

It is one thing to prohibit the right to distribute electoral material - a move which cannot be supported on the ground that individuals and organisations ought to have a right to declare their views about how people should vote; it is quite another matter, however, to permit the harassment of voters as they perform their compulsory civic duty. I understand that most people in this chamber have decided already whether or not they will support the distribution of how-to-vote cards on polling day, but I am not sure about Mr Stevenson. Perhaps Mr Stevenson will consider the arguments that I have presented today.

MR DE DOMENICO (4.58): Like my colleague Mr Kaine, I was quite prepared to allow my more learned friend in terms of this sort of legislation, Mr Humphries, to talk about this because it is a highly technical Bill. I do not profess to have any knowledge whatsoever of the technicalities of the Bill. The little knowledge that I have is about politics. This particular issue has nothing to do with freedom of choice and all that sort of stuff that the Chief Minister stood up and talked about. It is all about politics. Let us be honest; let us get that on the table.

Mr Berry: That would be something new for you.

MR DE DOMENICO: I will take on that interjection. Mr Berry said, "And that will be something". Mr Berry, let me remind you time and time again that, unlike you, no member on this side of the house has been accused of misleading this house. You should not say anything about honesty. Madam Speaker, who can ever forget the words of the Chief Minister, on all sorts of programs, on another issue in relation to the Hare-Clark electoral system, above-the-line voting? This was all to do with giving people choice. We heard all those wonderful platitudes that come out of the Chief Minister's mouth from time to time. The reality, Madam Speaker, on that issue and on this one, is that it is all about politics - nothing else but politics.

We all know that the Labor Party in this town have this incredible, arrogant attitude that they have the right, the sole right, to tell the people what to do. It is not the other way round, as it should be; it is not the other way round, as the people want it to be. The Labor Party in this town, and especially the left wing of the Labor Party in this town, have this arrogant belief that they have a divine right to rule it like Tammany Hall. That is what this issue is all about. Let us make no bones about it. It would be easier for me to accept that sort of argument if the people opposite stood up and actually said it, because that is exactly what this is about. But, no; they try to hide it. They try to hide it by accusing Mr Humphries, for example. They say, "Why did he not seek to ban them altogether and not go for just the 100 metres situation?". Because the Hare-Clark system, which is what the people voted for, has the 100 metres in it. That is why Mr Humphries did not seek to ban them altogether - because it is not what the people wanted.

But, of course, do not worry about what the people want; the Labor Party has to do it this way. Why do they have to do it this way? Because the machine says, "We need to protect, as much as we can, one or two or three individuals, notwithstanding what the community wants. What can we do in order to make sure that we satisfy what the backroom boys and girls in the machine want us to do?". That is what this issue is all about, and people opposite know that that is what this issue is all about. If they do not admit to knowing what this issue is all about, they are misleading themselves as well, and I am sure that they would not be doing that.

Mr Kaine: They are worried that nobody will recognise their names on the ballot-paper.

MR DE DOMENICO: That is right. Madam Speaker, as I have said - and I will stress it time and time again, as much as it might hurt people opposite - this is all about politics. You know that it is all about politics. You know that this is the only way you can save one or two of your people. What you do not know is that the community will savage you for it because once again you have turned your back on what the people wanted. Just as you tried to do it with above-the-line voting, you are doing it with how-to-vote cards. Who can ever forget going around the Canberra booths last time, Madam Speaker? There were incredible how-to-vote cards. There were how-to-vote cards for individual Labor candidates, for heavens sake, because certain factions wanted their people voted in, not what the whole party said.

Ms Ellis: Ha, ha!

MR DE DOMENICO: Ms Ellis might laugh, but it did happen. Mr Kaine and I can recall going around in Belconnen and seeing certain how-to-vote cards for Mr Lamont, for example. This was Mr Lamont's how-to-vote card, not the Labor Party's how-to-vote card.

Mr Kaine: Mr Lamont, your candidate for Belconnen.

MR DE DOMENICO: For Belconnen. One wonders where the other factional candidates were on Mr Lamont's card. Of course, they were right down the bottom of it. This is all about the A team and the B reserves. This is the way the Labor Party runs this town, and has for years and years. It wants to attempt to continue to do so.

Mr Stevenson comes in here and quite rightly talks about how he does not like party machines, and the way party machines dictate and rule. Mr Stevenson, should anybody want to support Ms Follett's point of view on this one, it is support for that party machine. It is support for the Labor Party telling the people of the ACT how they want them to vote. They say, "It does not matter what they want because we, the Labor Party, need to have control". This is what this amendment is all about. I say to Mr Stevenson, in particular: Think very carefully, because everything you have said to this house over the past three, four or five years that you have been here has been all about trying to stop party machines from having their way. If you do not support Mr Humphries's amendment, you will allow the left-wing ALP party machine to have its way.

MR MOORE (5.04): I notice that a lot of Mr De Domenico's attention was directed at Mr Stevenson. Perhaps his arguments about the party machine would have been far better focussed on Mr Connolly or Mr Wood. In the last few days Mr Connolly has been left relatively high and dry. This could be an opportunity, Mr Connolly, for you to do the right thing by the people of Canberra, and, more importantly, to do the right thing by Labor voters. Let Labor voters have a say rather than the party machine having the say. The reality is, Madam Speaker, that under Robson rotation, distributed fairly, and without how-to-vote cards, Labor voters who wish just to vote Labor will have their vote evenly distributed, and Labor voters who watch politics carefully and who want to vote for the best person for the job will be able to cast their vote accordingly. I suggest, Mr Connolly, that that could bode very well for you in Molonglo. There could be a very clear indication of the appreciation people have for some of the work that you have done. It could show the way that you are perceived by the electorate.

Mr Connolly: Do you want to write some of my campaign brochures?

MR MOORE: It would be a pleasure. The point that I am trying to make is that it would allow your voters to have a real say, and that is what we ought to be doing. The question here is not about having how-to-vote cards, because Labor has already conceded that there ought to be a prohibition on canvassing near polling places. The heading above proposed new section 296 is "Prohibition of canvassing near polling places". That is the heading we are talking about. Mr Humphries's amendment simply seeks to change the distance from six metres to 100 metres.

I am not so naive as to say that it is the same thing. Clearly, there is a different intention between keeping a polling place clear of canvassing and keeping party workers 100 metres away, which would have the effect of making the distribution of how-to-vote cards at polling places very awkward. It would not be worth the effort. This would still allow freedom of speech; it would still allow people to express their view. It would not be something that could be questioned in the same way as in that High Court decision. In no way would it fly in the face of the High Court decision, as I believe the Chief Minister tried to imply earlier. If that were the case, proposed new section 296 would already do so.

My colleague Ms Szuty quoted Richard Farmer. He has a great deal of experience in this field. Not only has he run campaigns for the Labor Party; he has run campaigns for the Labor Party in Tasmania. That is why choosing a quote from that person was most appropriate. It will not matter, really, whether this decision is made tonight or whether it is made later. If the decision tonight reveals a Labor/Stevenson axis in order to get how-to-vote cards for the people of Canberra, it seems to me that we will go to one election, and one election alone, with how-to-vote cards. I believe that the electorate will return a result that will allow how-to-vote cards to be banned to the extent of 100 metres from the polling booth at the following election.

Madam Speaker, this is not to do with freedom of speech. This is the one time that Mr De Domenico has his perspective right about politics, that I am aware of. He probably thinks he has others right. You had better score that one up, Mr De Domenico. This is really about party machines being able to preselect and retaining control of what goes on in terms of their parliamentary party and, when they have been successful, in terms of government. Madam Speaker, it is for those reasons that I urge you and other members to support this very sensible amendment that has been put up by Mr Humphries.

MR STEVENSON (5.09): Mr Humphries mentioned that the effect of his amendment is to change the distance from six metres from a polling booth to 100 metres from a polling booth. That actually is not the effect; that is the detail. The effect is to ban how-to-vote cards, and he acknowledges that. It was just that the choice of words was a little bit astray. How to ban them is the answer he seeks. I say "how to ban" because I do not believe that this is totally to do with banning them. It was only inadvertent. I am sure that Mr Humphries would have been prepared to make the distance a little larger. Some of the polling booths I have been to in Canberra are on the other side of the schoolgrounds. You can park on one side, get your how-to-vote card and walk across to the booths. It might be 100 metres or further. I am sure that there are a few areas like that. As I mentioned to Mr Humphries before, you could have people handing out how-to-vote cards there simply because 100 metres does not pull in those places. The polling booths are not at the entrance to the school.

A number of members have mentioned people power. Yes, I support people power, for good reasons - for economic reasons, for democratic reasons, and for health reasons. Mr Connolly proved the importance of a breakdown of the party system when he stood up and read that appalling statement by the AMA, to which they refuse to allow a reply. I will read out the reply during the adjournment debate. My history, from Belconnen, Watson, Tuggeranong, Chinchilla, Tasmania, New Zealand and various other places, not only to encourage - - -

Mr De Domenico: Is that near Palmerston, or what?

MR STEVENSON: Sorry?

Mr Berry: Where were you saying? Tasmania?

MR STEVENSON: Tasmania? Yes. I try not only to encourage people to have more involvement in the electoral process, and with their members; but I specifically make a point of it, and, I would suggest, probably to a far greater degree than anyone else here. I suggest that they find out whom they are voting for. I suggest that they find someone who will vote for them before they vote for the candidate. That is important. I do not agree that someone should vote for a party. I do not agree with parties. The reasons are fairly obvious. The reasons are what has happened to our economy, what has happened to our democracy, and what has happened to people's health since the rise of the parties. The rise of the parties equates to the fall of the people.

Ms Szuty said earlier that she believes that Canberrans have an expectation that the Tasmanian system will be followed as closely as possible. I stood up earlier and made a specific point on the formality of a vote. If we followed the system as closely as possible we would require that the only formal vote is one that goes at least to the number of candidates in each of the electorates. Otherwise, the vote would be like it is in Tasmania - informal. We are not doing that. Why are we not doing that? Because it was not brought up in the referendum. Yet I raised a strong case about the instructions on the ballot-paper. On balance, I would probably favour saying that we should have made the vote formal only when they put 1 to 5, or 1 to 7, and so on.

On this particular situation - the specific point was not covered in the instructions prior to the referendum - I have already read the results of the survey. Having no boxes above the line was covered. A majority of people support party tickets - we surveyed that question - but let me make that point again in case you were not aware of those results. The question was:

Should there be voting tickets for parties, groups and independents? (a voter can mark one square only to vote for the list of candidates as registered by the party, group or independent).

The results were as follows: 54 per cent said yes, 28 per cent said no, 8 per cent were not concerned, and 10 per cent said that there was not enough information. So there was a majority; not a large majority, but a majority nevertheless. As this was contained within the instructions, I will vote against that.

As for how-to-vote cards, I understand the arguments of Ms Szuty and Mr Moore and some of the Liberal speakers. I have raised those and a number more myself at different times. However, I far more support the right of people to make the decision. Once again, one can always second-guess as to why people voted that way. Mr Humphries would say that it was because they were not sufficiently aware of the Hare-Clark system; yet people have stood in this Assembly and said that that was one of the most intensive campaigns ever to hit Canberra. That is true. That contradicts the argument that they were not aware of the Hare-Clark system. It was an enormous campaign, and it was well waged, I suggest. It is a pity that it was not waged for one electorate and Hare-Clark, which is a good proportional representative voting system. The people have chosen to have how-to-vote cards handed out. A proposition was made to me that it would be better, if they are going to be available at polling booths, to have people who wanted to do that set up little stands. Someone could go over and take whichever card they wanted rather than have people going up to them and handing one to them. It is an interesting suggestion. Who knows, one day it may be accepted by the people of Canberra. I would be happy to give them that choice. I think it is a reasonable choice.

I think people can understand that I am limited by space on my survey sheet. When you look at my survey questions I think you will agree that we could not fit any more questions on there. I usually make full use of all the space. Asking people to fill out more than one page is difficult. I have done it; but I try not to do it too often, particularly when there is a lot of detailed information on the first page. I will vote as I indicated earlier. If the people of Canberra wanted to change their vote, or wanted to have a vote

on an electoral system that they may prefer, like one electorate with a good PR system, I would give them that right. When it comes to members of this Assembly and other parliaments around Australia saying that the people should have a referendum on a particular question, I suggest that the people should be able to have referendums. Why should it be only we who can allow them to do it, and why should we be the people who determine the issues, the specific questions, and when? The sooner that that power is held also by the people of Canberra, the better for our democracy, the better for our economy, and the better for our health.

MR BERRY (5.19): Madam Speaker, so far I have not been drawn into this debate, principally because of the length and complexity of it; but this issue is a very simple one.

Mr Humphries: To rort or not to rort.

MR BERRY: Mr Humphries and the Independents, since the outset of the debate over the electoral system, have sought to confuse the community in the ACT. They want to implement a confusing system because they can profit by it. That has been their approach all the way along. The Independents, Mr Moore and Ms Szuty, were elected on the basis of their look-alikeness to the Labor Party. More Labor than Labor was the general thrust of their campaign. Now, of course, when their names have been in lights here and there, they seek to have a confusing electoral system, and seek to ensure that electors do not get access to information when they are about to vote. It is as if people have been forcing how-to-vote cards down the throats of electors as they go to the polls. I have been handing out how-to-vote papers at polls for years and I know when somebody does not want one. They say no. When they say no, there is not much you can do about it. You cannot make them take it away. They will just drop it on the ground, and it would be a waste of a good piece of paper. All we have to do is give them the opportunity to say no. It is as simple as that. What are you frightened of?

Mr Humphries: Confusing the voters.

MR BERRY: I will tell you what you are frightened of. You are frightened that traditional Labor voters and others out there who want to vote Labor will be able to do it correctly and maximise their Labor vote. The Liberals foresee that they are not likely to be in a position to win a majority in this chamber for a long, long time, so the best thing for them to do is to create a confusing system. The Independent benches, occupied by Ms Szuty and Mr Moore, see some value in confusion and making sure that Labor does not win a majority, because they see the power of the balance of power. So it is in the interests of both of you to create a confusing system. It is the same as your attitude to above-the-line voting. You were panic-stricken about it because you knew that the overwhelming majority of the community out there love it. People can get into the polling booth, strike a blow for democracy and get out quickly, knowing that their vote will count as strongly as possible. Voting above the line will ensure that their Labor, Liberal or any other vote is recorded in the strongest way possible.

Do not give me this nonsense about your infatuation with the Tasmanian system and so on, and this nonsense about a belief in the community that they were going to get the Tasmanian system. I do not know anybody in the ACT community who has voted in Tasmania, and I do not think anybody in the community would know what happens in Tasmania. I do not think they have ever heard of the upper house in Tasmania - or not many of them anyway. What if you went out in the street and said, "What about the 17 single-member electorates that make up the upper house in Tasmania? Do you want that here in the ACT as well?". I can tell you that if Mr Stevenson went out there with one of his polls the answers would be, "No, no, no, no. We do not want the Tasmanian system here in the ACT because it involves not only the Hare-Clark system but an upper house as well. We have one house; we do not need two". If you are going to peddle your rubbish about how much we want the Tasmanian system, you really have to look at that issue. You have said to the people out there, "What you really voted for was the Tasmanian system". Well, they did not. They did not ask for an upper house, did they, Mr Stevenson?

Mr Humphries: It is hardly part of the question. The electoral system is what we are voting on.

MR BERRY: Okay, the electoral system; the combination of the Hare-Clark system and single-member electorates. That is the Tasmanian system. You cannot say one thing and mean another. What Mr Moore and the Liberals have been on about is to confuse the electorate from the start. Of course they do not like how-to-vote cards because it would maximise the Labor vote. Of course they do not want it. The Liberals do not like it because they cannot see at any time in the near future that they would have a vote which would get them a majority in this place; so they want to confuse the electorate too.

I will go back to that point I raised earlier. When people want to know how to number their boxes they take the piece of paper gratefully. The more difficult the decision is, the more gratefully they take the piece of paper to work out how they can vote Labor, Liberal, or some other way. If they have made up their mind at home, or made up their mind not to vote at all, they say, "No", and no amount of talk will make them take a piece of paper. The issue is, "Take it or do not take it". Do not give me this nonsense that people ought to be more aware of what is going on in the electorate. Do not give me this nonsense about the Tasmanian system. The nonsense that you people peddle is all about trying to confuse the electorate. I say: Give them all the information they want just before they vote. If they do not want to use it they will say, "No". But do not deny them the opportunity, and that is what you are setting out to do.

MR MOORE (5.26): Madam Speaker, when Mr Berry stood to speak he said that he does not understand the complexities of the rest of the electoral system but he understands this part. The reality is that he understands it at the same level as he understands the rest of it - at a very shallow level. At face value, what he is saying appears to make some sense, unless you understand the system. When you understand the system you know that the fairest and easiest way that a Labor voter can vote - one who wants simply to vote Labor - is to write 1, 2, 3, 4, 5, or 1 to 7 in Molonglo. That will be a fair and appropriate vote for Labor, because that is what they want to do.

It will be the individual voters who will have the chance to say, "No, I do not want to support somebody I consider to be incompetent", or, "Yes, I want to support somebody I consider to be competent". That is what they are frightened of. That is exactly what Mr Berry is frightened of. That is the reason why people like Mr Connolly ought now to say, "This is how I can deliver for Labor voters, for Labor supporters, who are long term; I can now deliver them a real say; I can give them real power in the decision making". This is true consultation and this is the fairest and most equitable way to deliver it. This is the opportunity to override the power machine that has delivered this system.

We know, Madam Speaker, that the first and most rigorous attempt by Labor to do away with people's genuine choice was the above-the-line party ticket voting system. This is the second arrow in the quiver. The first one was the most powerful one. That having failed, and Labor's credibility having taken a huge dive with it, they are now going for this one. Unfortunately, Mr Stevenson appears to have seen an opportunity in this as well, and I can understand that. After all, he did very well at the last election with his slogan "Don't vote informal; vote abolish". There is no doubt that there will be an advantage in it for Mr Stevenson. He will come out with some equally catchy cry for this next election. Of course, Mr Stevenson can use one of his polls to support whatever he wants to say.

Madam Speaker, the reality is that people voted at the referendum for the system as used in Tasmania. I think you are aware, and I think, genuinely, that Labor members are aware, from their discussions with people in Canberra at the time, that people understood that to mean no how-to-vote cards available outside polling booths and no electoral material. Mr Humphries's amendment is designed to deliver to the people of Canberra what they wanted from that referendum.

MR WESTENDE (5.29): Madam Speaker, I am certainly not a career politician. I have not spent my life in politics and I might not be classified as a so-called political animal, but I have been around for quite some time; in fact, for longer than most of us here in this chamber. I have been around in this city since 1956, on and off, and I talk to a lot of people. One thing that comes through loud and clear from almost everyone I speak to is that - - -

Mr Berry: Have any of them voted in Tasmania for the upper house?

MR WESTENDE: They know all about Tasmania, Mr Berry. They have read about Hare-Clark. That is why they voted for Hare-Clark and why they voted for Robson rotation, and as such - - -

Mrs Grassby: They all know about it! Everybody in Canberra knows about Tasmania!

MR WESTENDE: Mr Berry says that we do not know, and that the people do not know. We all know about Robson rotation and we do not need how-to-vote cards. Much has been said by my colleagues and by some of the Independents. I think Mr Stevenson, even at this late stage, should rethink and change his mind. I might remind Mr Stevenson about comments he made in this chamber, Madam Speaker. He has made comments in this house about the right of the people to make decisions. If you allow how-to-vote cards you will let the party machine decide, not the people.

You talk about democracy. I think that was your closing statement. Is it democracy to let the party machine decide, or should we let the people decide? I suggest, Mr Stevenson, that you do a rethink. I think even you would agree that I am not altogether stupid. I might be stupid in some aspects, but I am not altogether stupid.

Mr Stevenson: I have never said that in any case.

MR WESTENDE: No, I did not say that you said that. I am suggesting to you, at this late stage, that you should rethink. I think I have enough nous - perhaps not political nous - to realise that true democracy is giving people what they want. What the people want is Hare-Clark, because that is what they all voted for. People neither need nor want how-to-vote cards. With Robson rotation it is all about the individual politician. That is what they want to vote for - not party politics; not party machines. Let the people decide. They do not want interference from the party. They do not want interference from the backroom boys. They do not want interference from the financial supporters of the party. They want to make the decision themselves. With Robson rotation there is no donkey vote just because one person is No. 1 and another person is No. 2. The ballot-papers are rotated and different names appear on the top at different stages. This is the way to let the people decide. They will not get confused. Those people who want Mr X will vote for Mr X whether he appears at 1, 2 or 3 on the party ticket.

I appeal to Mr Stevenson even at this late stage. He should not be blinkered. If you talk about democracy and about people's choice, then, really, the Hare-Clark system with Robson rotation - especially the Robson rotation section of the system - gives true democracy for the voter. As I said, I have talked to quite a few people. I make it a habit.

Mr Berry: Lou, you do not believe this.

MR WESTENDE: I do believe that.

Mrs Grassby: You would not have got here without a party ticket, Lou.

MR WESTENDE: I was No. 6 on the party ticket and still got in, when everybody said that we would get only four in. So I would not be too sure, madam. We needed a party ticket only because you had one, and at least we had enough sense to change. Success comes to people when they know that they should change. If we had a party ticket the last time, at least we do not have one this time, because we know that the people have decided that they want a choice. Sixty-eight per cent plus decided on Robson rotation, and that automatically meant no how-to-vote cards. I appeal to all of you, but especially to Dennis, to rethink and to support Mr Humphries's amendment.

MR STEVENSON (5.35): I find some irony in members talking about giving the people what they wanted after no-one stood up and fought for the right of the people to choose one electorate with Hare-Clark. When people voted for the bottom question or the top question in the 1992 referendum the questions were rotated on the ballot-papers. When they chose other than single-member electorates they got everything that went with that, except that we did not get the formal vote being 1 to 7, or 1 to 5. They did not get everything because some of the things were not mentioned. In respect of those things that were mentioned and that we surveyed, I will simply do as I am instructed.

I do not think that a member of parliament can go off and do what he likes. You always have the option of resigning if there is some direction by the people that you do not want to accept. If you are a manager of a business you can say, "Look, I am simply not going to do that; I resign". However, prior to that, you should do what the law requires, and you should do what the majority of the people, in our case, require, or, in a commercial case, what the owner of the business requires. By all means advise them. I do my best. I stood up again and again and talked about this. I think the PR system is a wonderful idea. I just think it is unfortunate that we will not have it in the ACT at the next election. We will have different ones in three electorates, but we will not have proportional representation.

