



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

17 May 1994

**Tuesday, 17 May 1994**

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**Tuesday, 17 May 1994**

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

## **QUESTIONS WITHOUT NOTICE**

### **Hospital Waiting Lists**

**MRS CARNELL:** Madam Speaker, my question is directed to the Minister for Health. The last quarterly health activity report blames the 20 per cent increase in elective surgery waiting lists and the dramatic increase in the number of people waiting for longer than six months on a reduction in elective surgery in the March quarter. Minister, this is a very straightforward question. Why was elective surgery reduced in the March quarter in comparison with the same quarter of the previous year, given that the VMOs dispute had already ended in the previous quarter?

**MR CONNOLLY:** Madam Speaker, the carping and whingeing from the Liberal Party just does not end. I was intrigued by Mrs Carnell's rhetoric: "Let us have a different form of government for the ACT. Let us have constitutional reform. Let us have a collegiate approach to dealing with problems that face the ACT community". What an interesting and innovative approach to government, Madam Speaker! But, when it comes to the crunch, they are just a bunch of whingers and carpers and criticisers. Mrs Carnell is just another opposition leader on the make, no different from opposition politicians anywhere in Australia. All of her fancy rhetoric about collegiate government and different approaches is so much stuff and nonsense.

Madam Speaker, one of the major factors in the problem with our waiting list is the fact that for about eight weeks we did not have surgery performed because we had a strike.

**Mrs Carnell:** That was the previous quarter.

**MR CONNOLLY:** Yes, it was in the previous quarter, but in the quarter following it was not possible to catch up the eight weeks of strike by doctors. That was simply not possible. So it will be some months before these figures work their way out of the system. As a result of that, we have a problem with our waiting list. The Government has been quite open, collegiate and consultative about that - to use Mrs Carnell's rhetoric - and we are addressing our problems.

We have a longstanding problem with financial control of the health system. You were unable to make any constructive suggestion about how to deal with that problem when you were on the Board of Health. When Mr Humphries was Health Minister in a Liberal Government, he did not have a clue about what level he was overspending at. That is not a personal criticism of Mr Humphries. The systems simply

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were not in place to allow the Government to know what was going on with the funding of health. We have been open about this, Madam Speaker. We have tabled the report of Arthur Andersen. We have gone out to some of the best advice that you can buy in the private sector, the sector much vaunted by the Liberal Party, and we have indicated that we are going to roll our sleeves up and get on with the job of improving our financial control in ACT Health so that we can improve the delivery of services to the Canberra community.

There have been some problems with financial control of ACT Health that have resulted in fewer beds being available at the moment than there should be. The Government has made no secret of that. We are, however, saying that we are going to get on with the task of improving ACT Health with constructive approaches to the problem, not with carping and whingeing and glorying in the problem, which is all that the Liberal Party seem capable of doing, despite their self-serving rhetoric to the contrary.

**MRS CARNELL:** I ask a supplementary question, Madam Speaker. Minister, to quote your own report, separations in the March quarter 1994 were 456 fewer than in the same period the previous year. That is with the normal Christmas shutdown. Is it not true, Minister, that elective surgery was reduced in the March quarter because your Government made a cynical decision to extend the Christmas closure period and not to reopen 56 beds which were closed before Christmas as a cost cutting exercise without any regard to the impact that this decision was going to have on people waiting for surgery?

**MR CONNOLLY:** Whinge, whinge, carp, carp! I am sorry, Mrs Carnell, but I have beaten you to the press release, because I announced some weeks ago that some 50 beds had been closed at Christmas and remained closed, and I announced to the Canberra community that it would be a top priority to fix this problem. You have a grin like a Cheshire cat saying, "Is this not wonderful? I have discovered something wrong in Health". We are quite frank with the ACT community. We have said, "We as a community have a problem with ACT Health". No government, Madam Speaker, has been able to turn that around yet, but this Government is rolling up its sleeves. We have a plan which we have - - -

**Mrs Carnell:** Have you opened the beds?

**MR CONNOLLY:** Have we opened them yet? No, I have not yet, Madam Speaker, but I indicate - - -

**Mrs Carnell:** Why?

**MR CONNOLLY:** Because, Mrs Carnell, unlike you, I do not have a money tree in my backyard. You say, "Why does he not build another hospital?". You offered that gem of wisdom to one of the television stations last week. Good idea! Apart from that, I think the most constructive suggestion you have made was when in this place one day you said to Mr Berry, "Look, there is no problem that money cannot fix. Throw money at the problem". Madam Speaker, what Arthur Andersen showed us above all else was that throwing money at the problem has not solved the problem.

This Government has a plan in place. We published it. We surprised you the other day when I tabled the report. You presumably assumed that I was going to try to keep it secret. The Arthur Andersen report is on the table. It sets out that the first thing that must be done is to establish a financial imperative in ACT Health. We have already announced that we are - - -

**Mrs Carnell:** That is what you were told four years ago. That is what the last Arthur Andersen report said.

**MR CONNOLLY:** Madam Speaker, the Opposition is clearly not interested in hearing an answer to the question. They are clearly interested only in making cheap political points, so I shall desist.

### **Sporting Injuries**

**MRS GRASSBY:** Madam Speaker, my question is addressed to the Deputy Chief Minister in his capacity as Minister for Sport. What is the ACT doing to address the problems of sporting injuries, particularly in the football codes?

**MR LAMONT:** Madam Speaker, the recent publicity that has been given to a number of horrendous injuries in a number of football codes follows on from a concern that has been raised by successive sports Ministers at national meetings of sports Ministers about ways in which we should address junior sport in particular and the protections that are necessary in those codes. Madam Speaker, as you would be aware, the modified versions of both rugby union and rugby league which have been introduced as part of the Aussie Sports program had as their genesis a desire to reduce the level of injury that was being sustained by juniors in those codes.

A question has been raised as to whether, in an attempt to prevent soft tissue injury, headgear should be made compulsory for children in Years 6 to 12, and under, playing modified football. I will shortly be asking my sports council to advise me on whether or not we should now proceed to that next level of protection. Madam Speaker, we are conscious of the need for governments around Australia, but particularly here in the ACT, to discuss with those codes, as we have already done, the development of suitable programs to prevent the level of injury that is occurring. To that extent, the injury prevention program, incorporating the necksafe campaign, has been negotiated with sporting organisations around Australia, including the two rugby codes. We await with interest the results from the National Health and Medical Research Council panel which is researching the question of neck injury in football. We are certainly mindful of the need to protect players, within these codes, junior players in particular, from head injury, and hopefully we will be able to use the council's recommendations as a base to reduce the level of injury.

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### **Assembly Members - Staff Entitlements**

**MR DE DOMENICO:** Madam Speaker, my question is addressed to the Chief Minister. Chief Minister, on 19 April last you said to this Assembly:

As far as I am aware, there is no proposal other than that Mr Berry should have the same entitlement as do other backbenchers.

Chief Minister, following your letter to the Speaker in which you announced that Mr Berry will in fact be allocated considerably more for his staff than other backbenchers are, I ask: What prompted your change of mind to ensure that Mr Berry is to be treated considerably better than other MLAs?

**MS FOLLETT:** Madam Speaker, following that statement which I made on 19 April - I repeat "following that statement" - I did in fact receive a proposal from Mr Berry addressing the matter of his staffing allocation. Madam Speaker, Mr De Domenico having raised the question, it gives me an opportunity to make a number of points about it. The first point that I would like to make is that a general review of the staffing allocation for backbenchers has been conducted by the Office of Public Sector Management. The results of that review, which I think have been conveyed to members, showed that the staffing for ACT backbenchers is at the top end of staffing allocations when compared to similar elected positions in the other States. In fact, our allocations are second only to those in New South Wales. Madam Speaker, the review that was conducted contained very little joy for backbench members of this Assembly.

I would also like to make a further point, Madam Speaker. There have been previous adjustments to staffing allocations. Those adjustments have been made over a period of many years now, but they have led to a situation where leaders of minor parties and Independents - that is, Mr Moore, Ms Szuty and Mr Stevenson - have an allocation of some \$69,083, and other backbenchers get some \$47,251. The allocation which I have made to Mr Berry falls between those two figures. That allocation, Madam Speaker, I have made on the basis that Mr Berry has additional responsibilities as Manager of Government Business, as Secretary to Cabinet and as Government Whip. Madam Speaker, I also point out that as Leader of the Opposition Mrs Carnell enjoys a salary allocation of \$207,073. Were the Liberals to pool Mrs Carnell's allocation with the backbench allocations, they would find that on a per head basis their staffing allocation is, in fact, \$73,888 - in effect, well in excess of the allocation for Independents and leaders of minor parties and well in excess of the allocation that I have made to Mr Berry.

Madam Speaker, when I wrote to you I also conveyed to you my agreement to provide you with an additional sum of money - from memory, some \$46,000 - and to allow you to decide how that should be broken up. I allocated that additional money to you to respond to some requests which I had had about backbenchers in particular requiring relief arrangements while their staff were on holiday or sick leave. I await your advice, Madam Speaker, as to how you wish that money to be broken up. I made a further point.

Madam Speaker, as you know, in that letter to you I said that, if you wished or if members wished some other organisation, especially the Administration and Procedures Committee of this Assembly, to review backbenchers' staffing, then I would give careful attention to the results of that review. I made that suggestion for a number of reasons. First of all, Madam Speaker, I do not any longer - and I will be very blunt about this - want to be the sole arbiter of staffing levels for backbenchers.

Madam Speaker, over the five years or so that I have been Chief Minister, I have had one request after another. The minute you satisfy one, there is immediately a raft of following requests. There is forever this leapfrogging process. You no sooner satisfy one request than others follow. I do not want to be the sole arbiter, and I do not want to have to take sole responsibility for what may well be excessive claims by members opposite. Madam Speaker, I suggest that members give consideration to a different method of consideration of staffing for members. I suggest to them that if they adopt that approach it is they who will be taking responsibility for it.

I am aware, Madam Speaker, that Mrs Carnell has put in a request for Mr Humphries's staffing allocation to match that of Mr Berry. I stand by what I have seen in the review which has been conducted by the Office of Public Sector Management. I can see no reason to accede to that request. Madam Speaker, the manager of Opposition business is simply not the same job as the Manager of Government Business, and you have only to look at the Government program to know that. In addition, Mr Berry has responsibility as the Secretary to Cabinet.

So, Madam Speaker, I leave it in the hands of the Assembly. Mrs Carnell has said that she will respond on the matter of the Administration and Procedures Committee considering staffing. She has said that she has other options that she is also looking at. I am awaiting your response, Madam Speaker, on the matter of the additional funding which I have said will be allocated and how you want that broken up. As I have said, I am getting somewhat wearied by having to deal with constant staffing requests in this manner. If you can come up with some other method of managing it that you perceive as fair, then I am prepared to look at it.

**MR DE DOMENICO:** I ask a supplementary question, Madam Speaker. Chief Minister, noting the swiftness with which you acceded to Mr Berry's review, when it took you 12 months to accede to a review of other backbenchers, I ask: What did Mr Berry's review ask for, and will you table a copy of what Mr Berry asked for?

**MS FOLLETT:** Madam Speaker, I have not quoted from that statement. Clearly, if I am ordered by the Assembly to table it, I will respond; but it is private correspondence, and I believe that I have fully answered the member's question.

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## **Food Licences**

**MR STEVENSON:** My question is directed to Mr Connolly. It concerns the recent requirement for businesses involved in food preparation and sale to have a food licence. Obviously, hoteliers are required to be licensed and also required to supply food. Quite involved health regulations cover hotels, restaurants and other organisations involved in the preparation and sale of food. Could this idea of food licences be reviewed, particularly for hoteliers - who are already licensed and already required by law to provide food - but for other organisations as well?

**MR CONNOLLY:** Mr Stevenson raises a quite sensible question, and that is whether we can avoid bureaucratic duplication where a person has to meet two sets of regulations. That is something that I am, in general, sympathetic to. I have met recently with the AHA, which raised this exact point. I said that I would look into it, but there are some differences. The licensing laws under which hotels are inspected by the liquor control authorities are basically laws about public safety and public order. The main criteria for inspecting premises are all about ensuring public safety, ensuring responsible drinking, ensuring adequate space so that we do not have overcrowding, and encouraging the serving of food with liquor, because if people eat when they drink they are less likely to get themselves roaring drunk.

The food inspection legislation, which is part of what is pretty much now a national uniform regime for food inspections, is all about public health, as opposed to public safety. In past weeks I have had occasion to raise some questions with the food inspectors in Health about certain premises in respect of which I have had some complaints from business proprietors about heavy-handed regulation. I must say that the reports I have seen, which refer to salmonella and other matters, would make one's hair stand on end and, indeed, if one had just had lunch, would probably have other rather drastic effects.

It is clear that there is a need in the community to have food inspectors to ensure that the food we consume - whether it is in a takeaway, at a restaurant or at a pub - is of a fit standard, that kitchens are clean and free of vermin, and that fresh meat and not putrescent meat is being sold. So there is a need for public health control from Health and public safety control from liquor licensing; but I have said to the AHA that, if there is any way we can make the two interlink a little bit better, that would be sensible. The silly situation applied where the building code said that you had to have a certain area of toilet space and the liquor authority said that you had to have a different area of toilet space, and I have agreed with the AHA that that is silly. We can mould those into one regulation. But there is an important issue of principle about public health regulation, which is food regulation, and public safety regulation, which is liquor licensing regulation.

**MR STEVENSON:** I ask a supplementary question, Madam Speaker. As there are already existing health regulations, what additional safeguards would there be for health under the food licensing Act?



**MR CONNOLLY:** Madam Speaker, really it is about better enforcement. It is to ensure that we have licences to help defray some of the cost of enforcement. The cost of enforcement should be borne by the industry rather than the public at large. It basically is to give us a tighter control of existing health regulations. We have not just recently banned selling salmonella tainted food. We are trying to get a better fix on what is going on out there and make sure that our inspections are more regular. We can categorise some premises as higher risk, which we could inspect more often, and some as lower risk. If Mr Stevenson is interested, I am happy to provide him with a briefing by public health officials. They can take him through the whole regime.

### **Housing Trust Tenants - Narrabundah**

**MR CORNWELL:** Madam Speaker, my question is addressed to the Minister for Housing and Community Services. I was interested in his predecessor's answer a little earlier that it was not possible to catch up in Health and that there was a longstanding problem there. I would like to draw the Minister's attention to another longstanding problem by asking: What action can local residents expect from you as the new Minister for Housing against the unacceptable behaviour of one family of trust tenants in Matina Street in Narrabundah? This matter was first raised with the trust and the ACT police in February, Minister, and with your predecessor by me by letter on 10 March and again on 18 March, when I received representations from individual residents.

**Mr Berry:** Madam Speaker, I raise a point of order to caution members about using the protection of this Assembly to focus on individual families in our community. I think that is a pretty awful precedent to be setting. It does not give this place much of an image if individual families can in some way be targeted in this Assembly. The better course is to approach the Minister directly with the information and try to work your way through the problem rather than target individual families.

**Mr Cornwell:** What standing order are you using?

**MADAM SPEAKER:** I assume that the point refers to the standing order on the citizen's right of reply, which in fact has that note of caution in it. Proceed, Mr Cornwell.

**MR CORNWELL:** Madam Speaker, may I add that this matter has already been the subject of a newspaper report on 28 April. Minister, four months have now passed without replies to my letters or any action being taken against these tenants who have made life a misery for neighbours and the local community and who are clearly and repeatedly in breach of their tenancy agreement - which, as we all know, requires people not to be a nuisance or cause a disturbance to other tenants or occupiers of any other property in the neighbourhood.

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**MR LAMONT:** I thank the member for his question because it serves to show members of this Assembly the way in which you believe a Minister should conduct himself as far as public housing in the ACT is concerned. Mr Cornwell, I have some news for you. I will not be debating with you particular issues such as the one you have outlined and expect me to address today. However, in answer to that question, I will talk about the general issue. I believe that it is highly inappropriate that you or, indeed, I name particular individuals who are clients of the Housing Trust.

**Mr Kaine:** He did not name anybody.

**MR LAMONT:** Or identify them. What I am suggesting is that Housing Trust tenants have exactly the same obligation as any other residents in the ACT, whether they live in accommodation they own or accommodation they rent, or whether they live in a stand-alone house or a block of flats. The standard of behaviour and the tests which our community places upon them are consistent for all.

If at law a person is breaking the peace, then there are ways in which that should be dealt with at law. I understand that on at least one occasion such action may have occurred in relation to the general question that you have raised. That is the appropriate way to deal with that issue. As you are aware, there is a procedure for advice, for appeal and - if at the end of that process matters remain irreconcilable - for termination of lease. You can rest assured that I will be going through that process, as the previous Minister did, to make sure that not only the interests of the Housing Trust tenant but also the interests of residents in the immediate vicinity are protected.

**Mr Cornwell:** Including other Housing Trust tenants?

**MR LAMONT:** Including other Housing Trust tenants, Mr Cornwell.

### **Magnetic Resonance Imaging Machine**

**MR BERRY:** I am delighted to hear that the magnetic resonance imaging machine has been delivered to Woden Valley Hospital. My question is therefore directed to the Minister for Health. I know that this Assembly and the community would be extremely interested in an outline of the use of that equipment in the ACT and the benefits that will flow as a result of its delivery.

**MR CONNOLLY:** I thank Mr Berry for his question, because he of course was very much involved in the process of getting this magnetic resonance imager into the hospital. Woden Valley Hospital's reputation continues to grow. Only a few weeks ago it received its three-year accreditation, which of course is a higher standard of accreditation than that which has been awarded to some of the major hospitals in metropolitan Sydney. It has been a significant honour for Woden Valley Hospital to receive that high standard three-year accreditation. The \$170m redevelopment is proceeding apace. The diagnostic and treatment block has been open for some months. Mr Berry, you, of course, opened that. Mrs Carnell says, "Never mind. Let us build another one", but that is another story. When I heard your statement, Mrs Carnell, I turned up my nose too.

Only last week a very large box turned up on a truck from Sydney. It was a \$2.57m investment, a magnetic resonance imaging machine. This is a machine that produces computer generated, high resolution images of internal structures. It is the next quantum leap beyond the X-ray and the CAT scan. It is used primarily to identify diseases of the central nervous system, brain and spine, and musculoskeletal disorders. It can also be used to diagnose infectious diseases such as those associated with AIDS, liver diseases, heart wall structure problems and prostate, bladder and uterine cancers. It can also be used to evaluate kidney transplant liabilities and to study bone marrow diseases. It is, in other words, the latest high-tech generation of diagnostic aids. It is being installed as part of a cooperative program with the Commonwealth. It brings Woden Valley Hospital, in yet another area, up to - - -

**Mrs Carnell:** The standard of John James.

**Mr De Domenico:** The standard of John James.

**MR CONNOLLY:** It will enable Woden Valley Hospital to meet and exceed the standards available at other public hospitals around Australia. These two say that that is unnecessary because John James have one, whereas Mr Humphries a few minutes before seemed to take some pride in the fact that when he was Health Minister he approved this process starting. Again, Chief Minister, you are quite right. One always gets conflict from the front bench of the Opposition. I also point out that some \$200,000 was contributed from the private practice trust fund, which is the fund that certain private practice earnings from salaried specialists go into, to be used for certain enhancements such as this one.

**Mr Berry:** And it will cost public patients nothing.

**MR CONNOLLY:** And it will cost public patients nothing.

### **Preschools**

**MS SZUTY:** My question is addressed to the Minister for Education and Training, Mr Wood. In July 1992 the Government made a decision to loosely link all preschools with their local primary school administratively, in the light of the decision to remove two preschool positions from the Department of Education and Training. It is further stated in relation to program 23, government schooling, in the explanatory notes 1992-93 to the Select Committee on Estimates:

This will provide for improved career development opportunities for preschool teachers, enhance the articulation of early childhood education as well as assisting with day-to-day crisis management.

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My understanding is that to date primary schools have not received additional resources to take on increased responsibilities with relation to preschools, despite assurances by you in February this year that you would look at allocating resources to implement linking. My question is: Can the Minister explain to the Assembly how the current arrangements are working, whether he believes they are working satisfactorily, and whether they are likely to be funded in the future as indicated?

**MR WOOD:** Madam Speaker, the preschool sector maintains its point of view that there need to be some further changes to the way that that sector is administered. It is the case that we tried a new mechanism. We set out to reach agreement on a new mechanism, and we were unable to do so with one of the key players, so we were not able to proceed with the proposal as we had first hoped. We continue to discuss with the Education Union and with the preschool sector how preschools might best be administered. I had a meeting with each of those parties at the same time last week. I expect, later this week or next week perhaps, to make a further announcement about the administration of preschools.

### **Council on the Ageing**

**MR KAINE:** I have a question for the Chief Minister. Chief Minister, you have demonstrated over the last few days that in a twinkling of an eye you can conjure up \$10,000 to support Mr Berry. Will you give an undertaking to the Assembly that in an equal twinkling of an eye you will find \$10,000 to make sure that the Council on the Ageing does not stop its activities before 30 June?

**MS FOLLETT:** Madam Speaker, I repeat what I said last time and what I have said to Mr Kaine in a written answer to a question. I have not actually received a specific request from COTA for additional funding. Madam Speaker, I have to say that this matter has been somewhat of a mystery to me. I am aware that a very active public campaign is being run. I am also aware that COTA have written to other parliamentarians about their funding. It is, however, the case, Madam Speaker, that they have not written to me, and they still have not. I said to Mr Kaine earlier that COTA had sought funding for a particular issue, a special grant, to assist them with an unforeseen circumstance that had arisen for them. That funding was provided. I believe, Madam Speaker, that COTA have written to the Minister for Housing and Community Services as recently as 10 May, requesting a special grant of \$5,500 for 1993-94 and an increase in the current general administration grant. That would be just in the normal budgetary sense. Madam Speaker, the advice that I have is that both of those requests are being considered, but I repeat that the only request that I am aware of at present is to my colleague the Minister for Housing and Community Services.

**MR KAINE:** I ask a supplementary question, Madam Speaker. Since the Chief Minister does not seem to feel compelled to deal with this issue as quickly as she dealt with Mr Berry's problem, can we safely assume that if you are over 55 the Follett Government has written you off?

**MADAM SPEAKER:** I call Ms Ellis.

## **Motor Sports Site**

**MS ELLIS:** Madam Speaker, my question is addressed to the Minister for the Environment, Land and Planning. I ask the Minister: Following the acoustical study into an alternative site for motor sports in the ACT, can the Minister advise the Assembly whether a decision has been made as yet on a preferred site?

**MR WOOD:** Madam Speaker, I should make it quite clear that no decision has been made about a preferred site.

**Mr Cornwell:** Why not?

**MR WOOD:** We have not even found a site yet that we would wish to say might be a preferred site. Let me point out, in response to a murmur over there from Mr Cornwell, that I am the Minister for the Environment. In that capacity, I am taking every step to ensure that the environmental laws in this Territory are observed. Mr Cornwell says, "Why worry about New South Wales people?". I worry about the law. That is my concern. That is why the Minister for Sport - Mr Berry in the first instance and now my colleague Mr Lamont - has been engaged on studies of a variety of sites to determine whether any of those sites might be the permanent site for motor sports.

