



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 December 1994

Thursday, 8 December 1994

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Thursday, 8 December 1994

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

INQUIRIES (AMENDMENT) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (10.31): I present the Inquiries (Amendment) Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, on 15 June 1994, in the context of presenting the Government's response to the report into the contact between ACTTAB and VITAB, I advised the Assembly that the Government would be moving to amend the Inquiries Act 1991 to put beyond doubt the privileged status of reports under the Act. This action was considered prudent in the light of some uncertainties that had arisen about the privileges and immunities that would attach to Professor Pearce's report.

Section 14 of the Inquiries Act provides for a result of a board set up under the Act to be submitted to the Chief Minister. The Act, however, indicates no further action. A Chief Minister would, of course, have the option of tabling the report and, once tabled, the report would attract the usual privileges and immunities. The Act, however, is silent on the privileges and immunities that would attach to the report should the Chief Minister make the report public without tabling it.

Madam Speaker, the Inquiries (Amendment) Bill 1994 puts the matter beyond doubt. The Bill provides that where the Chief Minister makes public a report of an inquiry submitted to him or her, or makes public part of such a report, the documents will, in both cases, attract the same privileges and immunities as if they had been laid before the Legislative Assembly. The approach set out in this Bill brings the Inquiries Act into line with the immunities and privileges regime set out in the Royal Commissions Act 1991. I commend the Bill to the Assembly, and I present the explanatory memorandum to the Bill.

Debate (on motion by Mrs Carnell) adjourned.

CONSUMER CREDIT BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (10.34): Madam Speaker, I present the Consumer Credit Bill 1994.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

That this Bill be agreed to in principle.

I seek leave to have a fairly long speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 3.

MR CONNOLLY: I present the explanatory memorandum to the Bill.

Debate (on motion by Mrs Carnell) adjourned.

PROPORTIONAL REPRESENTATION (HARE-CLARK) ENTRENCHMENT BILL 1994 Suspension of Standing and Temporary Orders

MR HUMPHRIES (10.35): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 1, private members business, relating to the Proportional Representation (Hare-Clark) Entrenchment Bill 1994, being called on forthwith.

The Proportional Representation (Hare-Clark) Entrenchment Bill is a fairly important piece of legislation which I think members of the Assembly around the chamber have said needs to be dealt with today. Having said that, I think it is also important for us to acknowledge that the issue is important enough to be dealt with this morning. I realise that the Government has proposed amendments, and I do not know whether they are ready at this stage to proceed with those amendments; but, Madam Speaker, it is my view that the issue is important enough to be dealt with as quickly as possible. I think that starting to deal with this issue after the MPI this afternoon, at about 5 or 6 o'clock, would be rather too late. It is my belief that the Assembly should proceed to deal with this matter, important as it is, right now.

MS FOLLETT (Chief Minister and Treasurer) (10.36): Madam Speaker, I am getting heartily fed up with the endless playing around with the timing of this matter. I had understood that it would come on this afternoon after the MPI. I have ordered my own work in that context. It is, I think, very thoughtless and inconvenient of Mr Humphries to have changed his mind for a third time about when he wants the matter considered. I really think that where we do have some kind of agreement on the matter, and there has been no lack of agreement on this side, we ought to stick to it. It is clearly up to Mr Humphries to bring this material on, as it is his; but I repeat that this is the third time we have had a change of timing on it, and I am heartily sick of it.

MR STEVENSON (10.37): I can certainly understand the interest in bringing on the Bill. I have no doubt whatsoever that it will be brought on today, that debate on it will not be gagged and that it will be voted on. I think it is probably fair enough that the Labor members get through their scheduled business prior to the time that it is brought on. I think we had a pretty fair day on private members business yesterday. I think we could give them an opportunity to get their agenda through.

Question put:

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

The Assembly voted -

AYES, 8 NOES, 9

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

Question so resolved in the negative.

COMMUNITY INITIATED REFERENDUMS - SELECT COMMITTEE Report

Debate resumed from 7 December 1994, on motion by Mr Moore:

That the report be noted.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 10 of 1993

Debate resumed from 25 August 1994, on motion by Mr Kaine:

That the report be noted.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (10.42): I present the Government response to report No. 9 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 10, 1993 - Family Services Sub-program". On 25 November 1993 the Auditor-General provided his report on the family services subprogram to the Legislative Assembly. The Family Services Branch, as part of the Housing and Community Services Bureau, manages the subprogram and plays an extremely important role in the ACT community in delivering services that ensure the protection and care of children at risk of child abuse and neglect, as well as children's day care, juvenile justice and adoptions services. The report was favourable in that it concluded that the Family Services Branch was effectively achieving the subprogram's objectives and efficiently utilising its resources. The Auditor-General also considered that the Family Services Branch was characterised by strong professional performance in its service delivery areas. The Standing Committee on Public Accounts has since had a chance to examine the Auditor-General's report.

Madam Speaker, I concur with Mr Kaine's overall evaluation of the report when he presented report No. 9. In short, he stated that it was "not a bad report for a branch to get from an auditor". At the same time, the Auditor-General's report, as noted by the standing committee, contained a number of detailed recommendations relating to the operations of individual sections and units in the Family Services Branch, as well as proposed legislative amendments that would improve the efficiency and effectiveness of the subprogram. In response to the standing committee, I am pleased to present the Government's report, which provides an update on its progress in implementing those recommendations - progress which is well advanced.