I am not sure how many people understand this. People who were concerned about education, or health, or law and order, and who voted for a party or group on the ballot-paper that was standing up for those areas in the first election would have had a member elected with 5.56 per cent. In the second election, with 5.56 per cent, they would have had a member elected. In the third election, the 1995 election, they might get three times 5.56 per cent. Mr Connolly just waves. You can wave goodbye to someone who had proportional representation in the electorate. He is quite right. As Mr Connolly, Mr Lamont, and the rest of them know, it was done deliberately. I know that they do not want the people to find that out. That is understandable. It is okay for Mr Connolly to nod. I will not even mention it for *Hansard*. We understand why they do that. I know why most people in this Assembly are voting for different things, and I will bring up one or two points later on. I know that it is not to do with the will of the people. In many cases, not every case, it is because they think their particular power clique will get better support.

Mr De Domenico: Not us on how-to-vote cards. We are quite prepared to go to the people and say, "Vote for whoever you like".

MR STEVENSON: That is a reasonable point. I was going to bring that up. You deserve to be commended for that. I could not think of any reason why you might want it otherwise.

It is worth mentioning something about how-to-vote cards that has not been brought up. There is a potential problem with how-to-vote cards and it is something that we should bring to attention. This is a yellow and black card. It says, "Thinking of voting Democrat?". You see that up at the top. Towards the bottom it says, "Maggie Deahm". If I was a voter I might have grabbed one of these and thought, "Yes, I was thinking of voting Democrat. Maggie Deahm is good enough. I will tick Maggie Deahm". But if I had stopped and thought about it, I would have read, "Thinking of voting Democrat?", and then, in smaller print, "If you are casting your No. 1 vote for the Democrat candidate, be sure to give your No. 2 vote to the Labor candidate, Maggie Deahm". It is what you call a deeming vote. It is when you think you are voting for the Democrats but actually you are voting for the No. 3 Labor candidate, Maggie Deahm. Is that not interesting? It says, "Number all squares. Your preferences will count. Maggie Deahm will stop the GST". But who will stop the corruption? Who will stop someone deliberately putting out something like that, designed to encourage - - -

Mr Humphries: We will. Our amendment will do it.

MR STEVENSON: Good thing. I will support it. Oh, do you mean this amendment? I mean to stop voting cards being crooked. We could stop a lot of the problems caused by non-representative voting by giving a choice to the people of Canberra - a single electorate with a good proportional representation system. PR in this town is dead. Certainly, in one of three electorates you have a proportional representation system. You could have a proportionally representative system in 10 electorates in this town. PR for the ACT is dead, and we know that the Federal Labor and Liberal parties killed it. The Democrats tried to stop it, and commendation is due to them.

MS FOLLETT (Chief Minister and Treasurer) (5.41): Madam Speaker, I would like to address that last point that Mr Stevenson raised. I refer members to proposed new section 290 in the Electoral (Amendment) Bill. It is headed "Misleading or deceptive electoral matter" and it says:

A person shall not disseminate, or authorise to be disseminated, electoral matter that is likely to mislead or deceive an elector about the casting of a vote.

Penalty: $5,000 or imprisonment for 6 months ...

Madam Speaker, I wanted also to have a very quick word because I have heard so much about the Labor Party's intentions in this matter from such well known Labor Party experts as Mr Humphries, Mr De Domenico and Mr Moore. I thought it was timely to have a look at the intentions and the actions of another very important group, the Hare-Clark Campaign Committee. Members will be aware that it was the Hare-Clark Campaign Committee basically which conducted the campaign for the Hare-Clark system. It was a very good campaign, a very successful campaign, and all power to them for doing that. But, Madam Speaker, members might not be aware that the Hare-Clark Campaign Committee were completely silent on the question of how-to-vote cards. Madam Speaker, it is the case that the referendum options sheet has nothing to say about how-to-vote cards.

I understand that Mr Miko Kirschbaum, of that committee, said at a recent meeting of the Proportional Representation Society of Australia that the Hare-Clark Campaign Committee deliberately did not include any reference to the banning of how-to-vote cards in the referendum options description sheet. It was a deliberate act. Madam Speaker, according to my advice, this was because the committee itself did not agree, amongst themselves, about whether the banning of how-to-vote cards was a part of the Hare-Clark system. The Hare-Clark Campaign Committee was not able to form a unified view on that matter. I also believe, Madam Speaker, that Mr Kirschbaum said at that meeting that he personally supports the availability of how-to-vote cards. Given that that is a view that is held within the Hare-Clark Campaign Committee, I find all of the statements about how-to-vote cards being inherently wrong under Hare-Clark to be utter nonsense.

I thought that Mr Berry put very well the fact that the vast majority of Canberra voters have never even thought about this issue. As Mr Stevenson's poll shows, with all the faults of Mr Stevenson's poll, there was no reaction. His survey people said that we cannot possibly have how-to-vote cards as it is forbidden under Hare-Clark. How would they know? As Mr Berry has said, most people would not have a clue. I find it absolute nonsense that people, especially Mr Westende, are putting forward that the voters of the Territory are expecting to have no how-to-vote cards. They are not expecting any such thing.

Mr De Domenico also, I think, in particular, has a very low opinion of our voters. He treats them as completely ignorant. The fact of the matter is, Madam Speaker, that voters choose whether or not to take a how-to-vote card. Over the years that I have handed them out I have had many people refuse to take one. That is their right. I certainly do not harass voters, and my party has a policy of absolutely not harassing voters. Ms Szuty has not been around too many polling booths if she thinks that is what occurs. It is obviously counterproductive to harass voters.

The fact is, Madam Speaker, that many people do want a how-to-vote card. Many people need the information that is on it. Once they have it they can still choose. They still have absolute freedom of choice as to whether to follow that how-to-vote card or to do something entirely different. People exercise that choice. They exercise it in private, in secret, and that is their right. In my view, most of the arguments put forward for banning how-to-vote cards are extremely shallow. There has been no issue of substance put forward. I would urge members to do what the Canberra community, I believe, is expecting us to do, and that is to reject Mr Humphries's amendment.

MR HUMPHRIES (5.47): Madam Speaker, in support of my amendment let me say that the Government has tried to make a virtue of the millstone around its neck, which is to introduce into the Hare-Clark system this graft-on, this element which it knows in its heart of hearts will be very incompatible with that system. Indeed, I make a prediction, Madam Speaker. I believe that this coming election will be the first and the last election in which how-to-vote cards are allowed in the ACT. I am quite certain that, when voters in the ACT see what how-to-vote cards produce in that election, when they see how many informal votes are caused by how-to-vote cards, and when they see voters who do not have a good understanding of how the system works scratching their heads and looking bewildered when they cannot reconcile a how-to-vote card with a rotated ballot-paper, people will get the message.

Mr Connolly: People will decide that next time they want above-the-line votes to make it simpler.

MR HUMPHRIES: Mr Connolly, I would not speak, if I were you. We are doing you a favour with this. You, in your heart of hearts, would be saying, "Yes, yes, Dennis; vote yes to this amendment, vote yes to this amendment". Madam Speaker, this system is a system which is an integrated whole. How-to-vote cards are very much not part of the Hare-Clark system. That very same public meeting to which the Chief Minister referred was also characterised by an important speech by Terry Aulich. Terry Aulich was the Labor senator from Tasmania who was a former member of the Tasmanian Parliament, in which capacity he was Minister in charge of the Electoral Act. He made a very

impassioned plea at that meeting to retain the ban on how-to-vote cards. His view was that how-to-vote cards are damaging and, indeed, are opposed to the whole concept of Robson rotation. That is the position in Tasmania, and he knows it, and so does the whole Labor Party.

Why has the Labor Party in Tasmania not moved at some stage while in government for how-to-vote cards? Why will no member of the Tasmanian Labor Party in parliament there argue for how-to-vote cards? Because they know that the electors of Tasmania would not forgive a party that wanted how-to-vote cards. The Labor Party in Tasmania has the prerogative to issue how-to-vote cards. It can do so before polling day. But the Labor Party in Tasmania, I understand, does not do so because people respect and defend their own right to make that choice. The Labor Party knows that it would be on dangerous ground indeed were it to try to tell its own voters how they should approach the Robson rotation. It does not dare. After this first election, Madam Speaker, if this amendment fails tonight, I am sure that even the local ALP will not dare.

This is not about the right to receive information. People have the right to receive information before election day. The Chief Minister can put how-to-vote cards into people's letterboxes and write to them a personal letter of the kind that I received from her before the last election, giving them information and giving them a how-to-vote card, if she wants. It is about generating confusion or not generating confusion on polling day through the issuing of how-to-vote cards. She knows full well that the High Court decision on freedom of speech does not in any way threaten how-to-vote cards. If it had, there would have been a move, presumably, from someone like her against the how-to-vote cards in Tasmania. That has not happened, and it is not going to happen. People are going to need as much information as they can get. People getting information of that kind at the last minute on polling day will be damaging. It will be destructive; it will achieve nothing.

We are not proposing banning how-to-vote cards outright, because we do not believe, first of all, that there is any need to do so. How-to-vote cards are allowed in Tasmania before polling day; they are allowed here before polling day. Our position on this is not identical to, but is close to, the position in Tasmania. Her party, whether this amendment succeeds or not, can distribute how-to-vote information; and people will be able to digest that and understand it before they get to the polling booth. They will know how the system works. They can contrast this information with the information that they are getting over the media and so on about what the information actually means for them, and how much they have to rely on those cards to cast a formal vote for Labor. That makes a great difference. That makes a huge difference in the operation of this system.

Mr Stevenson talked about the problem of shonky how-to-vote cards, and he is absolutely right about that. You cannot have any adequate protection against shonky how-to-vote cards before polling day.

Mr Lamont: Will you put out how-to-vote cards?

MR HUMPHRIES: That is a decision for my party machine. Madam Speaker, the point is that, in the context of this election, it is impossible to make a decision - - -

Mr Lamont: It is a machine matter.

Mr Connolly: I did not think there was a Liberal machine.

MR HUMPHRIES: Madam Speaker, can I have a little bit of order?

MADAM SPEAKER: Order!

MR HUMPHRIES: Thank you, Madam Speaker. It is impossible to stop shonky how-to-vote cards being issued before polling day because they can appear on polling day. They are thrust into people's hands as they are approaching the polling booths. They have not been seen before and, naturally enough, they cannot be detected until that time. Mr Stevenson, nothing is going to stop those sorts of Maggie Deahm things from appearing in people's hands on polling day, because it will be too late to do anything about it by that stage. It will be impossible to do anything about it. I suspect that those opposite will use exactly that kind of tactic if the matter comes to that point.

I think there will be two sorts of Labor voters on polling day. There will be, first of all, those who understand absolutely how the system is going to work. They are going to be the people who will have been intelligent enough to have followed the debate to some extent at least and will understand that the essential element of the Hare-Clark system is choice. They can choose the candidates that they want. They are the sort of people, by the way, who would have gone into the polling booth in February of 1992 and voted 1 for Rosemary Follett and then voted 1 for the Hare-Clark system. There were many thousands of Labor voters who did exactly that. They were smart enough to tell the difference between Labor propaganda and the truth. They were the people who voted that way, and they are the same people who will go into the polling booth and decide exactly which members of the ALP team they want to vote for on polling day.

The second category of people on polling day will be those people who do not understand how the system works, who have perhaps a slender knowledge of politics generally and who will want to vote Labor but who will need something to tell them what to do. Those are the people who are going to get into the polling booth, pull out their pencils, and see a how-to-vote card which says, "Vote 1 Rosemary Follett, 2 David Lamont, and 3 Terry Connolly", and they are going to see a ballot-paper with Terry Connolly's name at the top. They are going to think, "I have the wrong ballot-paper; I could be in the wrong electorate". They will go back to the polling clerk and say, "I have the wrong polling paper". The clerk will say, "No, you haven't, madam. You have the right one. Please go back. The names are rotated". Those people are going to be hopelessly confused because they are not the people who follow politics closely. They are those who do not follow politics closely and do not understand this system.

Madam Speaker, it should not be any surprise to people to realise that this tactic on the part of the ALP will cost the ALP more than any other party in this place or outside it. These people are the ones who are throwing votes away hand over fist, and they know it.

Mr Connolly: In that case you should be voting with us, with a smile on your face, and saying, "You silly Labor people; you are helping the Liberals".

MR HUMPHRIES: No; because I do not want those opposite to come back to this place, or outside it, and say, "The system is confusing. See what you got with this confusing Hare-Clark system which nobody understands. Look at all the informal votes. This proves that we need above-the-line voting. Look at all the informal votes we produced in this election". That is what you are going to achieve with this outcome. Madam Speaker, that second category of people are the people who are not going to forgive the Labor Party for having hopelessly confused them and possibly invalidated their vote because of the way they have behaved.

There is a great irony in this, of course, Madam Speaker. We are talking about a Labor Party how-to-vote card with a particular order on it. I wonder whether Mrs Grassby, for example, at, say, No. 2 or No. 3 on the Belconnen ticket, will be following a Labor Party how-to-vote card. No way. Will Mr Connolly, at No. 3 on the Labor Party ticket in Molonglo, be following thatcard? Will he vote 1 Rosemary Follett? I do not think so, Madam Speaker. Will Mr Wood at, say, No. 3 on the Tuggeranong ticket, vote 1, Annette Ellis? I very much doubt it. I have a funny feeling that he is not going to follow it. The basic question is this: If you people across the way are not going to follow your own how-to-vote cards, why do you expect the people of the ACT to do so? You are hypocrites. You should let people go to that poll and exercise the choice that Hare-Clark with Robson rotation gives them, and that means supporting this amendment.

MR STEVENSON: Madam Speaker, I seek leave to make a statement under standing order 46.

MADAM SPEAKER: Yes, Mr Stevenson. Proceed.

MR STEVENSON: Mr Moore mentioned that I have taken the opportunity to vote for how-to-vote cards and suggested that there was some benefit that I would get. There can be only two reasons for an unjustified attack on me and on other people who are members of our party and Canberrans who assist in design, in carrying out the polls and in counting. The first of the two reasons why Mr Moore would do that is that he lacks perception of the logic - the logic that I have presented a number of things and I simply vote that way, whether I agree with it or not. Normally I do not say what my personal opinion is. On a number of matters I vote as a result of surveys. In this particular case, were it to be my choice, I would not have how-to-vote cards handed out at the polling booth; but that is neither here nor there. That is just my opinion. That is what some politicians, when it suits them, call their conscience. If it is truly a matter of conscience, they can leave, because they are not good servants if they will not serve the people who hire them and pay them. I am concerned about unjustified attacks. Mr Moore often makes them on me. When they also are made on people who assist us, that certainly should be commented upon.

Question put:

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

The Assembly voted -

AYES, 8 NOES, 9

Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Moore	Mr Lamont
Ms Szuty	Ms McRae
Mr Westende	Mr Stevenson
	Mr Wood

Question so resolved in the negative.

MS FOLLETT (Chief Minister and Treasurer) (6.01): Madam Speaker, I move Government amendment No. 80, which reads as follows:

80. Page 124, lines 16 and 17, proposed new subsection 298(2), omit the subsection, substitute the following subsection:

"(2) This section does not apply in relation to -

(a) a visiting officer acting under section 147; or

(b) a notice authorised by the Commissioner for display in the polling place.".

This amendment is to ensure that the offence of exhibiting electoral matter in a polling place does not apply to material that is exhibited by a visiting officer under new section 147. Everyone understands that.

Amendment agreed to.

MR HUMPHRIES (6.02): Madam Speaker, I move amendment zw. circulated in my name. It reads:

zw. Page 131, line 33, before proposed new section 318 insert the following section in proposed new Division 2:

Investigation of complaints

"317A. The Commissioner shall -

(a) investigate; or

(b) refer to the appropriate authority for investigation;

any complaint alleging a contravention of this Act, unless the Commissioner believes on reasonable grounds that the complaint is frivolous or vexatious.".

Madam Speaker, this amendment simply inserts a level of requirement on the commissioner to investigate complaints about contraventions of the Act. The present procedure is that the commissioner, when complaints are made, can treat them, I think, in one of three ways. He or she can investigate them himself or herself; they can be investigated by some other body, such as the Director of Public Prosecutions; or they can be basically overlooked or ignored on the basis that they do not seem to reveal any serious breach or that they are frivolous or of no consequence.

Madam Speaker, this amendment makes it clear that this is not just a matter for discretion on the part of the commissioner but is an obligation on him or her to properly consider and deal with any complaints that are made. I have heard, in the context of the Australian Electoral Commission, about some complaints not being properly examined or looked at. I am sure that the amendment I put forward here will not change the substance of the work that the commissioner does, but it will make it clear that any complaint made about the operation of an election in respect of a contravention of the Act should be taken seriously, at least on face value, and that it is important, in those circumstances, to consider the complaint and decide in which of those three ways it should be dealt with. I believe, Madam Speaker, that this makes the position clear and puts an obligation on the commissioner to consider those matters. As I say, it will not change the practice, but it will provide for some certainty that the people who make complaints under this system will have those complaints treated seriously.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (6.04), by leave: Madam Speaker, I move together Government amendments Nos 81 and 82, which read as follows:

81. Page 133, lines 14 to 17, proposed new subsection 321(2), omit the subsection.

82. Page 133, line 23, proposed new paragraph 321(4)(a), omit "1", substitute "a ballot paper".

With regard to amendment No. 81, proposed new subsection 321(2) is being omitted as it could be taken to give the unintended result of allowing a person to claim that a document was sent by fax to the Electoral Commissioner simply by producing a fax transmission report. By omitting the subsection, the onus will be placed on the sender to ensure that a fax is properly received by the commissioner. The second amendment is to correct a drafting error. It is not a significant matter.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 23 and 24, by leave, taken together, and agreed to.

Schedules

MS FOLLETT (Chief Minister and Treasurer) (6.06): Madam Speaker, I move amendment No. 83, which has been circulated in my name and which reads:

83. Page 138, proposed new Schedule 1, Form 1, omit the Form.

This is as a consequence of the removal of the party ticket voting scheme.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (6.06): Madam Speaker, I move Government amendment zi., which appears on the pink sheets headed "Supplementary Amendments D". It reads as follows:

zi. Page 139, line 1, proposed new Schedule 1, Form 2, omit the Form, substitute the following Form:

"FORM OF BALLOT PAPER

Legislative Assembly for the Australian Capital Territory

Ballot paper Election of [1] Member(s)

Electorate of [2]

Number [1] boxes from 1 to [1] in the order of your choice
Then you may show as many further preferences as you wish by writing numbers from [3] onwards in other boxes.

ILLUSTRATION OMITTED

Remember, number at least [1] boxes from 1 to [1] in the order of your choice.

1. Insert number of vacancies
2. Insert name of electorate
3. Insert the number that is one more than the number of vacancies
4. Insert name, or abbreviation of name, of registered political party, as required
5. Insert "UNGROUPED" if there are ungrouped candidates
6. Insert name of candidate
7. Insert name, or abbreviation of name, of registered political party, or "INDEPENDENT", as required"

Having removed one form, we are substituting another. The form is illustrated on page 9 of the pink sheets.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (6.08): Madam Speaker, I move Government amendment No. 86, circulated in my name, which reads:

86. Page 146, line 19, proposed new Schedule 3, subclause 9(2), add at the end of the subclause "in which case the removal shall not be taken to be an official error".

The Schedule is to be amended to clarify the intent of clause 9, which provides that, where a person claiming to vote is not on the electoral roll, the person's vote will be admitted to the count if the person's name was removed from the roll because of an official error. This amendment makes it clear that a name removed from the roll prior to the previous election is not to be taken to be removed as a result of official error.

Amendment agreed to.

MR HUMPHRIES (6.09), by leave: Madam Speaker, I move together amendments a. and b. on the orange sheets, headed "Supplementary Amendments B". The amendments are as follows:

a. Page 148, lines 8 to 16, proposed new Schedule 4, subclause 1(1) (definition of "transfer value", paragraph (a)), omit the paragraph, substitute the following paragraph:

"(a) in relation to the allotment of votes from the surplus of a successful candidate - in the case of ballot papers that specify a next available preference, subject to subclause (1A), the value calculated as follows:

$$\frac{S}{CP}$$

where -

S is the surplus; and

CP is the number of ballot papers counted for the candidate at the count at which he or she became successful and which specify a next available preference; or".

b. Page 148, line 23, proposed new Schedule 4, clause 1, after proposed new subclause (1) insert the following subclause:

"(1A) Where, but for this subclause, the transfer value of a ballot paper calculated in accordance with paragraph (a) of the definition of 'transfer value' would be greater than the transfer value of the ballot paper when counted for the successful candidate, the transfer value of that ballot paper is the last-mentioned transfer value.".

Madam Speaker, these are amendments which change the definition of "transfer value" as it appears in the Bill. We have already made it possible for people to have a formal vote if they make a mistake within the first five or seven numbers, even if they mark fewer numbers than the five or seven that is suggested on the ballot-paper form that we have just approved. The Government amendment to do that has been supported because it gives more voters a chance of effective representation. It does not punish them for inadvertence or for holding strong conscientious views about how many candidates to number.

It is quite possible that people will be voting 1, or 1, 2, 3 or whatever, in an election to achieve what they want from that campaign. With voters exercising that option, with more people having the choice of legitimately voting just 1, or 1, 2, 3 or whatever, there will be many cases of people's votes having the potential, at least, to exhaust themselves earlier than would be the case if the previous formality provisions had applied. I mentioned before that that is the major difference between the position which the Chief Minister originally put forward in her Bill and the position which is now the case with this Bill, having had those formality provisions relaxed. This amendment I put forward today relates to the transfer values, and it is consequential upon the attempt we have made to ease formality requirements. It follows, Madam Speaker, from the fact that we have more relaxed formality rules, that you must obtain at least a potential for a higher exhausted vote. In practice you will get a higher level of exhausted votes if you do not make other changes to adjust for that fact.

This amendment picks up exactly what happens in the other two places where the single transferable vote has been in use since the 1920s. These are the provisions based on the Republic of Ireland and Malta. What those places have in common with the ACT, and what they do not have in common with Tasmania, for example, is that they require only a single preference for a vote to be formal. I note, Madam Speaker, that the model for exhausted votes which the Government puts forward here in the context of the particular formality rules which are provided for in this Bill has no precedent. There is no jurisdiction or place I have heard of where the system the Government is putting forward applies - that is, these relaxed formality rules combined with these relatively tight exhausted vote rules. The approach which I am putting forward here is used elsewhere in Australia, however. It is used in New South Wales local government elections and those for the Legislative Council of New South Wales.