We took a very strict stand to begin with. Some members will understand this. I think we added up nine events that might run at the same time, might run during the day or might run during the night. That was the limit in the back of our minds that had to be observed. None of the four sites could meet that very strict requirement - and I acknowledge that it was very strict. As a result of that, we will go back and see whether management can resolve some of those problems. Do you run nine events at the one time? I do not think you do. Maybe some management strategies could solve the problem. But there is a great deal of work yet to be done, and I want it clearly understood that no decisions have yet been taken. The Government is on a fairly careful path to ensure that when we find another site it is going to meet all our quite sound environmental laws.

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

## **PRIVILEGE**

### **Statement by Speaker**

**MADAM SPEAKER:** Members, I inform you that, pursuant to standing order 71, I have received written notice from the Attorney-General of an issue concerning the privileges of the Assembly. The matter raised by Mr Connolly relates to a submission lodged with the board of inquiry examining the ACTTAB-VITAB agreement. The document is entitled "Submissions by the ACT Opposition to the Inquiry into the ACTTAB/VITAB Agreement, 22 April 1994 - Non-Confidential Version". In his letter Mr Connolly referred to the fact that the submission invited the inquiry to have regard to debates in the Assembly. Subsection 24(3) of the Australian Capital Territory (Self-Government) Act 1988 provides:

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Until the Assembly makes a law with respect to its powers, the Assembly and its members and committees have the same powers as the powers for the time being of the House of Representatives and its members and committees.

"Powers" includes privileges and immunities but does not include legislative powers. The Federal Parliament has declared a number of the powers, privileges and immunities of the House of Representatives in the Parliamentary Privileges Act 1987, subsection 16(3) of which states:

In proceedings in any court or tribunal, it is not lawful for evidence to be tendered or received, questions asked or statements, submissions or comments made, concerning proceedings in Parliament, by way of, or for the purpose of:

- (a) questioning or relying on the truth, motive, intention or good faith of anything forming part of those proceedings in Parliament;
- (b) otherwise questioning or establishing the credibility, motive, intention or good faith of any person; or
- (c) drawing, or inviting the drawing of, inferences or conclusions wholly or partly from anything forming part of those proceedings in Parliament.

The purpose of section 16 was to avoid the consequences of certain judgments in the Supreme Court of New South Wales and to restore the traditional interpretation of article 9 of the Bill of Rights of 1688, which states:

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

*House of Representatives Practice* comments on the privilege of freedom of speech in the following words:

The privilege has been variously described as a privilege essential to every free council or legislature, as one which has always been regarded as most valuable and most essential, as the only privilege of substance enjoyed by members of Parliament, and as one of the most cherished of all parliamentary privileges, without which parliaments probably would degenerate into polite but ineffectual debating societies. Unquestionably, freedom of speech is by far the most important privilege of members.

The board of inquiry is a tribunal within the meaning of the Parliamentary Privileges Act. As I mentioned earlier, Mr Connolly's letter drew my attention to the fact that the submission invited the inquiry to have regard to the debates in the Assembly. Having examined the copy of the submission provided, matters that are of concern are the fact that this submission suggests that the board of inquiry closely examine the conduct of Mr Berry, both inside and outside the Assembly; reference to the attitude taken by Mr Berry and others in the Assembly and comments made in the Assembly; and inviting the board to consider the contents of speeches made in the Assembly.

Under the terms of standing order 71, I must determine whether the matter merits precedence over other business and, if so, I must inform the Assembly of my decision and the member who raised the matter may move a motion without notice to refer the matter to the Standing Committee on Administration and Procedures. I do not determine whether a breach of privilege or contempt has occurred. Having considered the matter raised, I have concluded that the matter does merit precedence. To ensure that no action is taken or decision made in the inquiry that could erode the privilege of freedom of speech in the Assembly, I will be forwarding a copy of my statement on the matter to the board. The Minister may wish to consider this fact before making a decision to move a motion in accordance with standing order 71(e). In conclusion, I remind members of the importance of the privilege of freedom of speech and the need for members to refrain from any action that could prejudice this right.

**Mr Humphries:** I raise a point of order, Madam Speaker. I am aware that, in addition to the matters you have raised in your ruling, there is also the question of a submission made to the inquiry being conducted by Professor Pearce from the ACTTAB board which also extensively quotes from proceedings in this place. It quotes members on both sides of the chamber in respect of those proceedings. With respect, I think it would be inappropriate for Professor Pearce to receive the comments you have made in today's statement only in respect of comments made by Opposition members and not in respect of comments made by the ACTTAB board, which has made a submission - - -

**Mr Berry:** On the point of order, Madam Speaker: I do not see that this is a point of order. Mr Humphries has the right to write to the Speaker in relation to that matter, if he so desires, as has Mr Connolly.

**Mr Humphries:** If I can finish my point of order, Madam Speaker, I might be able to - - -

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

**Mr Humphries:** My point of order is that it would be appropriate to include some reference to the other submission from the ACTTAB board - - -

**Mr Berry:** That is not a point of order.

**Mr Humphries:** It is a point of order - in the comments you forward to Professor Pearce.

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**MADAM SPEAKER:** Thank you for bringing that to my attention, Mr Humphries, but I have absolutely no power simply to take something that is said in the Assembly on to an inquiry. If you have a problem, you may follow exactly the same course of action as was followed by Mr Connolly. I will then act on it in the appropriate manner under standing order 71.

**Mr Humphries:** Madam Speaker, on the point of order, may I ask you a further question? Madam Speaker, you have raised an important matter of privilege in this house. It would be appropriate if we were able to - - -

**MADAM SPEAKER:** Mr Humphries, there are appropriate ways in which to deal with privilege. I do not rule on matters of privilege. I rule only on issues such as the one Mr Connolly raised. All I can do is say that it merits precedence. I do not actually rule on it; I do not judge it.

**Mr Humphries:** I understand that, Madam Speaker. I am not asking you to rule on it or to do anything else that is beyond your powers. I am merely asking you to forward to Professor Pearce the comments made by both you and me today in the Assembly in respect of this matter. I am sure that it would not be contrary to parliamentary privilege to forward to Professor Pearce the comments that have been made in the course of this exchange - the comments I have made and the comments you have made.

**MADAM SPEAKER:** My Humphries, I have answered your point of order. I have listened to you. We will now proceed with other matters.

## **SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS**

### **Papers**

**MR BERRY:** I seek leave of the Assembly to present subordinate legislation and a notice of commencement.

Leave granted.

**MR BERRY:** Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for regulations. I also present a notice of commencement for provisions of an Act.

*The schedule read as follows:*

Canberra Institute of Technology (Amendment) Act 1994 - Notice of commencement (6 May 1994) of remaining provisions (S82, dated 6 May 1994).



Electoral Act -

Appointment of Chairperson and Member - No. 21 of 1994 (S88, dated 17 May 1994).

Electoral Regulations (Amendment) - No. 16 of 1994 (S88, dated 17 May 1994).

Public Health Act -

Public Health (Eating Houses) Regulations (Amendment) - No. 11 of 1994 (S75, dated 29 April 1994).

Public Health (Meat) Regulations (Amendment) - No. 12 of 1994 (S75, dated 29 April 1994).

Public Health (Sale of Food and Drugs) Regulations (Amendment) - No. 13 of 1994 (S75, dated 29 April 1994).

Supreme Court Act - Supreme Court (Admission of Practitioners) Rules (Amendment) - No. 14 of 1994 (S76, dated 29 April 1994).

#### **LEGAL AFFAIRS - STANDING COMMITTEE**

##### **Report on Traffic (Amendment) Bill (No. 2) 1992 - Government Response and Paper**

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (3.14): For the information of members, I present the Government's response to the report of the Standing Committee on Legal Affairs on the Traffic (Amendment) Bill (No. 2) 1992 and move:

That the Assembly takes note of the paper.

My purpose in speaking today is to respond to report No. 3 of the Standing Committee on Legal Affairs, which deals with the Traffic (Amendment) Bill (No. 2) 1992. On 9 December 1992 Mr Humphries introduced a private members Bill, the Traffic (Amendment) Bill (No. 2) 1992, which, if passed, would have banned the riding of skateboards and bicycles in certain situations. On 16 June 1993, the Legislative Assembly adjourned the debate and referred the Bill to the Standing Committee on Legal Affairs.

The committee's subsequent four recommendations were that the Legislative Assembly not proceed with the Traffic (Amendment) Bill (No. 2) 1992; that a public education campaign on the safe use of skateboards, rollerblades and bicycles be coordinated by the youth affairs section of the Chief Minister's Department; that skateboarding facilities similar to those at Belconnen be established at Civic and Phillip; and that the section 56 car park in Civic be considered for the establishment of a skateboard facility.

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The Government agrees with recommendation 1, that the Traffic (Amendment) Bill (No. 2) 1992 not be proceeded with. In relation to the second recommendation, my department will address this through expansion of the existing road safety education programs and, in doing this, will liaise with the Chief Minister's Department. In relation to recommendations 3 and 4, the Government agrees in principle that the establishment of facilities at Civic and Phillip is desirable. However, before coming to any final decision, we will need to consider carefully the priorities of sporting facilities. In addition, the Government will need to weigh the proposal against other budget priorities, including the numbers of people in the community that specific facilities will benefit.

There are many wider issues associated with small-wheeled transports, which was apparent from the committee's deliberations. To this end, my department has prepared a draft small-wheeled transport strategy which I propose to release for public consultation in the near future. The draft strategy attempts to balance the needs of users and non-users with available resources and identifies the role of education in encouraging greater safety. It also provides restrictions on small-wheeled transports in certain circumstances, for example on major roads and in specific public places.

Madam Speaker, while I have indicated that I will shortly release for public discussion the draft ACT small-wheeled transport strategy, I am proposing that it be circulated to members of the Assembly for their information in taking into account the way in which the Government has responded to the report of the Standing Committee on Legal Affairs. The draft strategy talks about the use of small-wheeled transports in the ACT, the issues and principles associated with their use, the enforcement issues associated with any decisions we may come to, safety gear that may be required to be used, and identifying users and the basis upon which they use small-wheeled transport, both for adults and for youth. It talks about the rights of non-users, particularly those affected by the use of small-wheeled transports. It talks about what we should be doing in relation to pedestrians, especially the elderly, and about the question of facilities.

The departments that have been involved in preparing this report, and will be involved in future considerations of the strategy are the Department of the Environment, Land and Planning, whose role is priority of spending on sporting facilities; the Department of Urban Services, who have responsibility for transportation in the ACT and for developing and encouraging road safety programs in schools; the Department of Education and Training, who are responsible for safety education in schools and schools policy on small-wheeled transports; the Department of Health, which has responsibility for health benefits to the community and the occurrence of injuries; the Chief Minister's Department, whose role is in relation to youth affairs and issues concerning the aged and the disabled; the ACT Treasury, which is responsible for allocating Government funds; and the Attorney-General's Department, who have responsibility for legal issues and police matters.

Madam Speaker, we are proposing, before we adopt this draft code, to consult widely with the community, and in particular with the following organisations: The Canberra Blade Club Inc., the ACT Council on the Ageing, the Catholic Education Office, the National Capital Planning Authority, the YMCA, the Youth Affairs Network

of the ACT, the Canberra Blade Centre, Ollie On Skateboards, JS Roller Rink, Skates Alive, the NRMA, the Insurance Council of Australia, Pedal Power, and the Cyclists' Rights Action Group. That list of organisations and individuals is not intended to be exhaustive, but I think it is indicative of the level of consultation that we believe is now necessary to arrive at a final policy on a small-wheeled transport strategy for the ACT.

Question resolved in the affirmative.

**CONSERVATION, HERITAGE AND ENVIRONMENT -  
STANDING COMMITTEE  
Reports on Renewable Energy and the Solar '93 Conference -  
Government Response**

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (3.21): For the information of members, I present the Government's response to the reports of the Standing Committee on Conservation, Heritage and Environment on renewable energy and the Solar '93 Conference and move:

That the Assembly takes note of the paper.

Madam Speaker, on behalf of the Government, I would like to thank the current and previous members of the standing committee and the committee secretariat for the work they have undertaken on the subject of renewable energy. The standing committee's work has included the production in 1991 of a discussion paper titled "Solar Energy and Solar Cogeneration of Electricity"; the 1992 report "Renewable Energy - the Case for Energy Efficiency in the ACT"; and, more recently, a supplementary report submitted to the Assembly in February 1994 on the Solar '93 conference of the Australian and New Zealand Solar Energy Society.

Many of the advances in renewable energy development have been addressed by the standing committee in their February 1994 report on the Solar '93 conference. This supplementary report made no recommendations to the Government. However, its comments on the state of renewable energy have been taken into account in the preparation of the Government's response. In its 1992 report on renewable energy, the committee took as its terms of reference the potential for alternative forms of energy and the renewable energy issues in relation to the supply, demand and conservation of energy. The examination of energy issues included the consideration of greenhouse factors and their effects on energy choice and usage behaviour. The report has included greenhouse factors in its recommendations. The renewable energy report made considerable recommendations on energy and greenhouse issues which were appropriate at the time. Since the report was tabled there has been dynamic change in the global community's approach to ecologically sustainable development. There has also been significant change in Commonwealth and State relations. The national scene has been characterised by structural changes in approaches to environmental improvement and reform in the supply of energy.

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Since the renewable energy report was tabled in November 1992 there has been a high level of government activity in the areas of energy management and greenhouse gas response strategies. Various actions taken at the Commonwealth and ACT government levels have addressed the underlying intent of the report and, more specifically, the majority of its recommendations. The report on renewable energy recognised the role of the Commonwealth Government in developing strategies for the reduction of greenhouse gas emissions. The report recommended that the ACT Government make recommendations to the Australian and New Zealand Minerals and Energy Council on a series of measures to meet Toronto targets for the reduction of carbon dioxide levels. The Toronto targets called for the reduction of greenhouse gases to 80 per cent of 1988 levels by the year 2005.

The subsequent Rio de Janeiro environment conference in June 1992 proposed a UN framework on climate change. The framework convention on climate change came into force in March 1994. The convention requires parties to compile national inventories of greenhouse gas emissions. The ACT Government is committed to this process through its membership of the National Greenhouse Gas Inventory Committee and the Non-Transport Emissions Working Group. The National Greenhouse Gas Inventory Committee reviews proposals for research into greenhouse gas emissions and reviews draft workbooks for calculating greenhouse gas emissions. A research proposal from CSIRO to conduct measurement of methane emissions from ACT landfills has recently been endorsed by the committee. The ACT Government recognises the importance of this project in the development of the greenhouse gas inventory for the ACT.

The ACT Government has also provided input to the national summary report on the national greenhouse response strategy. The separate ACT report released on 1 March 1994 outlined measures being undertaken in the area of energy demand management and pollution control to reduce carbon dioxide and other greenhouse gas emissions. The greenhouse gas measures identified by the standing committee in their report have been addressed in other forums besides the Australian and New Zealand Minerals and Energy Council. The level of activity on greenhouse gas reduction has met the intent of the committee's report and the response addresses those measures, which have largely been overtaken by events.

The standing committee recommended that the ACT Government include energy conservation, renewable energy and alternative energy studies in school curriculums. When this report was presented in the Assembly, this matter attracted some criticism from the Opposition, in particular Mr Humphries, in regard to the role of the Government in prescribing the content of school curricula. The committee had made this recommendation on the basis of a growing interest by secondary and college educators in renewable and alternative energy issues. The Department of Education and Training has incorporated energy studies as part of environmental studies at primary and secondary school levels. In addition, ACT Electricity and Water has developed an energy and water conservation package for use in many primary schools. The Department of the Environment, Land and Planning has developed an ecoschools kit, which is currently being trialled at Theodore Primary School. This kit includes material on energy conservation.

The standing committee made recommendations on the feasibility of incentives to adopt cogenerated power, development of a solar thermal generator, and the sourcing of more electrical energy needs from renewable sources. A cogeneration system is designed so that primary energies such as oil and gas can be used more effectively by the simultaneous generation of electricity and heat. Therefore, cogeneration can reduce demand on the ACT electricity grid or balance peak loads. With the introduction of the national electricity market under the Commonwealth Government's national competition policy, the ACT's access to hydro-electric power from the Snowy Mountains scheme may no longer be guaranteed. This increases the case for considering renewable and alternative energy sources. Studies of renewable energy technologies have found that solar thermal generation of power is not economically viable at this stage. Solar thermal power generation is viable in remote areas with small power loads, and ACT Electricity and Water is currently examining its remote area power supply policy. A preliminary study of the hydro-electric potential of the Corin and Googong dams has found that the dams are potentially viable sites. A feasibility study of Corin Dam will be carried out in mid-1994. ACT Electricity and Water has published buyback rates and conditions for connection to the grid for cogenerated power. These rates are more favourable than those applying in New South Wales. ACT Electricity and Water and the Natural Gas Company have also been conducting feasibility studies of potential applications for cogeneration in large complexes in the ACT.

The standing committee further recommended that the ACT Government investigate the feasibility of all new commercial and manufacturing complexes providing for cogenerated power where their energy demands and size exceed a pre-determined level. The ACT Government itself would not investigate the feasibility of potential cogeneration in future commercial and manufacturing complexes. Such an investigation would be carried out by the proponent as part of the development's economic appraisal. Most large developments are subject to some level of environmental assessment, and these provisions could be used where appropriate to require that a proponent examine the option of cogenerated power.

The ACT Government does not support the recommendation to legislate for a minimum quantity of electrical energy to be supplied from renewable sources by the year 2000. In the current climate of major utilities reform and in the absence of a long-term energy supply strategy, it would not be appropriate to legislate for energy sourcing at this stage. Nevertheless, the ACT Government is aware of the impacts of the utilities reform agenda and intends to commence development of an energy strategy for the ACT during this calendar year. This recommendation can be reviewed once further evaluations of solar thermal and wind power generator farms in Australian conditions have been completed. Other alternative energy measures such as hydro-electric power and geothermal storage require further investigation.

The standing committee examined barriers to the adoption of renewable technology and recommended that the ACT Government request the Australian and New Zealand Minerals and Energy Council to assess the institutional and economic barriers which prevent renewable technologies from competing with fossil fuel based systems.

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The issue of free and fair trade in utilities and of access to energy markets is now the focus of working groups on utility reforms. These working groups report to the Council of Australian Governments and have largely taken over the function from the Australian and New Zealand Minerals and Energy Council.

The standing committee also recommended that incentives to convert to solar hot water systems be examined, such as capitals loans repayable through ACT rates. The energy management task force of the Australian and New Zealand Minerals and Energy Council has undertaken a project in Queensland to encourage householders to convert to solar hot water systems, through a funding package. ACTEW has made a pro rata contribution to this project and is monitoring its progress. ACT Electricity and Water also has a \$150 cashback offer applying to the installation of off-peak electric-boosted solar hot water systems.

The provision of capital loans repayable through rates would advantage ratepayers but not necessarily all energy consumers. The recommendation could require capital funds to be made available at a time of restrained Government expenditure. In addition, the proposal would require a restructuring of the rates system, with considerable overheads associated with that restructuring. The Government supports the principle of incentive schemes, but not of the type suggested by the standing committee. Incentive schemes will be further examined once the results of the Queensland project are made available. The recommendation to establish a buyback rate for power sourced from businesses and households is supported in principle. However, such power generation would be small in quantity and irregular in output, thereby affecting the viability of a buyback rate. The Government will examine alternative benefit measures for small generators.

The standing committee made several recommendations in the area of energy efficient housing. These included sponsoring ecologically sustainable building practices, energy audit provisions, energy efficiency standards, retrofitting for energy efficiency, incentive schemes, and education on energy efficient housing. The ACT Government supports the majority of these recommendations and many have been implemented or extended beyond those of the standing committee's report.

Sustainable development issues have been addressed in the ACT Government's November 1993 report on progress towards the national strategy for ecologically sustainable development. This report was accepted by the Council of Australian Governments in December 1992 and has been released for the information of the ACT public. In the energy context, the ACT Government has been advancing the concept of environmentally sustainable architecture in conjunction with the ACT chapter of the Institute of Architects. This concept embraces design with materials which impose the least environmental impact in winning the materials and the least embodied energy costs once in place. In addition, the use of natural heating and ventilation, geothermal heat storage and layout may reduce the need for mechanical ventilation systems. These concepts will have significant impact on reducing future energy liabilities for the ACT.

The ACT Government has made considerable advances in the area of energy efficient housing, particularly with the publication in 1993 of a booklet on energy efficient housing. This followed the release in 1992 of draft energy guidelines which will form part of the Territory Plan. The Territory Plan requires that energy audits be conducted for residential subdivisions of over 30 blocks. The ACT Territory Plan requires that new houses constructed from 1 July 1995 meet a minimum energy rating. Where a four-star rating is not achieved against the prescribed energy rating system for residential buildings, the Planning Authority will refuse the design and siting application unless special circumstances apply. It is intended that the national house energy rating scheme, or HERS, will become the prescribed energy rating system.

In the meantime, the ACT Planning Authority has been working with the Housing Industry Association to refine the energy rating scheme included in the draft energy guidelines and to ensure that they are applicable to multi-unit developments. The participation of the Housing Industry Association in the development of the energy rating system has enabled information about the benefits of energy efficient housing to be passed on to builders and home buyers. The ACT Electricity and Water energy efficient home at Banks has attracted a high level of interest from the public, and a further three energy efficient houses will be open for display in Gungahlin. These three houses will be more innovative in design, and will be occupied by three different home buyer groups.

All new ACT Housing Trust dwellings are now being designed to be energy efficient, in accordance with the trust's public housing standards and the draft energy guidelines. The ACT Housing Trust has developed a "building for buyers" scheme to provide affordable energy efficient houses for borrowers who are eligible for Commissioner for Housing loans. The ACT Housing Trust is committed to upgrading heating equipment in its properties as part of its cyclical maintenance and upgrade programs. For example, inefficient oil heaters are being replaced by electrical and/or gas heating, thus reducing emissions.

The ACT Building Code provides for the mandatory insulation of walls and inaccessible ceiling areas of all new houses in the ACT. This provision came into force in December 1992. Information is available to existing home owners on the prescribed energy rating system in order that they can make economic assessments of the benefits in upgrading to achieve a higher star rating and consequently an improved home value. The promotion by ACT Electricity and Water of energy efficient fluorescent lamps with industry rebates has assisted in gaining some market penetration and price reduction. However, the recommendation to fund lamp replacement costs recovered through electricity tariffs would require higher overhead costs, which would impact on other tariff customers.

In the area of commercial buildings, the ACT Planning Authority has been participating in the development of a national commercial building energy code. This project is being undertaken by the energy management task force of the Australian and New Zealand Minerals and Energy Council pursuant to a commitment in the national greenhouse response strategy. This project has a high degree of involvement from industry and other interested groups. The Territory Plan requires the preparation of energy management plans for buildings over 2,000 square metres, with the exception of warehouses which are not intended to have heating or cooling systems. The ACT Government has shown the

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lead in retrofitting its own buildings with energy saving fittings and controls, as part of its energy management program administered by ACT Public Works and Services. This program has already realised significant savings in utility costs in public buildings. All new public buildings incorporate energy saving controls to reduce future recurrent costs. (*Extension of time granted*)

In summary, the recommendations of the standing committee's renewable energy report have been adopted wherever possible or practicable. The ACT Government acknowledges that the area of renewable energy continues to undergo further research of the various technologies. The use of passive solar energy has been reflected in measures adopted under the Territory Plan. There has also been a pervasive awareness in the community of solar heating and lighting benefits through the advertising of solar design in housing. The Government has addressed greenhouse gas issues from a policy perspective, through research and development programs, and initiatives in direct greenhouse gas reduction such as natural gas vehicles.

Madam Speaker, in concluding my statement on the Government's response to the standing committee's report, I would like to thank the committee for their ongoing interest in renewable energy issues. The issue of energy goes beyond the scope of the committee's report. We must look to the future of all energy sources on which the ACT is dependent, including the renewable sources. The utilities reform agenda, with its impact on the long-term supply of electricity and natural gas to the ACT, presents the right opportunity for energy supply issues and demand management measures to be integrated into an energy strategy. The ACT Government intends to commence the development of that strategy, as I have already said, in this calendar year. My final comment is that it is a great pleasure for me to be able to present this response on behalf of the Government in a building that, as far as its lighting is concerned, adopts the practices that have been recommended in the standing committee's report.

**MR MOORE** (3.39): Madam Speaker, I take this opportunity to comment on this response from the Government to a series of reports, the first being the solar energy and cogeneration of electricity discussion paper, which was released in the First ACT Assembly in November 1991. At that point, I was chair of the same Assembly committee that I currently chair. In my preface to the discussion paper I stated:

The purpose of this discussion paper ... is to assist the process of turning around the community's approach to energy use in homes and workplaces.

I went on to say in the report:

In continuing that work, this report suggests some further steps in dealing with the generation of electricity from renewable resources. The notion of sustainable energy beyond hydroelectricity was a dream such a short time ago and yet now is a reality. The economics of producing electrical power including through solar and wind generation are within a range where it must be taken seriously.



Clearly, the goal the committee set out to achieve in turning around attitudes to the environment, and particularly to electricity, has been taken up with enthusiasm by the Government. That was clear even at the time of the discussion paper and the report. The Government, and officers in ACT Electricity and Water particularly, were also positive in their response to the work of the committee. Seeing the lengthy response the Government has prepared and the statement by the Minister gives me a great deal of pleasure, knowing that the process not only has been adopted but also has been continued. It was always seen as a process, and the fact that the Government has continued and enlarged on the process is a delight.

I would like to draw attention to two small things in the Minister's speech. On page 6 of the speech distributed by the Minister he states:

The ACT Government does not support the recommendation to legislate for a minimum quantity of electrical energy to be supplied from renewable sources by the year 2000.

There was considerable debate in the committee as to whether or not we would use this approach. The intention of the committee was to set a very strong goal that government would meet. It is quite clear that no government would want to be held to such a goal. Had nothing been done, I would have been inclined to go to members of the Assembly other than those from the Government and say, "We ought to set the goal anyway"; but, with such a positive response to the general direction of the committee, I think that could appropriately be put on the back burner to see how well the response of the Government continues and to assess the enthusiasm expressed by the Minister and in the report. It is something the committee will continue to monitor and to assess.

The other point I would like to raise is that the Minister, who is the Minister responsible for the Housing Trust as well, said in the first paragraph on page 9 of his speech:

The ACT Housing Trust is committed to upgrading heating equipment in its properties as part of its cyclical maintenance and upgrade programs. For example, inefficient oil heaters are being replaced by electrical and gas heating, thus reducing emissions.

I think most of us are conscious that gas heating produces significantly less emission than electrical heating, and I hope that the emphasis will be on gas heating where possible. There are small circumstances where electrical heating is appropriate, and I agree with that, but a cheaper, more efficient, more environmentally friendly method is gas heating. I hope that the Minister is encouraging the Housing Trust to use gas heating as a priority where that is possible. In conclusion, I think the committee ought to be very pleased with the Government's response to its report and the fact that that work is continuing.

Question resolved in the affirmative.

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## **COMMUNITY SAFETY COMMITTEE Status Report and Government Response**

**MR CONNOLLY** (Attorney-General and Minister for Health) (3.44): Madam Speaker, I present the ACT Community Safety Committee's status report, *Civic by Night*, together with the Government's response to that report. I move:

That the Assembly takes note of the papers.

This committee, which was established as part of the Government's community safety strategy, has recommended some interim measures in response to public safety problems in Civic, particularly at night and on weekends. The committee was established in November 1993 as an integral part of the ACT's integrated community safety strategy. I am pleased to inform the Assembly that the Government supports all of the committee's recommendations. The Government's endorsement of the report demonstrates this Government's commitment to enhance community safety in the ACT. There have already been a string of measures announced by the Government in response to problems associated with alcohol-related crime and anti-social behaviour. These include amendments to the Liquor Act to restrict the trading hours of off-licensees and to make it an offence to possess open containers of liquor in prescribed public places. Other recommendations have already been introduced via the Government's response to the report of the Select Committee on Drugs - *Alcohol and Youth - A Rite of Passage?*.

Similarly to the select committee, the Community Safety Committee recommended the introduction of the proof of age card for young people. The Government has placed conditions consistent with both committees' recommendations. The card will be available on a voluntary basis at low cost through the Motor Vehicle Registry to persons over 18. I would expect it to be used mainly by persons between 18 and 25, but if older residents wish to obtain a card they may do so. I stress, however, that civil liberties protection will limit the card's usefulness as a general purpose form of identification. The Government also supports the Community Safety Committee's recommendation to formally evaluate the card's effectiveness.

The Community Safety Committee has stressed that one isolated program cannot be the panacea for the problems, perceived or otherwise, in Civic. Hence, the report makes recommendations which require immediate responses but need to be followed up with longer term solutions - solutions which attack the social and cultural causes of alcohol-related crime and anti-social behaviour. I commend the committee on this foresight. Of particular note, the committee found that many members of the public were unaware that the consumption of alcohol within 50 metres of a shop, licensed premises or bus interchange is prohibited under section 84 of the Liquor Act 1975. This provision makes most of Civic a dry area. I believe that a simple measure to place signs informing the public, as suggested by the committee, will go some way to prevent people consuming alcohol in a prohibited place.

I commend the committee's innovative medium- to long-term strategies, which look beyond the traditional law enforcement and criminal justice responses to curb Civic's alcohol-related problems. For example, the committee has identified the dearth of transport at peak times on weekdays. The Government will explore the feasibility of trialling bus services by ACTION in an attempt to reduce potentially volatile situations where intoxicated people are not removed immediately from Civic or become frustrated waiting in queues for taxis.

Furthermore, the development of codes of practice with Civic licensees is a strategy to change the culture surrounding the consumption of alcohol by patrons and the serving of alcohol by licensees. The codes represent a local industry agreement which is being developed in a cooperative and consultative approach. The codes, which have not been finalised, are strong on acceptable and unacceptable behaviour in licensed premises and clearly spell out that violence, harassment and aggression are not tolerated. The code also informs the public of licensing laws and requirements, and emphasises consumer responsibilities as much as the responsibilities of the licensee. The responsible serving of alcohol training program will be a fundamental aspect in fulfilling the licensees' responsibilities. As the committee's report maintains, if alcohol consumption in public venues is to occur, then it needs to be done responsibly by patrons, with a duty of care by licensees. Policies which encourage drinking in a safe environment are imperative. The proposed codes of practice embody this ethos.

Debate (on motion by Mr Humphries) adjourned.

## **POLICE BUDGET**

### **Discussion of Matter of Public Importance**

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

The need for cuts to the police budget to be suspended for the time being in light of problems in the Territory with rising crime.

**MR HUMPHRIES** (3.48): Madam Speaker, we return to an issue that just will not go away. We need to be asking ourselves why that is. No matter how much water we try to douse this question of crime rates with, how much we try to smother the question with comforting and soothing statements, how much we look the other way when the figures are transmitted to us or published, the matter continues to smoulder. I refer, of course, to the evidence - now a positive avalanche of evidence - that has come before the community of the ACT indicating that we have a serious problem with increases in rates of crime. There are signs, even as late as the last fortnight, that our serious problem is persisting and is not going away. Where there is smoke, Madam Speaker, I suggest that we should assume that there is some fire.

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Mr Connolly is always happy to suggest that somebody else is responsible for this problem. Mr Connolly is always happy to suggest that perhaps the whole thing is a beat-up by Opposition members of the Assembly. I will show today, Madam Speaker, that there are serious and credible sources of authority to suggest that we have a big problem in this Territory. The longer Mr Connolly, as the Minister responsible for this, continues simply to deny that there is an issue here, the longer this problem will go unaddressed by the Government of the ACT. For too long, I would suggest, there has been - - -

**Mr Moore:** I raise a point of order, Madam Speaker. Mr Humphries suggested that where there is smoke there is fire, but the statistics I have in front of me show that in the ACT we have actually had a reduction in arson over the last year.

**MADAM SPEAKER:** It seems to be a day for points of order. Mr Humphries, please proceed.

**MR HUMPHRIES:** I will not comment on the frivolous point of order.

**Mr Berry:** I did not see it as a frivolous point of order.

**MR HUMPHRIES:** I will not even listen to yours. Madam Speaker, my party believes that it is essential for the Legislative Assembly to start to focus on this vitally important issue. For too long the question of crime rates has been a relatively sterile debate between Mr Connolly and me about whose figures on crime are more reliable. It is vital that we all assume some responsibility for this issue; that we all undertake to satisfy ourselves as to how much of this problem is apparent and how much of it is real.

It is clear to me that there are more and more people in this community, especially the elderly, who are feeling unsafe in our community. There are more and more people who have had some exposure to crime in some form in this community, and that is a matter of serious concern. Of course, we can all support preventative policing measures. We can also support the concept that each citizen must keep his or her own guard as the first line of defence against rising crime. But when those measures fail, as they often do, one relies on our police force - or one should be able to. That is everyone's basic entitlement. It is the responsibility of the Government and of this Assembly to ensure that people have a certain basic level of protection. Madam Speaker, as we have wound back police resources in this Territory, so we have put that right to be protected and to feel protected under threat.

I think that people in this Territory see this as a fundamentally important right. My evidence for that assertion - it is only one of many indicators - is the householder survey that was conducted in 1991. Members will recall that at that time citizens were asked to indicate for what purposes they would be happy to see additional rates and charges levied for the expansion of areas of government activity. Members of the community declined to support increases in taxation for education, health, housing or community services; but they did support an increase in taxation for one particular purpose, and that was policing and law and order measures. I suggest to the Government that the response to that question today would be an even more emphatic "Yes, we believe that more money should be spent in that area".

People were not stupid. They did not generally say, "Yes, we want more spent on education; we want more spent on health; we want more spent on community services". They said, "We do not expect to be taxed more heavily to pay for additional functions in government, except in one area".

**Mr Berry:** But they are not listening now.

**MR HUMPHRIES:** That area was significant. Those were the figures released by the Labor Government, Mr Berry. You can dispute them if you want to; but they were the figures Ms Follett herself released, so I think they are a reasonably accurate indication of what is going on.

Madam Speaker, there have been two recent indicators of problems in the Territory. One is the figures published by the NRMA today. The other is the figures produced by the Australian Bureau of Statistics on crime and safety in Australia. I shall refer first to the figures on car break-ins and car thefts released by the NRMA today. The NRMA, which of course insures a very large number of people in the ACT - I think it has more than half of the market in its own right - says that car theft rates in New South Wales and the ACT have remained relatively stable; however, vehicle break-in rates in the ACT have increased quite dramatically. Greg Sanderson, the Canberra regional manager, said that the large increase in break-ins in the ACT was of concern, and he went on to talk about the ways in which motorists can take some steps to prevent that being a matter of great concern by heading off the problem themselves. He pointed out that the cost of paying for car theft and break-in claims in the ACT increased by 7.1 per cent in 1993 to \$1.5m. This community is paying \$1.5m a year for car theft and car break-ins. Of course, they are just the NRMA's figures, not everybody's figures.

Madam Speaker, Mr Connolly will be quick to say that the car theft rate in the ACT is good relative to rates in other places in Australia and, of course, he is quite right. It is good; but what is of concern - and this is the point of the matter of public importance being raised by the Opposition today - is that the signs are becoming increasingly uncomfortable. We are seeing rises in these crimes to rates which greatly exceed those of other places in Australia. The NRMA have published a table which indicates that, while Sydney has experienced an 8.4 per cent decrease in car theft and car break-ins, Newcastle an 8.3 per cent decrease and the Illawarra a 4.2 per cent decrease, the ACT, in that one-year period from 1992 to 1993, has experienced a 7.1 per cent increase.

**Mr Moore:** Whereabouts does it say that?

**MR HUMPHRIES:** This is on the second page of the NRMA's press release.

**Mr Moore:** On motor vehicles?

**MR HUMPHRIES:** Motor vehicles, yes. The release is headed "Car break-ins increase 26 per cent in the ACT". I also draw members' attention to the fourth column of the table headed "Claims per 1,000 policies". Members can see that we certainly have fewer claims per 1,000 policies than do places such as Sydney, where the rate is more than double the rate here. But the point, of course, Madam Speaker, is that we are quickly climbing up

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the scale. Our rate of claim in the ACT already exceeds that of both country New South Wales and Newcastle. Newcastle is a fairly comparable kind of community. Why should it be that Newcastle - without the advantages of planning, with a higher rate of unemployment than the ACT, and with many other disadvantages the ACT does not experience - should have a lower rate of car theft and car break-in than does the ACT? In my view, Madam Speaker, this is a matter of serious concern.

However, my main concern is about figures released by the Australian Bureau of Statistics in the course of the last couple of weeks. Before members get jocular about this and make amusing comments of the kind Mr Connolly made about these figures, let us consider what they actually say. These figures were released on 29 April. They relate to victimisation rates that record how many people in our community and across Australia claim to have experienced some exposure to crime in a 12-month period. The figures show that in the last 12 months 4.9 per cent of Canberrans - that is, one in 20 - have been victims of crime involving burglary, attempted burglary, motor vehicle theft, robbery, assault or sexual assault. That translates to an actual figure of 11,000 Canberrans in that period of one year. Compared with the 4.9 per cent in the ACT, the national average is 3.7 per cent. I think that figure by itself should give us some concern.

The households which were victims of burglary, attempted burglary and motor vehicle theft represented 9.7 per cent, or one in 10, of Canberra households. That is an actual figure of 10,100 households. Again, that figure of 9.7 per cent in the ACT compares with 8.3 per cent nationally. What is happening in the ACT? Of concern in the ACT is that less than one in three of these attempted break and enters and attempted assaults were actually reported to police; 27.2 per cent of victims of attempted break and enters reported the offence, and only 30.9 per cent of victims of assault reported the offence to police.

Mr Connolly has made much play about the reliability of certain figures. In respect of figures released about a year and a half ago by the Director of Public Prosecutions, he said, "They are not accurate figures because they refer only to figures where we have actually had prosecutions. The AFP figures are more accurate". I suggest to Mr Connolly that the AFP figures are less accurate than these figures. If between a third and a quarter of people are not, in fact, reporting offences to police, AFP figures are not particularly reliable. What is more reliable is the figures which demonstrate what people are actually experiencing - victimisation rates based on direct surveying of people in the community.

The figures show an age breakdown for victims over the age of 15 in our community. They show that 8.9 per cent of people in the ACT between the ages of 15 and 24 were victims of crime; that 5.4 per cent of 25- to 34-year-olds were victims of crime; that 4.2 per cent of 35- to 44-year-olds were victims of crime. The rate goes down quite significantly for those over 65. Only 0.05 per cent of people in that age group are victims of crime, according to these figures. What a pity Mr Connolly cannot use them because he does not believe them! "I do not believe them", he said when they were published the other day. Of significant concern is that, of affected households, some 18.1 per cent are single parent households. That is a very important statistic in the International Year of the Family. Of 1,900 single parent households in the ACT, one in five have been victims of crime, according to these figures. Those are the raw figures.

Let us look at the nature of the survey to see how much reliance we can place on those figures. The sample size for the ABS survey was 52,300 people across Australia. Of these, 2,273, or 4.3 per cent, were from Canberra. The Minister told the *Canberra Times* in an interview about these figures, "We frankly do not believe this. If that report accurately reflected crime I would be deeply worried". It is funny that he should say that, because these figures are produced by the same people who produce our monthly unemployment figures. What is more, these figures are produced on exactly the same basis as the unemployment figures. We do not hear Mr Connolly saying, "I do not believe that the unemployment rate is only 7.8 per cent", but that is what he should say if he does not believe the Australian Bureau of Statistics on this question. They use exactly the same methodology to work out what our unemployment rate is, but he does not say, "I do not believe the unemployment figures".

What does Mr Connolly believe in? Apparently Mr Connolly believes in a *Time* magazine poll which had really good news for the Government. It said that 50 per cent of respondents think Canberra is a safe place to visit or live in, and only 7 per cent of respondents think Canberra is an unsafe city to visit or live in. The figures go on, but the Minister did not. Of the people who were surveyed for that *Time* poll, precisely none lived in the ACT. Of the 1,228 national respondents, only 15 per cent, or 184, had actually visited Canberra. So we can forget about what the Chief Minister told the Assembly about survey sizes on 19 April in the debate on the Electoral Bill. She said that, for a valid poll, 2,000 respondents were necessary. That was her comment on Mr Stevenson's words. With Mr Connolly, apparently a survey based on 184 people is valid but a survey based on 2,273 people is not. What a load of rubbish!

Of course, some of those figures are not accurate. Some of the figures relating to sexual assault were based on a very small survey and, as the Minister pointed out, cannot be relied upon in this debate. They are very small numbers of people, and the error margin is very large. Madam Speaker, of course we are not relying on those sorts of figures. We are relying on the broad thrust of these figures, based on 2,200 Canberrans, showing that we have a really serious problem in the ACT. When is this Government going to listen and accept the nature of this problem? The first step has to be to acknowledge and accept that the ACT has a serious problem with rising crime.

**MADAM SPEAKER:** Your time has expired, Mr Humphries.

**MR CONNOLLY** (Attorney-General and Minister for Health) (4.04): We return again to the law and order debate as Mr Humphries keeps trying to breathe a bit of life into what he would like to see as a fire. Madam Speaker, Mr Humphries's initial attack is that the Government is unconcerned about crime or safety in the ACT. What utter nonsense! Anyone who has been observing activity in this area over the last year or so would have seen a flurry of activity and initiatives designed to implement the Government's clear election promise to ensure that Canberra remains a safe city for its citizens to live and work in.

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Only this afternoon we tabled in this place our Community Safety Committee's first report on crime prevention strategies for Civic to address what last year was the Liberal Party's favourite drum to beat. They were constantly beating the drum last year and saying, "Shock, horror! Civic is a terribly dangerous place to be in or to work in. You are going to be mugged in Civic more than you are going to be mugged anywhere else in Australia. It is the most dangerous place in the world. The Government should do something about it". There were sensational press releases. We have gone about developing a strategy for a safer Civic in a very well thought out and coordinated manner. We have produced today not just the committee's report but a range of Government responses to that report, indicating that we have this issue well in hand. To suggest that the Government is unconcerned, does not care or is not interested in crime and safety in this community is simply stuff and nonsense.

What we do express concern about is this constant attempt to whip up sensationalism. What do we have today? We have the NRMA's report on car break-ins, which shows that - Mr Humphries did not say this - the rate of car theft and break-in per 1,000 policies is 13.9 in metropolitan Sydney and 5.3 in the ACT - - -

**Mr Humphries:** I did say that, thank you very much.

**MR CONNOLLY:** He did say that the rate here is better than it is in Sydney, but he did not say that it is about a third of the rate in Sydney. Madam Speaker, Canberra continues to be a very safe place in which to live, although it is a matter of concern that we had an increase in the rate per 1,000 policies of some 7 per cent. Why would that be? Of course, Madam Speaker, that would be because we have seen a significant increase of some 26 per cent in 12 months in the rate of car break-ins - that is, the car window being smashed and gear being stolen from the car. Car break-ins went from about 1,200 to about - let us round it up - 1,600, about a 25 per cent increase, from 1992 to 1993. If, however, we went back to 1989, when there were 2,157 break-ins, we could say that everything is rosy, because we have had a reduction from 2,100 to 1,500, so we have had a 25 per cent reduction in car break-ins. Statistics are what you make of them, but it is true that we have a problem with opportunistic break-ins.

What does the Opposition do? It whacks out its press releases and tries to put fear and loathing into the community by saying, "Crime is on the rampage. The Government could not care less. Shock, horror!". What does the Government do? This morning I was at a press conference with the acting assistant commissioner of police for the ACT, the Acting Chief Police Officer, and we gave the public some very rational advice as to what to do about this. This is the classic type of opportunistic crime. The motor vehicle break-in is an entry level crime. It is, by and large, committed by young persons. It is committed in a very opportunistic manner, in the sense that people, by and large, do not plot and plan this type of crime. When they see a parked car with a handbag, a camera, a personal laptop computer or other valuable items on the front seat, there is a tendency and a temptation to do the quick smash and grab. We have had - - -



**Mr Humphries:** What about these figures, Terry?

**MR CONNOLLY:** I will come to them, Mr Humphries, and I will not say that I do not believe them but that the police do not believe them, which is a rather more important factor. Madam Speaker, the - - -

**Mr Humphries:** You said, "We do not believe them". Who was "we"?

**MR CONNOLLY:** The police and I, Mr Humphries. Madam Speaker, the fact is that we did have a spate of this type of offence about this time last year. Residents may recall some media reports of a spate of this type of activity in the suburbs of the inner north of Canberra. We had a response from the pushbike patrols, and during that exercise we apprehended two youths, both of whom are facing some 26 charges of theft from motor vehicles.

We did have a spate, which has seen a glitch in the figures this year, and from a fairly small base that gives us a 26 per cent increase, although equally one could say that we are down 26 per cent from where we were a few years ago. The facts are that we still have a rate of car theft and car break-in which sits about where you would expect it to sit, which is well below Sydney rates, above New South Wales country rates, pleasingly about half the rate of Wollongong, but marginally above the rate for Newcastle. The fact that we have seen a - - -

**Mr Humphries:** Why is that?

**MR CONNOLLY:** I suspect that the dramatic jump, this 26 per cent jump, in the car break-ins this year has a lot to do with that. We have gone up 7 per cent and Sydney has gone down 8 per cent, but on those small bases the figures could easily repeat themselves next year. The important thing is not to put out the cheap political press statement saying, "Shock, horror! Crime is out of control". Since we have been in government there have been 587 press statements from Mr Humphries saying the same thing.

To give the public some calm advice as to what they should do is very simple. The message is very simple. The advice that we gave this morning is that people should not leave a tempting target sitting on the front seat of their car. People should not leave their handbag, their wallet, their camera or their personal computer sitting on the front seat of their car.