The important thing to remember is that each person in a poll has a single transferable vote. What is the point of making it easier to record a formal vote and then denying the full effectiveness of that vote by reason of the rules that you apply? By changing the definition of "transfer value" to make it on the basis of continuing papers rather than all papers in an election, we are doing two things. We are trying to fit, first of all, the non-transferable papers into the quota of the elected candidate without loss; so non-transferable papers stay within the place where they do the most good, or the only good they can - that is, with the candidate whose votes have already caused him to be elected. The second thing that it does is to distribute the surplus left over on the basis of the rest of the votes - that is, the votes which are not already exhausted.

I find it hard to see how you can complain about the principle of that procedure. The principle surely is a good one which we should protect and pursue. Certainly, the voters with papers that do not have a next available preference could not complain about this because they are getting the full value for their vote, if that is at all possible. Nor could anyone else complain about these arrangements on any legitimate basis because the consequence of their efforts is still being processed here. The effect of these amendments is that we minimise the number of votes written off as exhausted in the count, and that means that we maximise the effective participation of voters.

Let me pose this question: What is the fundamental purpose of any electoral system? Surely it must be to maximise the participation of electors in the democratic process; and that in turn must mean ensuring that, where they indicate some point of view, some preference, their point of view or preference is given maximum effect, to the extent that that is reasonably possible. The scheme I put forward here is possible. It is more than possible; it is in practice in a number of places with similar formality provisions to the ones we have applied here. It should therefore be the norm that we use.

There are two possible sources of exhaustion. One is when a candidate is being excluded in those circumstances from the count. The person has fallen by the wayside, as it were. Nothing can be done to give those votes full effectiveness where that happens. The second circumstance is where a surplus has been distributed. Here something can be done, and that is why we have acted to put in these provisions. In Tasmania some 80 to 90 per cent of exhausted papers arise from exclusions rather than surpluses. That is usually when the last person from a party is excluded, and that is with at least seven numbers required to be put on the ballot-paper and with no errors allowed. That is the position in Tasmania - no errors are allowed. In the ACT with this new Bill, this new Act, we can expect a much higher proportion from surpluses than from exclusions, and higher levels, therefore, of exhausted votes than they get in Tasmania. In Tasmania, 2 to 4 per cent of votes are exhausted by virtue of those arrangements I referred to. In Tasmania, it is rather unusual for the last candidate elected to obtain a quota because of exhaustion and loss by fractions. We want to avoid exhaustion in votes as much as possible.

Madam Speaker, it seems to me that we need to ask ourselves this question: What is wrong with the suggestion that people should have less than a quota at the end of the count and still get elected? The difference between the Government's position and ours is that you may end up with a candidate being elected at the end of the count with perhaps 80 or 85 per cent of a quota. With our position they would be much nearer to a quota by virtue of the distribution of preferences, properly, from those votes which are still alive. So what? With Rosemary Follett's scheme, the last candidate gets 85 per cent of a quota. With ours, he might get 95 per cent of a quota or even more. What is the difference?

What it means is that there can be a perception on the part of the electors of the ACT that candidates in that position - candidates similar, in a sense, to Ms Szuty at the last ACT election who was, I think, the last candidate elected - are members of the Assembly with less value than other elected members who achieved full quotas. By giving as many voters as possible full value for their votes, and for their efforts, this possibility is not

entirely excluded, but it is minimised and becomes less likely to occur. If you look at the way that this has operated in Tasmania you will see that the result there has been somewhat anomalous, but I will come back to that when the Chief Minister speaks on this matter.

I do not expect the Chief Minister to be necessarily impressed with my plea for exhausted votes to be given more priority and for that to be avoided, and to take that into account when looking at the way in which we have changed the rules with our new formality provisions. I do not expect my words to carry much weight; but I will ask her to listen to the words of Dr H.V. Evatt, who, as the Minister responsible for the Electoral Bill of 1948, had some things to say about the change to proportional representation for the Senate which was being effected by that Bill. In the course of the debate in 1948, Madam Speaker, he said:

It is not proposed to alter the existing style of the Senate ballot-paper or the provision that candidates may be grouped thereon with their names in such order within the group as they desire. Nor is it intended to vary the requirement that voters must indicate the order of their preference for all the candidates. Whilst this latter requirement might have the effect of continuing to produce a fairly high informal vote, it definitely precludes the possibly greater evil of exhausted votes - that is, votes which become exhausted in the process of transfer.

(Extension of time granted) The problem of exhausted votes is a real issue. I know that this might be an exhausting issue for some members of the Assembly, and it might appear to be very trivial; but I think the onus is on us to produce a fair and workable system which gives voters the most chance of producing a valid and effective vote. I do not see the argument for allowing a vote to exhaust any sooner than it needs to. There is no suggestion that I have heard that what I put forward is unfair. I have heard the suggestion that it is complex, and I concede that. I have also heard the suggestion that it is not used in Tasmania, and I also concede that.

I note that Dr Evatt, when introducing his provisions for the Senate in 1948, referred to the fact that the system he was using was the one recommended by the Proportional Representation Society of Australia. I should point out that the system that I am proposing here is the one recommended by the Proportional Representation Society of Australia also. It is the standard provision that they suggest, and have suggested for quite some time, and it constitutes a fairer system than the alternative which we have before us. It is also a very essential system, given the changes we have made. I do not know why the ALP is happy to see those sorts of exhausted votes go down the drain. I certainly am not. I hope that the Assembly will support the concept of giving voters the maximum chance to employ the greatest effectiveness and the longest life of their votes in the course of the count.

MS FOLLETT (Chief Minister and Treasurer) (6.21): Madam Speaker, I will be opposing Mr Humphries's amendment, and I do so on very simple grounds. I will read to the Assembly from the Referendum options description sheet, page 2, where it says:

Seats will then be allocated to the candidates using the Hare-Clark system of proportional representation, as used at elections for the Tasmanian House of Assembly ...

Surely nothing could be clearer or more prescriptive than that. What Mr Humphries is proposing in his amendment does not fit the bill. It is not, as Mr Humphries admitted, as used at elections for the Tasmanian House of Assembly. We have had a number of debates on what is or is not acceptable as an amendment to the referendum options description sheet. I want it to be very clear that what Mr Humphries proposes is contrary to an expressed and prescribed method that is spelt out in this sheet. Madam Speaker, it is not that it has been omitted from the sheet. It is not a matter that was not dealt with in the debate on the Hare-Clark system. The matter that Mr Humphries proposes to amend is one that was prescribed by the referendum description sheet, and described very specifically; so members should be very clear about what it is that they are opposing.

Madam Speaker, the proposal that Mr Humphries is putting forward would have the effect of increasing the effective value of some voters' ballot-papers, and that in turn could change an election outcome. I want members to be very clear about that also. Mr Green has given me some very lengthy examples of how an election outcome could be altered by Mr Humphries's proposed amendment. I am not going to go through those examples. For one thing, I am no expert in these matters and I would have trouble getting to grips with these examples. I also believe that there would be other members who might not find them too enlightening. However, Madam Speaker, I would appeal in particular to Mr Westende who, in the debate on how-to-vote cards, told me that everywhere he went in Canberra people begged him to ban how-to-vote cards because they all understood the Hare-Clark system so well. I would ask Mr Westende: Is it the case that, everywhere you go, all these people who understand the Hare-Clark system so well are also begging you to change the definition of "transfer value" during the scrutiny because they find the present system unsatisfactory? I very much doubt it. Madam Speaker, as I say, my grounds for opposing what Mr Humphries wishes to do are that it is specifically prescribed in the referendum options sheet and it could change the outcome of an election in a way that was not envisaged at the time this referendum was taken.

MR MOORE (6.25): Madam Speaker, I rise to respond, first of all, to the Chief Minister's comments about the Tasmanian system. I think the first and most important point is that this amendment is consequential upon our changing the formality rules that apply to the counting of an election. It is clearly consequential upon that. In other words, had we not changed those formality rules the counting system in Tasmania would apply more appropriately. More importantly, the Chief Minister has, I believe, misrepresented what is in the description sheet in that what she read is exactly what is in the sheet but it does not end with a full stop; it ends with a semicolon.

Mr Stevenson: A colon.

MR MOORE: A colon. There is a series of qualifications under those words. We have the words she read out, "as used at elections for the Tasmanian House of Assembly", and there is a colon. I will interpret that colon as meaning namely. Then it sets out a series of points. One of those points says:

If an elected candidate obtains surplus votes ... the votes will be transferred to other candidates in the count.

If vacancies remain to be filled surplus votes ...

It goes on to say:

This process of distributing the surplus votes of elected candidates and of excluding candidates will continue until all the vacancies have been filled.

In other words, there is a series of qualifications, but it does not deal with this specific issue of exactly how they will be counted, other than conceptually and as you would expect. It seems to me, Madam Speaker, that this amendment put up by Mr Humphries is not dealt with by either of the main points raised by the Chief Minister. Firstly, it is left open by the referendum description sheet - not that the referendum description sheet meant anything to the Chief Minister when she introduced above-the-line voting, but it does mean something to us. I think that is the point she is making. I believe that it is open on this issue. Anyway, we have made a change to the formality rules, and that means that there is room for a consequential amendment.

I listened very carefully to what Mr Humphries had to say and at present I am giving very serious consideration to the perspective that he put. When we talked earlier about different formality rules, what we were really interested in, Madam Speaker, was ensuring that people who cast their vote get full value for that vote if we can possibly deliver it. That is the argument that has been put by Mr Humphries, and it has not been countered at this stage by Ms Follett.

A briefing was given to us by Ms Follett's advisers earlier. This is a good opportunity to say how grateful I am to Ms Follett for providing those advisers to us over the last eight or 10 weeks. They have always been ready to give us information and have always been frank and open. That has been greatly appreciated. The lengthy papers that you were talking about were made available to us, or certainly some of them were, and we were taken through the extent to which this system may cause problems or a distortion of the vote. The question for us to determine now, on balance, is whether a minor distortion is caused more by the original form or by the amendment put up by Mr Humphries. That is what we are considering.

MS SZUTY (6.30): This has been a quite complex and difficult argument, I believe, for members of this chamber to make a decision on. It has been an issue that Mr Moore and I have been looking at for some time. I think Mr Humphries put the arguments in favour of the amendment very well. He indicated that in Malta and Ireland, where the Hare-Clark electoral system is in place, and optional preferential voting is also in place, this is the method of counting votes that applies. We know that in Tasmania that is not the case. Tasmania does not have optional preferential voting.

Ms Follett, when she responded to the issues put forward by Mr Humphries, referred to the statement on page 2 of the referendum options description sheet. I have revisited that matter this evening and I have underlined the segment that Ms Follett read out earlier. It reads:

Seats will then be allocated to the candidates using the Hare-Clark system of proportional representation, as used at elections for the Tasmanian House of Assembly ...

Mr Moore, in his remarks, qualified that quote quite appropriately by reading out the four indented paragraphs which refer to the dot point where that statement is contained.

Ms Follett also made the point that, if this counting and transfer vote system is adopted, the effective value of some electors' ballot-papers will be increased above others. That is a concern that I have had, Madam Speaker. In fact I have put the question quite openly. Are voters advantaged if they write more numbers on ballot-papers, extending from 1 to 5, and from 1 to 7, as the requirements will be according to the ballot-paper that we adopted earlier tonight? I have some concern about that. I have some concern that electors will feel that, the more numbers they put on the ballot-paper, perhaps the more advantage they will have over other voters who vote 1 to 5 in electorates where there are five seats available, and 1 to 7 where there are seven seats available. I do not believe that I have resolved that issue.

Mr Moore, when mentioning page 2 of the referendum options description sheet, also mentioned the very obvious link between the schedule that Mr Humphries has proposed and the optional preferential voting system. He also mentioned the briefings that we have received about the possible anomalies and distortions which can arise through the application of the system that Mr Humphries has described this evening.

On balance, Madam Speaker, I think it is an extraordinarily difficult decision for members of this Assembly to make. The argument that has persuaded me in the end to support Mr Humphries's amendment on this occasion is a statement which is contained on page 5 of the referendum options description sheet. It talks about the case for the proportional representation Hare-Clark system and says:

Under Hare-Clark, wasted votes are avoided. Surplus votes are transferred to others.

I note that this argument was run in direct opposition to the single-member electorate system which was proposed by the Labor Party in the lead-up to the referendum in 1992. Had the voters of the ACT made the decision to adopt single-member electorates, we would have had a much higher wastage of votes than we will have under the Hare-Clark electoral system. While I have some concerns about the amendment that Mr Humphries is proposing, should this Assembly adopt it, I think that the concerns that I have are outweighed by the philosophical position from where the Hare-Clark electoral system ultimately comes.

MR HUMPHRIES (6.34): Madam Speaker, - - -

Ms Follett: Gary, give up. Sit down.

MR HUMPHRIES: All right. I am not sure where Mr Stevenson stands on this matter. I might have to address Mr Stevenson. When you say, "Give up", I assume that you are not going to vote for my amendment.

Ms Follett: Of course not.

MR HUMPHRIES: I will make a few quick comments, Madam Speaker. I have not heard any argument in principle from the Chief Minister, only an argument based on - - -

Ms Follett: Only that it was not in the referendum.

MR HUMPHRIES: Only an argument based on what the referendum options description sheet is supposed to have said.

Mr Connolly: Only your basic argument about the whole thing - that the referendum thing is sacrosanct.

MR HUMPHRIES: Well, it is sacrosanct.

Mr Connolly: Unless it is a Liberal amendment.

MR HUMPHRIES: No, it is not inconsistent with my amendment. My amendment, as Mr Moore rightly pointed out, is consistent with every single one of those four principles referred to under that heading of what is done in Tasmanian House of Assembly elections.

Mr Connolly: Except that they do not quite do it this way.

MR HUMPHRIES: That is not the case. Madam Speaker, I want to illustrate the point about how exhausted votes and informal votes go together. In Tasmania, for a number of years, there was a requirement that you number only three squares, 1, 2, 3. If you numbered three squares you had a formal vote in Tasmania. There were relatively relaxed formality provisions. There was public debate in Tasmania in the late 1960s and early 1970s about the level of exhausted votes. This came about because there was argument about candidates getting elected at the end of the day with numbers of votes

that were well short of a quota. If you are voting only 1, 2, 3, it is pretty inevitable that a lot of people might do that, and you would end up with a lot of votes petering out well before a quota is achieved. In those circumstances there is criticism of the people who get elected under that system because they have fallen well short of a quota.

In Tasmania, in 1973, they decided to fix the problem. There were two ways in which they could have fixed it. They could have either tightened up the provisions dealing with exhaustion or tightened up the provisions dealing with formality. They chose the latter course. They decided to impose a rule which says, "You have to number seven squares in order to cast a formal vote - 1, 2, 3, 4, 5, 6, 7". That is how they fixed it. But you can see that you have to have a close connection between these two things; formality and exhaustion go hand in hand in a sense. If we have very relaxed formality provisions, we must have appropriate exhaustion provisions to protect those votes. That is the point of these amendments.

Question put:

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

The Assembly voted -

AYES, 8 NOES, 7

Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Moore	Mr Lamont
Mr Stevenson	Ms McRae
Ms Szuty	Mr Wood
Mr Westende	

Question so resolved in the affirmative.

Mr Humphries: Madam Speaker, Mrs Grassby and Mr Kaine are paired.

Sitting suspended from 6.40 to 7.30 pm

MS FOLLETT (Chief Minister and Treasurer) (7.30): I move Government amendment No. 87, which reads:

87. Page 148, lines 24 to 26, proposed new Schedule 4, subclause 1(2), omit the subclause.

This amendment arises as a consequence of our having dropped the above-the-line voting system.

Amendment agreed to.

MR HUMPHRIES (7.31), by leave: I move together the remainder of my amendments on the orange sheet. They are as follows:

c. Page 149, line 36, proposed new Schedule 4, paragraph 6(2)(a), omit "exhausted", substitute "finally dealt with for the purposes of this Part".

d. Page 151, line 15, proposed new Schedule 4, paragraph 9(2)(a), omit "exhausted", substitute "finally dealt with for the purposes of this Part".

e. Page 152, lines 12 to 21, proposed new Schedule 4, paragraph 13(a), omit the paragraph, substitute the following paragraph:

"(a) in relation to a ballot paper dealt with at the count at which the former MLA became successful - is the value ascertained in accordance with subclause (2);".

f. Page 152, line 25, proposed new Schedule 4, clause 13, add the following subclauses:

"(2) Where, at the count at which the former MLA became successful, NCP x TV was greater than or equal to Q - N -

(a) in relation to a ballot paper that did not specify a next available preference - the value is calculated as follows:

Q - N ; and
NCP

(b) in relation to a ballot paper that specified a next available preference - the value is zero.

(3) Where, at the count at which the former MLA became successful, NCP x TV was less than Q - N -

(a) in relation to a ballot paper that did not specify a next available preference - the value is the transfer value of the ballot paper when counted for the purpose of allotting count votes to the former MLA; and

(b) in relation to a ballot paper that specified a next available preference - the value is calculated as follows:

$$\frac{Q - N - (NCP \times TV)}{CP}$$

(4) For the purposes of subsections (2) and (3) -

NCP is the number of ballot papers counted for the former MLA at the count at which he or she became successful that did not specify a next available preference;

TV is the transfer value of a ballot paper when counted at that count for the purpose of allotting count votes to the former MLA;

Q is the quota for the election at which the former MLA was last elected;

N is the former MLA's total votes after the last calculation before that count; and

CP is the number of ballot papers counted for the former MLA at that count that specified a next available preference.".

g. Page 152, line 28, proposed new Schedule 4, paragraph 14(1)(a), omit "exhausted", substitute "finally dealt with for the purposes of this Part".

Madam Speaker, these amendments give effect to the debate that we had earlier concerning exhausted votes. I do not propose to say anything more about them than that.

MS FOLLETT (Chief Minister and Treasurer) (7.32): For the record I will say that Mr Humphries's amendments arise as a consequence of the new transfer system that has been accepted by the Assembly. In those circumstances there is no point to the Government opposing them.

Amendments agreed to.

Schedules, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

**ELECTORAL (AMENDMENT)
(CONSEQUENTIAL PROVISIONS) BILL 1993**

Debate resumed from 16 December 1993, on motion by Ms Follett:

That this Bill be agreed to in principle.

MR HUMPHRIES (7.33): I will speak relatively briefly.

Mr Moore: It is a good opportunity. Go for it, Gary.

MR HUMPHRIES: Yes, it is a good opportunity. This Bill is the Bill which provides for the transitional arrangements. Members reading the Bill which we have just passed might have been forgiven for believing that we were setting up an arrangement which would affect us in this Assembly. That is not the case. For example, if one of us were to fall from a great height - I mean literally rather than figuratively, as Mr Berry has done - the effect would not be that we would have a countback of our own votes to determine who would replace us. The existing arrangements continue, and that is very appropriate.

In wrapping up the debate generally about this whole subject, there is one issue in particular that I would like to clarify, and that is the scheme of arrangement that the Government foresees for putting in place the electoral education process that the community of the ACT will need very soon, or at least very comprehensively before the next election.

Mr Berry: You could have given them an easier system and then it would not have been necessary.

MR HUMPHRIES: This is a very good system, Mr Berry. There are a few things we could improve, but basically it is a very good system. In particular, I would like to ask whether the Chief Minister can indicate to the Assembly what commencement timeframe she expects for this Bill? Does she see it being commenced in stages or relatively quickly? It is a fairly important issue and I hope that she can give me some guidance about that subject.

Also, in wrapping up the debate, I want to thank Parliamentary Counsel, who played an enormously valuable role in preparing, on this side of the chamber, and I am sure on that side of the chamber as well, a very large number of amendments at short notice and in difficult circumstances. I understand that the Office of Parliamentary Counsel was tied up pretty comprehensively with these issues for quite some time. The level of professionalism and the service we were offered were very high. I hope that that will be conveyed to those officers. I also thank the people who have offered advice to the Opposition, particularly members of the Hare-Clark Campaign Committee, and Bogey Musidlak in particular from that group.

Madam Speaker, I believe that we have here, with some reservations, some qualifications, a pretty good electoral system. I believe that this system will win not just the understanding but the hearts and minds of Canberrans within a short period. I believe that we will see a system here which people will have confidence in, and that they will adhere to through thick and thin. They will see this as a system which delivers to them something which they want, and that is the power to make decisions about the future of their governments and the candidates who get elected to run those governments in future years.

Mr Berry obviously has not quite given up the prospect that single-member electorates might be enacted in the ACT. We have deliberately chosen a system which is very good and which will stand on its own two feet against the odds. I believe that that is a system we have enacted through the passage of this Bill and the Bill which was voted on this evening. I commend these Bills to the house. I hope that we see, in doing this, the creation of a system in which we can have some pride in years to come.

MR MOORE (7.37): Madam Speaker, in the same tenor as Mr Humphries, I realised that the Electoral (Amendment) Bill, when it was originally introduced, would cause some conflict. There has been some animosity, in fact, over the Bill; but I think the end result is excellent. There are some things in it that I disagree with, and there are some things in it that other people disagree with; but more important than all those things, Madam Speaker, has been the process of consultation. We have been able to have briefings at very short notice. The Chief Minister was willing to make her advisers available to us. It is unusual to mention names, Madam Speaker, but Mr Wedgwood and Mr Green have been particularly helpful to us at all times. Through you, Madam Speaker, and the Chief Minister, I would like to thank them for that. I appreciate that on a number of occasions we have, in the end, on balance, gone in a different direction; but even on those occasions their advice has been invaluable in assisting us in making what we perceive to be an informed decision. I think I can speak for Ms Szuty on that point. I think that the people of the ACT will do very well by the Electoral (Amendment) Act and the consequential provisions put through this house. I look forward, Madam Speaker, to revisiting this Act in a year or so, when we can iron out the last few little wrinkles.

MR STEVENSON (7.39): Madam Speaker, the Bill fairly puts in place the decision of the people at the 1992 referendum. From that point of view it is fair. The fact that it did not reflect what should have happened at the 1992 referendum is a travesty of democracy and justice. I believe that, given a chance, the people would correct that, as they will correct most injustices.