**Mr Humphries:** So it is all people's fault, is it?

**MR CONNOLLY:** Mr Humphries interjects, "It is all people's fault". Madam Speaker, this is not the advice that I am giving out. This is the advice that the NRMA are giving out; this is the advice that the police are giving out.

**Mr Humphries:** I am not questioning that, but whose fault is it?

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**MR CONNOLLY:** This is the unusual thing, Madam Speaker. This is the pettiness that sometimes surrounds this debate in this place. Members would often have occasion to watch the television news and see either the ABC feed from Sydney or one of the commercial feeds from Sydney. Every night there is a litany of murder, rape and mayhem as we see the Sydney metropolitan crime round-up. In five years of watching the Sydney metropolitan news feed and the daily litany of crime and shock and horror, I do not think I have once seen the Labor Opposition spokesperson on television saying, "It is all Mr Hannaford's fault and it is all Mr Fahey's fault that there has been crime in Sydney". But for some reason, Madam Speaker, whenever there is crime in the ACT Mr Humphries puts out a press release saying, "It is all Mr Connolly's fault". I think the public are pretty switched on to that.

Mr Humphries then moved on to the Australian Bureau of Statistics report that was issued in April of this year. The Government, I must say quite frankly, has real difficulties with this report. I just cannot accept that this report provides an accurate picture of what is going on in the ACT. Mr Dawson, the Chief Police Officer, has publicly concurred with the Government's view on that. It is quite impossible to reconcile the figures that were given in this report with the whole range of indicia of crime and law and order statistics. We look at the AFP reports that come out year by year and the way that those reports are reconciled by the Australian Institute of Criminology. Year by year the Institute of Criminology consistently shows that the ACT is in the lower order of rates of crime for Australian capital cities, which again is where we would hope and expect to be.

We have had problems in recent years with burglaries. That was Mr Humphries's hobbyhorse for about 12 months. Last financial year, as was reported in the annual report published just before Christmas, the AFP put in place some strategies, by way of a burglary task force, which have had some quite pleasing responses. We would hope to see some improvement in housebreak figures. But, as the NRMA pointed out last year, and as I sadly expect they will point out again this year when they report on housebreaking rates for the ACT and New South Wales, the rate at which Canberra residents install simple devices such as deadlocks and window locks is way below the rate at which residents in metropolitan Sydney install those simple devices. The way to get on top of property crime clearly is to have a tougher target. Mr Humphries may say that the best way is to have a police officer stationed outside every residence, but that is clearly silly.

We have seen a turnaround in car theft figures across Australia - not because you have a Labor government here or a Liberal government somewhere else, but because motor vehicle manufacturers have installed safety devices in motor vehicles that mean that the modern car is extremely difficult to steal. As the target gets tougher, so the rate of crime is dropping off.

**Mr Humphries:** So people are to blame for these high crime rates, are they?

**MR CONNOLLY:** Mr Humphries interjects, "The people are to blame". What I am saying, Madam Speaker, is not the view of a politician. What I am saying is what the police say and what the NRMA say. We have to adopt a holistic approach to crime control and, as a community, work together against crime.

Mr Humphries continues to beat the drum that it is all the fault of this Government; that we have not adequately resourced the Federal Police and therefore crime is our responsibility. Madam Speaker, the Liberal Party has to squarely say at what level we should be resourcing the Federal Police. If the Liberal Party could - - -

**Mr Humphries:** Greater than we have now.

**MR CONNOLLY:** Better than we are now?

**Mr Humphries:** Yes.

**MR CONNOLLY:** That is a very deeply thought out position to take, Mr Humphries. Madam Speaker, the Liberal Party has to say at what level we should be funding police. If the Liberal Party could come into this place and demonstrate that this Government was funding the Federal Police at a lower level than equivalent communities across Australia were funding police, that we were neglecting our responsibility for law and order, they would have a strong indictment against the Government. But, Madam Speaker, they patently cannot do that. What the figures consistently show - and again we can look at the most recent update of the Grants Commission - is that we spend more per capita on policing in this Territory than does any State in Australia. Our expenditure is exceeded only by that of the Northern Territory.

**Mr Humphries:** But their rates of crime increase are lower than ours, too, Terry.

**MR CONNOLLY:** Indeed, their crime rates are lower. The jurisdiction with one of the lowest rates is Tasmania. They spend less on policing; therefore, if we spend less on policing, we will have crime rates like Tasmania's - QED! Madam Speaker, it simply does not work that way. If we were neglecting policing, we would stand indicted; but we patently are not. We are spending something like 14 per cent above the national average on policing. The Liberals say that that is not enough. How much more than the national average is enough?

Mr Humphries's simplistic "spend more, spend more" is quite out of kilter with what has for several years been a very responsible approach from the Liberal Opposition. I have quoted in these debates on many occasions the statements of Mr Humphries but, more significantly, those of the former leader of the Liberal Party, Mr Kaine. Mr Kaine has repeatedly said, "If you are going to impose cuts across the board, the police, like any other area of government, will have to accept their share of cuts". That was the Liberal Party's - - -

**Mr Humphries:** That was before crime rates were going through the roof, Terry.

**MR CONNOLLY:** Crime rates have been consistently increasing over a decade. When Mr Kaine was making those statements as Chief Minister in 1990, crime was higher than it was in 1989 or 1988. So the same indictment that you apply to me would apply to him. Mr Kaine realistically - and we saw quite a bit of realism when Mr Kaine was leader; they were days much lamented by this side of the chamber, and lamented by at least part of your side of the chamber too, I suspect - accepted that the police budget could not be

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taken in isolation, that realities that apply to every other area of government had to apply to policing, and he consistently said that the Government's approach of treating the police budget like any other budget was quite appropriate. Now, some months out from an election, we see the Liberal Party saying, "Spend more on police".

Madam Speaker, that is a simplistic position from the Opposition. It is a bit like their approach on health. Mrs Carnell says, "Spend more. Build another hospital". It is cheap Opposition politicking. They have not really developed a strategy on dealing with community safety. They are grudgingly going along with the range of initiatives that this Government has in place for a safer Civic and the range of liquor-safety initiatives that we have recently announced.

The way we have achieved our 2 per cent savings in the police budget is something that the Opposition has been notably silent on in recent years. It has been a remarkable achievement of working with the police association and management to deliver savings and efficiencies and to ensure that at the sharp end of policing we are delivering services that are as good as they ever were. Our savings have come from areas such as the breathalyser unit, where we were wasting funds through specialised support units, and the voluntary attendance at court scheme. Instead of having police officers charging around the community effectively as postpersons, we are doing a lot through the mail. It is a remarkably successful scheme. Interstate police commissioners who were at a conference here in Canberra some weeks ago are very interested in following that scheme to achieve savings themselves. We have demonstrated that you can deliver an efficient and effective police force for Canberra at only 14 per cent above the national average expenditure. How much more is enough? Mr Humphries says that by spending 14 per cent above the national average on policing this Government is somehow neglecting its duty. Madam Speaker, this Government remains committed to a safe Canberra, and its record will show that.

**MR Kaine** (4.19): Madam Speaker, I must say that Mr Connolly disappointed me in his response to Mr Humphries's opening remarks in this debate. Instead of confronting the issue, he resorted to sophistry. First of all, he denigrated - - -

**Mr Lamont:** You used that line last week.

**MR Kaine:** It is a good word. You should look it up in the dictionary and find out what it means. Mr Connolly says, "The statistics are irrelevant. They do not really mean anything". He writes down the statistics to the point where they are irrelevant, and then he overstates or overemphasises what Mr Humphries has put in other instances. For example, in his concluding remarks he said, "The Opposition wants to spend more, spend more, spend more". That is not what Mr Humphries said, and it is not inherent in the matter of public importance before us. Mr Humphries did not say that we should spend more. He just said that for one year we should arrest the downward trend of expenditure on maintaining a police force in the ACT because there is evidence that there is an increasing rate of crime.

I thought the statistics that Mr Humphries produced amply demonstrated the latter and justified the former. But Mr Connolly does not want to listen to that. He did not listen to that. He was so defensive that it showed. In other words, Mr Connolly obviously feels in his heart that what Mr Humphries said is valid and that he should be taking note of it, but that from a Government ideological viewpoint it is not acceptable that he should do so. So he spoke without much conviction, and I think it came through.

Madam Speaker, Mr Connolly also could not restrain himself from quoting my comments about a reduction in the police budget. What he said is true. Three years ago I did say - and I meant it - that the police function should not be quarantined from the general processes of budget scrutiny. Of course it should not. I am not resiling from that now. But, within all of that, when a government is doing its budget, it has to look at the reality of the day. It is mindless to say, "Three years ago Mr Kaine said that you should not quarantine the police budget and therefore, to this day, that is immutably true". It is never true forever that you should quarantine - - -

**Mr Berry:** So what would you cut?

**MR Kaine:** We will talk about Mr Berry. Budgeting requires that you look at the circumstances of the day. You change your budgetary strategy - you have to be flexible - from year to year, depending on what is happening. To hold the hard line that year after year you are going to blindly apply a 2 per cent cut across the board, which is what this Government always resorts to in the final analysis - a 2 per cent cut across the board will fix the problem - is mindless. It does not achieve the objective. Within all of that, if you are not looking at what is happening in your hospitals, in your schools and in your community where crime is occurring but you are still saying, "We will have a 2 per cent cut across the board", you are ignoring the needs of the society for which you are supposed to be budgeting. It is mindless and it does not achieve the objective.

Mr Humphries produced what I thought were some fairly compelling statistics. Mr Connolly said, "We do not believe them. The ABS is not right, and the police agree with me". Maybe he would listen to his own police statistics. The Australian Federal Police annual report gives similar figures. They are certainly for the year 1992-93, because we have not had the 1993-94 report yet; but I am sure that when we get that report it will produce more of the same statistics.

The statistics from the Australian Federal Police annual report for 1992-93 show that offences against good order, for example, rose by 41 per cent in one year; that fraud and misappropriation both increased by massive amounts; that total burglary, theft and fraud offences rose by 15.6 per cent. Mr Connolly would say, "They say 15.6 per cent, but if it starts from a low base that is not much". In this case, however, the figures showed an increase from 18,360 cases to 21,240. This is in a community of only 300,000 people. Does Mr Connolly accept those figures, or does he say that he does not believe them and that Mr Dawson does not either? These are the police's own figures, and I accept them.

In quoting his statistics, Mr Humphries said that one in 20 people in the ACT are victims of crime. I would add that one in 20 are victims of reported crime. I know of a lot of petty crime, minor crime, which is not reported. If somebody tries to jemmmy open a car door in a parking lot, people do not report it. They go and get it fixed and write it off.

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There are car parking places in this city where nobody in his right mind would leave his car parked even in broad daylight, because you can bet that when you come back somebody will have removed the radio antenna or they will have had a go at getting into the boot or the car. As I say, there are places where I will not leave my car, even in daylight.

The thing that nobody has done is raise the question - and perhaps Mr Connolly should have a look at this - of just how much of this crime in the ACT is in fact imported crime. Is all of this crime being committed by people who live here, or are people coming a long way to Canberra because they see this as an affluent place which is ripe for the picking? There are not many pickings in Parramatta, but there are lots of pickings in Canberra if you can get down here. Maybe that is something that we should be looking at. The overall situation is that there is a disturbing increase in crime. Mr Connolly can write it off. He can say that we are better off than other places, but the statistics do not support that. Even if that were true, the very fact that crime is increasing in its incidence in Canberra is enough, or ought to be enough, for the Government to look at it.

Mr Connolly, of course, goes overboard. He says, "The Opposition said that this is all the fault of the Government". We did not say that it is the fault of the Government, but we do say that it is the responsibility of the Government to look at the matter and to do something about it, not simply once again in 1994-95 blindly cut the police budget by 2 per cent. They should be looking at what is going on within their budget, comparing what is happening in policing against what is happening in Health and elsewhere, and making intelligent decisions about where reductions are to be made, not just making a mindless across-the-board cut.

Mr Connolly also said that we spend more than anywhere else except the Northern Territory and asked how much overexpenditure was enough. It is interesting that you do not hear the same debate about expenditure on health. Mr Berry and Mr Lamont do not come here and say, "Certainly, we are spending more than everybody else, but how much overexpenditure is enough? We should be cutting the health budget". We do not hear that justification. I was surprised that Mr Connolly brought that argument up.

Madam Speaker, there has been much talk about statistics. I support, in general terms, the things that Mr Humphries has said. I find it astonishing that Mr Connolly is so eager to discount them. I seek leave to table some statistics over a five- and 10-year history which compare the ACT with New South Wales. The figures show that in almost every case - break, enter and steal, robbery, motor vehicle theft, violent offences and property offences reported to police - on the basis of 100,000 population our crime rate has increased enormously compared with New South Wales. It is a long-term trend. It cannot be ignored.

Leave granted.

**MR KAINE:** I table the statistics. Madam Speaker, to conclude, I simply say to Mr Connolly: Please listen to what the Opposition is saying and please look at what we are saying without prejudice, and see whether or not we are right.

**MR MOORE** (4.29): Madam Speaker, one of the interesting things about the debate today is the quoting of figures and statistics. Prior to this debate I approached the Australian Institute of Criminology. I wonder how long we will continue to be able to approach the Australian Institute of Criminology, considering the rather significant cuts that the Federal Government has made to that independent body. The figures that I have in front of me, Madam Speaker, often do not tie in with the figures that I hear being quoted by Mr Connolly on the one hand, and Mr Humphries and Mr Kaine on the other hand. This situation reflects the difficulty we have in compiling such figures and statistics.

I would like to put the debate today in context. The subject of the debate is:

The need for cuts to the police budget to be suspended for the time being in light of problems in the Territory with rising crime.

I presume that the Opposition has raised this issue because of the general understanding that within the budget framework a 2 per cent across-the-board cut in police spending has been flagged. Madam Speaker, I do not think the Government has actually verified that, but certainly it is widely understood that that is the case. It is an entirely inadequate way to deal with a budget, as far as I am concerned.

Madam Speaker, it seems to me from the evidence I have that much of the rise in crime that we often hear talked about is actually an increase in the reporting of crime. The different statistics used to date have not reflected that; but certainly it is the case with violence in the home, sexual assault, child abuse and specifically rape. The statistics in front of me indicate that the reporting of offences of rape has increased almost 100 per cent over the last year. The Australian Institute of Criminology, in the statistics presented to me, identify this and say that rape data should not be compared between States for various reasons. More importantly, they have drawn to my attention, Madam Speaker, that they perceive that the increase in the reporting of that crime is much more significant than the increase in the crime itself. We have heard a number of outstanding members of the Australian Institute of Criminology over the last few months stating that their perception is that we have seen not so much a rise in crime across most areas as a rise in reporting. When we look at all these statistics, that needs to be kept in mind.

There are a couple of exceptions. I notice that Mr Kaine, in drawing attention to the statistics he had, talked about a combination of fraud and misappropriation. The statistics I have in front of me concentrate just on fraud. I do not have a definition of what that includes, but we see a remarkable increase from 845 reported cases to 898 cases in 1993, in just over one year. That may reflect better technology or increased reporting, or it may in fact reflect an increase in the actual crime rate. That is one of the things we still have not assessed. It seems to me that we need to assess that. It is not good enough simply to grab some statistics and say, "We have an incredibly terrible problem with police; therefore, we should increase funding to police". In fact, that may be part of the solution, but I am yet to be convinced that it is.

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Certainly, Madam Speaker, you would be aware, as other members would be aware, that on innumerable occasions in this house I have raised the issue of drug law reform. I have pointed out that because of the nature of our drug laws we are bound to see an increase in crime. We are bound to see an increase in petty crime as long as we have a system that treats people who pursue change in their mood through the use of drugs as being outside the law. While they continue to be outside the law, we will continue to pay the price of prohibition. I think that it is an appropriate time to raise this question and to ask the Minister to consider how many police are involved in drug law enforcement in the ACT and to what extent this needs to be reassessed. Madam Speaker, there is no doubt - I think that most members would agree - that the trafficking of the illicit drugs is different from personal use.

We see a significant amount of policing applied to young people in particular, people on the street and those who are socially disadvantaged. Madam Speaker, 60 per cent of people in New South Wales who are incarcerated for criminal activities are incarcerated for some drug related offence. If we really wish to deal with the issue of crime, we ought to look at not just how we are going to patch it up in the end but how we are going to deal with the issues that lead to crime. I think that is a much more important issue.

Madam Speaker, I have spoken about drug users and crime in general. I move to the social issues and the social problems of our community. Those general social issues are to do with unemployment, poverty and a sense of hopelessness. They are the areas that we should be looking at funding. They are the areas we should be looking at when considering how to improve our crime rates. To undermine an increase in crime, if indeed there has been one, we should be looking at how to undermine the need for people to commit burglaries, home thefts, armed robberies and so forth. We need to resolve those social problems and direct our funding where it is needed to deal with them. Education is one area. We need to ensure that our education system does not leave a percentage of people feeling inadequate but meets the needs of a whole range of people. It can still encourage excellence, but it should not concentrate on excellence to the extent that it leaves some people feeling entirely inadequate.

I must also ask: How many police are used to resolve problems of people with mental illness? From discussions and from listening to evidence presented to the Social Policy Committee recently, it is quite clear that the police have been doing a very effective job in this area, when they have been called upon. But one cannot help wondering to what extent it really is their responsibility and to what extent it should be the responsibility of mental health services and the psychiatric sections of our Health Department. Madam Speaker, the silliest thing that we can do is attempt to resolve rising crime simply by increasing funding for police. The issue is much more complicated than that, and we ought to deal with it in a holistic way.

**MR STEVENSON (4.38):** We all agree that crime, as reported, is increasing. One can look at the suggestion that some crimes are now reported more than they were in the past. One can also ask why that is. There is also evidence to show that as crimes become more prevalent in a society they are not reported to the same extent. They are not reported more but reported less. The reason for that is that people see no sense in reporting some crimes. Because there are so many cases, they feel that getting involved in the process of reporting them will not result in any benefit to them.



Something that has changed over a long period of time is the idea of what happens when you go along to court, having reported a crime. Because of the education, false or otherwise, from movies and other things, many people feel that it is not a good idea to get involved in that process; that, rather, they should just wear the problem.

I do not agree that crime rates are increasing alarmingly simply because more people are reporting crimes, although one can debate anything. But what we do know, without any shadow of a doubt, is that more and more crimes are being reported. We know that more people than ever before are having their property stolen or are being assaulted. There are more cases of fraud and so on. There are many cases in financial institutions when fraud, often large-scale fraud, is not reported. I refer to computer crime. There is concern that the methods being used will become well known and more widely used.

Members will recall that details I presented from surveys we did regarding police budget cuts showed that over 70 per cent of Canberrans did not agree with police budget cuts. Mr Connolly mentioned that you needed to make cuts. I think most people, unfortunately, expect budget cuts to police funding. Mr Kaine made a relevant point: Why was the same argument not used when talking about health?

Mr Moore raised a vital point when he talked about the hopelessness of people - not only youths but adults. Indeed, many people feel hopelessness. That is why many people turn to crime. Many people feel hopelessness about getting a job. I think it is unfortunate that we teach so many doomsday scenarios to our young people, in many cases within their school education. We certainly teach such ideas to the general population in what goes out in the media. I think we should adopt a positive approach, giving attention to things that will encourage people to get involved in useful activities. Australia is the wealthiest nation on earth. The assets and resources we have in Australia are simply astounding. The idea that we can have homelessness, unemployment and people on the breadline is, from a practical point, ridiculous. It simply makes no sense logically or logistically. That is the responsibility of governments and of people who elect governments and do not make sure that governments do what the people want.

In this case people want no cuts to the police budget. This goes to the very safety and security of everyone in our community. Government, above all else, has the right, the obligation and the responsibility to protect the life, liberty and property of all Canberrans. It could be argued that that truly is government's only role in getting involved in people's lives. However, it is certainly a vital role. There is no doubt that if you cut police funding - the subject of the matter of public importance - some services will be cut. Police need to be more efficient, just to cope with the increase in crime. One could well argue that the police budget should increase if we have increasing crime. I know that the police have done many things in trying to be more effective. Community policing is one excellent idea. People need to be far more involved in the day-to-day activities in their local communities, to accept more responsibility for what happens and to report things that need to be reported. It is not a matter of dobbing people in. When people see things that are not okay, they should report them immediately.

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I think we would be a lot more successful if we got to know our neighbours, if we started to do what we did in the past and looked after each other. I know someone who was recently trying to get in the window of their house, when someone next-door popped their head over the fence and checked what they were up to. This sort of thing goes a long way. Unfortunately, in Canberra, as in most places around Australia, people could walk into a house and in some cases the next-door neighbours would not know whether they lived there or not. We could do a lot to encourage people to be responsible not only for their own lives but also for the lives of people who live near them and in their community and to accept greater responsibility.

**MRS CARNELL** (Leader of the Opposition) (4.46): Madam Speaker, there is no more fundamental right than the right to feel safe in your own home and in society. I am sure that everybody would agree with that. The serious increases in crime rates that we have heard about today and that we have heard about regularly mean that many people - particularly the elderly, as Mr Humphries said - do not feel safe in their own homes. They do not feel safe in their own homes, for all sorts of reasons. Today we have heard about quite dramatic increases in all sorts of crimes. Statistics suggest that one in 20 Canberrans have been the victim of a crime. That is substantially worse - - -

**Mr Berry:** That is scaremongering.

**MRS CARNELL:** That is not scaremongering. They are Bureau of Statistics figures. Mr Berry thinks that the Bureau of Statistics is scaremongering. Maybe we should quote him on that. A lot of crimes are particularly concerning to the elderly. People are being robbed while they are in their own homes. It is an absolute tragedy. Many of those people find that they can never again feel comfortable in their homes.

The MPI today asks the Government not to further cut police services in the ACT and not to cut the police budget while we are seeing a huge increase in crime rates. Mr Moore made the comment that crime statistics may reflect an increased level of reporting. That may be true, but that does not explain the figures that Mr Kaine tabled. Those figures show a dramatic increase in the crime rates in the ACT when compared with those in New South Wales. If crime is reported more often - assuming Mr Moore is right and Mr Stevenson is not - that should be reflected in both places. So we still come back to the fact that crime rates in the ACT are increasing. That obviously has something to do with the fact that we are becoming a bigger city, but it does not detract from the fact that there are people in the community who feel unsafe.

**MADAM SPEAKER:** Order! The time for the discussion has now expired.

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

**MRS GRASSBY** (4.48): I present reports Nos 6 and 7 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement.

Leave granted.

**MRS GRASSBY**: Report No. 6 of 1994, which I have just presented, was circulated when the Assembly was not sitting, on 28 April 1994, pursuant to the resolution of appointment on 28 March 1992. Report No. 7 of 1994 contains the committee's comments on three Bills, 10 pieces of subordinate legislation and four Government responses. I commend the reports to the Assembly.

**Sitting suspended from 4.50 to 8.00 pm**

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

Debate resumed from 10 May, on motion by Mr Connolly:

That this Bill be agreed to in principle.

**MS SZUTY** (8.00): Madam Speaker, I moved last week to adjourn the debate on the Evidence (Closed-Circuit Television) (Amendment) Bill 1994 because I wished to consider fully the background information to the Bill and a number of implications and ramifications that the introduction of these new measures would bring. During my normal consideration of legislation before the Assembly, I begin the process with a reading of the relevant Minister's presentation speech. It was thus that I started in my consideration of this Bill. Generally, the Minister's presentation speech provides the context from which the Bill is developed. So what information did I find in the speech? Extensive references to report No. 63 of the Australian Law Reform Commission, "Children's Evidence - Closed-Circuit TV", and some reference to the earlier research paper entitled "The use of closed-circuit TV for child witnesses in the ACT", a paper commissioned by the Australian Law Reform Commission. I will give some examples of the notes I took from the Minister's presentation speech, which will explain what I am talking about.

Firstly, the Law Reform Commission's report generally endorsed the findings and recommendations of the research paper. Further, closed-circuit TV was generally seen to be fair both to the defendant and to the child, certainly by the overwhelming majority of legal professionals; but there were some who did not believe that the use of closed-circuit TV was something that the Law Reform Commission should endorse totally.

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A minority of legal professionals had some concerns about that. Further, the Bill implements a recommendation from the Australian Law Reform Commission, with some exceptions. The Bill makes it a general rule that a child give evidence by closed-circuit TV. I therefore felt it necessary to ask to see a copy of those reports and to try to get a more extensive understanding of the issues involved.

An issue that was specifically raised in the Minister's presentation speech was that child defendants are excluded from giving evidence by closed-circuit TV - this is referred to on page 4 of the Minister's presentation speech - notwithstanding that the Australian Law Reform Commission report recommended otherwise. The Minister's presentation speech said that "the need for child defendants to give evidence by closed-circuit TV was not convincing". It went on to outline some reasons why the Government's view was adopted in this instance. What the Minister's presentation speech did not say was that the Australian Law Reform Commission's view had been informed by the International Covenant on Civil and Political Rights, article 14.1 - a not unimportant consideration, I believe.

I have not had the time to access the submissions which were received by the Australian Law Reform Commission in the conduct of their inquiry, although I firmly believe that they would have informed my views on this matter substantively. I should say that I had little difficulty with the provisions of the Bill, apart from the comment in the explanatory memorandum about financial considerations - there being none - but with specific reference being made to the need for the Supreme Court to improve access to its facilities to enable facilitation of the use of closed-circuit TV to take place. I understand that these improvements have been made on the basis of earlier amendments to legislation.

It was at this stage that I sought a briefing on the Bill, and I am grateful to the officers of the Attorney-General's Department for making themselves available to me for the briefing. I discovered at the briefing what was happening in other jurisdictions in Australia with respect to this issue; and, further, where the impetus for the changes proposed originally came from. For the information of members, it was the Piggott report from England in the mid-1980s which has substantially informed the debate. Subsequently, in 1989 the ACT became the first jurisdiction in Australia to consider the issue, and I understand that Chief Magistrate Ron Cahill was instrumental in ensuring that the issue was considered in the ACT.

The current situation as regards other jurisdictions in Australia is as follows: In New South Wales the legislation is more like the ACT's current legislation prior to the amending Bill being introduced by the Government. In Western Australia and Queensland the legislation is more like that which the ACT will move towards with the passage of this amendment Bill, although Western Australia uses the concept of vulnerable witnesses - not all witnesses - being able to give evidence by closed-circuit TV should they choose to. Interestingly, Queensland gives child defendants the opportunity to give evidence by closed-circuit TV, and it appears to be the only jurisdiction in Australia that allows this to occur. I have been unable to find further information about how long the provisions have been available in Queensland and whether they have been seen to be successful or not.

Further argument was put to me, however, that by enabling child defendants to give evidence by closed-circuit TV we are making it easier for children to give evidence in defendant situations, which may be delivering the wrong message to potential child offenders. A further issue is that these same children would need to be in court for the remainder of the proceedings anyway, and they would need to be specifically removed to give evidence by closed-circuit TV.

To summarise, I do not regard the arguments proposed by the Australian Law Reform Commission in support of child defendants giving evidence by closed-circuit TV as unconvincing, given the references in the report to the international covenant and given that Queensland currently has provision in its legislation for this to occur. While I am not yet convinced of the need at this time to amend the Government's proposed legislation to give child defendants the opportunity to give evidence by closed-circuit TV, I wish to encourage the Attorney-General and members of this Assembly to further consider the matter. Options we have available to us are a possible reference by the Attorney-General to the ACT's Community Law Reform Committee; or, alternatively, members of the Assembly's Legal Affairs Committee considering the issue as a possible reference. I mention at this stage that I have not discussed the matter with my Legal Affairs Committee colleagues, but it may be an issue we could consider.

I have spent some time outlining the process I have been through in familiarising myself with the issues in this Bill and in discussing an issue that I feel has been inadequately dealt with in the Minister's presentation speech. I would like to conclude my remarks by spending some time in commenting on what I believe is a significant advance in the ACT, that is, giving children the opportunity to present evidence by closed-circuit TV as a general rule. There are reasonable exceptions to this - where a child prefers to give evidence in the courtroom rather than by TV; where unreasonable delays would occur if a child were to give evidence by TV; or where a court believes that there is a substantial risk that proceedings would be unfair if a child were to give evidence by TV. As the Minister's presentation speech says, 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.

While I support the Government's initiatives with this legislation, I urge members to consider further the issues I have outlined. I look forward to hearing from other speakers in this debate, in particular the Attorney-General, who will, I trust, discuss the issues I have raised in his concluding remarks on the Bill.

**MS ELLIS (8.09):** Madam Speaker, it gives me great pleasure to speak in support of this Bill. The aim of the Bill is to make it easier for children to give evidence in court. Sadly, it is not uncommon for a child to be required to give evidence in court in cases where the child has been abused, often sexually. It is tragic that the accused person in such cases is often well known to the child - a relation or a family friend. That relationship makes it especially difficult for the child to give evidence in the presence of the accused person. It is often found that the trauma a child experiences in giving evidence against an alleged abuser, particularly an alleged sexual abuser, is as severe as the trauma of the assault itself.

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To address these problems, the ACT Magistrates Court pioneered the use in Australia of closed-circuit television for children to give evidence. In 1989 equipment was installed in the court to link the courtroom with another room in the court building from which the child gives evidence. The child is not alone in the separate room; a support person, such as a parent, is also present. Television monitors in the courtroom enable those present, including the magistrate, the accused person and legal representatives, to see and hear the child giving evidence. A wide-angle camera in the child's room enables the magistrate to ensure that the support person with the child does not prompt him or her in any way. A TV screen in the child's room enables the child to see and hear the magistrate and the lawyers in the courtroom. Importantly, the child is not able to see or hear the accused person. The child gives evidence in the same way as it would be given in the courtroom, that is, in response to questions from counsel for the prosecution and then in response to cross-examination by counsel for the defence. The essential difference is that the child is not required to physically confront the accused person.

The system is used in the ACT Magistrates Court, and the legislation that governs its use was evaluated by the Australian Law Reform Commission. The commission strongly supported the use of closed-circuit television for children to give evidence. The main recommendation the commission made was to change the procedure used by the court when a child is to give evidence. At present, a court is required to decide whether a child would suffer mental or emotional harm if required to give evidence in the courtroom or whether the child's evidence would be better ascertained if given by TV. A court may order that the child give evidence by TV only if satisfied as to one or other of those tests. The commission criticised this procedure. It said that "some of the potential benefits to children of using closed-circuit TV are lost because of the uncertainty and complexity" of the procedure. Also it stated that "a procedure which gives rise to protracted legal argument, delay and the exposure of children to additional assessment defeats its purpose of making it easier for children to give evidence".

The commission recommended that the procedure be fundamentally changed so that the normal situation is that the child gives evidence by TV. Under that approach, the court would have to make an order only if the reverse is to apply, that is, that the child gives evidence in the courtroom. The main reason a court might do that is if the child himself or herself preferred to do so. The Bill gives effect to that recommendation. In my view, that shows understanding of and compassion for children in such difficult circumstances, and I am pleased to have this opportunity to support the Bill.

**MR HUMPHRIES (8.13):** The ACT has pioneered the use of closed-circuit television in court cases involving children. If one thinks about it, it is obvious that many technological changes that have affected other areas of work in the last few decades have not touched our court system to nearly as great an extent as they have other areas of work. I think it is entirely appropriate that we should be pioneering, carefully but firmly, the concept that we should take advantage of such changes as people other than those who are present in a particular place being able to give evidence.

I said a great deal about closed-circuit television and how it should be used and how it might affect the process of the court discovering the truth in particular matters when we debated in 1991 the principal Act we are amending tonight. Other members at that time said a great deal about the nature of closed-circuit TV and how it should affect children's evidence. I will not go into most of that tonight, but I think it is probably too early yet to give this concept a complete and unqualified green light.

It appears from what the Attorney has said about the Australian Law Reform Commission - I have had less opportunity to examine that than Ms Szuty has had - that there is some support for the use of this concept by practitioners, and apparently quite wide support for its use by the children who were part of the process of giving evidence using closed-circuit television. I must express my concern that there would still be circumstances where closed-circuit television might be a negative process. It might, in fact, cause the court to be less able to achieve its task of discovering the truth of a particular matter. I think that is illustrated by the circumstances surrounding the decision the Government has made not to apply this legislation to child defendants.

The argument in favour of closed-circuit television evidence by children is that it takes the child away from the environment of the courtroom. They are sitting in a comfortable place, surrounded by people they know and trust. The child, feeling relaxed, at ease, and not intimidated by the environment, is able to say what he or she has seen or heard in an environment where there is not the potential for them to clam up, to decline to say or to not want to say what they saw or heard. That is a good thing for the most part, particularly for witnesses who are subject to some trauma, witnesses who are reporting on some traumatic incident such as an instance of child abuse.

In the case of child defendants, Mr Deputy Speaker, in a sense a different consideration might be said to apply. A defendant in any proceedings is expected to tell the truth when giving evidence, even in circumstances where one might expect it not to be in that defendant's interest that he or she tell the truth. Unfortunately, there are many instances where people in adult courtrooms are confronted with the difficulty of telling a story which is not the truth because it is in their interest to tell a story which is not the truth. Many factors come into play in influencing that defendant to depart from the story which is untrue and to tell the truth. I mean by that things like the environment of the court itself. Courts are unusual places. There is a lot of wood panelling. Sometimes there are pictures of magistrates or judges or the Queen or something up there. There is a crest above the bench. The magistrate, or the judge, in a robe, sits on a high bench, much as you are, Mr Deputy Speaker. It is necessarily an intimidating environment.

**MR DEPUTY SPEAKER:** Not as impressive, though, Mr Humphries.

**MR HUMPHRIES:** Perhaps not quite as impressive, Mr Deputy Speaker, but intimidating, yes. It is naive to suggest that that is an anachronism. That environment is created to make people believe that it is their obligation, their duty, to tell the truth. I have no doubt, having worked in courts, that many people sit in a witness box and feel the sense of being in an important place, and being subject to mysterious forces and circumstances which require them to tell the truth. It could be said that it is much easier to tell a lie in your living room or in your car or on the street than it would be to tell it in a place like that.

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We have to ask ourselves whether that does not apply equally or even more so to children. If it does, is there an argument for saying that children who are defendants are no less likely to need to be put in an environment where they feel that compulsion which applies to many adults because of the environment in which they are seated? That is an issue I raise which I do not think is yet fully resolved. The practitioners who were interviewed in the Law Reform Commission study appeared to take the view, according to the Attorney's speech, that this was an appropriate process and did not result in injustice in most cases. The children who were part of the process also seemed to believe that it was an appropriate process and that it made it easier for them to give the evidence. But I have no doubt that there would be some people in some circumstances who would find that the experience produced other than a good result. If that is the case we need to be considering ways of refining this legislation to ensure that that does not happen more often than it needs to.

There are exceptions in this Act to the assumption that closed-circuit television will always be used in court proceedings where children are involved. One of those exceptions is where a child chooses otherwise than to use the closed-circuit television. Another exception is where the court thinks it would not be in the interests of justice - I think that is the phrase used - for that to happen. So there are some mechanisms there to deal with the problem; but I have a doubt in my mind about whether there is enough information available through the process we have in place here to allow a judge or a magistrate to be able to make that decision, sometimes, in fact most times, before the child begins to give evidence. Mr Deputy Speaker, there is some work yet to be done, I think, before we can be totally confident that this is wholly beneficial to the interests of the court process and to the pursuit of justice.

Mr Deputy Speaker, the Attorney has indicated that the Government proposes to accept, for the most part, the recommendations of the Law Reform Commission. I also have the concern that Ms Szuty expressed about the exemption for child defendants. Instinctively I agree with the Attorney that child defendants ought to be subject to the process - - -

**Mr Connolly:** Stick with your instincts.

**MR HUMPHRIES:** I should stick to my instinct, he says. Logically, however, I am not sure that I can mount a completely coherent argument for it and, as a result, I think that the issue needs to be kept under review. I do not know what processes the Government proposes to put in place to continue to monitor the operation of this experiment. I would hope that we do not consider that the issue is dead and resolved now that we have passed legislation. I hope, for example, that there is at least some process for practitioners to be interviewed or to be surveyed every so often about their experience with this process. If that is the case I think we would have a reasonable chance of saying that we are keeping the effect or the impact of this new procedure under review, and that would be appropriate.



I certainly will be prepared to consider in the Legal Affairs Committee the question of whether this matter should be further examined. I certainly would be concerned if the Law Reform Commission took a different view about child defendants from the position that we are taking here tonight. Perhaps that would be a good enough reason to have a review, but I am open to persuasion on that question. I cautiously, therefore, commend the Bill to the house. I hope that we have put in place here a procedure which will do much more good than it does harm.

**MRS GRASSBY (8.23):** Mr Deputy Speaker, I support this Bill because I think it moves us into the twentieth century. Having closed-circuit television for children in courts is, I think, very important. In years past many offenders, I think, have escaped the law because of the trauma a child would go through in giving evidence in court. I do not think there is a parent who would wish their child to go through that. I know that if I had had to put my daughter into a court where she had to go through that trauma I would have thought twice about it. The fact that offenders go free is a problem.

Mr Humphries talked about the fear of children seeing wigs and gowns on judges and barristers. I think that is a fear to anybody. You can imagine what it does to a child, or can do to a child, in a court to see a judge sitting there in that silly wig and gown, looking like he was about to condemn them to death.

**Ms Follett:** Or anyone really.

**MRS GRASSBY:** Exactly. Thank you, Chief Minister. I can imagine exactly how a child would feel because I know how I would feel. Mr Humphries went on to say that problems could be caused by this Bill, but I think the pluses outweigh the minuses. I think it is a very important Bill and I congratulate the Attorney-General for bringing it into the house. I think there are many people out there who would feel a lot more comfortable as a result of this if their child was put in the position of having to give evidence, particularly in a case of sexual assault by a person they knew. Being in a court and seeing the person, they may be very frightened to say exactly what they think.

**Mr Humphries:** Sometimes it is the parent who is being tried under this procedure. The child is giving evidence against the parent.

**MRS GRASSBY:** Yes, I know that, Mr Humphries, but I think the pluses do outweigh the minuses. As I said, I congratulate the Attorney-General on this Bill. Being a parent, I think it is very important.

**MR CONNOLLY (Attorney-General and Minister for Health) (8.25), in reply:** I thank members for their support for this legislation, although I note the points of caution that were raised by Ms Szuty and by Mr Humphries. In closing the debate I think it is appropriate - as there has been general agreement I think there would be general agreement with this - to pay tribute to the work of Ron Cahill, the Chief Magistrate in the ACT. Judges and magistrates often are seen by the community as conservative and crusty individuals, and there has been a lot of criticism in the media in recent years about judges

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not being aware of issues of gender bias. It is a very healthy thing that there is that debate. It has been an unhealthy thing, perhaps, that in the past in Australia there has been a tendency to think that the judiciary are above criticism. They are not. They are servants of the public in much the same way that we are servants of the public, and they represent institutions that should be subject to open and constructive criticism.

Ron Cahill, for many years, has taken a very innovative approach to issues involving the way young people who are victims of crime are dealt with through the criminal justice system. The issue of video evidence was very much an initiative of Ron Cahill. He pioneered it here in the ACT. The fact that the ACT is seen as a landmark jurisdiction for this is very much a credit to the efforts of our Chief Magistrate. The fact that this Bill is going through this chamber tonight with general support is, again, a considerable tribute to the Chief Magistrate.

The experiment has, as we said, been subject to review by the Law Reform Commission. Ms Szuty had some quibbles about my speech and whether I had made it clear enough that we had taken a slightly different view on the issue of child defendants. I see that on balance she tended to agree with us, and Mr Humphries said that his instinct was to agree with the Attorney-General. I hope that that was a general statement of policy, Mr Humphries, because it is a very sound position to take; or was it just specific to this case?

**Mr Humphries:** I always worry when you agree with me, Terry.

**MR CONNOLLY:** There we go. There is a difference between the positions of the child victim and the child defendant. The child defendant could well be a 17-year-old accused of a quite nasty and violent crime. At this stage we are being, perhaps, a little cautious in saying, "Let us go only this far". I accept the suggestion by Ms Szuty and Mr Humphries that we should keep an eye on this. I can assure the Assembly that this issue will be revisited. It will be revisited if only because it is my ambition that, when this has been in place for some time in the superior courts for child evidence before juries, we go the next step and provide that other vulnerable witnesses are entitled to receive this protection.

One of the greatest criticisms of the Australian justice system - this runs right through the process - is that women who are victims of sexual assault feel that they are the ones who are on trial. Many members would have seen that ABC three-part series, a year or so ago now, entitled *Without Consent*, which documented the experience of a number of women who, in many cases, had been raped quite viciously, and the sense of humiliation and revictimisation that they felt as they were taken through the judicial system. They felt that it was not the criminal who was on trial; they were. The material that was given out in that program has been confirmed time and time again by academic studies, and it is the common perception of police.

A number of members have had the opportunity over the years to speak to people like Sergeant Fiona Crombie, who is the head of the Sexual Assault Unit here in Canberra with the AFP. It is a very common perception that women who, clearly, have been assaulted, who present in a bruised and bloodied state, where there is no question but that there was a violent sexual assault or a violent rape, are reluctant to proceed to take the matter to prosecution.

**Mrs Grassby:** Or to report it.

**MR CONNOLLY:** Yes, Mrs Grassby. They report the matter; they present to police. Police will attend at the hospital. You often hear allegations of the frivolous complaint of rape. We are not talking about that here. We are talking about a situation where, clearly, there has been a violent assault. Women will say, "Can you guarantee that we will have success? Can you guarantee that he will not get away with it?". Of course, police cannot guarantee that, because that is the nature of the system. In so many cases women are fearful that they will be the ones who are on trial. They will be humiliated. They will be dragged, again and again, through the process. Their sexual history and their personal morality will be displayed through the court. They will be attacked, but they will not prosecute the matter. A system of justice where half of the community feel that if they are attacked they cannot get justice is not a system of justice that is delivering a good product to this community.

I have referred to the ACT Community Law Reform Committee a reference on the way we prosecute sexual assault and rape in this Territory. There has been a lot of reform of the substantive law in recent years in Australia; but the criticism of the process and procedure remains, and it is uniform in every jurisdiction. That reference to the Community Law Reform Committee on procedure is, again, a landmark reference. I am not seeking to pre-empt the work of the committee, but I very firmly believe that one of the recommendations will be that adult survivors of violent sexual assault also have the option of video evidence. When that recommendation is brought before this Assembly - I am not sure when that will be; there is a lot of work for the committee to do - I would hope that this law will have been in place for some time. If we are to consider taking the next step, that may provide the opportunity to review how it is going, as Ms Szuty and Mr Humphries have suggested.

Madam Speaker, this will not be the end of the story on the extension of access to video evidence. On the contrary, I think this will be the first step. It is a bold step in the sense that we are now taking this one step further and putting it before superior courts, putting it into jury trials. It is a step which will be watched with great interest. I will not be surprised if the Australian Law Reform Commission or people like the Institute of Criminology take an interest in what is going on. We may thereby benefit by some independent research. It is the first step and I would hope that this Assembly, which has done quite a lot in developing a reputation for landmark law reform, might be prepared to come with me on the next step and extend this to adult survivors. I think we should give the Community Law Reform Committee the opportunity to continue with their work on that reference, but I do firmly believe that this will be one of the recommendations, and that will provide the opportunity.

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I thank members for their support. I accept that the issue of access to a defendant is an issue that we may again want to look at. We will get the opportunity to review and revisit this. The Assembly committee may well be an appropriate mechanism if we do not have some outside consultancy. I would not be surprised, Ms Szuty, to see the Australian Law Reform Commission want to have another look at this, and I would not be surprised to see some independent academic work when it has been in operation for some time, perhaps through the Institute of Criminology or one of the other research bodies. I am sure that this Assembly will have another opportunity to look at it. I thank members for their support. This is a landmark piece of legislation and members should be proud that they have been able to support it tonight.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

#### **LOTTERIES (AMENDMENT) BILL 1994**

Debate resumed from 14 April 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

**MR KAINE** (8.33): Madam Speaker, the Opposition supports five-sixths of this Bill. We support clause 1, which says:

This Act may be cited as the Lotteries (Amendment) Act 1994.

We support clause 2, which has to do with the date on which this Bill will commence. We support clause 3, which defines the principal Act. We support clause 4, which defines when a ticket in a scratch lottery or an instant lottery is a winning ticket. We support clause 6, because clause 6 amends some minor matters in the original Act. We do not support clause 5.

We do not support clause 5 for two reasons. We reject it on the basis of the generality of retrospectivity of Bills. We believe that it is unreasonable for a government to enact a Bill which acts retrospectively to the detriment of possibly a large number of people. In this case the retrospectivity has to do with people who have bought tickets in instant lotteries in the past which, under the definition determined by the case of *New South Wales Lotteries v. Burgin*, would allow them to win a prize. If we accept this Government Bill we are saying that those pre-existing rights will be set aside.

**Mr Connolly:** John Fahey and Jeff Kennett will not be happy with you.

**MR KAINE:** Why are we doing this? Mr Connolly, the Attorney-General, interjects. The Attorney-General's role is to protect the rights of the citizens of the ACT. He is not concerned about the rights of people in Victoria. His job is to protect the rights of citizens here, and he should listen carefully to what I have to say on this issue.

Why is the Government moving to set aside the rights of individuals in the ACT, and there could be a large number of them? It is moving to set them aside in the interests of two corporations. One is New South Wales lotteries; the other is Tattersalls. These are corporations that set themselves up in a commercial operation. If people had set themselves up in the business of selling groceries and, because of their ineptitude, had laid themselves open to a loss, this Assembly would not be considering passing legislation to protect their rights. If a manufacturing corporation that could not set up its production line properly, or could not organise its distribution, or could not organise its marketing in such a fashion as to make a profit, ended up making a loss we would not be enacting this kind of legislation. Here we have a government that, in the interests of two corporations, has brought in a Bill to set aside the rights of individual citizens that exist today but which, if we pass this Bill, will not exist tomorrow.