MS SZUTY (7.39): Madam Speaker, like my colleague Mr Moore, I would like to commend the process that this Assembly has been through in the consideration of this Bill. I note that the Chief Minister, at the end of last year, said to this Assembly, and I believe said publicly, that she was willing to negotiate the provisions of the Bill and to discuss the various amendments which would be proposed by all members. I think the process that we have been through in considering this Bill has been very much a reflection of her willingness to do that. There have been some contentious issues. We have talked about above-the-line voting and the banning of how-to-vote cards perhaps more strenuously than some of the other issues.

I would like to compliment the Secretariat for the work that they did in producing a schedule that members of this Assembly could follow in progressively going through at our own pace the many amendments placed before us. I commented at dinner tonight that it was a marked contrast to the debate on the Land (Planning and Environment) Bill which took place in the First Assembly when various amendments were negotiated and passed. The process with this Bill has been very good, and I think that augurs well for the future of this Assembly. Finally, I would like to thank you, Madam Speaker, for the role that you have played in facilitating the process of the debate on this Bill.

MS FOLLETT (Chief Minister and Treasurer) (7.41), in reply: Madam Speaker, the greatest significance of the Bill which the Assembly has just passed is that it gives effect to the referendum at which the people of the ACT decided which electoral system they preferred. Members will recall that I gave a commitment very early in the piece to implement the results of that referendum regardless of the result. It will be no surprise to members that the result was not the one which I favoured. Nevertheless, I took that commitment very seriously and have, to the best of my ability, implemented the decision that was made. It is, I think, quite historic that this Assembly has made a decision about its electoral system. We have had many historic moments in the short history of self-government, but an actual choice and the enactment of electoral legislation is, I believe, one of the most significant moments.

Mr Humphries asked about the education scheme on the new electoral system, and that is a fair enough question. Madam Speaker, I believe that, at least initially, that will be a matter for the Electoral Commission to decide. It is part of their duties. I have no doubt that, when they do decide on that public education campaign or scheme, they may well require funding for it. That is something that we will look at in the budget, just as in the coming budget we have to look at funding for the next election. It is a significant item for us and, Madam Speaker, I am very pleased indeed that that funding will now also include a component for public funding for campaigns.

I would like to join with other members in thanking the very great number of people who have had to work very hard on this Bill. Chief amongst those, in my view, are Mr Phil Green and Mr David Wedgwood, whom I have worked closest with. I know that they have spent an enormous amount of time with other members as well. Obviously, the Parliamentary Counsel has had a mammoth job. This is the biggest and most complex piece of legislation that has been in the Assembly. The fact that it has been done concurrently with other major pieces of work, such as the public service Bill and so on, is a real tribute to the Parliamentary Counsel's drafting capacities.

Madam Speaker, I would also like to thank the Electoral Commission again for the work that they did on the first phase of the electoral legislation - that is, drawing up the boundaries and so on - and to indicate that it is up to them now to put this into effect in the ACT community, and I wish them well. I would like to thank the Secretariat as well for the way they handled such an incredibly complex and lengthy piece of legislation, with so many amendments from such diverse sources, all consequential upon each other.

The task of scheduling all of those matters and keeping the debate on track is something that we should never underestimate. In fact, we have seen what happens when it does not work, and there is a very marked difference when it does. So, congratulations to the Secretariat. I am very pleased that this particular task is over, Madam Speaker. It is one in which I claim no expertise. My view on electoral systems is that you try to win, no matter what it is, and that is what I will be doing under this system too.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) BILL 1994

Debate resumed from 3 March 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

MR CORNWELL (7.46): Madam Speaker, the Liberal Party welcomes and therefore supports this legislation. The establishment of the Australian International Hotel School is an ambitious and exciting initiative that represents, to me at least, the sole original, practical example of this dithering Government's acceptance of an initiative to provide employment and a sense of purpose for young people here in the ACT. The concept of the hotel school is somewhat breathtaking. Please consider: A normally four-year course condensed to three years by the simple expedient of having three semesters per annum instead of only two; the course to result in a degree, unlike two other such schools in Australia, which offer only diplomas; a location in the historic Hotel Kurrajong, with live-in facilities for 120 students, that is, the entire first year of the course; linking with the prestigious 70-year-old School of Hotel Administration at Cornell University in the United States of America; and, finally, student numbers rising to 360 after three years.

As the Minister, Mr Wood, said in his tabling speech, the hotel school degree will "produce senior management level graduates, people with skills instantly usable in the working environment". It is as well that their skills should be instantly usable because the cost of the course is high - a $7,000 tuition fee per semester, plus accommodation. The question of finding enough people willing to pay such large fees should be a matter of concern to the most enthusiastic supporter. However, I understand that the proponents of the school believe that the numbers can be found, though not perhaps in the wished for ratio of one-third local, one-third national and one-third overseas. Indeed, many people are predicting that the bulk of students will come from overseas, specifically Asia, where the hotel industry is booming and there exists, and will for many years to come, a high demand for hotel school graduates.

While we all would like to think the AIHS could offer job training to our local youth, I remind members that having the majority of students at the school from overseas would not harm Canberra's growing international reputation as a centre of educational excellence. However, wherever they come from, the importance of finding sufficient students to fill the school at the rate of 40 new students per semester, that is, 120 per year, to a maximum of 360 students, cannot be overemphasised. The establishment costs of setting up the hotel school - some $11m - are provided by ACT Treasury by way of a loan. While such a sensible approach to prudent financial management is strongly supported by the Liberal Party, it is ironic that a Labor government so generous with grants - not loans but grants - to its mates, particularly around election time, should finally recognise the economic imperative on this occasion, not only advancing the funds as a loan but, in a decision that can be compared in scale, I would suggest, only to Paul's conversion to Christianity, also demanding - - -

Mr Humphries: Is that Paul Keating?

MR CORNWELL: No; I fear that Christianity as we know it would fail if it were Paul Keating. I was thinking of St Paul, someone to whom Mr Keating, despite his efforts, will never aspire. This Labor Government is not only providing a loan for the setting up of the hotel school; it is also demanding interest upon the loan. Whoever worked out this sensible arrangement over there on the Government benches should really come over and sit on this side of the chamber - but, I suggest, not just at the moment.

I qualify my invitation, Mr Wood, because, although the loan repayments start in 1998 and principal and interest must be fully repaid by 2006, the Government's meritorious move into the real world of investment has been spoilt by its regrettable adherence to bad old Labor habits in the establishment of the hotel school itself. I refer, of course, to its failure to totally grasp the investment opportunity by setting up the hotel school as a TOC, or Territory owned corporation. By failing to do so, the Government has made the school's financial viability that much more difficult and its ability to meet the 2006 repayment deadline that much more uncertain.

Despite the Government's proud claim that the school is to be a non-profit public education institution, operating as a separate entity from CIT on a full cost-recovery basis, the Government has hamstrung the school, even before the first student steps behind the reception desk, by tying it into the public service network and denying it the flexibility that as a TOC it could practise. No wonder the school will have, at least initially, a modest 20 staff and its administrative functions will be contracted to CIT; the school already recognises the dangers it faces in public service cost burdens and is seeking even now, at this early stage, to minimise them.

Nevertheless, despite that important, and I hope ultimately not destructive, exercise in timidity, after such a promising start with interest bearing loans, the Opposition will support the legislation. We will do so, however, mindful of our obligations to the people of the ACT for responsible financial management of the Territory's funds and, further, Mr Minister, to the sentiments of the 1993 Estimates Committee recommendation at paragraph 3.208 - - -

Mr Berry: I remember that.

MR CORNWELL: Well you might, but then you are in no position, Mr Berry, as an ex-Minister for Health, to be concerned about controlling finances, I would suggest, given the health blow-outs in this city. I remind members of the 1993 Estimates Committee recommendation at paragraph 3.208:

in relation to the National Hotel School of Excellence full comparisons of budget to actual results be provided to the Estimates Committee in future years to ensure adequate public scrutiny of what may be a high-risk venture.

It is a venture, I submit, whose high risk status has not been moderated by the Government's stubborn refusal to establish the Australian International Hotel School as a TOC. Further, it is a venture that already has incurred $117,000 in consultancy costs, according to the 1993 CIT annual report tabled in this house yesterday. The Minister might like to tell the Assembly, when he closes the debate, whether these costs are paid from the $11m loan made by the Government or are part of CIT's operating expenses. Nevertheless, we support the venture. We wish it well and, conscious that until this legislation is passed only an interim management advisory board can exist, I commend the Bill and the motion to the house.

MS SZUTY (7.55): Mr Temporary Deputy Speaker, having listened to Mr Cornwell's comments, I am afraid that I do not share his reservations about the Australian International Hotel School, and I would like to expand on that in my remarks. I commend the process that was used to develop the concept of the Australian International Hotel School and to define the details of its structure and operation. We all know, I am sure, of situations where someone has had a bright idea and rushed into it without giving it due consideration. In many cases the project fails, due either to the lack of market research or to insufficient attention to detail. That is certainly not the case here.

The idea that significant benefit could accrue to the ACT from the establishment of a hotel school to train managers was first suggested in 1991. The benefits of optimising the use of educational infrastructure while fostering tourism as a generator of jobs and investment were considered to be most attractive. Following further development of the concept, Tourism Training ACT and Region undertook a feasibility study, with funding from the Commonwealth Department of Employment, Education and Training. This study showed that there was a market for and a strong industry interest in hotel executive management education in Australia and that the ACT was well placed to undertake this.

An advisory body drawing on industry expertise was then established to develop the concept further. It became clear that the feasibility study needed finetuning. Market research was done to determine demand for a hotel management school and the results of this research were tested with a qualified independent consultant.

In conjunction with this research, field trips were undertaken to look at what was happening in this area elsewhere in Australia and overseas. It became clear that the best models for such a school were the top five or six such institutions in North America, and eventually a formal affiliation was negotiated with Cornell University in the USA, which was signed very recently.

Based on this investigation, the hotel school's educational model was developed. Fundamental to this model is the integration of theory and practice. The physical characteristics of the facilities needed to do this were then defined. Concurrently with all of this, a financial model and budget for a self-funding institution were being developed. These were also tested by reputable independent consultants as well as being scrutinised by Treasury. During all of this process, the ACT Government was regularly advised of progress and an appropriate organisational model was developed, this being the Australian International Hotel School as a part of the Canberra Institute of Technology, and I have no difficulty with that.

It is interesting to consider the sort of institution the hotel school will be. As a body corporate, the hotel school will be aiming to be an educational institution of international standard, with responsibilities like those of a public university and operating as a commercial entity. It will be physically located in the refurbished Hotel Kurrajong. This building will provide a 34-room hotel targeting the government-rates market, a public restaurant, bars and a test kitchen. As well as being a functioning hotel, these facilities provide the extremely important practical environment for the hotel school. Behind this public facade is the hub of the school, the faculty and teaching facilities needed to provide the theoretical component of the course and live-in student accommodation.

It is important to note that the hotel school's degree course will draw on the experience of the Canberra Institute of Technology School of Tourism and Hospitality and that the programs of the two institutions will be complementary. The degree level program that the hotel school will be offering is exciting and unique in Australia. The degree course will integrate operational training and industry experience with rigorous academic studies in human resource management, marketing, business management and interpersonal communication. It will be a prerequisite that first-year students have Year 12 qualifications or equivalent, with required levels of maths and English. Selection will also be based on an interview process involving industry representatives.

It is clear that considerable thought has gone into how the course will operate. The plan to have three intakes of 40 students a year in February, June and September ensures that at each stage of the degree students will receive an individual level of attention. The requirement that students live in for the first year will ensure that they experience the service provided by themselves and their peers. The requirement that they spend four months working in the hospitality industry in the ACT will leaven theory with reality. The acceleration of the four-year degree into three years, with a 45-week year divided into three trimesters, recognises that students will be seeking an early return on the estimated $17,000 a year investment they will make in fees. To ensure that industry respects the credibility of the hotel school, the qualifications of the staff will need to be high. The possibility of staff being involved in research and development at Cornell or undertaking management courses there can only enhance this.

It is clear that the Government has been thoughtful about the establishment of the Australian International Hotel School. While recognising the differences between the Canberra Institute of Technology and the hotel school, the Bill gives their synergies focus by having the director of the Canberra Institute of Technology as the director of the hotel school. The necessary separate focus is given to the hotel school by creating the position of dean with the responsibility for its day-to-day management.

The Bill also establishes both a Management Advisory Board and an Academic Advisory Board for the hotel school. These boards are charged with the responsibility of giving advice to the dean and reporting to the director. The Management Advisory Board will also be an integral part of the hotel school's management process. Importantly, the Bill also requires the Australian International Hotel School to operate on a full cost-recovery basis. In support of this goal, it is expected that the principal advanced by the Government to set up the hotel school will be repaid by the year 2005.

Considerable care has been taken to keep the affairs of the Canberra Institute of Technology separate from the Australian International Hotel School. In 1994 the Canberra Institute of Technology will be delivering nearly 300 courses provided by nine teaching schools operating on six different campuses in the ACT. With nearly 17,000 enrolments, over 450 full-time teachers and several hundred part-time and casual teachers, the Canberra Institute of Technology is the largest tertiary institution in the ACT. The hotel school, on the other hand, is intended to be an elite institution with a limited enrolment and a specific focus. As a self-funding organisation providing degree level training, it needs to be flexible and responsive to market pressures. It must be able to hire the best staff and compete with equivalent institutions on an international basis.

I have been aware of the development of the hotel school for some time. Some months ago I received a briefing on how the establishment of the hotel school was progressing. I have gained further information about the operation of the hotel school from the responses given to questions raised by Mrs Carnell during the Estimates Committee process of last year, which Mr Cornwell has referred to. I was pleased to attend the signing of the memorandum of understanding with Cornell University at the Hotel Kurrajong, and I look forward to visiting the Hotel Kurrajong when the hotel school opens later this year.

In conclusion, I believe that the establishment of the hotel school is an important initiative for the ACT. The Bill is based on a solidly researched proposal and is the result of a lengthy process of deliberation to get the structure right. This augurs well for the future of the Australian International Hotel School, and I support the Bill in principle.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (8.03), in reply: I thank members for their contributions. Mr Cornwell was mostly gracious, with a little barb about TOCs that we can accept. I think the arrangement we have is suitable for what is needed for the hotel school. First of all, there is clear accountability to the Government, as the Ministers are the major shareholders. That is a very important aspect. There is a strong link, which is necessary; yet it is distinctly separate from traditional government structures. It has the same connection with the Institute of Technology; it is complementary to the Institute of Technology. It is not to be competing with the institute; yet it needs that degree of separateness which it has. Obviously, as we explored the structure for the hotel school a TOC was considered; but in the end, after discussions, we found that this was the best possible arrangement. A further factor is that TOCs are required to operate for a profit. Nevertheless, this allows appropriate attention to be given to the education role of the hotel school; profit is not going to be the dominating factor.

Mr Cornwell did raise the key thing about this proposal now that it is up and running, and that is that we need those enrolments. That will ensure the success of the school. I agree with Mr Cornwell that what has been set in place is excellent. The program will be great; the connection with Cornell is good. I am confident that we can get those students, which will demonstrate just how good a place it is. Mr Cornwell drew my attention to a reference in last year's Estimates Committee report. I indicate that we will come back in the way the Estimates Committee wants to explore how the hotel school is going. We will not have any difficulty about that. Mr Cornwell also referred to the amount of money that has been spent, according to the last CIT annual report. Of course, more money would have been spent since that report was completed. That money, from the first day, has come from the loan. The hotel school has drawn on that loan as it has needed to spend every cent and there has been meticulous recording of that. There is no subsidy, if you like, from the CIT to the hotel school. Every cent is accounted for.

Ms Szuty also commended the process, and it has been a most meticulous one. This is an educational venture, but it is also a commercial venture, and it has been scrutinised exhaustively. The figures have been run over and run over and they have been run through and examined, challenged, questioned. We are very confident of the outcome. It has been a most thorough approach. In a little while I will be moving a number of amendments, some of which have been proposed by Ms Szuty. We are happy to accept those, and I think that, in agreeing to those amendments, we would have Ms Szuty's full support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (8.08), by leave: Madam Speaker, I move:

Clause 4, page 2, lines 7 and 8, omit "and an associated institution", substitute "and the Australian International Hotel School".

Paragraph 7(a), page 3, line 32, omit "and".

Paragraph 7(b), page 4, line 4, add "and".

Clause 7, page 4, line 4, add the following paragraph:

"(c) by omitting from subsection (4) '15' and substituting '5'.".

Clause 8, page 5, line 29, proposed new subsection 7B(5), omit "15", substitute "5".

Clause 22, page 18, line 18, after paragraph 22(b) insert the following paragraphs:

"(ba) by omitting from subsection (2) 'Institute's powers' and substituting 'powers of an Institution';

(bb) by omitting from subsection (2) 'Institute' and substituting 'Institution';".

I present an additional explanatory memorandum.

MS SZUTY (8.08): I wish to speak briefly to the major amendments. The first amendment recommends a change to the long title of the Bill, so that it would not be the Canberra Institute of Technology and an Associated Institution Act; it would be the Canberra Institute of Technology and the Australian International Hotel School Act. I think that is a very sensible change so that anybody who is interested in the Australian International Hotel School will know exactly what the legislation is about.

Amendments Nos 2 and 3 are largely editorial. Amendment No. 4 amends the amount of time the Minister for Education and Training has in which to table in this Assembly any directive he gives to the Australian International Hotel School. The legislation is currently in line with the Canberra Institute of Technology Act, where there is a 15-sitting day period in which the Minister for Education and Training can table a directive.

I consider that it would be more advantageous for the Assembly to be given earlier advice than that, and five sitting days within which the Minister is required to table a directive once it is given to the Australian International Hotel School would be much more appropriate. Obviously, it is a venture that the Assembly has a keen interest in, and a five-sitting day period in which the Minister for Education and Training would table a directive is, I believe, much more sensible.

The final amendment to clause 6 is an amendment recommended by the Assembly's Scrutiny of Bills and Subordinate Legislation Committee and clarifies any possible misunderstanding with regard to the words "Institute" and "Institution". I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

Motion (by Ms Follett) proposed:

That the Assembly do now adjourn.

Cancer Treatment

MR STEVENSON (8.11): Little has changed since the forebears of the AMA hierarchy were promoting the bleeding of patients to let the evil out and decrying any alternative medical treatments. The AMA editorial was prejudiced, unscientific and culpably misleading. I read the reply to it by Jenny Burke of Independent Medical Research, which the editor of the *Medical Journal of Australia* refused to publish:

Your editorial, "On eye of newt and bone of shark" is both fallacious and facetious. It is typical of the type of response from prejudiced minds to the dissemination of new and different knowledge. (Unfortunately, this type of response to new paradigms in treatment is traditional in the medical profession.)

An example of the prejudicial thinking of orthodox practitioners is to ignore the toxic and often fatal side effects of their own allopathic treatment and procedures, and instead to wax lyrical over the markedly less severe side effects of other therapeutic procedures.

The worsening state of affairs has moved Lancet in editorials to point out that the orthodox treatments for breast cancer are ineffective, and they liken chemotherapy to "a treatment with a grand future behind it".

The rising statistics of cancer deaths in developing countries appears to parallel the widespread and poorly controlled usage of herbicides and insecticides in those countries. This includes the use of many chemicals which have been banned in the developed nations because of their toxic and carcinogenic properties. Surely to someone of Professor Lowenthal's expertise it should come as no surprise that if cancer incidence is rising in the developing countries, this may quite well be associated with the uncontrolled use of these known carcinogenic agents.

Professor Lowenthal's suggestion that the World Congress on Cancer is designed to encourage the sale of shark cartilage is insulting, and is typical of the arrogance and prejudice of many orthodox cancer therapists. This is equivalent to suggesting that orthodox practitioners are easily bribed by the advertising strategies of pharmaceutical drug companies, such as by their sponsorship of orthodox cancer congresses. The pharmaceutical industry funds a major portion of cancer research and one wonders about conflict of interest in the researcher's mind.

It should be of interest to your readers to know that the use of shark cartilage in the treatment of cancer has received FDA approval for Phase II human clinical investigation. Surely such a significant decision cannot be seen as a mere indulgence. It should further be noted that Dr William Lane, principal researcher, will be presenting his findings on the use of shark cartilage at this seminar.

I would like to remind Professor Lowenthal that when so-called alternative practitioners reported the beneficial effects on cancer of extracts of yew tree, and periwinkle, that they received the same dismissive response from the medical establishment. Currently there is mounting research evidence of the beneficial effects in cancer therapy of many other herbal preparations and nutrients which Professor Lowenthal so blithely dismisses just as his predecessors have in the past.

The good professor apparently has access to some magical oracle which is able to inform him of the data to be presented at this Congress even before presentation. However, he fails to mention the data of Professors Nordenstrom and Yuling on the successful treatment by electro-chemical means of 2516 cases of cancer.

He also omits the data of Professors Gudov and Kharchenko of the Moscow Scientific Research Institute regarding their use of ferro-magnetic hypothermia techniques in the treatment of 500 cases of cancer.

With the participation of 16 professors, 11 PhDs and 10 practising doctors from 13 countries, this is truly a world congress. These researchers are held in high regard in their own countries. The dismissal of their research, even before presentation, is a sign of, at best, an Australian cultural cringe or, at worst, a beleaguered and defensive ego.

Despite Professor Lowenthal's unsubstantiated belief in the therapeutic efficiency of chocolate, he is most cordially welcome to attend this meeting. We undertake to ensure that he is able to meet privately with any of the visiting presenters that he wishes, and who knows, even he may open his mind. For though Dr Geoffrey Tobiass did say that "simply wishing fervently that something is true does not regrettably make it happen", an even more distinguished and widely read author has written, "These people's minds are dull and they have stopped up their ears and have closed their eyes. Otherwise their eyes would see and their ears would hear, their minds would understand ...".

Question resolved in the affirmative.

Assembly adjourned at 8.16 pm until Tuesday, 10 May 1994, at 2.30 pm

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ANSWERS TO QUESTIONS

TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 1143

Government Service - Credit Cards

MR CORNWELL- Asked the Treasurer upon notice on 16 December 1993:

(1) How much money was spent through Government credit cards in 1992-93 and how many credit cards were on issue in that year.

(2) Do guidelines exist as to what can be charged against these cards and, if so, what are these guidelines.

(3) Were these guidelines breached in 1992-93 and, if so (a) on how many and (b) what action was taken.
(4) If guidelines at (2) do not exist, why not.

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

(1) The amount spent through ACT Government credit cards in 1992-93 was $5,470,117 (including what was then the ACT Board of Health). There were a total of 307 credit cards on issue in that year.
(2) Yes, guidelines do exist covering the use of ACT Government corporate credit cards. The guidelines were developed by ACT Treasury, and implemented in 1991-92. Each potential cardholder receives a copy of the guidelines, and is required to sign an agreement relating to conditions of use, prior to being issued with a card. A copy of the guidelines, including the agreement covering conditions of use of the card, has been forwarded to the Members office.

(3) I am advised that guidelines were breached on three occasions in 1992-93. On two of those occasions, Treasury brought the breach to the attention of the Agency Head within the appropriate Department. Investigations were conducted by the Corporate Services Bureau in relation to two of the three breaches, both matters were resolved internally with no disciplinary action taken.

The other breach was resolved and the officer concerned was disciplined.

(4) Not applicable. Refer answer to question (2).

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TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question no. 1159

Totalcare Industries Ltd - Tax Payments

MRS CARNELL - Asked the Treasurer upon notice on 22 February 1994:

(1) What was the total of equivalent tax remitted to the Government by Totalcare Industries Limited in the financial years (a)1991-92; (b)1992-93 and (c)1993-94.

(2) For each of the years in (1) what was the amount paid in respect of each tax for which an equivalent amount was paid.

(3) In respect of each tax (a)what is the current amount due to be paid in the 1993-94 financial year; (b)has this tax as yet been paid, all or in part; if so, (c)how much has been paid to date and (d) when will the balance be paid.

(4) Is the amount of equivalent tax paid by Totalcare Industries Limited paid on the same basis as taxes which apply to other firms in the industry; le paid on the same due dates and calculated in the same manner; if not, why not.

(5) Is the method of calculation of liability the same as for other firms in the industry, le based on earnings rather than cash received; if not, why not.

(6) If Totalcare Industries limited pays the equivalent tax at times other than other firms in the industry, what is the value of this deferral arrangement to Totalcare.

(7) Has Totalcare been the subject of an audit specifically in relation to the classification of items to ensure that the value of equivalent taxes is correct and that where there is understatement additional tax is paid, as would apply to other firms in the industry; 1_ this has not occurred, why not.

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

(1) (a) Nil;
(b) $142,000.00; and
(c) $110,000.00 to 31 December 1993.

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(2) Tax equivalent payments only relate to sales tax. No company tax liability has arisen yet.

(3) (a) $183,000.00 (estimate).
(b) Yes, see 1(c). _
(c) Yes, see 1 (c) .
(d) Monthly to 30 June. _

(4) Sales tax is payable on the last wholesale sale, which in most cases will be the sale made by the wholesaler to the retailer. Generally this means that Totalcares competitors pay, where applicable, a tax inclusive price. Totalcare purchases taxable supplies at a tax exempt price but forwards tax equivalent payments to the ACT Government on a monthly basis. This would approximate the advantage to Totalcares competitors which could be expected to have credit facilities provided by their suppliers.

Tax equivalent payments by Totalcare are calculated on the same basis as other firms in the industry, that is, the wholesale value of taxable supplies.

(5) The method of calculation of liability is the same method as adopted by other taxpayers, namely Totalcare complies with the relevant taxation legislation, the generally accepted accounting principles and meets the requirements of the Australian Accounting Standards.

(6) See answers to 2 & 4 above.

(7) Totalcare is subject to an audit by external auditors on an annual basis. In addition it will be audited by the ACT Revenue office as part of the routine compliance program. Totalcare is subject to all requirements and obligations of the various tax laws, including additional tax, as apply to other taxpayers.

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21 April 1994

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1178

Government Schools - Enrolments, Excess Places and Discretionary Funds

MR CORNWELL - asked the Minister for Education and Training on notice on 22 February 1994:

As at 14 February 1994

(1) What is the enrolment and how many excess places existed in ACT Government schools, byname, at (a) primary; (b) high school; and (c) college levels;

(2) What are the discretionary funds for non-salary costs.for each school by name.

MR WOOD - the answer to Mr Cornwells question is:

(1) As per attached table.

(2) As per attached table. Note that discretionary funds have two components:

per capita allocation, and minor maintenance allocation.

The per capita allocation may be used by the school/board for any appropriate schooling matter, while the minor maintenance component must be used for maintenance-purposes..

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 1188

Government Service - Officers Involved in Joint Ventures

MRS CARNELL: Asked the Chief Minister upon notice on 24 February 1994

In relation to departmental officers appointed to directorships in Government/Private Enterprise joint ventures -

(1) What guidelines apply to the conduct of officers acting on behalf of the A.C.T. Government.

(2) If there are no guidelines, why not.

(3) Are officers required to disclose any interest in any commercial activity, whether or not it has dealings with the A.C.T. Government.

(4) What penalties apply to officers who breach disclosure requirements.

(5) Have any officers been found to exploit their role; and

(a) if so, what action was taken against them; and
(b) who and what were the circumstances.

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

(1) The Guidelines on Official Conduct of Commonwealth Public Servants
(2) are used by all ACTGS employees. The guidelines say that an officer
(3) who has an interest, pecuniary or otherwise, that could conflict with the proper performance of his or her duties shall, as soon as possible after the relevant facts have come to the officers notice (a) disclose that interest to his or her supervisor and, (b) take whatever action is required to avoid that conflict.

Officers of the Department of the Environment, Land and Plannings Land Division who are appointed to directorships in Government/Private Enterprise joint ventures are expected to adhere to Land Divisions code of ethics, a copy of which is attached.

The Department of Environment, Land and Planning has taken steps to ensure that officers representing the Government on joint ventures cannot be responsible for any of the approvals stemming from the joint venture. To avoid this potential conflict of interest, the Department has taken officers involved in joint venture directorships "off line" and will make the same arrangement in any similar situation that may arise in the future.

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(4) Failure to observe the requirement may constitute misconduct and could lead to disciplinary action.

(5) I am advised that agencies are not aware of any breaches of the guidelines.

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21 April 1994

CODE OF ETHICS

(Land Division)

Officers should perform their duties and conduct themselves in a manner which ensures that they maintain a reputation for fair detailing and responsiveness. The following precepts if ethical behaviour, which amplify the guidelines contained in Guidelines on Office Conduct of Commonwealth Public Servants, should be observed by all officers.

General Code

1. Officers should perform their duties impartially, uninfluenced by fear or favour.

2. Officers should be frank and honest in their dealings with colleagues and the public.

3. Officers should avoid situations in which their private interests, whether pecuniary or otherwise, conflict or might reasonably be thought to conflict with their public duty.

4. When officers possess, directly or indirectly, an interest which conflicts or might reasonably be thought to conflict with their public duty, or improperly to influence their conduct in the discharge of their responsibilities in respect to some matter with which they are concerned, they should disclose that interest according to the prescribed procedures and in the first instance to their Section/Branch Head. Should circumstances change after an initial disclosure has been made, so that new or additional facts become material, the further information should be disclosed.

5. When the interests of members of their immediate family are involved, officers should disclose those interests, to the extent that they are known.

6. When officers possess an interest which conflicts with their duties and such interest is not prescribed as a qualification for their office, they should forthwith divest themselves of that interest, secure their removal from the duties in question, or obtain the authorisation of their superior or colleagues to continue to discharge the duties.

7. Officers should not use information obtained in the course of official duties to gain directly or indirectly a pecuniary advantage for themselves or for any other person.

8. Officers should not:

(a) solicit or accept from any person any remuneration or benefit for the discharge of the duties or their office over and above the official remuneration;

(b) solicit or accept any benefit, advantage or promise of further advantage whether for themselves, their immediate family or any business concern or trust with which ;,they are associated from persons who are in, or seek to be in, any contractual or special relationship with government;

(c) except as may be permitted under the rules applicable to their office, accept any gift, hospitality or concessional travel offered in connection with the discharge of the duties of their office.

9. Officers should be scrupulous in their use of public property and services, and should not permit their misuse by other persons.

10. Officers should not allow the pursuit of private interests to interfere with the proper discharge of their public duties.

Supplementary Principles

11. In carrying out their duties, officers should be guided by: what is in the best interest of the people of the ACT;

what are the established legislation and policy principles of the ACT Government;

to what extent can the corporate objectives of the organisation be furthered.

12. Officers should be aware of, and apply in a responsive manner without bias or prejudice, all the legislation, policies and procedures applying to the creation and management of the leasehold estate.

13. Officers should report to their Section/Branch Head any attempt by other officers or any member of the public to improperly influence them in the carrying out of their duties.

14. Officers should subscribe to and work for honesty, integrity, equity, probity and consistency in land management.

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1206

ACTTAB - Funds Allocation Review

Mr Cornwell - asked the Minister for Sport - Further to the response to Question 1013
(1) Has the review into the percentage allocation of TAB funds to gallops, harness racing and greyhounds now been completed; and (a) if not, when will it be completed and will a copy of its findings be available to interested persons including myself; (b) if so, will a copy of its findings be made available to interested persons including myself.

(2) (a) is it within the scope of the review for the consultant to make recommendations to the Government about the allocation of TAB funds; (b) if so, will these recommendations be implemented.

(3) What is the cost of the review.

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

(1) The consultant has provided his final report to the ACT Office of Sport and Recreation.

(a) N/A

(b) The report will be made available to the ACT race clubs and all other interested persons once the Government has had the opportunity to consider its implications.

(2) (a) The terms of reference of the review provided that the consultant would review the current arrangements-and recommend a formula to distribute the 3.5$ of ACTTAB turnover paid monthly to race clubs.

(b) The Government has yet to decide its position on the report but careful consideration will be given to the reports recommendations and where appropriate they will be implemented.
(3) As at 5 April 1994 cost incurred for the review total $18,150.00. This is expected to be the final cost of the review.

1274

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1212

Transport and Distribution Industry Training Council

MR CORNWELL - asked the Minister for Education and Training on notice on 3 March 1994:

In relation to the Transport Industry Training Council, which is based at Sutton Park -

(.1) . Is the Council an incorporated body; and if so, is it required to make its annual report available for scrutiny.

(2) When was the Councils latest annual report due.

(3) Was it completed and made available by that date.

(4) . Can a copy be made available to interested parties including myself.

MR WOOD - the answer to Mr Cornwells question is:

(1) The ACT Regional Transport and Distribution Industry Training Council is an incorporated body. Council was incorporated under the Associations Incorporation Act 1953 on 28 August 1991.

Under the Act incorporated associations file their latest annual report with the ACT Registrar within the first six months of the following financial year.

(2) Councils last report was due on 30 December 1993.

(3) Yes. Councils annual report was completed and lodged by 30 December 1993.

(4) Yes. The annual report is available to interested parties. Copies are held by the ACT Registrar, the ACT Vocational Training Authority and the Council. I have provided a copy to Mr Cornwell.

1275

MINISTER FOR- EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1214

Transport Industries Skills Centre

MR CORNWELL - asked the Minister for Education and Training on notice on 3 March 1994:

(1) Is it true that the Federal Government, in one of its recent Budgets, allocated a grant of $360,000 to the Transport Industry Training Council for the construction of a forklift driver training facility.

(2) Is it true that the money must be matched dollar for dollar by another source and that approaches were made for such funding from the ACT Government.

(3) Has the need for the construction of a new and purpose built forklift . driver training facility been established and, if not, on what basis did the Council apply for and receive this money.

(4) Where is the money now.

(5) When was it deposited.

(6) What interest rate is it earning.

MR WOOD - the answer to Mr Cornwells question is:

(1) In 1992/93 the Federal Government provided $345,000 to the ACT Regional Transport & Distribution Industry Training Council to develop a Transport Industries Skills Centre for the ACT and region. The establishment of the Skills Centre brings ACT training facilities for transport and storage-related industries into line with facilities in other states.

Forklift training is taught at the Centre. The Centre also conducts a range of transport and storage-related non-driving modules such as dangerous goods, occupational health and safety, manual handling, loading and lashing, truck and trailer maintenance, warehousing and

distribution skills, and off-the-job training for traineeships and the Australian Vocational Certificate training system.

The centre is used by the Canberra Institute of Technology (CIT), private training providers and industry organisations for events such as
launches of new motor vehicles..

(2) One of the guidelines for funding is that the Commonwealth contribute no more than 50% of the total costs. The balance should come from other sources, and can be in cash or kind.

The Council did not approach the ACT Government for assistance.

(3) The Council undertook a study into the training needs of the transport, storage and related industries in the region. The centre is designed to provide facilities and services currently not available and to complement those of the CIT, private training providers and industry. It is not
- specifically for forklift driver training.

Commonwealth grants are available to tripartite, incorporated organisations such as the Council. The submission was made on this basis.

(4) Some of the money has been expended on completed work. The rest is in a separate Commonwealth Bank account.

(5) The money was deposited in stages as it was received from the Commonwealth between April and June 1993.

(6) Prevailing market interest rates.

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21 April 1994

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1215

Sheffield Shield Competition - ACT Team

Mr Cornwell - asked the minister for Sport
(1) Have any negotiations taken place at Government level to enter an ACT team in the Sheffield Shield Competition.

(2) Does the Government support such an approach; and if so, would it support on similar terms to say, its support for the Raiders. -

(3) Does participation in the Shield require upgrading at Manuka Oval of (a) the Bradman Pavilion; (b) grandstands and (c) seating; and, if so, what assistance would the Government be prepared to provide.

Mr Lamont - the answer to the Members questions is as follows:

(1) While the Government would welcome ACT entry into the Sheffield Shield Competition there have not been any negotiations at the Government level to enter an ACT team in the Sheffield Shield Competition. The negotiation of such arrangements are properly a matter for the ACT Cricket Association and the Australian Cricket Board.

(2) The Government would support the ACT Cricket Association to become part of the Shield Competition. Indeed it has been Government policy to encourage and support, wherever possible, any ACT sporting organisation seeking to gain statehood. Until final proposals are formulated by the ACT Cricket Association it would be inappropriate to speculate on what assistance, if any, would need to be considered.

(3) Manuka Oval is suitable and has been used for Sheffield Shield cricket and other National and International cricket fixtures. It is recognised in cricketing circles as a world class cricket venue. Any future proposals to upgrade the existing facilities at the oval would be considered on a needs basis and subject to budgetary priorities.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 1234

Government Service - Employment of Mr G. Nirta

Mr HUMPHRIES - Asked the Chief Minister upon notice on 3 March 1994:

In relation to the ACT Government Service has a Mr Joe Nirpa (or a similar spelling) ever been employed either permanently, or under contract as a consultant; if so
(a) during what periods;
(b) which department(s) or agenc(ies) employed him;
(c) what was his position(s);
(d) what was his designation(s);
(e) was his position advertised; if not, why not;
(f) who was responsible for his appointment;
(g) was any Minister or his/her staff involved in the appointment process;
(h) when did Mr Nirpas employment by the ACT Government cease;
(i) was this a voluntary cessation, a termination or an expiration of a contract or some other finalisation of his employment; and
Q) what background or experience qualified him for selection to the position.

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

I am advised that a check of the relevant personnel records indicates that a Mr Joe Nirpa has not been employed in any capacity in the ACT Government Service. I understand however, that the records indicate that an employee with a similar spelling, namely Mr Giuseppe Nirta, was employed by two ACT Government Service agencies during 1992-93.

Firstly, Mr Nirta was engaged under a temporary employment contract as an Administrative Services Officer Class 2 with the former ACT Institute of TAFE from 25 May 1992 until 24 July 1992.

Mr Nirta was subsequently engaged under a temporary employment contract as an Administrative Services Officer Class 1 with the Department of Urban Services from 10 August 1992 to 3 November 1992.

1279

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1236

Legislative Assembly - Chamber Furniture Tenders

Mr Westende - asked the Minister for Urban Services:

In relation to the Ministers reply to my question on notice No. 1146 concerning Chamber furniture for the South Building refurbishment

(1) What were the conditions of tender.

(2) When were tenders called.

(3) On what date were the tenders issued.

(4) In what manner were the tenders issued.

(5) On what date did the tenders close.

(6) In what manner were the tenders received.

(7) Why were only 5 tenders called.

(8) Why were only two local companies" invited to tender when CONFACT could have supplied the names of at least 6 registered ACT companies.

(9) Why were tenders not advertised in accordance with the Select Committee on Estimates 1993-94 recommendations in relation to the Supply and Tender Agency.

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

1. The Conditions of Tendering were the standard clauses contained in all tender packages for South Building Refurbishment project and were consistent with conditions included in all ACT Public Works & Services tender documents.
2. 14 October 1993
3. 14 October 1993
4. Documents were couriered to the various tenderers.
5. 4 November 1993
6. All tenders were lodged in the locked tender box at the-offices of ACT Public Works and Services prior to 2.00 pm on 4 November 1993.

7. It is common practice within the industry to seek around six tenders when using selected tendering procurement. In this instance the tender process was managed by the Project Manager for the works. He followed normal practice and applied the following selection criteria:-
A reputation of high quality prestige joinery,
A high production capacity,
A proven track record in this specialised type of furniture, and
_ The ability to perform within a short period of 3 months which included the Christmas/New Year period, traditionally a period of production problems.
Only five firms met the above criteria.

8. A total of eight local firms were considered, two of which were included on the select tender list having met the above criteria.

9. The recommendations of the Select Committee on Estimates 1993-94 dated November 1993, were not available nor in effect at the time of tendering of this trade package.

1281

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1239

Building for Buyers Program - Public Relations Consultancy

Mr HUMPHRIES - Asked the Minister for Housing and Community Services - In relation to an invitation received in my office on 14 March 1994 for the launch of "Building for Buyers" by the Minister on 17 March 1994 -

(1) Why were invitations sent by Turnbull Fox Phillips, a well known public relations consultancy.

(2) Was Turnbull Fox Phillips engaged to undertake any work with respect to this launch and/or the marketing of the product; if so, why was it felt that the Housing and Community Services Bureau was unable to handle this work themselves.

(3) Who approved such a consultancy; if not the Minister, why not.

(4) What guidelines exist for approvals of such consultancies.

(5) What sum of money was paid, in total, to Turnbull Fox Phillips for work on this project and what services were provided.

(6) Is it the Ministers intention to use public relations consultancies for the many and varied functions and launches he undertakes; it so, at what cost.

(7) On behalf of the Housing and Community Services Bureau; (a) how many other public relations consultancies have been undertaken by firms; (b) for what purpose; (c) by whom and (d) at what cost.

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

(1) Turnbull Fox Phillips were primarily engaged to assist with marketing dwellings for sale under the "Building for Buyers" program. The launch of the project represents a small aspect of the total services provided and included the distribution of invitations.

(2) The consultancy provided strategic advice and services on the following aspects of the project: preparation of a strategy detailing the need for different information approaches to be taken with each special client group; assistance with staff training in procedural matters; a media launch, assisting with the preparation of briefing material; information and media kits; static displays in Housing Trust Offices; flyers and comprehensive information kits for potential buyers;

a project display for inclusion with the Housing Trusts stand at the Home Purchase Information Night held on Wednesday, 13 April 1994; and

Production costs of project material are included in the consultancy fee. The marketing services provided have been considerably more comprehensive and significantly less expensive than would be the services of a real estate agent. The Housing and Community Services Bureau did not have available the necessary resources and specific skills to dedicate to the project, as it is seldom involved in these processes.

(3) The Commissioner for Housing approved the consultancy, as a step in the implementation of the "Building for Buyers" scheme. This process was consistent with the instruction of October 1991, issued by Mr Connolly to all his Departmental portfolios, that he be advised of all consultancies with a contract sum greater than $25,000.

(4) The engagement of Turnbull Fox Phillips was in accordance with the "Australian Capital Territory Purchasing Manual - Engagement of Consultants" guidelines, as managed by the Publications and Public Communications Section of the Department of Urban Services, who provided guidance in the overall process.

(5) No money has been paid to date. However, the contract fee of $20,000 for services over a period of approximately twelve (12) months, has been fully accounted for in the costing of the project. See answer (2) for details of services provided by the consultancy.

(6) No.

(7) No public relations consultancies have been undertaken.

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MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1240

Sylvia Curley House

Mrs Carnell - asked the Minister for Health:

(1) Has the Department of Health recently moved, or will be moving, some facilities, assets and other items to Woden Valley Hospital from Sylvia Curley House.

(2) If so, does this move involve relocating the inhabitants of the pond or tanks at Sylvia Curley House, namely turtles or tortoises.

(3) What was, or is the cost of this removal of these creatures to their new home at Woden Valley Hospital and (a) how was the contract awarded; (b) who was responsible for awarding the contract; (c) who was it awarded to; (d) how many expressions of interest were received and (e) what specifications were set down in the contract and have these been met.

(4) Why was it necessary to move these creatures from their home at Sylvia Curley House to Woden Valley Hospital and what was the justification for the exercise.

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

(1) The library facilities at Sylvia Curley House have recently been relocated to the Woden Valley Hospital campus, to be merged with the Woden Valley Hospital Library Resource Centre.

(2) No inhabitants of the pond at Sylvia Curley House have been or are planned to be relocated to Woden Valley Hospital.

(3) Not applicable. .

(4) Not applicable.

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ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1241

Birth, Marriage and Death Certificates

MR HUMPHRIES: Asked the Attorney-General - In relation to the application forms issued by the Registrar-Generals-Office for full birth, marriage and death certificates-

(1) Is it necessary for a section for completion entitled "Purpose for which certificate is required" to be completed for an applicant to obtain a certificate; if so, what are the acceptable reasons for seeking birth, marriage or death certificates in respect of a member of the applicants family.

(2) What are unacceptable reasons for seeking birth, marriage or death certificates in respect of a member of the applicants family.

(3) Under what legislative provision are applicants required to furnish a reason for seeking birth, marriage or death certificates in respect of a member of the applicants family.

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

(1) Sub-section 51(4) of the Registration of Births, Deaths and Marriages Act 1963 provides

"Where the Registrar-General is of the opinion that a search, copy or extract is required for an improper reason or that the person requiring the search, copy or extract has not a proper reason for requiring it, he may refuse to make the search or to issue the copy or extract".

The effect of this sub-section requires a short statement of purpose to be provided to enable the Registrar-General to form an opinion that the certificate requested is for proper reasons.

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The question specifically asks about reasons acceptable in respect of an applicants family. The test for requests of this nature are much less stringent. Provided the family member is able to identify the record and can state the relationship, any reason is considered sufficient.

Frontline staff of the Office are aware of this, however they are asked to seek a reason, regardless of the proximity of relationship, to ensure a consistent approach in dealing with the major brunt of certificate requests. An override to this policy exists for situations which inevitably arise, particularly in respect of applications by family members, for example no purpose at all is sought for certificates in respect of newly born infants if the certificate is applied for at the time of registration.