I do not understand how a government can put that sort of a proposition forward. There are rights that exist today, and they are the rights of individual citizens, not the rights of corporations and not the rights of governments. There is the generality - the setting aside of the rights of individuals by enacting legislation in favour of two corporations, neither of which resides in the ACT. In whose interests are we working, and why are we doing this? The Government, Madam Speaker, has not put forward a persuasive argument for this. The Bill has been put on the table and we are supposed to rubber-stamp it and support the Government without any argument whatsoever.

**Mr Berry:** It is a long bow, Trevor.

**MR KAINE:** I am not a rubber stamp. I am not a rubber stamp for Mr Berry. He can sit over there and chuckle about this. I am not Mr Berry's rubber stamp, I am not Mr Connolly's rubber stamp, and I am not the Chief Minister's rubber stamp.

**Mr Lamont:** Whose rubber stamp are you?

**MR KAINE:** I am nobody's rubber stamp, and you ought to know that by now, Mr Lamont. If you have not learnt that by now you have a long way to go. I will teach you over time. Five years from now I will still be teaching you that I am not your rubber stamp, nor anybody else's. Madam Speaker, I have dealt with the generality of clause 5. But there is an aspect of it that is not in general at all; it is quite specific.

If this Bill is passed today there will be a denial of the rights of citizens that exist today, including the rights of anybody who has a ticket in an instant lottery in relation to which proceedings have been instituted but not determined. Any ACT citizen who today owns a ticket in an instant lottery which, under the Burgin ruling, would allow them to collect

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a prize and who has, in order to protect and ensure that right, instituted legal proceedings in the courts of the ACT, for which the Attorney-General is responsible, will have his or her rights set aside if we pass this Bill today. In other words, this is not just a general claim; it is a specific claim.

As far as I am aware, Madam Speaker, there is only one such claim in the courts today. The Attorney-General, Mr Berry, and Ms Follett, are going to set aside the claims of an individual citizen of this Territory who today has a legal right, and that legal right is being tested in our court system. Are we going to override our courts and say that they are not going to judge? That is the intent of this legislation. Ms Follett, Mr Berry, Mr Connolly and Mr Lamont, who sit there and sneer, are saying to this one ACT citizen, "We do not give a hoot whether you have any rights or not. We are not even prepared to let the court make a ruling on this matter. We are going to cut across that court proceeding. We are going to pass legislation that denies the court the right even to continue to hear this case". Mr Berry is smiling. He thinks this is funny. If he were the litigant he would consider this to be intrusive legislation. He would be screaming to high heaven that this legislature is usurping his rights. I submit, Madam Speaker, that that is what we are doing if we pass this Bill tonight.

his retrospectivity clause is iniquitous and no reasonable government would pass it. We have determined in this place in the past that we will not pass legislation that allows this Government, or any other government, to collect taxes retrospectively. We have made this determination that we will not pass legislation that allows the levying of taxation retrospectively. We have determined that retrospectivity is not acceptable when it comes to the collection by this Government of taxation.

This Bill is an indirect form of taxation because it is put forward on the basis that if we pass it we will protect ACT Government revenue to the tune of something in excess of \$1m a year. There is also some red herring being drawn across this. They say that if legislation of this kind is not passed right across Australia there is some \$300 billion or \$400 billion involved. In other words, these two corporations that have got themselves into this dilemma could potentially incur a bill of, I think, \$348 billion.

**Mr Connolly:** Have you got some of these scratchy tickets in your pocket, Mr Kaine? Have you got a triple seven in your pocket?

**MR KAINE:** The Attorney-General should be ashamed of himself, Madam Speaker. He is making a mockery of this. His responsibility is to uphold the rights of the ACT citizen. Instead, he laughs about it. I am surprised. If the States and Territories do not collectively pass legislation like this, we are told, these two corporations have a potential liability of, I think, \$342 billion. I might be a couple of billion out, but it is close to that. I find that quite incredible. Gambling in this form, the instant lottery, the scratch lottery, is so prevalent that these two corporations could have a potential liability of that amount of money. That is 342 times greater than our entire budget, or thereabouts, give or take a bit; yet we are told that that is the price tag that is on

governments failing to pass this kind of legislation. I find that kind of assertion and that kind of logic totally unpersuasive. I find it incredible that the Government would be moving to put forward this kind of Bill to protect itself, in the extreme case, against a potential loss of a little over \$1m a year in revenue. That is the other argument that is put forward.

Madam Speaker, I find neither of those arguments persuasive. If Mr Connolly were to attack his police budget he could save \$1m a year with no trouble at all. Mr Connolly could save 10 times that amount in the health budget with no trouble at all. Mr Wood could do the same with his education budget with no trouble at all. The Chief Minister, given her earlier statements on public radio this afternoon about this issue, could go and borrow another \$1m every year without a problem. That solves the problem. These arguments that are put forward to justify this are totally unpersuasive. Madam Speaker, I find the concept of retrospective protection of public revenue abhorrent. I am sure that everybody on this side of the house finds it so. When it goes further to deny an individual citizen the right of legal recourse, when you intend to cut across the legal process and say that a case in our court system cannot continue because you have made it unlawful for that person to proceed, I find that abhorrent as well.

I put the Government on notice that the Liberal Party in opposition does not support this one-sixth of the Bill. We do support the other five-sixths. I would hope that the Independent members of this Assembly would agree with us on this issue and tell the Government bluntly and without reservation that this kind of retrospectivity, to the detriment of individual citizens, is unacceptable.

Debate (on motion by Mr Lamont) adjourned.

#### **CONSTRUCTION INDUSTRY TRAINING FUND BILL 1994**

[COGNATE BILL:

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT)  
BILL 1994]

Debate resumed from 14 April 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

**MADAM SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Long Service Leave (Building and Construction Industry) (Amendment) Bill 1994? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 3, they may also address their remarks to order of the day No. 4.

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**MR DE DOMENICO (8.45):** Let me say from the outset that the Liberal Party, in opposition, will not be supporting the Bills before us. I say that, Madam Speaker, after careful consideration of all the information put before us. The first thing that one needs to consider is the presentation speeches by the Minister when introducing the two Bills. Quite rightly, the Minister said that it was important to get a level of vocational education and training and that it needed to be improved. He said that it was in this context that an agreement was reached in 1992 between the Commonwealth, the States and the Territories to establish the Australian National Training Authority, ANTA. The role of ANTA, the Minister said, is to coordinate national efforts in managing and funding all publicly funded vocational education and training and to ensure that the training is delivered effectively and efficiently.

It is interesting to note that the Minister went on to say that the establishment of a training agency in each jurisdiction was a feature of the national agreement. The Minister also said that he expected to introduce legislation later this year to establish an ACT training agency. All State and Territory governments acknowledge that a national program is the way to go in terms of industry training. Two years after an acknowledgment of that fact we had still not established our own training authority, based on the recommendations made by all Ministers in 1992. It therefore seems strange, so far as the Opposition is concerned, that the Minister is quite willing to introduce quite quickly the ACT's idea to go it alone and establish a levy on training in one particular industry two years after agreeing to establish a system that would fit into a national approach. That was the first thing that the Opposition found strange.

The Minister went on to say this:

It is clear that public funding alone will not meet the construction industry's needs.

That is a quite logical statement when you look at it, but what studies have been made as to the costs? The Minister did not provide any suggestion as to why that statement was made. I must thank the Minister for the briefing that was provided by his department, but when the briefing people were asked that question there seemed to be no studies or costings that anybody could put forward. The Minister, Madam Speaker, went on to say that the approach where separate training initiatives are mounted by individual employers is not likely to be as effective as one where resources for training are pooled. I ask, once again: Why? The evidence does not seem to support that. In fact, the Minister's colleague federally, when introducing the recent white paper, said this:

The Training Guarantee was introduced to provide leadership and direction in setting training standards appropriate to Australia in a highly competitive world economy. Industry should be required to make provision for workers compensation and rehabilitation ...

The white paper went on to say that they were suspending the training guarantee levy. It continued:



Training is now much more widespread than when the Training Guarantee was introduced and its original objectives are being met. In suspending the Guarantee the Government expects employers and employees to continue to meet their training responsibilities. Consistent with this expectation, the Government is prepared to abolish the Training Guarantee altogether if business makes a credible commitment to providing the training places outlined in Chapter 4.

That is what the Federal Government is saying. Is there any reason why the Opposition, at that stage, thought the statement made by the Minister interesting?

The Minister went on to say that "significant amounts of money are required to fund important industry training courses, programs and projects". Once again, when the briefing people were asked which particular programs, there was no answer. There was nothing specific because they did not know. Yet we are expected to come into this place and automatically allow a minimum of \$1.8m to be collected from one particular industry, with a maximum of perhaps \$4.5m, without anybody being able to say which important industry training courses, programs and projects we are going to be funding.

We all know that some money already is being spent on industry training in this industry. Let us have a look at the group apprenticeship schemes run by the MBA. I am advised that there are 155 apprentices currently in the MBA scheme in the ACT, and that 52 were taken on in this financial year alone. It is, I am advised, the oldest scheme and the largest per capita scheme in the nation. In terms of straight-out numbers, only New South Wales, Queensland and Victoria have larger numbers than the ACT. We know that the group apprenticeship scheme run by the MBA involves expenditure of about \$4m. Long service leave involves another contribution of \$250,000. We have \$4m being expended already by the building and construction industry in an apprenticeship scheme that, per head of population, is the biggest in the country, and we have the 10 per cent skimmed off the long service leave levy, which has accumulated, I am advised, \$436,000 in a trust fund. We have a further \$140,000. The long service leave board has said, "Listen, you cannot have the \$140,000 yet because you still have not proved that you need it, for a start". It is estimated that the expenditure of the Industry Training Council is about \$160,000 a year. That is point one. There is \$436,000 already earning interest in a trust account. There is another \$140,000 that may be available to set across the board if information is provided as to which particular programs it is to be spent on. They are some of the questions that people ought to be asking before supporting this Bill.

The Minister went on to say:

... funds spent on industry training following imposition of the levy can be focused in areas where there is an agreed need. For this reason the proposed levy has the support of the tripartite Building and Construction Industry Training Council.

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When we saw that we thought, "That makes a lot of sense, so let us talk to some of the players". We talked to the Housing Industry Association, the Master Builders Association, CONFACT and the council, and we found that in fact it did not have the support of everybody on the tripartite council. The MBA did not support it, the HIA did not support it, and CONFACT did not support it. So who did support it? Why did not CONFACT, the MBA and the HIA support it? They all said, as one, "Listen, where is there evidence that this particular industry in the ACT is not doing the job that it was supposed to have done through the training guarantee levy imposed by the Federal Labor Government in the past and which has been suspended for two years?". In their own words, they found no evidence of any particular industry being deficient in providing the training that the training guarantee levy was set up to provide. Is it any wonder that the Opposition continues to ask more questions?

**Mr Berry:** It is no surprise at all that you would criticise anything going to workers.

**MR DE DOMENICO:** We look forward to your contribution to this debate, to see how thorough you were in examining the Bill and whether you are just here to tick whatever the trade union movement wants, or what certain arms of the trade union movement want, Mr Berry. I personally look forward to an intelligent contribution from you. Talking about intelligent contributions, let me get back to my comments on this Bill. After having had a good look at the Bill, the Opposition noticed that it provides for the levy to be within the range of 0.2 per cent to 0.5 per cent of the value of construction work. The level of the levy, the Minister said, will be set "by the appropriate Minister after consultation with a board which is to be established under the Bill". Those words, "the appropriate Minister", are interesting. When industry training and construction industry levies were talked about before in this house it was not the Minister for Education who had the carriage of such negotiations; it was the Minister for Industrial Relations. One wonders why Mr Wood introduced this Bill. Is Mr Wood's heart really behind this Bill?

**Mr Wood:** Go away.

**MR DE DOMENICO:** We will not go away, Mr Wood. There are other questions to ask that still have not been answered. A lot of questions have not been answered. As I said, Madam Speaker, we are talking about a specific levy, in other words, a tax - let us not mince words; it is a tax - on a particular industry in the ACT which, at a minimum, may provide the ACT Government with \$1.8m. Look at that figure of \$1.8m and look at the funds raised by the training guarantee levy, the Federal Government's scheme. Nationally, that was able to raise only \$1.4m. Here we have a situation where this Government expects us to support a Bill which, at a minimum, will raise \$1.8m in the ACT, whereas a Federal piece of legislation, similar legislation, across all industries, managed to raise only \$1.4m.

**Mrs Carnell:** Because people were already training.

**MR DE DOMENICO:** Mrs Carnell quite rightly says that this was because people were already meeting their training obligations. In fact, Mr Wood's Federal colleagues, in their white paper three weeks ago, confirmed that point of view. What did they do after they confirmed that point of view? They said, "Listen, we realise that in order to get young Australians, in particular, back into the work force, we need to remove the impost on businesses in order for them to be able to employ more people". That was a quite logical statement. They said, "Not only is the training guarantee levy something that needed to be looked at; we also acknowledge the fact that there is a lot of paperwork being done. There are a lot of concerns about workers compensation and the cost of workers compensation. There are a lot of concerns about the superannuation situation".

The Federal Labor Government, in its wisdom, quite rightly said, "Listen, we acknowledge that there is an impost on business that really ought not to be there, and we also acknowledge that most businesses and industries, after we introduced the big stick, the training guarantee levy, were very good in making sure that training went ahead, and went ahead well". So what did the Federal Labor Government do? It did away with the training guarantee levy for two years. What does this Government do? It introduces a levy; but it does not introduce a levy across the board. Its concern about training, it seems, is in one particular area only, the building and construction industry. But the building and construction industry perhaps is providing more in terms of training than any other industry in this Territory. Let us have a look at this.

**Mr Berry:** Rubbish!

**MR DE DOMENICO:** Mr Berry says, "Rubbish". The facts and figures, Mr Berry, belie your comment. The facts are, if you want to listen, that through the group apprenticeship scheme there is \$4m a year; there are 155 apprentices - more per head of population than for any other scheme in the nation - here in the ACT; there is \$436,000 already in a fund not being able to be expended; and another \$140,000 is about to be put into a fund if there is any evidence and proof of any training schemes that need to be addressed. When questions are asked no-one is able to answer them. It is all well and good to come out with rhetoric and to say that there is a need for training, but the questions are not being answered. You still have not proved your point.

Madam Speaker, there are virtually six reasons why the Opposition is concerned about this Bill. First, there is no proven need, as I said, to provide more money for training in the building industry than for any other industry in the ACT. Why single out the building and construction industry? There is no logical reason to impose a new tax on any one industry, and particularly not the building and construction industry. Despite the boom conditions of 1992 and 1993, there are no significant cost pressures on the demand for skilled labour. This was satisfied from the ACT's own resources. No wonder it was, because we have, per head of population, the best group training scheme in the country. The emphasis should not be on the number undergoing training but on the quality of the training, surely. This will be accomplished only when training systems change to modular competency based training, and this is not a money problem.

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How is the money to be collected under this fund to be spent, and what about the so-called training plan? There is no training plan, as mentioned by the ACT Regional Building and Construction Industry Training Council. There is no plan at all, as such. There is only a collection of principles. There is no blueprint for identifying and accomplishing the task of training quality people. We have seen nothing. The training needs of the industry should continue to be met through conventional means, namely, the group apprenticeship scheme, the oldest and the largest, and the CITF scheme, nationally.

The second reason is that the new levy will impose an additional cost on everyone and anyone having any type of construction work done costing over \$5,000. It is just another tax on business, another cost to be added to the building of a house, a shed, a garage or anything else.

**Mr Berry:** Who wrote this for you - somebody with a Liberal Party ticket burning a hole in their pocket?

**MR DE DOMENICO:** Once again, I look forward to your informed, intelligent contribution to this debate, Mr Berry. One comment I heard was that any person who puts up a carport, a pergola or a garage costing over \$5,000 should be prepared to top that up with an additional cost to train the person putting it up. Should not the person putting it up be trained already? We know that in the ACT, because we have one of the best group apprenticeship schemes in the country, the person who puts up that carport will be the best trained person in the country.

**Mrs Grassby:** Because we have a Labor government. That is why we have the best. You would not know how to.

**MR DE DOMENICO:** Mrs Grassby, I am particularly looking forward to your intelligent contribution to this debate. As Mrs Grassby would know, some people do a TAFE course, and pay for it themselves, in order to become very good bricklayers. Why should someone who is prepared to put up their own garage or carport, and is trained to do so, have to pay an additional tax? That is how ludicrous that sort of statement is. That brings me into the area of double dipping. Any original estimate would, obviously, cover any such cost. As I have mentioned before, there is also opposition to the Bill within the industry.

The fourth reason, Madam Speaker, is that this Bill seeks to heavily bureaucratise training in the building and construction industry in the ACT. It is nothing but a bid for power. Let us make no bones about it. There were certain noises made by certain unions, even as late as last Friday in the *Canberra Weekly* - - -

**Mr Berry:** Anti-union.

**MR DE DOMENICO:** Mr Berry says, "Anti-union". No, we are not anti-union, Mr Berry.

**Mr Berry:** You are.

**MR DE DOMENICO:** No, I am not. I look forward to your intelligent contribution, Mr Berry, and I am not going to hold my breath. The suggested composition and functions of the board as contained in Part II of the Bill are very suspect and are inconsistent with the ITC's initial resolution as far back as 1990. Obviously Mr Berry would realise that things change over a four-year period. It is not good enough to say that, just because somebody agreed to something that happened in 1990, the same should hold for 1994, especially after the Federal Labor Government changes its mind and abolishes the training guarantee levy.

Another reason why the Liberal Party will not be supporting this Bill is that the fund will not provide for management training. There are no automatic rebates to employers who conduct their own courses or programs. The rebate is given only after evaluation by the board against criteria to be established by the same board, for heaven's sake. There is great danger here of a one-eyed and narrow view. We also noted that the Minister has the final say in relation to the application of funds gathered. The Minister may give function performance directions to the board. Obviously, he will control policy as well. Who would ever forget the interesting concept of the Canberra Institute of Technology course not being approved because particular unions did not think that the course was good enough? If we are pouring money and time into our own tertiary institution, how dare anyone disapprove of a course being run by it. This Bill also opens up that sort of possibility as well. We also ask why more money is going to be spent to set up yet another training body, and to cover the administration costs and operational expenses.

Madam Speaker, let us look at the cost-benefit analysis of the fund. Really, there does not seem to be any cost-benefit analysis. On the basis of an aggregate annual contract value of \$900m - I am advised that that is the amount of money we ought to be looking at - the levy, at the bottom mentioned sliding scale of 0.2 per cent, would raise \$1.8m from one industry alone. Why give the Industry Training Council access to \$1.8m when currently it cannot find a use for \$500,000 already available to it? If you cannot spend \$500,000 without proving how you can spend it under the terms of the agreement made in 1992, what are you going to do with \$1.8m? We still have not had that question answered. Added to the \$436,000 which is there, there is, as I said, the \$160,000 per annum at which the budget is currently running, plus the \$140,000 from the long service leave board. So, Madam Speaker, there will be neither a direct benefit to the industry nor access to the funds so gathered. They are to be handled by another form of bureaucracy.

We need to look also, Madam Speaker, at the national significance of the construction industry. It is the sixth largest industry in the country. The Federal Labor Government on 4 May - that was three weeks ago - suspended the training guarantee levy for a two-year period because of the known difficulties experienced by training programs that are not nationally based. If this Bill is passed the ACT will be going on its own. The Liberal Party, for all those reasons, will not be supporting this Bill.

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**MR BERRY** (9.05): The Liberal Party will be opposing this Bill for all the traditional reasons, most of which go to the refusal of the Liberals and their traditional supporters to accept that there is a responsibility to return to the work force some of the profits which they draw from their businesses and from the community in order that those profits can be turned into benefits for the broader work force. The construction industry is a very special case because of the nature of the industry, bearing in mind the different areas in which it operates. Take, for example, the cottage industry. In the heavy construction industry the work force is of a transient nature but is a work force which is very important in the national context. It is a work force which is very worthy of protection and reinforcement by way of training and worthy of the necessary cash to provide that sort of training.

We heard from those opposite a great deal of concern about the taxes on business and where they ought to go. They put the very shallow argument that because businesses pay taxes the employment of workers in the work force is threatened. That is a whole lot of nonsense. It is the same old argument that has been peddled by the conservatives for a long time. If business is not forced to pay its way, then it will not pay its way, and therefore the community at large will lose out.

The Liberals opposite have on many occasions put great stock in the argument that the young people in our community ought to be protected. Where are they when the opportunities that would flow from these sorts of levies to young people are proposed by the Labor Party? They withdraw from their original argument that the young people need protection and training and that they need opportunities for employment. They are not interested in that. They are not interested in young people at all. All they are interested in is running the same old rhetoric about the unions having too much control over this, that and the other thing.

**Mr Cornwell:** Yes, that is true; but we are not running that.

**MR BERRY:** Mr Cornwell says, "Yes, it is true". The Liberals say that there is an overbearing bureaucracy that will soak up most of the taxes which are paid. The fact of the matter is that the people you are supporting here tonight do not deserve to have a say in what is provided for the work force. There needs to be in place a process which ensures that the resources which are collected by government provide for sensible training programs rather than going into the pockets of those people who seek to profit from the business that they conduct.

**Mr Cornwell:** You would be really amusing if you were not so pathetic.

**MR BERRY:** Of course you would find it amusing, because you do not have a concept about the need for business to share. The people who do well out of the community are required to make a contribution. What is proposed here is to ensure that that contribution is made in the better interests of the community and, in particular, young people. Those opposite bleat often about the impact on young people. They continually bleat about the unemployment rates which unfortunately obtain here in the Territory.

As soon as a progressive approach is taken to providing training opportunities for young people and others within the industry, the Liberals start screaming because it has a cost impact on those business elements that take so much out of the profitable aspects of construction within the ACT. The community will not thank you, and you will be remembered for your stinginess on this score. There is no doubt that this proposal is about the collection of significant funding - - -

**Mr De Domenico:** Taxes.

**MR BERRY:** Taxes. There is nothing wrong with taxes.

**Mr De Domenico:** More than the national tax collection from the same industry?

**MR BERRY:** There is nothing wrong with collecting more. You take the view that taxes are bad. That is the approach that the Liberals have always taken. The facts of the matter are that the taxes, if you like to call them that - the levy - which provide training opportunities for young people and people within the construction industry are taxes that are welcomed because - - -

**Mr De Domenico:** By whom?

**MR BERRY:** By the community at large, Mr De Domenico, because they mean that there will be better skill levels in the community. Nobody amongst you would argue that an increase in skill levels is something that we ought to avoid. In fact, it is something that we ought to aim to achieve, because it means that we will end up with a more productive nation, to use the Liberal rhetoric.

**Mr De Domenico:** So you disagree with your Federal Labor colleagues, do you?

**MR BERRY:** Mr De Domenico says, "You disagree with your Federal Labor colleagues". I was not elected as a Federal politician; I was elected to represent people here in the ACT. I represent the young people who are out of work and in need of training. I represent the people involved in the construction industry, who deserve the very special treatment that can be provided by this sort of levy. I do not care if the people of the ACT get more than the national average. It does not bother me a bit, because I am elected to make sure that they do better. This Labor Government has so far ensured that they do better, and we have fended off some of the nonsense attacks by the Liberals on issues which affect the social infrastructure in the ACT.

Madam Speaker, in my view it is most important that we support these sorts of initiatives, because at the end of the day we will have a more skilful and competitive work force, particularly in the construction industry - a work force whose members can seek employment not only in the Territory but also outside the Territory and are better equipped than most. There is nothing wrong with the collection of a levy which may be more than is collected outside the Territory, if it provides a better resource.

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The Liberals opposite complain incessantly about the public sector and bureaucracies. They do that because of their constituencies, because of the old top end of the town stuff, as Mr Kaine would know. The constituencies at the top end of town are the ones who take more out of the community and are therefore expected to make a little contribution by way of these sorts of levies to assist in the development of our community to ensure that there is a better quality of life amongst those people we represent - or at least the Labor Party represents. The Liberals do not even pretend to represent them.

There is a real problem in providing better skills to the work force. I note what the Federal Government has done, but the ACT and the construction industry in particular deserve a bit more energy and a bit more input.

**Mr De Domenico:** Than the Federal Government is prepared to give them.

**MR BERRY:** No; they deserve a bit more energy and a bit more input than is being provided by the Liberals opposite. They have proven over and over again that their focus is blurred because of their anti-union approach, particularly from Mr De Domenico. He just cannot make a speech in relation to these sorts of things without a peppering of anti-union sentiment. The trade union movement in the ACT is committed to better skilled workers.

**Mrs Grassby:** So is the Labor Party.

**MR BERRY:** The Labor Party, as Mrs Grassby says, is committed to better skilled workers, and more opportunities for workers in the ACT. Yes, it is true that some sections of business in the ACT are not as committed, but that does not mean that we should abandon the work force in relation to these training opportunities that will be presented by way of the proposal which is coming from the Government.

I do not intend that we should outstrip by a long shot that which is provided across the country; but it does not matter, really, if we do. If we are working to provide better opportunities for the young people who are coming out of our colleges here in the ACT, if we are providing better opportunities for them to seek employment, say, outside the ACT, if it is costing us a little bit more, it does not matter. After all, is not the lifeblood of our society the young people who the Liberals so often screech ought to be defended? They are being defended by the actions of the trade union movement and the Labor Party in government. That is something that we are very proud of and that we intend to fight long and hard for.

Madam Speaker, in consultation with all of those people, noting, of course, that some of them will disagree with us, the Labor Party is committed to making sure that as many opportunities as can be provided for young people and for people working in the industry are provided. Yes, there is a cost. There is no question about that. That cost, I think, can be afforded, particularly if it means that there is a better quality of life produced for our community.

**Mrs Carnell:** If we knew what it was for it might help.



**MR BERRY:** The Liberals are not interested in that. Mrs Carnell laughs. Mrs Carnell is the one who has been involved in something which has been described as unlawful, and she laughs at these sorts of proposals. She ought not laugh at them. They are very serious. They are about the provision of a better quality of life for our community, and our young people in particular, and for those in the community who work in the construction industry - a very important part of the private sector in the ACT and one that this Labor Government is dedicated to protect. We intend to make sure that we provide a better lot for them. That is something that the Liberals opposite do not seem concerned about.

**MRS GRASSBY (9.20):** Madam Speaker, I do not think that Mr De Domenico has been listening to the right people. There is not a person I have met in the building trade who has not said to me how much need there is for people with training. There is not a young person I have met who has not said to me, "I would love to get into the building industry, but I cannot get an apprenticeship".

**Mr De Domenico:** There are no jobs there, Ellnor.

**Mrs Carnell:** Why? Because there are no jobs.

**MRS GRASSBY:** A training levy would give people the chance to train. This is exactly what it would do.

**Mr De Domenico:** No, it will not. Read the Bill. You do not know what you are talking about.

**MRS GRASSBY:** Mr De Domenico, you are not listening to the right people in town. I listen to people who talk about this. The majority of people would be prepared - - -

**Mr De Domenico:** Have you read the Bill?

**MRS GRASSBY:** Yes, I have.

**MADAM SPEAKER:** Order!

**Mrs Carnell:** Of course she has not.

**MRS GRASSBY:** Mrs Carnell, you do not read everything that I read. Do not tell me what I do know and what I do not know. I have been watching the tick-tack between you and the two Independents and I gather that we have lost out on this anyway. They are voting with you because you have told them how to vote. Do not tell me what to do, Mrs Carnell. I would hate to be following in your footsteps, I can tell you.

The trouble with Mr De Domenico is that he thinks this is all wrapped up with the union. He has this great hate of the unions. If he thought the unions were going to benefit in any way by it, he would be against it anyway. He does not realise that the youth of Canberra, the young people, will get a chance to train for something. It is a levy that would provide training for people. As I say, I gather from the tick-tacking between Mrs Carnell and the Independents that we have lost out on getting this through anyway.

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**MRS CARNELL** (Leader of the Opposition) (9.22): Madam Speaker, before you change any legislation the first thing you decide is why. It seems like a fairly logical first question to ask yourself. In this particular circumstance, why do we need to change the current training levy, and why do we need to increase it at this particular time? Is it because, as Mr Berry said, business will not pay its way? Is it because, as I think the introductory speech suggested, training in this industry is somehow insufficient? It was very interesting to read this statement in the Federal Labor Government's paper entitled "Working Nation":

In the light of the commitment -

I stress "commitment" -

by industry to meet its training obligations over the past few years, the Government has decided to suspend the Training Guarantee for two years from 1 July 1994.

That does not tend to indicate that industry is unwilling to meet its obligations to train. Why do companies train their staff? What has changed? Certainly, the white paper does suggest that training was not all that crash hot back in 1990 when they first introduced the levy. Whether that be true or not, what has changed since 1990?

What has happened is that business has had to become more competitive, and the first and most important thing that any business has to do if it wants to remain competitive is to train its staff. The difference between being profitable and not being profitable in this day and age is your capacity to provide quality service. That is done only by training your staff. That is done in the construction industry, as in any other industry. When you remain profitable, what happens? You employ more staff and you give young people a go. In the construction industry in Canberra in particular we have seen the industry give more young people a go than is the case in any other place in Australia. We are already seeing an industry that is fulfilling its obligations, that is very keen to stay competitive in a jolly tough environment out there and that does want to give young people a go.

The next question I ask is this: Is more money required to achieve this end? No, that is not the case either. It seems that there is \$436,000 in reserve already for training under the current training levy in the ACT that has not been used, and the long service leave board fund has another \$140,000 which they have not paid over yet because the ITC simply has not produced any proposals to spend that money. The long service leave board fund is really interested in paying over money if the ITC has any training proposals available. The current budget of the ITC is \$160,000 a year. That is for a whole year. What would they do with \$1.8m when they cannot even spend \$500,000? With \$500,000 in reserve, they have three years worth of their annual budget at their current level of training, even if they get no new money. If, as Mr Berry said, and the presentation speech said, there is some dramatic problem in the industry with regard to training, surely the money currently there would have been spent. But, no, the money has not been spent.

Probably the most telling feature as to why you change legislation was in the explanatory memorandum for this Bill. I quote the second paragraph:

A primary objective of the scheme set out in the Bill is to satisfy the requirements for a recognised alternative training levy scheme under the Training Guarantee (Administration) Act 1990 of the Commonwealth.

It will be really easy to achieve that. All we have to do is throw out this Bill because, at least for the next two years, there are no requirements under the Commonwealth's Training Guarantee (Administration) Act 1990. On that basis, how we handle this Bill is very simple. We simply do nothing. That is taken from the explanatory memorandum to the Bill. It says that the primary objective of the Bill is to meet the training guarantee levy requirements of the Commonwealth, which, as of "Working Nation" of 4 May, became nothing. It is very simple.

Why, then, are we going ahead with this Bill today when the Commonwealth quite definitely has laid down the guidelines? The Commonwealth, in a paper called "Working Nation" that they put forward to produce more jobs in industry in this country, have suggested that it is important to put aside things like the training guarantee levy in an attempt to produce more jobs - more jobs for young people, more jobs for Australians. They have accepted that this sort of impost on business can do nothing but cause problems for industry. There is no evidence whatsoever that this levy will produce one more job. In fact, if the Commonwealth Government's view is any indication, this will cause the loss of jobs. So we have no new jobs; we have no obvious need for this particular money as it seems that the current money cannot be spent. We have no reason for the change at all. Why are we setting up a new body to administer this money that we do not need, to start with, and that will not produce any jobs? Obviously, all it will do is produce a new infrastructure and more administrative costs - administrative costs that, again, will not produce one new job in the industry.

Why are we doing this? It can only be because somebody - I cannot imagine who it would be - is desperate for a new administrative infrastructure. I served on the Retail Trades Industry Training Council for a number of years in many positions, including vice-president. The whole point of industry training councils is to bring together all the major players in an industry and to put together a training program that suits all parts of that industry. If that is what we are doing here, how come a very large percentage of the ITC, the employers, think that this a sham? They think that this is unnecessary. They think that this is not the way to go and that it will not produce anything.

**Mr De Domenico:** And it is a tax on them directly.

**MRS CARNELL:** That is the case. What do we do by going down this track in terms of the smaller operators?

Debate interrupted.

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## ADJOURNMENT

**MR DEPUTY SPEAKER:** It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

## CONSTRUCTION INDUSTRY TRAINING FUND BILL 1994

[COGNATE BILL:

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT)  
BILL 1994]

Debate resumed.

**MRS CARNELL:** Mr Deputy Speaker, Ms Follett has often stood up in this house and said that the future of the ACT is based upon small business; that there will be no new jobs in the government sector and that we can look only to the private sector. How on earth can this Government believe that by putting extra tax imposts onto the private sector it will somehow achieve new jobs and this magically improved economy for the ACT? I fail to understand and, by the way, so does the Keating Government.

I would like to finish by quoting again from the Government's explanatory memorandum to this Bill. It states:

A primary objective of the scheme set out in this Bill is to satisfy the requirements for a recognised alternative training levy scheme under the Training Guarantee (Administration) Act 1990 of the Commonwealth.

I go on to quote from the white paper that the Commonwealth put out on 4 May. It says:

In the light of the commitment by industry to meet its training obligations over the past few years, the Government has decided to suspend the Training Guarantee for two years from 1 July 1994.

Later on it says:

Firms throughout Australia are investing in training and are far more aware of and committed to training since the introduction of the Training Guarantee.

The expansion of entry level training and the new training wage will also serve to increase substantially the level of training places, requiring an even greater commitment by business. In recognition of this, the Government will abolish the Training Guarantee altogether if there is a credible commitment to the creation of these new training places by business.

How about we go along with what the Commonwealth is saying on this and throw out this Bill?

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (9.33): This debate, I suppose, is about quality. I do not mean quality of argument; I mean quality within the building and construction industry. That, I think, is what the MBA group apprenticeship scheme would profess to be all about. It certainly is an issue that the Housing Industry Association and the Master Builders Association and their members who met with the Minister for Education and me not more than two weeks ago were on about. That meeting was about quality within the building and construction industry. It comes as no surprise to me that Mrs Carnell, in her diatribe just now, has shown that in her short sojourn on the Retail Trades Industry Training Council - - -

**Mrs Carnell:** Five years.

**MR LAMONT:** That is a short period, Mrs Carnell. I am just surprised that you learnt so little during that five years; but I suppose that, in relation to your time as Leader of the Opposition, that pales into insignificance.

Mr Deputy Speaker, what this is all about - I will say it again - is quality. My colleagues opposite argue about the question of quality and say that the MBA group apprenticeship scheme is a quality scheme that delivers a quality result. What is being proposed by this training levy scheme is a wider quality outcome for the building and construction industry. It is taking it one step further. We are saying that the Government should not say how that should be arrived at; it should be determined by the Industry Training Council. Lo and behold, Madam Speaker; guess who is on the Industry Training Council.

**Mr Humphries:** Lo and behold.

**MR LAMONT:** Okay. How about, "Behold who is on the Industry Training Council"?

**Mr Cornwell:** The "lo" part I understand; it is the "behold" that amazes me. I am amazed that you are using the other one, Mr Lamont.

**MR LAMONT:** Thank you. I know that you would understand low parts, Mr Cornwell, particularly given some of your questions in question time. Madam Speaker, this is about trying to provide not only better quality for apprentices within the industry but, indeed, a better quality industry per se, so that consumers in the ACT can proudly boast that they do have working for them within the building and construction industry some of the most highly qualified and professional building and construction workers in the whole of Australia. That is a standard to which I think we

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should all aspire. It is a standard to which I am sure that the Liberal Opposition aspires, just as it is a standard to which the MBA apprenticeship scheme aspires. What we are talking about here is a procedure that will, in our view, deliver the continuity of a quality product in the ACT, and, indeed, expand that quality product. The appropriate methodology for that to be done, in my view - it is just my humble view - is via the Industry Training Council.

In talking about this quality scheme, we are looking at a group of apprenticeship schemes. As an example, we have apprentices in the first three months of their indenture working at, say, Gungahlin. They are required to pay \$1,700 for an air nail gun and \$300 for a battery operated screw gun, and I presume that that does not include other costs that they are required to meet, such as the award tool kit which generally costs about \$700. We can see that, indeed, there are costs associated with group apprenticeship schemes, particularly one that is not yet covered adequately, in my view, by the funds made available to it. That may be testimony to the way in which it is administered.

I want to go on and to talk about this concept of apprenticeship training and post-apprenticeship training. One of the concerns that we have - I am sure that it is a concern for the Liberals as well - is that within the Territory we have had a history, particularly over the last three years, of a number of builders and contractors going bust. There is a range of reasons for that. Some went bust simply because of bad financial decisions made by the company or by the individual contractor. At the meeting which the Minister for Education and Training and I had with industry participants it was acknowledged that one of the failings of our system is that we are not equipping these people who are starting off as apprentices, either through the apprenticeship training program or afterwards, to be business people in our community. We do not provide them with the opportunity to undertake those fundamental management courses which everybody, in our view, should at least have the opportunity to undertake.

Let us say that you are an apprentice chippie. At the end of your indenture you go into work as a paid employee. In a lot of cases you end up as a subcontractor. Nowhere in that process are the management skills required to run a business imparted.

**Mrs Carnell:** But if you want to register as a builder, what happens? What does the building registration board want?

**MR LAMONT:** Mrs Carnell, not every shop assistant who gets involved in the Retail Trades Industry Training Council ends up being a chemist, thankfully. What we are proposing in this Bill is that these funds continue to be provided for training. At the moment 10 per cent of that levy is being used for training purposes, or is allowed to be used for that purpose. What we are providing for here is another stream to reflect costs across the whole of the industry.

At the moment it is principally the larger builders who contribute to that long service leave catchment. A lot of the smaller builders are using subcontractors or, in the cottage industry in particular, apprentices. The level of contribution from the cottage construction industry is nowhere near that from the construction on-site industry.

I think that is acknowledged. The new arrangement will create, for the first time, an impost across the cottage construction industry, and rightfully so. The cost of the training that will be provided through apprenticeship schemes and the like will be spread across the whole of the building and construction industry.

**Mr De Domenico:** You do not believe this, David, do you?

**MR LAMONT:** Mr De Domenico has a throwaway line, that I do not believe it. The difference between him and me is that he does not understand it.

Getting back to the issue, it is quite clear that we do need to maintain an appropriate ongoing funding base for training within this quite essential industry. It is interesting to note that the building and construction industry is the sixth largest industry in Australia, Madam Speaker. It is higher on that scale within the ACT, so its importance, both in terms of the quality of the industry -  
- -

**Mr De Domenico:** And you are just about to tax it. If it goes well, tax it into oblivion.

**MR LAMONT:** They are carping again. We are talking about a levy of about \$20, as I understand it, on the typical house, and up to about an average of \$200.

**Mr De Domenico:** Have a look at the Bill, please.

**MR LAMONT:** I have. As I understand it, the provision of that sort of money for training will offset the funds which have not been paid to date. It is relevant to note that, in general, they have not been paid to date in the cottage construction industry.

**Mr Cornwell:** So it is retrospective, is it?

**MR LAMONT:** No, it is not retrospective, but it is about contributing to training for all of the industry. That is the desire. In no way do I wish to denigrate the current group apprenticeship scheme that operates in the ACT, but it is true to say that it does not enjoy wide support within what you have called "all of the industry sectors", and that is all of the participants.

**Mrs Carnell:** The HIA, the MBA, CONFACT.

**MR LAMONT:** I will tell you what; if the HIA is now saying that it is okay, there has been a very late conversion on the road to Damascus. If you go out and you talk to the people who are involved you certainly get a different view. Should this Bill be passed tonight, I have absolutely no doubt that the Housing Industry Association's representatives will be active and vocal participants in the new scheme of arrangements. I am absolutely confident. For them to do anything else would be irresponsible, Mr De Domenico. They acknowledge it, and so do you.

**Mr De Domenico:** Why?

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**MR LAMONT:** It would mean that they would not participate in this essential element of training within their industry. Madam Speaker, I believe that this is a fundamental issue not only in apprenticeship training but also in post-apprenticeship training. The area that I am specifically involved in and specifically concerned about - the Minister for Education and Training will address a lot of the other qualitative issues - is this question of proper ongoing training, both during apprenticeship and post-apprenticeship. It should not be something which starts this week and ends in three weeks' time. It should continue over the entire period of an apprenticeship and beyond. It should provide training within the building and construction industry for the life of the building and construction worker, whether they are an apprentice chippie, an apprentice electrician or whatever. Whatever industry sector they happen to be involved in, we should provide training and retraining over the whole of their life.

**Mr Moore:** You have just - - -

**MR LAMONT:** I know that I have convinced Madam Speaker, Mr Moore; I am just trying to convince you. That is what I see as the essential part of the underlying philosophy associated with this Bill, and that is why I am quite passionate about it. I do believe, coming back to that essential point on which I started my address tonight, that it will deliver quality. Not only will it deliver quality to the apprentices; it also will deliver quality to the people of Canberra in relation to the end product - the buildings and the houses in which we live.

**MR KAINÉ (9.45):** It is quite amusing sometimes to sit here and to listen to Government Ministers defending the indefensible. We have seen it again tonight. A Bill has been put forward by the Minister for Education and Training and at one stage the only person left in the house to defend it was a backbencher, the former Minister for Health. More recently, Mrs Grassby and Mr Lamont have sprung to the defence as well. This Bill, Madam Speaker, is a Bill that has missed its time. It has missed its time in a couple of ways. First of all, it has missed its time in the sense that this Government is still pushing Marxist principles, while everywhere else in the world - - -

**Mr Lamont:** Here we go - the last Stalinist government with a AAA credit rating.

**MR KAINÉ:** It has been said, and it has been said by former members of this Labor Government, that there are only three Marxist governments left in the world - one in China, one in Cuba and one in Canberra. It is interesting that the only one of those three that still has the nationalisation of the means of production in its platform is this one. Even China and Cuba have been dragged into the 1950s, kicking and struggling. This one is still being restrained, back in the 1920s and the 1930s. All this rhetoric about making the employer pay, about these employers who exploit the means of production - that is what this debate is all about - is last century's debate. This Government is still 100 years behind the times.



The other reason why this Bill has missed its time is that their mates across the other side of the lake have pulled the rug out from under them. Only this month they annulled, at least temporarily, the training levy that has been imposed on industry up until now. So, they have missed their time. They should have recognised that and pulled the Bill. They would have been occupying the high ground. They are occupying the low ground at the moment.

Mrs Grassby and then Mr Lamont defended this Bill on the basis that this is going to increase quality in apprenticeship training. The point has been made by my colleagues already that there has been plenty of money for this purpose. There is \$500,000 sitting there unused. The reason why it has not been used is that there is no opportunity for additional apprentice training in the ACT. The training of apprentices has been taken over by the industry because individual corporations could not sustain it, for a number of reasons. One reason is that some of them went out of business and their apprentices were left bereft; so the industry itself took over the training of apprentices, and they are spending all the money they can spend right now. Then along comes this Government and it says, "We are going to take some more money from the employers and we are going to improve quality".

How are we going to improve quality? Mr Lamont gave the game away. Mr Lamont says, "We are going to take first year apprentices and train them to sit in the boardroom. We are going to give them all the management skills. We do not want them to be trained as apprentice chippies; we want them to be trained to move immediately into the boardroom. That is what apprenticeship training is about". What codswallop! What rubbish! We can easily see how members of the Labor Party get to sit here as Ministers. The party takes them on as first year apprentices and pushes them straight into the board job. That is how they get to sit here. They are neither qualified to be apprentices nor qualified to be board members. That is why we have the calibre of government that we have.

Mr Berry, in his usual 1930s debate fashion, said, "The Liberal Party thinks that all taxes are bad". The corollary of that is that Mr Berry thinks that all taxes are good. I do not agree with that. I would say any time that a dollar in my pocket is better than five dollars in Rosemary Follett's pocket. Mr Berry did not put forward any argument to suggest that taxation is good. He just said, "The Liberal Party says that taxation is bad - QED; the Liberal Party is bad". It does not follow.

Madam Speaker, we do not need this particular Bill. It is past its time. The Government should have given up the debate before it even began. There are some very interesting quirks about it. For example, under the present arrangements, decisions about how the money that is available is spent are made by the Minister. The Minister, under this Bill, will abdicate that responsibility. He will hand over this responsibility to an organisation that does not exist yet which is to be called the Construction Industry Training Fund Board. This money will be spent by that board in accordance with the funding framework, which does not exist either. We are setting aside a perfectly good system that exists now, where accountability - - -

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**Mr Wood:** You disagree with your colleague. You disagree with Mr De Domenico. He said that it was going to be bureaucratised.

**MR KAINE:** You had better listen to me, Mr Wood; this is very important. With this Bill, Mr Wood and the other members of this Government are setting aside a perfectly good system, which fixes accountability on the Minister, in favour of fixing responsibility on a board, which is required, we are told, to administer this in accordance with a funding framework that does not exist. What sort of accountability is that? It is typical of the inability of this Government, these apprenticed boardroom members, to think through the basics of the legislation they put before us. It is poor legislation. It is legislation that we do not need. It is legislation that was left behind everywhere else in the world, and was left behind here in Australia by their Federal mates two weeks ago when they abandoned the training levy. Yet we have these people here trying to justify this tonight. How farcical a situation can you get? The situation speaks for itself. Members of this Assembly should reject this legislation.

**MS SZUTY (9.51):** In speaking in the in-principle stage of this debate, I would like to inform members that I have been specifically asked by the Minister for Education and Training, Mr Wood, to keep an open mind on this issue until he has had the opportunity to make specific comments in his concluding remarks which may serve to fully inform me and other members of this Assembly about the issues. I will do that, Madam Speaker, but I should say that the Minister's arguments will need to be convincing. On the strengths of the arguments that the Opposition has proposed tonight, I think they will need to be very convincing.