(2) There are few unacceptable reasons for birth, death or marriage certificates sought by family members although, additional evidence is required for applicants seeking particulars of an adopted person or pre-adoptive parents. However every effort is made to facilitate access to information.

(3) As previously stated the Registrar-General has power to require a proper reason from all applicants under Section 51 of the Registration of Births, Deaths & Marriages Act 1963.

The application form has been designed to cover applications from all segments of the community. The stated purpose becomes more significant when other than family members apply for certificates. However in all cases the Registrar-General must be satisfied that the certificate is required for proper reasons otherwise the application can be refused.

The access policy to information in all Australian State Registries is being reviewed with a view towards a uniform policy. This process is underway.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1243

North Watson Development

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

In relation to the proposed North Watson development-

(1) How, specifically, are the joint venture arrangements for development to work.
(2) Who, by name, holds the leases in the area.
(3) Were any of these leases changed to residential use and, if so, on what dates were such changes made.

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

(1) No decision has yet been made about arrangements for development at North Watson, whether this will be by joint venture or otherwise. -

(2) A schedule of lease holders, with block identification and an indication of lease purposes is as follows:

Schedule of Leases

Block 5 Section 64 Zamojil Pty Limited
(Prime TV)
Block 1 Section 64 Canberra Lakes Carotel P/L
(Tourist accommodation)
Block 2 Section 64 Canberra Television Limited
Block 7 Section 74 Thornbrook P/L
(Motel/Tourist accommodation)

Block 1 Section 63 Youth with a Mission
Incorporated
(Religious training school)
Block 5 Section 61 I & M Holdings P/L
(Tourist accommodation
centre)
Block 1 Section 61 Gillcar P/L & Simarose P/L
(Motel/Restaurant)
Block 6 Section 61 Gillcar P/L
(Tourist accommodation)
Block 3 Section 62 Craft Council of the ACT
Block 2 Section 62 OSullivan J.W. & L
(Horse riding school and
livery stables)
(3) No.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1244

Therapeutic Goods Administration Building

Mr CORNWELL - Asked the Minister for the Environment, Land and Planning upon notice on 12 April 1994 in relation to the National Biological Standards Laboratory at Symonston
(1) Is the facility built on ACT or Commonwealth land.
(2) How much land does the facility have for its use.
(3) What is the purpose of the facility.
(4) Will the operations of the facility prejudice residential development around (a) this site or (b) Jerrabomberra.

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

(1) The facility which is now known as the Therapeutic Goods Administration Building is located on National Land.
(2) The facility is located on a 20.45 hectare site.
(3) The facility is used for the purpose of research as undertaken by the Therapeutic Goods Administration.
(4) On the assumption that a future planning variation will allow residential development, then, no.

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21 April 1994

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1245

Motorsports Sites

Mr Cornwell - asked the Minister for the Environment, Land and Planning
(1) What are the sites under consideration for a motor cycle complex to replace Fairbairn Park.

(2) When will a -decision be made.

(3) Is there a preferred choice and, if so, where is it.

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

(1) Four sites have been selected for an acoustical investigation of suitability for motorsports. The sites are at Williamsdale, Pialligo, Fairbairn East and Majura.

(2) A draft acoustical report has been completed and this is being evaluated by an inter-departmental steering committee.. Following the evaluation of the acoustic study, a more detailed examination of other environmental, infrastructure and cost factors will need to be undertaken to determine whether any of the four sites being investigated offer a feasible alternative to the Fairbairn Park site.

Before any relocation decision is taken, preparation of an environmental impact
. statement will be required and this will --
provide formal opportunity for public input and
comment.

In view of the above I am not able to indicate when the decision will be.made.

(3) A number of options are still under, consideration. There is no preferred site at this stage.

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MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1249

Woden Valley Hospital -
Obstetrics Department Carpet

Mr Cornwell - asked the Minister for Health:

(1) Is it a fact that carpet was taken up in the Obstetrics Departrnent of Woden Valley Hospital one day after it was laid and, if so, why was this done.

(2) What was the cost of the old carpet and to what use was the carpet subsequently put.

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

(1) No carpet has ever been taken up in the Obstetrics Department (Maternity Building) at Woden Valley Hospital.

(2) Not applicable.

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ATTORNEY-GENERAL
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1250

Forrest Road Accident - Assault Charges

MR CORNWELL: To ask the Attorney-General -

(1) Is it a fact that several local residents of Tennyson Crescent, Forrest, were assaulted following a road accident in the crescent on 10 January 1994.
(2) What action is being taken against the alleged perpetrators of the assault.
(3) What action, if any, is being taken against the driver of the vehicle involved in the accident and was the vehicle stolen or unregistered.
(4) What were the circumstances of the alleged assault.
(5) When will the alleged assault come to Court and can the Attorney-General assure me that the ethnicity of the alleged perpetrators will not prevent the police from taking action if grounds exist for action on assault charges being laid.

MR CONNOLLY: The answer to Mr Cornwells question is as follows:

(1, 2, 4 & 5) Police enquiries in relation to this incident have led to the charging of three persons. I am unable to provide further information concerning this incident as the matter is subjudice.

(3) The driver of the vehicle has been summonsed for a number of offences. Similarly, no further information can be provided as this matter is also subjudice.

1292

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1251

Housing Trust - Maintenance Budget

MR CORNWELL: Asked the Minister for Housing and Community Services -

In relation to reported comments by Mr Ken Horsham, Community Times 10 March 1994, that the Housing Trust budgets $16.5 million each year for maintenance but (by simply turning one page) the Trust spends an average of $20 million each year -

(1) Does the Trust regularly "blow" its budget by approximately $3.5 million per year.

(2) Does the Trust approach its finances each year with an intention to "blow certain sections of its budget.

(3) If the Trust overspends an average of $3.5 million per year but doesnt overspend on its entire budget, what programs or sections are shortchanged in order to provide this extra $3.5 million for maintenance.

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

(1) No
(2) No
(3) None

1293

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1255

"The Valley" Ruins

Mr CORNWELL - Asked the Minister for the Environment, Land and Planning in relation to plans to incorporate the ruins of "The Valley" in the design of the Gungahlin Town Centre

(1) What was the condition of the house in 1964 when vacated by its last occupants.

(2) Who was responsible for the maintenance of the building from 1964 onwards and why was such maintenance not performed.
(3) When was the building heritage listed.
(4) Why has the building been allowed to fall into ruin.

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

(1) Departmental files do not contain any details on the condition of the house when it was vacated by its last tenants. Anecdotal information gathered by the ACT Heritage Unit indicates that the roof of the house was not stable, that there was no power connected and it is likely that the house was not habitable.

(2) Details are not clear on the responsibility for the house after this time though it was certainly within the lease of Block 8 Gungahlin. This would mean that the lessee of Block 8 Gungahlin was responsible for the house. It is understood that because the house was in an unstable condition, the lessee offered the stone work in the house to St Ninians Church. When the stone was removed, so too was the roof. The lessee also removed a number of the outbuildings which were a danger to his stock. Upon withdrawal of the lease in 1974, it was noted that the lease contained ruined remains of original homestead buildings being two stone and mud walled structures which were considered to have no value for compensation purposes. The heritage value of the buildings was not recognised in the fifties and sixties. The possibility of repairing or restoring the house was not considered a practical option.

(3) Notice of the inclusion of "The Valley" in the interim Heritage Places Register was gazetted on 1 December 1993.

(4) See (2) above.

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1256

Disabled Youth Accommodation : Hospice
on Acton Peninsula

Mr Cornwell - asked the Minister for Health:

(1) What progress has been made to provide separate accommodation for young disabled currently housed in nursing homes along with the aged ?

(2) Has consideration been given to using the old Canberra Hospital site for such a purpose and if not, why not ?

(3) Is it intended to use the old Canberra Hospital site for a hospice ?

Mr Connolly - the answer to the Members question is:

(1) The Government has given in principle support to the provision of appropriate accommodation for younger adults with disabilities who require nursing home care.

(2) Work on developing options for appropriate accommodation for younger adults with disabilities, including design and location will commence by the end of May 1994. During that process the old Canberra Hospital site will be considered along with other possibilities.

(3) Design plans for the conversion of H Ward and the Isolation Block in the old Canberra Hospital are well advanced. Construction is expected to commence in May 1994 with completion by the end of December 1994.

The planned Hospice on Acton Peninsula will provide for the needs of both younger and older people who are in the last few weeks of life. The Hospice will be a more appropriate and preferred option for many younger people in the last stages of terminal illness than being confined to a nursing home environment.

1295

21 April 1994

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1257

National Folk Festival - Union Jack Flag

Mr Cornwell - asked the Minister for the Arts -

In relation to the National Folk Festival supported by the Government, why was the Union Jack deleted from the four flags flying on the festival information brochure and was it deleted with your permission or concurrence.

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

I did not give permission or concurrence for the Union Jack to be deleted from the four flags.

The ACT Government has provided grant funding of $40,000 to the National Folk Festival Limited to assist with costs of presenting the 1994 National Folk Festival.

The Government does not run the National Folk Festival and the programming and artistic decisions are the responsibility of the National Folk Festival Board of Management. This includes decisions concerning the allocation of financial and other resources and programming events for the festival.

I understand that the absence of the Union Jack was accidental and due to an error that occurred during the printing process.

1296

APPENDIX 1:

(Incorporated in Hansard on Thursday 21 April 1994 at page 1129)

1994

THE LEGISLATIVE ASSEMBLY
FOR THE A.C.T.
GOVERNMENT RESPONSE TO THE SELECT COMMITTEE ON DRUGS
REPORT ON ALCOHOL AND YOUTH: A RITE OF PASSAGE
TABLING STATEMENT
Circulated by the authority of
Minister for Health
Terry Connolly MLA

1297

MADAM SPEAKER, IT IS WITH PLEASURE THAT I TABLE THE GOVERNMENTS RESPONSE TO THE SELECT COMMITTEE ON DRUGS REPORT ON ALCOHOL AND YOUTH, TITLED "A RITE OF PASSAGE?"

I WOULD LIKE TO THANK THE COMMITTEE FOR ITS VALUABLE REPORT, WHICH ADDRESSES ISSUES OF CONCERN TO ALL OF US.

CENTRAL TO THE COMMITTEES REPORT IS THE RECOGNITION THAT ALCOHOL CONSUMPTION IS AN INTEGRAL PART OF THE AUSTRALIAN CULTURE.

THIS HAS RESULTED IN A SERIES OF RECOMMENDATIONS DESIGNED TO REDUCE THE RANGE OF HARM WHICH IS CURRENTLY BEING EXPERIENCED BY YOUNG PEOPLE ASSOCIATED WITH THEIR ALCOHOL USE.

THE RECOMMENDATIONS ARE IN KEEPING WITH DRUG POLICY AT THE NATIONAL LEVEL AND WITH THE A.C.T. GOVERNMENTS APPROACH TO OTHER DRUG ISSUES.

THE COMMITTEE RECOMMENDS A WIDE RANGE OF STRATEGIES DESIGNED TO ADDRESS HARM ASSOCIATED WITH DRUG USE BY YOUNG PEOPLE, INCLUDING EDUCATION, SOCIAL AND LEGAL STRATEGIES.

THE EDUCATION STRATEGIES RECOMMENDED BY THE COMMITTEE ARE SUPPORTED BY THE GOVERNMENT.

IN FACT MANY OF THESE RECOMMENDATIONS HAVE ALREADY BEEN ADDRESSED IN THE A.C.T. YOUTH ALCOHOL ACTION PLAN WHICH THE ACTING CHIEF MINISTER LAUNCHED IN NOVEMBER 1993.

THAT PLAN WAS DEVELOPED IN CONSULTATION WITH YOUNG PEOPLE AND GOVERNMENT AND NON-GOVERNMENT AGENCIES WITH AN INTEREST IN YOUTH AFFAIRS.

1298

THE ACTION PLAN SEEKS TO FORGE LINKS WITH YOUNG PEOPLE IN THE A.C.T. AND DISSEMINATE INFORMATION ABOUT ALCOHOL TO BOTH YOUNG PEOPLE AND THE GENERAL COMMUNITY THROUGH MEDIA CAMPAIGNS AND EDUCATION ACTIVITIES.

THE PLAN ALSO SEEKS TO DEVELOP A COMMUNITY - BASED APPROACH TO RESPONSIBLE HOSPITALITY PRACTICES IN LICENSED PREMISES IN THE A.C.T.

IN ADDITION TO EDUCATION STRATEGIES THE COMMITTEE RECOMMENDED A NUMBER OF SOCIAL STRATEGIES DESIGNED TO REDUCE THE HARM TO YOUNG PEOPLE ASSOCIATED WITH THEIR ALCOHOL USE.

ONE OF THE MORE CONTROVERSIAL OF THESE RECOMMENDATIONS WAS THE INTRODUCTION OF A VOLUNTARY PROOF OF AGE CARD FOR YOUNG PEOPLE AGED 18 YEARS AND OVER.

THE GOVERNMENT SUPPORTS THE INTRODUCTION OF A PROOF OF AGE CARD AS IT WOULD PROVIDE YOUNG PEOPLE WITH AN AFFORDABLE AND RECOGNISABLE FORM OF IDENTIFICATION WHICH WOULD ASSIST THEM TO ENTER LICENSED PREMISES.

IT WOULD ALSO PROVIDE LICENSEES WITH AN ACCEPTABLE MEANS OF CHECKING THAT PATRONS WERE OLD ENOUGH TO CONSUME ALCOHOL.

THE CHIEF MINISTERS YOUTH ADVISORY COUNCIL WHICH EXAMINED THE PROPOSAL RECENTLY GAVE ITS IN PRINCIPLE SUPPORT TO THE INTRODUCTION OF A PROOF OF AGE CARD IN THE A.C.T.

THE GOVERNMENT WILL CONTINUE TO LIAISE WITH THE COUNCIL TO ENSURE THAT THE INTRODUCTION OF THE CARD IS FAIR AND EQUITABLE.

THE COMMITTEE ALSO RECOMMENDED THE FORMATION OF A WORKING PARTY TO PROVIDE ADVICE TO THE GOVERNMENT ON THE ESTABLISHMENT IN CIVIC OF A SOBERING UP PLACE FOR YOUNG

PEOPLE WHO ARE INTOXICATED, AS AN ALTERNATIVE TO BEING HELD IN POLICE CELLS.

THE GOVERNMENT SUPPORTS THE ESTABLISHMENT OF A SOBERING UP PLACE AND HAS ALREADY UNDERTAKEN A GREAT DEAL OF CONSULTATION ON THIS ISSUE.

AS A RESULT, A.C.T. HEALTH HAS COMMITTED FUNDING TO RESEARCH AND ESTABLISH SOBERING UP PLACES IN THE A.C.T. IN 1994 AND HAS CALLED FOR EXPRESSIONS OF INTEREST FROM COMMUNITY GROUPS TO OPERATE THESE SOBERING UP PLACES.

THE GOVERNMENT HAS SIGNALLED ITS INTENTION TO INTRODUCE LEGISLATION TO SUPPORT THE OPERATION OF SOBERING UP PLACES WITHIN THE A.C.T..

FINALLY, THE COMMITTEE RECOMMENDED A NUMBER OF CHANGES TO THE LIQUOR ACT.

THE FIRST OF THESE CHANGES WAS TO RESTRICT THE HOURS OF OPERATION OF LICENSED PREMISES IN THE A.C.T.

THIS PROPOSAL IS NOT AGREED BY THE GOVERNMENT AS IT IS CONSIDERED THAT LIMITING THE HOURS OF OPERATION OF LICENSED PREMISES WOULD MERELY TRANSFER PROBLEMS ASSOCIATED WITH ALCOHOL USE TO ANOTHER TIME AND PLACE, RATHER THAN REDUCE OR PREVENT THEM.

THE SECOND LEGAL STRATEGY SUGGESTED BY THE COMMITTEE IS TO ALLOW ONLY THOSE YOUNG PEOPLE UNDER THE AGE OF EIGHTEEN WHO ARE ACCOMPANIED BY A PARENT OR GUARDIAN TO DRINK ALCOHOL WITH A MEAL.

THE GOVERNMENT DOES NOT SUPPORT THIS RECOMMENDATION AS IT WOULD BE AN ONEROUS TASK FOR LICENSEES TO DECIDE WHETHER THE ADULT ACCOMPANYING A CHILD IS IN FACT THE CHILDS PARENT OR GUARDIAN.

1300

ALLOWING YOUNG PEOPLE TO DRINK IN PUBLIC ON SOME OCCASIONS BUT NOT ON OTHERS MAY ALSO SEND MIXED MESSAGES AND CAUSE CONFUSION ABOUT THE RIGHTS OF YOUNG PEOPLE TO CONSUME ALCOHOL.

THE COMMITTEE HAS RECOMMENDED THE CHIEF MINISTER REFER THE ISSUE OF MINORS HAVING TO PAY "ADULT" PRICES FOR GOODS AND SERVICES TO HER YOUTH ADVISORY COUNCIL. THE GOVERNMENT CONSIDERS THIS ISSUES TO FALL OUTSIDE THE AMBIT OF THE REPORT.

AS I HAVE INDICATED IN THE RESPONSE, THE GOVERNMENT IS COMMITTED, IN PRINCIPLE, TO THE IMPLEMENTATION OF MANY OF THE RECOMMENDATIONS OF THE COMMITTEE.

HOWEVER, IMPLEMENTATION NEEDS TO BE CONSIDERED IN THE CONTEXT OF THE AVAILABILITY OF FUNDS AND RESOURCES.

MADAM SPEAKER, I PRESENT THE GOVERNMENTS RESPONSE TO THE SELECT COMMITTEE REPORT AND I WISH TO, ONCE AGAIN, EXPRESS MY THANKS TO THE SELECT COMMITTEE FOR ITS WORK

1301

21 April 1994

Legislative Assembly of the
Australian Capital Territory
PRESENTATION SPEECH

FOR THE GOVERNMENTS RESPONSE TO
REPORT NUMBER 2
OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS,
REVIEW OF AUDITOR-GENERALS REPORT NUMBER 6,1992
Circulated by the authority of

Rosemary Follett MLA
Chief Minister

1302

Madam Speaker, I would like to present the Governments response to Report Number 2 of the Standing Committee on Public Accounts, Review of AuditorGenerals Report Number 6, 1992.

This Government is committed to continuing the improvement of financial management and accountability that has occurred over the last several years. We recognise it is the duty of the Executive to ensure sound financial management practices are in place.

To this end, the Government is pleased to respond to the report of the Public Accounts Committee, noting the number of references to the continued improvement in financial management practices. While there is still some way to go, the improvement in financial management practices and accountability of government agencies has been extremely gratifying.

The Committee made a number of valuable observations in key areas; particularly Financial Management, Accountability and the recording of Assets. This Government has demonstrated its commitment to further improving financial management practices through the funding of a project to develop new financial management policies and practices and develop the specifications for a new financial management system to be introduced in the next four years.

Madam Speaker, the Governments response addresses those matters of concern to the Committee, and points to the continuing improvement of financial management practices in the Territory.

1303

21 April 1994

MINISTERIAL STATEMENT ON

GOVERNMENT RESPONSE TO REPORT NO. 2 OF
THE STANDING COMMITTEE OF LEGAL AFFAIRS
"ACCESS TO JUSTICE IN THE A.C.T."
To be Delivered by:

Terry Connolly, MLA Attorney General

1304

MADAM SPEAKER

I HEREBY TABLE THE GOVERNMENT RESPONSE TO THE REPORT OF THE STANDING COMMITTEE ON LEGAL AFFAIRS ON ACCESS TO JUSTICE IN THE A.C.T.

IN 1992 THE ASSEMBLY DIRECTED THE STANDING COMMITTEE ON LEGAL AFFAIRS TO INQUIRE INTO ACCESS TO JUSTICE. ITS AMENDED TERMS OF REFERENCE WERE:

(1) INQUIRE INTO AND REPORT ON THE ACCESSIBILITY OF THE LEGAL SYSTEM ADDRESSING THE FOLLOWING QUESTIONS:

- WHICH SOCIO-ECONOMIC GROUPS ARE DISADVANTAGED AND GIVEN ADVANTAGE UNDER THE CURRENT LEGAL SYSTEM;
- HOW ACCESSIBLE IS THE LEGAL SYSTEM ACROSS THE SOCIO ECONOMIC SPECTRUM;
- HOW CAN THE LEGAL SYSTEM BE MADE MORE ACCESSIBLE;
- ARE LEGAL CHARGES REASONABLE COMPARED TO OTHER PROFESSIONS;
- ANY OTHER QUESTION THE COMMITTEE CONSIDERS RELEVANT.

(2) THE COMMITTEE TO REPORT TO THE A.C.T. LEGISLATIVE ASSEMBLY BY THE LAST SITTING DAY OF JUNE 1993.

THE COMMITTEES REPORT WAS TABLED IN THE ASSEMBLY ON 17 JUNE 1993 AND TODAY THE GOVERNMENT IS RESPONDING TO THAT REPORT.

1305

WE ARE WITNESSING IN AUSTRALIA A PARADIGM SHIFT IN THE WAY LEGAL SERVICES ARE PROVIDED. THE COMMITTEES REPORT CONFIRMS, AT A LOCAL LEVEL, A CHANGE IN OPINION THAT IS OCCURRING NATIONWIDE AND WHICH IS REFLECTED IN THE RECOMMENDATIONS OF OTHER REPORTS, NOTABLY THE TRADE PRACTICES COMMISSION REPORT ON THE LEGAL PROFESSION.

THE A.C.T. IS AT THE FOREFRONT OF THIS PROCESS OF CHANGE. AS PART OF ITS VISION FOR CANBERRA IN THE YEAR 2020 THE GOVERNMENT MOOTED THESE DESIRED OUTCOMES:

1. ALL MEMBERS OF THE COMMUNITY WILL HAVE ACCESS TO A FAIR, AFFORDABLE AND TIMELY SYSTEM OF JUSTICE.

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2. CITIZENS WILL UNDERSTAND THEIR RIGHTS AND RESPONSIBILITIES . . . .

5. THERE WILL BE COMMUNITY INVOLVEMENT IN THE STRUCTURE AND OPERATION OF THE LAW AND JUSTICE SYSTEM . . . .

THESE ARE ALL ASPECTS OF WHAT I REGARD AS ACCESS TO JUSTICE AND THEY ARE ALL ACHIEVABLE OUTCOMES. IN ORDER TO ACHIEVE THIS VISION, THE GOVERNMENT IS PURSUING A VIGOROUS REFORM AGENDA, WHICH INCLUDES SOME OF THESE TOPICS.