Both my colleague Mr Moore and I have received representations from a wide range of people interested in expressing to us their views on the provisions in these Bills. In fact, requests for meetings began coming into our offices before the Bills were tabled, which is a most unusual occurrence. It has not helped either, Madam Speaker, that the representations have presented widely divergent views on what needs to occur or does not need to occur with respect to training needs within the building and construction industry. The views expressed, Madam Speaker, also have their origins in debate now a number of years old, and a number of speakers have referred to that this evening. In fact, the resolution of the ACT Regional Building and Construction Industry Training Council with regard to the establishment of a levy was passed on 10 September 1990. I would like, Madam Speaker, to read that resolution to the Assembly. It says:

The ACT Building and Construction Industry Training Council supports the establishment of an industry training levy, collected through the building permit system, with provision for equivalent contribution where such permit is not required, provided the following principles are guaranteed by the legislation establishing this scheme:

1. Exemption from meeting the requirements of the Commonwealth Training Guarantee Scheme for the building and construction industry in the ACT.

That matter has been addressed by speakers this evening. The resolution continues:

2. The ACT legislation to permit exemption for money spent on training by individual employers, using the same criteria as the Federal Training Guarantee Legislation. Where expenditure by any individual or company is recognised under the Commonwealth training guarantee legislation as granting an exemption to part of the one per cent training guarantee, the same amount will be credited to a reduction in any permit levy charges under the relevant ACT legislation.
3. There will be an equivalent levy raised on all Government projects.
4. The ACT Government will distribute the sum of funds raised, equitably through a trust account, to individual companies and associations in the building and construction industry. In distributing funds, the trust, which will comprise all employer and union organisations, will give consideration to the advice of the Building and Construction Industry Training Council and other relevant industry bodies.

This resolution, as I said before, Madam Speaker, was passed nearly four years ago. It seems strange to me that, with such an intense debate still continuing on the issue, the resolution has not been revisited by the Industry Training Council to confirm or not to confirm a consensus of views on the issue.

I remember lengthy debates in this Assembly about the level of the long service leave building and construction industry levy, which was eventually reduced by this Assembly from 2.5 per cent to 1.5 per cent in recent times. I believe, Madam Speaker, that the Assembly took the view that the current level of contributions being levied from industry was far in excess of current need. There is no doubt, having formed the view that this levy was not sustainable, that I am reluctant to consider a further additional levy on the building and construction industry for training purposes.

I have received advice from the Department of Education and Training which refers to the \$160,000 currently in the long service leave training fund. I asked for information to be provided on this which would explain to me how that money is to be spent. Almost the whole amount is committed, according to the information that I have received, as follows: \$32,000 is for the balance of a gas appliance course post-trade being run by the Canberra Institute of Technology; \$54,000 is for the balance of a plastering trade course, also being run by the Canberra Institute of Technology; and \$60,000 is to be sought to implement a competency assessment program as part of the introduction of competency based training. I have recently received further advice from a different source which indicates that the Industry Training Council has \$435,750 available to it, as at 30 April this year, in cash management reserves. Opposition members also have referred to that amount. I understand, Madam Speaker, that the Minister is going to say, in his concluding remarks, how those funds are to be spent at this stage on industry training.

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While we are considering the introduction of an additional levy on the building and construction industry for training purposes, we also know that the Federal Government is moving in a different direction. We know that in fairly recent times, as Opposition members have said, the Commonwealth Government has decided to suspend the training guarantee levy. This was announced in the Commonwealth Government's budget, and previously on 4 May in the "Working Nation" paper. I would like to quote a number of passages from "Working Nation" to illustrate the reasoning behind that Government's decision to suspend the training guarantee levy. The first of those quotes comes from the consultation process which is set out in the green paper. This is what is stated on page 35 of "Working Nation":

In the public consultation process following the release of the Green Paper, concerns were expressed about the administrative and compliance costs of Government regulations, including those associated with State payroll taxes, the Training Guarantee ...

et cetera. Further on it says:

The TG was introduced to provide leadership and direction in setting training standards appropriate to Australia in a highly competitive world economy ... the Government is concerned to minimise the administrative and compliance costs facing industry, and to ensure that these policies achieve their legitimate objectives efficiently. A number of measures are being taken to address this.

The Training Guarantee is to be suspended for two years. Training is now much more widespread than when the TG was introduced and its original objectives are being met. In suspending the Guarantee the Government expects employers and employees to continue to meet their training responsibilities. Consistent with this expectation, the Government is prepared to abolish the TG altogether if business makes a credible commitment to providing the training places outlined in Chapter 4.

I have no doubt, Madam Speaker, that business will continue to meet their training obligations. I have no indication that they are likely to do otherwise. In fact, page 103 of the "Working Nation" paper states:

Employers have demonstrated over the past few years that they have recognised and responded to their obligation to train their employees. In 1990 -

I think this information is significant -

surveys showed that half of employers spent nothing at all on structured training and three quarters spent less than 1 per cent of their pay roll on structured training.

That was the reason why the Government introduced the training guarantee levy. The paper continues:

Now almost all eligible firms are complying with their obligation to train. A very small amount of revenue (\$1.4m in 1992-93) has been raised by the Tax Office from firms not spending the required level on training. Firms throughout Australia are investing in training and are far more aware of and committed to training since the introduction of the Training Guarantee.

I cannot help but feel, Madam Speaker, that with the passage of these Bills the ACT will be heading in the opposite direction from general Commonwealth Government policy and thinking in these areas through the imposition of a broad-based levy on the building and construction industry. In conclusion, I would like to say that I need to be convinced that the passage of these Bills is necessary currently in the ACT because of the existing training deficiencies. I look forward very much to the Minister's comments on these Bills.

**MR MOORE** (10.01): Madam Speaker, I would like to make a few comments. My colleague Ms Szuty has raised a matter that I think is very significant in terms of the first sentence of the second paragraph in the explanatory memorandum. In making our decision, Madam Speaker, we will rely on balance. As in many pieces of legislation that come before us, there are both costs and benefits, and the decision, as far as we are concerned, will depend on what delivers the best benefit to the community at the least possible cost in the long term. A number of speakers in this debate have mentioned the opportunities for young people. Nobody can lightly dismiss any improvement in the opportunity of employment for young people in the ACT where we have such a significant level of unemployment.

I think it is also very important, on the other hand, Madam Speaker, for us to consider the impact that taxes will have because the other group in our community that we need to be concerned for are young people trying to buy their homes - in fact, any person who is involved in building or constructing their own home. Whether you use the estimated \$5.18m or you work out the levy on the average value of a house, you are going to come to a figure of somewhere between \$3,000 and \$5,000 being levied on the price of a new house. That is an average. Clearly, there will be less on some buildings and there will be more on larger buildings. On the average home costing about \$150,000, we are looking at a fee of somewhere in the order of \$3,000 to \$5,000.

**Mr Wood:** Take off a zero.

**MR MOORE:** Mr Wood interjects, "Take off a zero". I will be interested to see how he does his calculations. I will be interested to hear what he has to say. Another factor, Madam Speaker, is that we are yet to be told - I am waiting for an answer - how this fund is to be used. We are bereft of proposals as to how it is to be used, apart from the general concept that it will be used for training because we need to have training. If there really is

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a burning need we ought to know what that need is. You ought to be able to identify that need and you ought to be able to explain clearly to the Assembly how that fund is going to provide for a gap in the way things are done at the moment. Madam Speaker, I think there are still some questions to be answered by the Minister, and I am looking forward to listening to those answers.

**MR STEVENSON (10.04):** Madam Speaker, in 1990 the Commonwealth Government introduced the training guarantee scheme. They have just done away with it. Why? Because, like over a million Australians, it is not working. Look at why they said that they were about to do away with it. It was said that almost all eligible firms are now complying with their obligation to train. That was said in the "Working Nation" statement. That is not surprising. Either you train or you lose the money. It is an example of penalties and rewards in life. I will get to that later. The Commonwealth Government gave a false reason for getting rid of the scheme. The truth is that it did not work. It did not do what they said they were trying to achieve with it. What is the proof of that? If it was working they would not get rid of it. If it was working they would not introduce other schemes to try to handle the problems - schemes such as income tax deductions on eligible training, direct cash grants and lower wages for trainees. What they are trying to do is solve the problem. Their scheme did not work, so they scrapped it.

What is this Government proposing in the ACT? It wants to introduce one, but not across all industries. It thought it had a better idea. It picked out one industry and decided to run a training scheme for it. Is there any justification? No, there is not. Mr Berry talked about the workers in the industry being of a transient nature. Does that mean that if they cannot work in the ACT they leave? I suppose it does. The truth of the matter is that if there is work here they will stay here. If they go to New South Wales or Victoria, we have a portability agreement with those States. This scheme would not be of much help if people came here from New South Wales and Victoria, because we would be the only one with it. Victoria does not have it, New South Wales does not have it, and the Commonwealth Government will not have it in six weeks' time.

Mr Lamont says that people need managerial training. I agree with that. With the Government imposes on business, too right you need managerial training. It is not easy to survive when your biggest threat is governments and their myriad of taxes, fines, fees, charges and everything else. What does the Bill do? It excludes management training. Actually the Bill has the wrong title. It is called the Construction Industry Training Fund Bill. It is not. It is part of the Construction Industry Training Fund Bill. Is it needed? As we have heard, the Industry Training Council holds \$435,759.85. Ms Szuty missed out adding today's interest. The Bill itself does not specify any specific training requirement. So what exactly is it going to be used on? It says that the industry will not be directing where the money is going to be used. They will not be controlling the funds.

What this Bill is about is a tax on building. Labor members say, "We want to increase building and we are going to tax it". You do not increase things by taxing them. You reduce things when you create an impost. As I mentioned earlier, when you tell people that you will take their money unless they spend it on something, they will spend it on something. Look at what the elderly do in Australia with the money that they have saved for all their lives. They spend it. One of the Labor members mentioned that people would like to have an apprenticeship, that people would like to have a job. Let me let you in on a secret. Businesses would like to give them what they want, but they find it difficult when dealing with one government tax and one bureaucratic impost after another. Businesses in the ACT, as around Australia, do not need your help. The only thing they want is for you to get off their back. Let the competitive nature of this industry and other industries take effect; it will work and people will work. The more you steal of Mr Kaine's dollar and put in the Treasurer's pocket, the more we lose. When it comes back to someone else, to Mr Westende, for example, he finds he gets only 20c. On the trip over the road and back again, we lose about 80c. That is what happens when government takes money.

Let us highlight the fact that the industry is not going to direct and control the money that would be collected by imposing a tax on construction. It is the worst principle we can have. Let us look at the truth. The truth is that if the timing had been different they would not have thought it so funny. They would have stood up and said, "We must do this for the people in the construction industry. We must have training". The Government's timing was bad because their Labor colleagues in that other place have already acknowledged that the training scheme is a nonsense and that it is not working. This one will not work either. Thank heavens it is not going to get up, in all probability, because it would put more people out of work, as do all the imposts that you bring in. Why not encourage business to do something, instead of trying to force them at the point of a gun?

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.13), in reply: Madam Speaker, I will be closing the debate at this stage. This Bill should be supported because it provides for much better education and training. That alone is sufficient reason to have this Bill passed. I was surprised to hear the debate in this Assembly tonight. Members forget that aspect. We are significantly improving the calibre of our work force in this specific industry. This Bill should be passed also because it will provide a better quality product at the end. The building industry, as a result of this Bill, will give a better product to the people who purchase houses or have extensions built. I think we would all agree that that is eminently desirable.

**Mrs Carnell:** How?

**MR WOOD:** I will give you some examples in a little while. Thirdly, this Bill should be supported because it will materially assist our young people, and some of our not so young people, into a more assured position in the building industry. It will help significantly, as pointed out in the Commonwealth's white paper, to remove some of the problems of unemployment.

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A great deal has been said, quite validly, about the training guarantee levy. In a sense it has been a debating point. Mr De Domenico and Mr Westende each read out a relevant quote from that paper that made it quite clear that the white paper does not absolve business from a further commitment to training. It was there. The white paper acknowledges that the training guarantee levy is to be phased out for two years at least, but it makes the substantial point that further training is absolutely essential. To suggest otherwise is grossly to misrepresent what is in that white paper. It is entirely consistent.

**Mr De Domenico:** Does it say that? What does it say? Quote from the paper.

**MR WOOD:** You did. You quoted from it, and so did Ms Szuty.

**Mr De Domenico:** You show us where they say that extra training is necessary.

**MR WOOD:** Here you are. Read it.

**Mr De Domenico:** No, no. You quote from it.

**MR WOOD:** This proposal is entirely consistent with the Commonwealth's strategy for employment and training. The deletion of the training guarantee levy may have altered the process, but it has not altered the need or the obligation.

Let me make one point about this Bill. This Bill has been supported, and continues to be strongly supported, by the ACT representative body, the ACT Regional Building and Construction Industry Training Council. That is the body on which all parties are represented. That body continues strongly to support this Bill. I acknowledge that in recent days some elements in the community have raised concerns. They came to me first about two weeks ago, out of the blue, and said, "Hang on, there are a few things that we are not too sure about". I believe that I answered the questions they raised as they sat around a table in my room.

Madam Speaker, let me deal with some of the comments from Mr De Domenico. The problem with Mr De Domenico is that he has simply not understood any aspect of the training agenda. I wish that Mr Cornwell had stood up because I am sure that, as shadow Minister for Education and Training, he would have been on top of those issues. The approach from Mr De Domenico showed that he completely failed to understand the whole agenda over the last few years. He has absolutely missed the point. He had something to say about the group apprenticeship scheme. There is a relationship between the apprenticeship scheme and this Bill. They are related but separate. About 8 per cent of the work force in the building industry are in the apprenticeship scheme. Mr De Domenico does not understand that we are talking about the other 92 per cent, a very large number of whom have had no formal training, some form of on-the-job training perhaps, or very limited training. It is that 92 per cent that we are concerned about. In the building industry only electricians and plumbers, and I think one other, have to be registered to work on a house.

**Mr Kaine:** Bricklayers?

**MR WOOD:** No.



**Mr De Domenico:** Carpenters?

**MR WOOD:** No.

**Mr De Domenico:** Builders themselves?

**MR WOOD:** No. Builders have to be registered, but only those two categories, and perhaps a third, have to have qualifications or that work cannot be done. The vast bulk of the work in the housing industry is done by people with an assortment of training, but often that training is very limited. I could list the whole range.

**Mr De Domenico:** List some.

**MR WOOD:** Just wait. Mr De Domenico went on to say that there was no need demonstrated. I think there is. I think there is the need for a skilled work force and a quality product. Mrs Carnell asked the same question. Let us take the two areas that are responsible for most complaints to the Building Controller. Those two areas are concreting and tiling. Most complaints in respect of housing work relate to those two areas. There is simply no training provided. There is no training program. There is no background for concreters. It is just not there. Do you remember the complaints two or three years ago, or a year or so ago, about concreting and footings? There is no training scheme. There is a one-year program somewhat available for tilers, and there is no small number of people in this community who complain about the quality of tiling.

**Mr Moore:** Is this roof tiling or ceramic tiling?

**MR WOOD:** I am sorry; this is interior tiling. Do you see what I mean with just those two examples? I thought it logical to pick the two that give rise to most complaints to the Building Controller. The programs that we have in place for training people working in those areas are absolutely inadequate. You asked for a demonstration of need. Those two alone are enough.

Madam Speaker, Mr De Domenico argued about the additional cost. I think that Mr Moore and I now have an agreed figure on this. We have done our maths together and we come out with an agreed figure. The amount I chose, which is above the average cost of a home in the ACT, was \$100,000, and the cost is \$200. I think it is a very modest cost for the results. Take the two examples I have given you. You would save, rapidly, on any example you want to run, that amount of money if your tradespeople were better qualified. But here is the key point. The unions, as they cooperate, as they promote and work in this area, will be advancing the cause of multiskilling. That has been a bit of a difficulty in the past. Mr Westende, though not a builder, may have some idea of the advantages of multiskilling on a building site. You do not have to send one tradesman away and get another. If multiskilling is available to the building industry there are immediate and enormous savings. I think that \$200 is very quickly repaid, both to the employer and to the purchaser. In any case, there are offsets to that \$200.

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There are offsets because builders were already, in some measure, paying an amount of money. They were already paying something there. The training guarantee levy is also a mechanism which now they do not need.

Let me put this training guarantee levy into perspective. It was one of Ms Szuty's concerns. It was a tax driven system. Employers were required to pay 1.5 per cent of their payroll, on payrolls greater than \$226,000, or they had to pay the same amount to the Taxation Office. The \$226,000 threshold eliminated approximately 90 per cent of the small employers from paying the levy. That means that 10 per cent of the industry was funding the training of the other 90 per cent. This is a much more equitable system. Those who were paying will be paying less.

A further point that Mr De Domenico made was that this is overly bureaucratic. Yet Mr Kaine was complaining because it was not bureaucratic; that it was in the hands of people beyond the bureaucracy. The whole thrust of the training agenda - something Mr De Domenico does not know about - is to put control of this training into the hands of industry. The industry knows the needs. That is why we have the ACT Regional Building and Construction Industry Training Council.

**Mr De Domenico:** Competency based training is what it is about.

**Mrs Carnell:** Where is your competency based training agenda?

**MR WOOD:** No, I am sorry. You have missed it. It is not bureaucratized, Mr De Domenico. It is put out to industry to determine its priorities, to draw up its programs and to run those programs. The level of bureaucracy is this: The Building Controller will collect the funds, and he has estimated a very low impost on him of one per cent to do so. There is a very low level of administration for that. So you were quite wrong; it is not heavily bureaucratized. It is where the industry wants it to be.

Madam Speaker, there has been quite a deal of nonsense spoken by Mr De Domenico and Mrs Carnell about the inability of the industry to use funds already available to it. They are quite wrong. They were absolutely misleading in the things they said. Ms Szuty showed that she had done a little more research. She went out and got some figures. She did a bit of homework and was quite sensible in what she said. I will provide her with some information that she was not able to get in the time available.

**Mr De Domenico:** Will you provide us with the same information?

**MR WOOD:** It is a lesson to you. Perhaps you should have done the same thing. It was said that there is \$436,000 in the council's funds. So what? You would be complaining to me if they had zero in their funds. You would be saying that they cannot run something. That amount of money is generally committed. There is a sum of \$302,000 - I think that is the figure that Ms Szuty was asking about - - - (*Extension of time granted*) That \$302,000 is the amount that has come into the council's fund from the long service leave levy. There is a program for a competency development service, \$208,000; a gas appliance fitting program, \$32,000; plaster trades training, \$32,000; administration \$30,000. Those funds have been committed.

**Mr Cornwell:** When did they all start?

**MR WOOD:** Hang on. The council is already running programs. It has a continuous program and is running programs with the money there now. The money is committed and those programs will be under way. Commitment has been given to those programs. The \$167,000 that I think Ms Szuty mentioned is still held, as I understand it, by the long service leave board. Because of the efficiency of this industry based group, we have clearly marked, as Ms Szuty indicated, where it ought to be going. Mr De Domenico and Mrs Carnell were saying, "They cannot handle the money. They do not know what to do with it". You are wrong. Mr De Domenico tried to say that there was \$4.5m or something in the apprenticeship scheme and that that is all we need; that that is enough.

**Mr De Domenico:** No, I did not say that at all. Tell the whole truth.

**MR WOOD:** That is something totally different.

**Mr Berry:** I raise a point of order, Madam Speaker. I have heard interjections imputing that the Minister is not telling the truth. I think they have to be withdrawn.

**MADAM SPEAKER:** Yes, I do think that has to be withdrawn, Mr De Domenico.

**Mr De Domenico:** I withdraw, Madam Speaker.

**Mr Lamont:** And Mrs Carnell before him.

**MADAM SPEAKER:** No, I did not hear that one. Continue, Mr Wood. If I hear it again, I will ask for it to be withdrawn.

**MR WOOD:** Madam Speaker, I think I have answered Ms Szuty's questions.

**Mr Moore:** What was the \$208,000 for?

**MR WOOD:** The \$208,000 was for the competency development service.

**Mr Moore:** What does that mean?

**MR WOOD:** Someone may slip a note over your shoulder, Mr Moore. Ms Szuty was concerned about the long time it had taken to get this together. I acknowledge that it has been quite a time because there has been a fairly long period of discussion. The Government and the Industry Training Council for a long time did not agree on some of the mechanisms. We had long debates about those, and the consideration did go on for quite a period. If it did take a long time, I think it can be said that it has been most carefully considered. At the end of that four years it was only in the last minute, so to speak, that there was some concern, I think for different reasons not related to this, expressed by some of the groups. Ms Szuty, the training guarantee levy has gone, but I think that that does not, as you said, absolve the industry from training.

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We are going to get a better trained work force and a better quality product out of this, and we are going to do a great deal to see that people who are presently unemployed develop skills to keep them on the job. Mr Moore also mentioned the matter of need. I think that has been well explained. I think it has been covered. There is demonstrably a need. The vast bulk of the work force in the building industry is inadequately trained. They have not had the opportunities available to apprentices, and this training is to improve that.

There is one further example. Mr Lamont gave it and I will restate that. There have been in the last couple of years a couple of collapses of building firms. That happens periodically. It is said that it is due to the cyclical nature of the industry, but in fact the firms obviously were not well enough managed.

**Mr Kaine:** Is this levy going to fix the management of private corporations?

**MR WOOD:** Yes. I just wish you were not so foolish. Not everybody has the natural skills of Mr Westende in running a business. The training that is provided here will be provided at all levels - not just to the people building the place but to people managing it, the middle level, the whole raft of people. Management will improve as a result of this.

To answer Mr Moore's question about the competency development service, it will coordinate all training for the industry, manage the infrastructure, assess credentials, maintain a database, provide career advice and so on. I will give you more detail later on. Mr Moore asked about need, and I think I covered that. The need is there. We need higher quality. We need a higher level of skills amongst the young people. Madam Speaker, this is an important Bill to improve considerably the general level of skills in our work force, in particular in the very important building industry. I think it is important that this Assembly support this legislation.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 8      NOES, 9

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

Question so resolved in the negative.

**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)  
(AMENDMENT)  
BILL 1994**

Debate resumed from 14 April 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

Question resolved in the negative.

**ADJOURNMENT**

Motion (by Ms Follett) proposed:

That the Assembly do now adjourn.

**Woden Valley Hospital**

**MR DE DOMENICO** (10.38): Madam Speaker, this afternoon I had the unfortunate experience of my eldest son breaking his collarbone whilst playing football at school. After question time I had, I must say, the pleasure of going to Woden Valley Hospital's casualty area. I want to put on the record how delighted I was with the service that was given to Justin. It ought to be put on the record. It is a wonderful facility. It is a facility that the people of the ACT ought to be proud of. I congratulate the staff of the Woden Valley Hospital casualty area.

Question resolved in the affirmative.

**Assembly adjourned at 10.38 pm**