FIRSTLY, REMOVING LAWYERS MONOPOLY ON SOME AREAS OF WORK. WE ARE ALREADY SOME WAY DOWN THE TRACK TO ALLOWING CONVEYANCING TO BE DONE BY SUITABLY LICENSED PERSONS, AS

WELL AS BY LAWYERS. THE A.C.T. GOVERNMENT HAS COMMITTED ITSELF TO IMPROVING COMPETITION BY REMOVING RESTRICTIVE PRACTICES, AND TO IMPLEMENT MICRO-ECONOMIC REFORM MEASURES. THE OPENING UP OF CONVEYANCING SERVICES IS A SIGNIFICANT EXAMPLE OF SUCH REFORM. WE HAVE ISSUED A DISCUSSION PAPER ON THE DEREGULATION OF CONVEYANCING OF PROPERTY AND THE LICENSING OF CONVEYANCERS IN THE A.C.T. AT PRESENT, PLANS ARE BEING DEVELOPED FOR A SCHEME TO ENSURE THAT NON-LAWYERS WHO PERFORM CONVEYANCING SERVICES ARE APPROPRIATELY QUALIFIED AND THAT CLIENTS INTERESTS ARE ADEQUATELY PROTECTED.

SECONDLY, THE A.C.T. GOVERNMENT DECLARED SOME TIME AGO A MORATORIUM ON MAKING ANY FURTHER APPOINTMENTS OF QUEENS COUNSEL. THAT DECISION FOLLOWED ONE RECOMMENDATION MADE AN ALL-PARTY COMMITTEE OF THE A.C.T LEGISLATIVE ASSEMBLY WHICH INQUIRED INTO ACCESS TO JUSTICE IN THE TERRITORY. SUBSEQUENTLY, THE TRADE PRACTICES COMMISSION RECOMMENDED THAT STATES AND TERRITORIES WITHDRAW FROM THE OFFICIAL SELECTION AND ENDORSEMENT OF QUEENS COUNSEL.

THIRDLY, A DISCUSSION PAPER ENTITLED THE REIMBURSEMENT OF LITIGATION COSTS, WHICH DISCUSSES THE ISSUES INVOLVED IN PROVIDING A STATUTE-BASED SCHEME FOR THE LIMITED REIMBURSEMENT OF THE LEGAL COSTS OF CERTAIN LITIGANTS, HAS BEEN PREPARED AND CIRCULATED FOR COMMUNITY COMMENT. ISSUES FOR CONSIDERATION IN PROVIDING SUCH A SCHEME IDENTIFIED IN THE DISCUSSION PAPER INCLUDE THE CIRCUMSTANCES IN WHICH REIMBURSEMENT OF LITIGATION COSTS MIGHT BE MADE, THE

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DETERMINATION OF AN AMOUNT OF ANY SUCH REIMBURSEMENT, WHETHER THERE SHOULD BE A STATUTORY LIMIT TO ANY REIMBURSEMENT MADE AND THE POSSIBLE SOURCE OF ANY REIMBURSEMENT.

THE A.C.T. AND THE NORTHERN TERRITORY ARE THE ONLY JURISDICTIONS IN AUSTRALIA WITHOUT LEGISLATION WHICH ALLOWS FOR COMPENSATION TO BE MADE TO LITIGANTS WHO HAVE INCURRED THE COSTS OF LITIGATION THROUGH NO FAULT OF THEIR OWN OR WHERE THE COURT SYSTEM HAS FAILED TO PROVIDE PROPER ADJUDICATION. FURTHER, CURRENTLY, AN ACCUSED WHO SUCCESSFULLY DEFENDS A CHARGE IN THE SUPREME COURT IS NOT AWARDED COSTS. THIS IS A MATTER WHICH REQUIRES A REMEDY AND THE DISCUSSION PAPER ADDRESSES THIS ISSUE.

FOURTHLY, THE GOVERNMENT IS COMMITTED TO ENCOURAGING THE USE OF ALTERNATIVE DISPUTE RESOLUTION, AS A MEANS OF IMPROVING ACCESS TO JUSTICE AND REDUCING THE COSTS OF JUSTICE. TO THIS END WE FUND THE CONFLICT RESOLUTION SERVICE, A COMMUNITY BASED MEDIATION SERVICE. MOREOVER, A DISCUSSION PAPER ON THE TOPIC OF MEDIATION HAS BEEN RELEASED TO PUBLIC INTEREST GROUPS AND SUBMISSIONS ARE BEING RECEIVED FROM MEDIATORS AND RELATED ORGANISATIONS. CONSIDERATION WILL BE GIVEN TO THE VIEWS EXPRESSED IN THE SUBMISSIONS AND FURTHER CONSULTATION IS PLANNED TO REFINE POLICY DETAIL.

THE GOVERNMENT WELCOMES THE COMMITTEES REPORT. THE TENOR OF THE GOVERNMENT RESPONSE WHICH I AM TABLING IS THIS:

1308

THE GOVERNMENT AGREES IN PRINCIPLE AS TO THE IMPORTANCE OF COMMUNITY AWARENESS AND UNDERSTANDING OF HOW THE LEGAL SYSTEM WORKS;

WHILST INITIATIVES SUCH AS LAW WEEK, AND STRATEGIES WITHIN THE SECONDARY EDUCATION SYSTEM ARE IMPORTANT, THE GENERAL FEELING IS THAT IT IS REALISTIC TO PLACE THE PRIMARY EMPHASIS ON ENSURING THAT WHEN PEOPLE HAVE A LEGAL OR SIMILAR PROBLEM, THEY WILL KNOW WHERE TO GO TO FOR HELP, AND WILL RECEIVE USER-FRIENDLY ASSISTANCE WHEN THEY DO SO;

TO THAT END, THERE ARE VARIOUS FUNDED HELP AGENCIES (LIKE THE LEGAL AID COMMISSION), WHILST THE TRADITIONAL DISPUTE RESOLUTION STRUCTURES (SUCH AS THE COURTS) ALL PLACE CONSIDERABLE EMPHASIS ON PROVIDING HELP, INCLUDING PRODUCTION OF A WIDE RANGE OF USER-FRIENDLY PAMPHLETS;

THE GOVERNMENT ALSO DOES EVERYTHING IT CAN TO ENCOURAGE COMMUNITY PARTICIPATION IN THE POLICY-MAKING PROCESSES WITHIN THE JUSTICE SYSTEM. EXAMPLES INCLUDE THE COMMUNITY-BASED COMMUNITY LAW REFORM COMMITTEE; THE USE OF PUBLIC HEARINGS; SEEKING COMMENT ON LAW REFORM BY MEANS OF DISCUSSION PAPERS;

THE GOVERNMENT WILL CONTINUE TO LOOK FOR WAYS OF DEMYSTIFYING THE LAW AND THE LEGAL SYSTEM - A NATIONAL CHALLENGE.

1309

I THANK THE COMMITTEE FOR ITS CONSIDERATION OF THE TERMS OF REFERENCE.

1310

THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY
GOVERNMENT RESPONSE TO REPORT NUMBER 5 OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS
Circulated by the authority of the Treasurer
Rosemary Follett, MLA

1311

MADAM SPEAKER, I PROVIDE THE GOVERNMENT RESPONSE TO REPORT NO. 5 OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS PRESENTED IN THE ASSEMBLY ON 15 SEPTEMBER 1993.

THIS REPORT COVERS THE AUDITOR GENERALS REPORT NO. 5 OF 1992 WHICH WAS CONCERNED WITH THE FOLLOWING AREAS OF GOVERNMENT:

BUDGET PRESENTATION, AND
AGGREGATE FINANCIAL STATEMENTS

THE GOVERNMENT HAS GIVEN CAREFUL CONSIDERATION TO EACH OF THE RECOMMENDATIONS OF BOTH THE AUDITOR GENERAL AND .HE PUBLIC ACCOUNTS COMMITTEE AND I WILL RESPOND TO EACH OF THESE AREAS IN TURN.

BUDGET OUTCOME PRESENTATION

MEMBERS WILL BE AWARE THAT THE 1993-94 BUDGET PAPERS WERE IMPROVED TO ADDRESS THE AUDITOR GENERALS RECOMMENDATIONS.

THE OVERALL BUDGET POSITION FOR 1993-94 WAS PRESENTED ON A CASH BASIS, IN A FORMAT CONSISTENT WITH THE AUDITOR GENERALS FINDINGS. IT IS IMPORTANT TO NOTE, HOWEVER, THAT THE GOVERNMENTS COMMITMENT TO RESPONSIBLE FINANCIAL MANAGEMENT HAD ENABLED THE ESTABLISHMENT OF PROVISIONS AND RESERVES IN PREVIOUS YEARS TO FUND SPECIFIC EXPENDITURES IN 1993-94. THESE PROVISIONS WERE THEREFORE USED TO PARTLY FUND THE DEFICIT POSITION.

BUDGET PAPER 2 ALSO ADDRESSED THE AUDITOR GENERALS CONCERNS IN RELATION TO WHOLE OF GOVERNMENT INFORMATION BY PROVIDING A CONSOLIDATION OF ALL TRANSACTIONS WITHIN THE PUBLIC ACCOUNT. THIS PRESENTATION DOES NOT HOWEVER MEET THE AUDITOR GENERALS AIMS OF REPORTING WHOLE OF GOVERNMENT ACTIVITIES BECAUSE IT EXCLUDES OFF-BUDGET TRANSACTIONS THROUGH BANK ACCOUNTS.

1312

THE OBJECTIVE OF WHOLE OF GOVERNMENT REPORTING IS MET BY L HE PRESENTATION OF INFORMATION USING GOVERNMENT FINANCE STATISTICS CONCEPTS. THE A.C.T. HAS PRESENTED SUMMARY INFORMATION IN G.F.S. TERMS SINCE 1989-90, AND STATES AND TERRITORIES AGREED AT THE 1991 PREMIERS CONFERENCE TO PRESENT A COMMON CORE OF FINANCIAL INFORMATION IN BUDGET PAPERS AND TO MOVE TO FULL G.F.S. REPORTING BY 1995-96.

THE AUDITOR GENERAL RECOMMENDED CONTINUED DEVELOPMENT OF PRESENTATION OF THE BUDGET IN G.F.S. TERMS. BUDGET PAPER 2 INCREASED THE EMPHASIS ON G.F.S. INFORMATION AND PROVIDED DATA ON FINANCIAL ASSETS AND LIABILITIES AND A SUMMARY OF THE A.C.T.S CONTRIBUTION TO THE COMMONWEALTHS NATIONAL FISCAL OUTLOOK EXERCISE. THE G.F.S. FORMAT PROVIDES BUDGET INFORMATION IN A MANNER WHICH IS USEFUL FOR ASSESSING THE ECONOMIC IMPACT OF GOVERNMENT OUTLAYS, AND PROVIDES COMPARABLE DATA BETWEEN JURISDICTIONS. THE GOVERNMENT IS CONTINUING DEVELOPMENT OF APPROPRIATE SYSTEMS WITH THE AIM OF IMPLEMENTATION OF FULL G.F.S. REPORTING IN 1995-96.

INFORMATION BASED ON G.F.S. CONCEPTS IS PRESENTED USING INTERNATIONALLY AGREED STATISTICAL STANDARDS WHICH WILL OVERCOME THE AUDITOR GENERALS CONCERNS THAT THE CONSOLIDATED FUND PRESENTATION IS NOT BASED ON GENERALLY ACCEPTED PRINCIPLES.

THE AUDITOR GENERAL ALSO NOTED THE IMPORTANCE OF A COMPARISON OF ACTUAL CONSOLIDATED FUND CASH RESULTS WITH PREVIOUS BUDGET TIME ESTIMATES. THE 1993-94 BUDGET PAPERS CONTAINED A FULL RECONCILIATION OF THE 1992-93 OUTCOME, INCLUDING SUPPLEMENTATION, WITH ORIGINAL ESTIMATES.

WHILE THE 1994-95 BUDGET PAPERS WILL, AS FAR AS POSSIBLE, CONTINUE THE ABOVE IMPROVEMENTS AND THE GOVERNMENT WILL CONTINUE TO MAKE EVERY EFFORT TO FURTHER INCREASE USABILITY OF THE BUDGET PAPERS, THE EARLY PRESENTATION OF SHE BUDGET WILL MEAN THAT NO INFORMATION ON THE 1993-94

1313

OUTCOME WILL BE AVAILABLE IN THE BUDGET PAPERS. HOWEVER, IT IS PROPOSED TO PROVIDE THE ASSEMBLY WITH A FULL STATEMENT ON THE OUTCOME OF THE 1993-94 BUDGET, ALONG WITH A RECONCILIATION WITH ORIGINAL ESTIMATES FOR THAT YEAR, IN SEPTEMBER.

AGGREGATE FINANCIAL STATEMENTS

MADAM SPEAKER, I TURN NOW TO AGGREGATE FINANCIAL STATEMENTS AND THE PROGRESS ON THE MOVE TOWARDS ACCRUAL ACCOUNTING.

BOTH THE AUDITOR GENERAL AND THE PUBLIC ACCOUNTS COMMITTEE HAVE ACKNOWLEDGED THE SIGNIFICANT PROGRESS _"HAT HAS BEEN MADE SINCE SELF GOVERNMENT IN FINANCIAL INFORMATION DISCLOSURE.

TH IS PROGRESS INCLUDES BOTH FULL ACCRUAL REPORTING OF ALL COMMERCIAL AND SOME NON-COMMERCIAL ENTITIES, AND THE SIGNIFICANT AUDITED SUPPLEMENTARY INFORMATION PROVIDED IN THE UNITARY FINANCIAL STATEMENTS.

THIS GOVERNMENT IS CONTINUING THE PROGRESS IN THIS AREA TI-iROUGH A NUMBER OF FINANCIAL MANAGEMENT PROJECTS, INCLUDING A REVIEW OF RELEVANT LEGISLATION, THE DEVELOPMENT OF AN IMPROVED FINANCIAL MANAGEMENT SYSTEM AND THE EXPANSION OF ACCRUAL REPORTING TO THE WHOLE OF GOVERNMENT LEVEL.

THESE MEASURES ARE IN ACCORDANCE WITH THE GENERAL THRUST OF THE COMMITTEES REPORT. THE COMMITTEE RECOMMENDED THAT THE GOVERNMENT PROVIDE A TIMETABLE FOR THE EXPANSION OF ACCRUAL REPORTING TO ALL PUBLIC SECTOR ACTIVITIES AND THE PROVISION OF WHOLE OF GOVERNMENT ACCRUAL REPORTS.

MADAM SPEAKER, I ANTICIPATE THAT ACCRUAL REPORTING COULD BE EXTENDED TO A NUMBER OF CONSOLIDATED FUND ACTIVITIES ON A PILOT BASIS AS SOON AS NEXT FINANCIAL YEAR. ON PRESENT

1314

INDICATIONS I WOULD EXPECT WHOLE OF GOVERNMENT ACCRUAL REPORTS TO BE AVAILABLE TO THE ASSEMBLY FOR 1997-98. THIS TIMEFRAME IS IN LINE WITH THE. DEVELOPMENT OF PUBLIC SECTOR ACCRUAL REPORTING STANDARDS BY THE ACCOUNTING PROFESSION.

WHILE THE TIMETABLE AT THIS STAGE IS ONLY INDICATIVE THE GOVERNMENT WILL CONSIDER A MORE DETAILED TIMETABLE IN JUNE THIS YEAR AND I WILL PROVIDE THE ASSEMBLY WITH FURTHER INFORMATION SUBSEQUENTLY.

THE COMMITTEE EXPRESSED SOME CONCERN REGARDING A REVIEW OF THE AUDIT ACT. MADAM SPEAKER, I INTEND TO INTRODUCE REVISED LEGISLATION DURING THE COMING FINANCIAL YEAR IN TIME FOR COMMENCEMENT IN THE 1995-96 FINANCIAL YEAR.

WITH REGARD TO THE TIMING OF THE AGGREGATE FINANCIAL STATEMENT, SIGNIFICANT IMPROVEMENTS HAVE OCCURRED SINCE THE AUDITOR GENERALS REPORT ON THE 1991-92 STATEMENTS. THE AGGREGATE FINANCIAL STATEMENT FOR 1992-93 WAS PROVIDED TO T (3E AUDITOR GENERAL IN TIME FOR IT TO BE INCORPORATED IN THE ..93-94 BUDGET PAPERS.

IT IS INTENDED THAT THE AUDITED 1993-94 AGGREGATE FINANCIAL STATEMENT BE PROVIDED TO THE ASSEMBLY IN SEPTEMBER 1994. ALTHOUGH THIS WILL NOT ASSIST THE ESTIMATES COMMITTEE, THAT IS A RESULT OF AN EARLY BUDGET RATHER THAN LACK OF TIMELINESS IN THE PREPARATION OF THE STATEMENT.

NONETHELESS, THIS GOVERNMENT WILL PROVIDE AS MUCH USEFUL INFORMATION AS POSSIBLE TO ASSIST THE ESTIMATES COMMITTEE AND IT IS EXPECTED THAT A PRELIMINARY AGGREGATE FINANCIAL STATEMENT WILL BE AVAILABLE TO THE COMMITTEE IN JULY.

1315

21 April 1994

THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY
GOVERNMENT RESPONSE TO REPORT NUMBER 6 OF
THE STANDING COMMITTEE ON PUBLIC ACCOUNTS
Circulated by the authority of the Treasurer
Rosemary Follett, MLA

1316

MADAM SPEAKER, I PROVIDE THE GOVERNMENT RESPONSE TO REPORT 1: r0. 6 OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS PRESENTED Iii THE ASSEMBLY ON 21 OCTOBER 1993.

THIS REPORT COVERS THE AUDITOR GENERALS REPORT NO. 3 OF 1993 TN RELATION TO THE FOLLOWING AREAS OF GOVERNMENT:

DEBT RECOVERY OPERATIONS; AND
PUBLICLY UNACCOUNTABLE GOVERNMENT ACTIVITIES

THE GOVERNMENT HAS GIVEN CAREFUL CONSIDERATION TO EACH OF THE RECOMMENDATIONS OF BOTH THE AUDITOR GENERAL AND THE PUBLIC ACCOUNTS COMMITTEE AND I WILL RESPOND TO EACH OF
r r
THESE AREAS IN TURN.

,DEBT]RECOVERY OPERATIONS

THE COMMITTEE RECOMMENDS THAT AN INDEPENDENT REVIEW BE CARRIED OUT TO DETERMINE THE APPROPRIATE STAFFING LEVEL FOR _ HE ARREARS RECOVERY OPERATIONS OF THE REVENUE OFFICE.

jHE COMMITTEE CONSIDERS THIS THE BEST WAY OF RESOLVING A DIFFERENCE BETWEEN THE AUDITOR GENERAL AND THE REVENUE OFFICE ON THE QUESTION OF AN APPROPRIATE STAFFING LEVEL FOR THE DEBT COLLECTION FUNCTION OF THE REVENUE OFFICE.

THE COMMITTEE WAS SATISFIED THAT THE REVENUE OFFICE WAS OPERATING EFFECTIVELY IN COLLECTING THE TERRITORYS TAXES.

AS THE CHAIR OF THE COMMITTEE OUTLINED IN HIS PRESENTATION SPEECH, THE COMMITTEE WOULD LIKE TO SEE SAVINGS IN PUBLIC EXPENDITURE IF THEY CAN BE ACHIEVED BY STAFF REDUCTIONS, AS RECOMMENDED BY THE AUDITOR GENERAL, BUT THE COMMITTEE DOES NOT WANT THE CAPACITY OF THE REVENUE OFFICE ERODED BY CUTS THAT ARE NOT JUSTIFIED.

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THE GOVERNMENT SUPPORTS THE COMMITTEE IN THIS DESIRE, BUT CONSIDERS THAT AN INDEPENDENT INQUIRY WOULD NOT BE USEFUL Oil APPROPRIATE AT THIS TIME.

MADAM SPEAKER, I AM ADVISED BY THE COMMISSIONER FOR A.C.T. REVENUE THAT A FUNCTIONAL REVIEW OF THE OFFICE IS CURRENTLY BEING CONDUCTED BY AN INTERNAL REVIEW TEAM, THE AIM OF WHICH IS TO IMPROVE THE EFFICIENCY OF THE OFFICE AND TO ENSURE TH :-kT ONGOING EFFICIENCY DIVIDENDS ARE ACHIEVED IN LINE WITH T14E GOVERNMENTS BUDGETARY POLICY.

THIS REVIEW WILL INCLUDE ALL FUNCTIONS CURRENTLY UNDERTAKEN BY THE RECOVERY AREA IN RELATION TO THE COLLECTION OF BOTH MUNICIPAL RATES AND STATE TYPE TAXES.

AT THE END OF THAT REVIEW PROCESS IT IS PROBABLE THAT THE CURRENT ORGANISATIONAL STRUCTURE OF THE REVENUE OFFICE WILL BE SIGNIFICANTLY CHANGED, INCLUDING THE RECOVERY OPERATIONS. J c IS EXPECTED THAT THE OUTCOME OF THE REVIEW WILL PROVIDE A SATISFACTORY RESPONSE TO THE CONCERNS OF THE AUDITOR GENERAL

PUBLICLY UNACCOUNTABLE GOVERNMENT ACTIVITIES

IN ITS REPORT, THE COMMITTEE NOTED ITS SATISFACTION WITH ACTION TAKEN BY THE AREAS CONCERNED TO MOVE TO MORE SATISFACTORY FINANCIAL REPORTING ARRANGEMENTS.

FOLLOWING DISCUSSIONS BETWEEN THE RELEVANT AREAS AND TREASURY, I UNDERSTAND THAT EACH OF THESE ACTIVITIES WILL PREPARE FINANCIAL STATEMENTS FOR 1993-94 WHICH WILL BE AUDITED BY THE AUDITOR GENERAL AND PRESENTED TO THE ASSEMBLY.

THE COMMITTEE RECOMMENDED THAT A REVIEW BE UNDERTAKEN TO DETERMINE WHETHER SIMILAR ACTIVITIES EXIST AND THAT THE RE OF THIS REVIEW BE BROUGHT BEFORE THE ASSEMBLY.

MADAM SPEAKER, I RECOGNISE THE CONTRIBUTION MADE BY THE AUDITOR GENERAL IN HIGHLIGHTING THE NEED TO IMPROVE THE ACCOUNTING ARRANGEMENTS FOR SOME ACTIVITIES OF GOVERNMENT. IN ADDITION, THE TREASURY, AS PART OF ITS REVIEW OF FINANCIAL LEGISLATION, WILL EXAMINE ACCOUNTING ENTITIES TO DETERMINE APPROPRIATE ACCOUNTING STRUCTURES. MOREOVER, MORE EXPLICIT DISCLOSURE GUIDELINES HAVE BEEN PROVIDED TO AGENCIES TO ASSIST IN THE PREPARATION OF THEIR 1993-94 FINANCIAL STATEMENTS.

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21 April 1994

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
TABLING STATEMENT
ACT GOVERNMENT RESPONSE TO THE

PUBLIC ACCOUNTS COMMITTEE REPORT NO. 7 OF 1993
Circulated on authority of Rosemary Follett MLA Chief Minister

1320

GOVERNMENT RESPONSE TO PAC REPORT NO. 7 OF 1993

Madam Speaker, Members will recall that during the last sitting period, I gave a commitment to bring forward as soon as possible those Government responses to Assembly Committee reports that were overdue, in other words, where the Committees report was presented to the Assembly more than three months ago.

I am pleased to say that today in the Assembly the Government will be presenting nine responses to Assembly Committee reports, the first of which I will table shortly.

I had also hoped to be in a position today to present the remaining three outstanding Government responses to the following Committee reports:

• the Conservation, Heritage and Environment Committee Report on Renewable Energy;

• the Legal Affairs Committee Report No. 3 on the Traffic (Amendment) Bill (No. 2) 1992; and

• the Legal Affairs Committee Report on the Crimes (Amendment) Bill 1993.

However, in relation to the first two of these reports, the Governments response has been delayed as a direct result of the recent changes to Ministerial responsibility, and the need for the new Minister to examine the issues to which the Government will respond.

With regard to the Legal Affairs Committee Report on the Crimes (Amendment) Bill 1993, I understand that consultation is presently being undertaken with Mr Humphries Office prior to finalisation of the Governments response.

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In relation to these outstanding reports, I would anticipate that a formal Government response would be ready shortly.

Madam Speaker, turning then to the first of these Government responses being presented today., I would like to thank the Public Accounts Committee for its consideration of the various Auditor Generals Reports contained within its Report number 7 of 1993.

I would like to take this opportunity to make one or two points in relation to the Committees findings, and to table for Members information the Governments response to the Report No. 7 of 1993.

I am pleased to note the many positive comments the Committee has made in relation to the various aspects of public sector and financial management investigated by the AuditorGeneral, and the numerous examples of progress undertaken since the Auditor-General tabled these Reports.

In particular, I am pleased to note the PACs findings that, on the whole, the recommendations made by the Auditor-General in relation to the management of information technology in the ACT have been implemented. The Government notes that further work on the matter of security policy issues is now being progressed by the Information Technology Strategy Committee.

In relation to the Auditor-Generals Report No. 4 of 1992 relating to the ACT Board of Health Management of Information Technology, I note the Committees conclusions that the Government has made significant progress to improve the management of IT.

Once again Madam Speaker, I would take this opportunity to thank the PAC for its deliberations, and table for Members information the Governments response to the Public Accounts Committee Report No. 7 of 1993.

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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
TABLING SPEECH FOR THE ACT GOVERNMENTS RESPONSE TO THE
LEGISLATIVE ASSEMBLY STANDING COMMITTEE FOR TOURISM AND. ACT PROMOTIONS REPORT
ACT AND REGION TOURISM

1323

MADAM SPEAKER, I PRESENT FOR THE INFORMATION OF MEMBERS, THE GOVERNMENTS RESPONSE TO THE REPORT OF THE ASSEMBLYS STANDING COMMITTEE ON TOURISM AND ACT PROMOTION.

THE COMMITTEES REPORT WAS PRESENTED IN THE ASSEMBLY IN JUNE LAST YEAR. IT. MADE 45 RECOMMENDATIONS WHICH EXAMINED THE DEVELOPMENT OF:

A TOURISM STRATEGY . INFRASTRUCTURE DEVELOPMENT BETTER TRANSPORT LINKAGES TO CANBERRA; AS WELL AS THE POTENTIAL FOR EXPANDING TOURISM, AND THE CO-ORDINATION OF TOURISM ACTIVITIES.

THE GOVERNMENT IS PLEASED TO TABLE THIS RESPONSE WHICH AGREES WITH MOST OF THE COMMITTEES RECOMMENDATIONS.

THE REPORT WAS TIMELY AND COINCIDES WITH THE STRENGTHENING OF TOURISM IN THE ACT.

TOURISM CONTRIBUTED TO THE ACT ECONOMY IN THE LAST FINANCIAL YEAR, OVER $11 MILLION PER WEEK. THIS WAS A MARKED INCREASE OF ALMOST $100 MILLION OVER THE PREVIOUS" PERIOD. TOURISM ALSOIMPACTSPOSITIVELY UPON THE EMPLOYMENT SITUATION IN THE ACT; SUPPORTING IN 1992/93, 9400 JOBS OR 1680 MORE THAN IN 1991/92. THIS IS 6% OF THE , TERRITORYS WORKFORCE.

.SUCCESSFUL MARKETING OF THE ACT BY THE TOURISM COMMISSION - AS A UNIQUE TOURIST DESTINATION - HAS SIGNIFICANTLY INCREASED VISITOR NUMBERS. HERS WILL BE PLEASED TO NOTE THAT TOURIST NUMBERS WERE 1.2M IN 1990/91 AND 1.4M IN 1991/92 AND LAST YEAR TOPPED 1.5M. I SEE NO REASON WHY WE CANNOT ACHIEVE AN EVEN GREATER INCREASE DURING THIS FINANCIAL YEAR.

THE ACT HAS EMERGED FROM A DECADE OF ECONOMIC RESTRUCTURING WITH BETTER RESULTS THAN OTHER STATES - RESULTS WHICH ARE BEING SUSTAINED BY THE LEVEL OF

2 CO-OPERATION BETWEEN ALL SECTORS - AND BY MY GOATS CONTINUING FINANCIAL COMMITMENT TO THE DEVELOPMENT OF ACT TOURISM.

THE GOVERNMENT LOOKS FORWARD TO CAPITALISING UPON THIS SUCCESS AS WELL AS MAINTAINING THE LEVEL OF CO-OPERATION BETWEEN THE GOVERNMENT AND THE ACT TOURISM INDUSTRY.

MADAM SPEAKER, REFERRING DIRECTLY TO THE COMMITTEES REPORT, THE GOVERNMENT WELCOMES THE PROPOSAL FOR THE DEVELOPMENT OF A TOURISM STRATEGY WHICH WILL INTEGRATE THE STRENGTHS OF THE ACT AND THE REGION.

THE ACT AND REGION IS UNIQUE IN THE BEAUTY OF ITS SCENERY AND THE VARIETY OF ACTIVITIES IT OFFERS - FROM SKIING TO SAILING, TO BUSHWALKING, ART GALLERIES AND WINE TOURS, THEATRE, HERITAGE AND HISTORY. THE ACT AND REGION HOLDS A WEALTH OF OPPORTUNITIES FOR SUSTAINABLE TOURISM DEVELOPMENT WHICH WILL BE DRAWN TOGETHER UNDER A TOURISM STRATEGY WHICH WILL SEEK A HIGH LEVEL OF INPUT FROM NEIGHBOURING SHIRE COUNCILS.

THE STANDING COMMITTEES REPORT ALSO HIGHLIGHTED A NEED TO UPGRADE COMMONWEALTH ASSETS IN THE PARLIAMENTARY TRIANGLE. SINCE THE REPORT WAS PUBLISHED, THE NATIONAL CAPITAL PLANNING AUTHORITY HAS BEEN ALLOCATED $15 MILLION IN THE FEDERAL BUDGET, FOR RESTORING CANBERRAS CENTRAL NATIONAL AREA. THE GOVERNMENT WAS PLEASED TO SEE THE FEDERAL GOVERNMENTS COMMITMENT TO THE NATIONAL CAPITAL THROUGH ITS APPROVAL OF THESE WORKS.

AS THE REPORT NOTED, TRANSPORT IS A MAJOR ISSUE, GIVEN THAT OVER HALF OF OUR VISITORS ARRIVE BY ROAD. THE ACT GOVERNMENT RECOGNISES THE IMPORTANCE OF TRANSPORT LINKAGES INTO CANBERRA, AND WAS PLEASED TO NOTE THE ANNOUNCEMENT OF THE FEDERAL MINISTER OF TRANSPORT IN JANUARY THIS YEAR, THAT FEDERAL FUNDING HAS BEEN MADE AVAILABLE FOR THE UPGRADING AND MAINTENANCE OF HIGHWAYS WITHIN THE TERRITORY.

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3 THE ACT GOVERNMENT IS LIAISING WITH NSW ROADS AND TRAFFIC AUTHORITY TO COORDINATE THE DEVELOPMENT OF THE FEDERAL HIGHWAY IN THE VICINITY OF LAKE GEORGE, IN TIME FOR THE SYDNEY 2000 OLYMPICS.

THE UPGRADING OF THE KINGS HIGHWAY WILL BE END WITHIN THE CONTEXT OF THE FINAL REPORT OF THE SOUTH-EAST ECONOMIC DEVELOPMENT COUNCIL WHICH EXAMINED REGIONAL TRANSPORT NEEDS.

THE REPORT RECOMMENDS SOME ROAD UPGRADING ADJACENT TO .AND WITHIN NAMADJI NATIONAL PARK. BEFORE ANY SUCH WORK WAS SUPPORTED, MY GOVERNMENT WILL INSIST ON CAREFUL CONSIDERATION OF THE IMPACT UPON THE PARKS DELICATE ENVIRONMENTAL SYSTEMS. IT IS IMPERATIVE THAT THESE ARE NOT DAMAGED BECAUSE OF A PERCEIVED NEED SIMPLY FOR FASTER ROAD TRAVEL.

THE GOVERNMENT EXPECTS SHORTLY TO RECEIVE ADVICE ON POSSIBLE REVENUE OPPORTUNITIES IN PARKS AND CONSERVATION PROGRAMS GENERALLY, AN IN PARTICULAR IDENTIFYING SOME SITES SUITABLE FOR ECOTOURISM FACILITIES.

THE GOVERNMENT SEES GREAT POTENTIAL IN CAPTURING A GREATER PROPORTION OF VISITORS WHO TRAVEL BY AIR IN 1992/93 37% OF ALL VISITORS TO THE CAPITAL TRAVELLED BY PLANE. THE UPGRADING OF THE CANBERRA AIRPORT TO INTERNATIONAL STANDARD IS ESSENTIAL, NOT ONLY FOR THE ACT, BUT ALSO FOR THE BOOST IT WOULD BRING TO THE LOCAL REGIONAL ECONOMY.

. MY GOVERNMENT HAS RECENTLY COMMISSIONED A STUDY INTO VARIOUS ASPECTS RELATED TO THE UP-GRADING PROPOSAL, AND THE STUDY RESULTS WILL BE INCORPORATED INTO A SUBMISSION TO THE STANDING COMMITTEES CURRENT INQUIRY INTO THE INTERNATIONAL AIRPORT PROPOSAL.

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WITH REGARD TO THE COMMITTEES COMMENTS ON THE POTENTIAL FOR TOURISM EXPANSION, MY GOVT WILL BE EMPHASISING THE CONTINUATION OF THE TOURISM. COMMISSIONS CLOSE LINKS WITH THE NSW TOURISM COMMISSION AND THE REGIONAL SHIRES TO FACILITATE COORDINATED PROMOTION OF OUR TOURISM ATTRACTIONS AND FACILITIES.

SOME OF THE MATTERS REFERRED TO IN THE REPORT HAVE ALREADY BEEN INITIATED MY GOVERNMENT, INCLUDING

A REVIEW WHICH WILL EXAMINE THE LICENSING OF TOUR OPERATORS IN NAMADGI NATIONAL PARK. THIS IS DUE TO BE COMPLETED IN 1994, AS PART OF THE DEVELOPMENT OF AN ECO-TOURISM POLICY FOR THE ACT;

THE CANBERRA WHATS ON EVENTS CALENDAR IS ALREADY BEING PRODUCED. THIS DRAWS TOGETHER DETAILS OF EVENTS; EXHIBITIONS, THEATRE AND ENTERTAINMENT DATES OF INTEREST TO OUR VISITORS AND RESIDENTS ALIKE;

WE. ARE CONTINUING OUR EFFORTS, THROUGH THE COMMISSIONS SALES PROGRAM, TO HAVE TOURISM
. OPERATORS INCLUDE THE ACT ON VISITOR

AND WE ARE CONTINUING CONSULTATIONS WITH THE NSW
GO AND REGIONAL SHIRES TO UPGRADE SIGNAGE IN
THE REGION.

MY. GOVERNMENT HAS FUNDED THE ACT TOURISM COMMISSION TO ESTABLISH AN EVENTS UNIT TO FOSTER THE DEVELOPMENT OF EXISTING EVENTS, AND TO ATTRACT NEW EVENTS WITH THE POTENTIAL TO INCREASE TOURIST VISITATION TO THE ACT. WE HAVE MAINTAINED EVENTS FUNDING IN THIS YEARS BUDGET, AND CONFIDENTLY EXPECT CONTINUED GOOD RESULTS FROM OUR INVESTMENT IN MAKING CANBERRA AN ATTRACTIVE PLACE AS A VENUE FOR EVENTS ORGANISERS, AND FOR TOURIST VISITORS TO THOSE EVENTS.

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ADDITIONALLY, MY GOVERNMENT HAS RECENTLY COMMENCED A FEASIBILITY STUDY INTO HOW EVENTS AND FESTIVALS ARE ORGANISED AND MANAGED IN THE ACT. WE EXPECT TO RECEIVE AN OPTIONS PAPER WITHIN SIX MONTHS, ON THE ATTRACTION OF NEW EVENTS TO THE ACT, AND WILL BE LOOKING AT HOW EVENTS CAN BE BETTER CO-ORDINATED AND MANAGED.

THE ACT TOURISM COMMISSION HAS ALSO. AT THE INSTIGATION. OF THE TOURISM ADVISORY BOARD, RUN ITS FIRST SIZZLING WINTER CAMPAIGN - THE LARGEST CO-OPERATIVE MARKETING PROMOTION UNDERTAKEN BY THE COMMISSION AND LOCAL INDUSTRY. THE CAMPAIGN WAS AIMED AT INCREASING OCCUPANCY RATES DURING OUR TRADITIONALLY SLOW WINTER PERIOD - AND STATISTICS SO FAR INDICATE THAT THIS FIRST WINTER CAMPAIGN WAS SUCCESSFUL IN THAT AIM.

MADAM SPEAKER, MY GOVERNMENT IS COMMITTED TO THE STRENGTHENING OF TOURISM MARKETING AND HAS DEMONSTRATED THIS COMMITMENT BY MAINTAINING THE COMMISSIONS BUDGET FUNDING OVER THE LAST TWO FINANCIAL YEARS. THE GOVERNMENT HAS BEEN PLEASED AT THE COMMISSIONS SUCCESS IN RE-STRUCTURING AND REDUCING OVER HEAD COSTS, AND RE-DIRECTING SAVINGS INTO INCREASED MARKETING AND PROMOTION. THE GOOD STATISTICS I REFERRED TO EARLIER, ARE NOW SHOWING THE RESULTS OF THE COMMISSIONS EFFORTS.

THE TOURISM. COMMISSION HAS ESTABLISHED STRONG LINKS WITH THE CANBERRA VISITOR AND CONVENTION BUREAU. MY GO VIEWS THE RELATIONSHIP BETWEEN THESE TWO AS BEING PARTICULARLY EFFECTIVE, AND ITS CONTINUATION AS VERY IMPORTANT TO THE LOCAL ECONOMY. AT THIS POINT I WOULD PARTICULARLY LIKE TO RECOGNISE THE EXCELLENT WORK BEING DONE BY THE STAFF AT THE BUREAU.

1328

IT IS ALSO IMPORTANT THAT THE PRIVATE SECTOR IS FULLY INVOLVED IN THE PROMOTION OF THE ACT AS A VIBRANT TOURIST DESTINATION. SHARED MARKETING ACTIVITIES BETWEEN THE TOURISM COMMISSION AND THE LOCAL TOURISM AND HOSPITALITY INDUSTRY ARE A SENSIBLE AND COST EFFECTIVE WAY OF MAXIMISING CANBERRA S MARKETING DOLLAR, AND INCREASING THE PROMOTION OF ACT TOURISM DEVELOPMENT.

PROMOTION OF CANBERRA AS AN ATTRACTIVE TOURIST DESTINATION - AND NOT AS THE PLACE WHERE BAD NEWS ORIGINATES - IS ALSO OCCURRING THROUGH THE EDUCATION OF YOUNG AUSTRALIANS. THE ACT TOURISM COMMISSIONS SCHOOLS VISITS PROGRAM MAKES A GOOD CONTRIBUTION TO FOSTERING NATIONAL PRIDE IN OUR CAPITAL.

HOPEFULLY THESE YOUNG PEOPLE WILL RETURN TO THEIR NATIONAL CAPITAL ON. SUBSEQUENT VISITS WITH THEIR FAMILIES AND PERHAPS WILL INCLUDE CANBERRA ON THEIR VISIT TO THE 2000 SYDNEY OLYMPICS AND IN 2001 THE CENTENARY OF FEDERATION.

MY GOVERNMENT HAS APPOINTED A COMMITTEE OF PROMINENT LOCAL SPORTING AND BUSINESS IDENTITIES, TO ADVISE ON HOW CANBERRA CAN MAXIMISE THE OPPORTUNITIES PRESENTED BY THE 2000 OLYMPICS. IT CAN BE EXPECTED THAT, AS THE WORK OF THE COMMITTEE PROCEEDS, INFRASTRUCTURE AND SOCIAL MATTERS WILL BE IDENTIFIED AS REQUIRING ATTENTION, NOT ONLY FOR THE 2000 OLYMPICS, BUT WHICH MIGHT ALSO HAVE RELEVANCE FOR OTHER CANBERRA VENUE OCCASIONS AT THE TURN OF THE CENTURY.

MADAM SPEAKER, THE TOURISM DEVELOPMENTS ALREADY UNDERWAY IN THE ACT AND THOSE PLANNED FOR THE FUTURE, WILL ENSURE THAT TOURISM CONTINUES TO MAKE A STRONG CONTRIBUTION TO OUR ECONOMY AND TO EMPLOYMENT FOR OUR YOUNG PEOPLE.

1329

21 April 1994

MINISTERIAL STATEMENT ON

THE GOVERNMENT RESPONSE TO

REPORT NO 4 OF THE STANDING COMMITTEE

ON SOCIAL POLICY

INQUIRY INTO THE COMMUNITY AND CULTURAL

USE OF SCHOOLS
To be delivered by:

Mr Bill Wood VILA
Minister For Education & Training

1330

MINISTERIAL STATEMENT ON THE GOVERNMENT RESPONSE TO REPORT NO 4 OF THE STANDING COMMITTEE ON SOCIAL POLICY INQUIRY INTO THE COMMUNITY AND CULTURAL USE OF SCHOOLS

MADAM SPEAKER

I HAVE PLEASURE IN TABLING THE GOVERNMENTS RESPONSE TO THE SOCIAL POLICY COMMITTEES REPORT NO 4 ON ITS INQUIRY INTO THE COMMUNITY AND CULTURAL USE OF SCHOOLS.

THE REPORT WAS TABLED IN THE ASSEMBLY IN DECEMBER 1993 AND CONTAINS FIFTEEN RECOMMENDATIONS COVERING ALL ASPECTS OF THE COMMUNITYS USE OF SCHOOLS. ELEVEN RECOMMENDATIONS DEAL WITH THE CASUAL, AFTER HOURS USE OF SCHOOL FACILITIES, THREE DEAL WITH LONGER TERM LEASING OF SURPLUS SCHOOL SPACE AND ONE DEALS WITH THE PLANNING AND COORDINATION OF COMMUNITY FACILITIES GENERALLY.

THE INQUIRY IS A MOST THOROUGH EXAMINATION OF THIS IMPORTANT ISSUE. I NOTE THAT IT RECEIVED SOME 47 SUBMISSIONS AND HELD PUBLIC HEARINGS AT WHICH 12 ORGANISATIONS WERE REPRESENTED.

I THANK THE COMMITTEE FOR ITS EFFORTS AND THE COMPREHENSIVE RECOMMENDATIONS WHICH IT HAS MADE.

A KEY THRUST OF THE COMMITTEES REPORT IS THAT THERE SHOULD BE INCREASED ACCESS TO SCHOOL FACILITIES BY THE GENERAL COMMUNITY. I AGREE ENTIRELY - -SCHOOLS REPRESENT A SIGNIFICANT INVESTMENT IN PUBLIC INFRASTRUCTURE AND WE SHOULD MAKE THE BEST USE OF IT WILE. ALSO PRESERVING OUR LONGER TERM OPTIONS FOR THE USE OF THE FACILITIES, FOR EXAMPLE ONCE THEY ARE NO LONGER REQUIRED AS SCHOOLS.

ON THE OTHER HAND, AS THE COMMITTEE HAS ACKNOWLEDGED, WE MUST RECOGNISE THE NEEDS AND RIGHTS OF SCHOOLS AND THEIR COMMUNITIES. THEY MAKE SIGNIFICANT INVESTMENT - OF BOTH DOLLARS AND EFFORT - IN THEIR SCHOOLS.

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AS WELL, INCREASED ACCESS INCURS ADDITIONAL COSTS ON THE GOVERNMENT SCHOOLING PROGRAM.

AS THE COMMITTEE HAS ACKNOWLEDGED, THERE IS A NEED TO FIND THE BALANCE BETWEEN THE VARIOUS INTERESTS..

IN THE END OF COURSE, WE NEED TO ENSURE. THAT NOTHING IS DONE NCH JEOPARDISES THE CORE FUNCTION OF SCHOOLS WHICH IS. EDUCATION AND THAT THERE IS CONSISTENCY OF APPROACH IN THE APPLICATION OF RENTAL AND OTHER POLICIES.

THE COMMITTEE HAS EXPLORED THE ISSUES. NOW THERE IS A LOT OF WORK. TO BE DONE, IN CLOSE CONSULTATION WITH A WIDE RANGE OF GROUPS AND INTERESTED PARTIES, TO ESTABLISH HOW BEST TO GIVE EFFECT TO THE RECOMMENDATIONS.

AGAIN, MY THANKS TO- THE COMMITTEE FOR A COMPREHENSIVE REPORT.

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