I would now like to spend a few moments in providing you with a brief outline of some of the major areas where concerted efforts have been made to implement the Auditor-General's recommendations. Perhaps the most significant recommendation to be implemented was that of the clarification and enhancement of the roles of the Director of Family Services and the Community Advocate. In my initial response to the Public Accounts Standing Committee I indicated that changes to legislation to achieve this had been approved and were being drafted. These comprehensive amendments to the Children's Services Act of 1986 have since been completed and were passed unanimously by the Legislative Assembly on 10 May 1994. These amendments, which came into effect on 21 November 1994, represent a major achievement for both the Family Services Branch and the Office of the Community Advocate and will significantly improve the delivery of services to children at risk in our community.

One area in which considerable work is still required is that of the development of improved indicators of efficiency and effectiveness. The family services subprogram has already improved its reporting, as noted previously. Some 16 tables were presented in the ACT Housing and Community Services Bureau annual report for 1993-94 and they provide a comprehensive and informative overview of the branch's operations. The Government acknowledges, however, that there is still scope for the development of improved indicators in certain areas, as identified by the Auditor-General. This is currently being addressed through two projects. A national working party, which includes ACT representation, has recently been set up under the auspices of the Council of Australian Governments to develop outcome based performance indicators in community services. This will enable comparisons to be made between jurisdictions in terms of efficiency and effectiveness in the delivery of these services. Madam Speaker, it is a bit hard even to hear myself at the moment.

MADAM SPEAKER: Yes, it is unfortunate. I do not think anybody intends any discourtesy, Mr Lamont. Members, as I have pointed out before, conversations do make it very difficult to hear. Could you whisper, please.

MR LAMONT: The other project involves the review of performance indicators across government departments. The ACT Audit Office is undertaking this project, which involves examining the strengths and deficiencies of the performance indicators of all government departments as presented in the 1993-94 annual reports. I have previously given the Public Accounts Committee my assurance that performance indicators would be redeveloped by the subprogram, and I will look forward to significant progress in this area being reported in the 1994-95 assessment of budget performance and outcomes.

One other area of concern raised by the Auditor-General was related to the high case loads of staff and its contribution to workplace stress. As you are aware, in response to significantly increased notifications of child abuse and neglect experienced in 1992-93 the Government provided funding to employ six new child-care protection workers. I am advised by the Family Services Branch that the employment of these staff has assisted to reduce case loads and has brought staff case loads to a level more in line with practices in other States, particularly in New South Wales.

In addition to the above, the Family Services Branch has also recently undertaken a significant restructuring of the regional offices. This involves the establishment of two teams, each headed by an assistant manager. The reactive team, which is the name of one team, is responsible for responding to notifications received. The other team, the proactive team, is responsible for managing the day-to-day casework for ongoing cases. I believe that this restructuring will significantly improve the effectiveness of our delivery of services to children in need of care and protection. Once the results of this restructure, along with the effects of the Director of Family Services assuming the responsibility for all court action as a result of the recent amendments to the Children's Services Act 1986, have been evaluated, the Auditor-General's recommendations on upgrading the status of these offices will be further considered.

I would also like to mention that the Housing and Community Services Bureau is currently undertaking a special project to improve child protection services. A major part of this project will focus on resolving some of the longstanding problems in recruiting and training staff to ensure that they are equipped with the necessary child protection and supervisory skills. Problems in these areas have been identified as contributors to stress, and it is hoped that the strategies currently in place to resolve these issues will assist in alleviating stress in the workplace.

In relation to the Auditor-General's recommendations on the use of a computer network and the review of information systems in the regional offices, I am pleased to advise that substantial progress has been made in this area. The regional offices are now networked to the central office, and I am aware that this has greatly assisted in the information flow and exchange between all offices. The Family Services Branch is also currently working on a proposal for a new and comprehensive client information system that will, subject to budget priorities, eventually be networked to all regional offices.

Madam Speaker, I congratulate the staff of the Family Services Branch on both the outcome of the review by the Auditor-General and the advanced state of the implementation of the recommendations contained in the report. In summary, the positive overall evaluation of the Auditor-General and the Public Accounts Standing Committee is supported by the Government. As this probably will be the last opportunity that I have in the life of this Assembly, I wish to place on record my sincere appreciation of the very dedicated work that has been performed by the officers of the Family Services Branch and the Office of the Community Advocate in dealing with issues of child abuse, neglect and abandonment. I believe that this is a fundamental social justice issue that must be addressed by any government, and it is a test by which any community should be judged - a test that will be enhanced with the introduction of mandatory reporting and the expansion of those services. The Government is fully aware of the need to expand resources in this area once that arrangement comes into place. On behalf of the Government, I give an unequivocal assurance that those resources will be provided. I thank the committee for the insight in its report, and I commend the Government's response to the house.

MR CORNWELL (10.50): Madam Speaker, I thank the Government for its response. This is not something that we can debate on the spot. I would like to read the response. I still have a few concerns, probably in relation to the legislation rather than the Family Services Branch, Minister, particularly in relation to the term "a place of safety" and some aspects of it. I hope that next year I will have the opportunity of putting up amendments to the legislation in the Assembly so that the matter can be debated fully.

Mr Lamont: You can write to me next year, after the elections, and I will do that on your behalf, Mr Cornwell.

MR CORNWELL: I will possibly be doing that, Madam Speaker, and giving Mr Lamont some instructions for the committee.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1993

Debate resumed from 15 September 1994, on motion by Mr Kaine:

That the report be noted.

MR MOORE (10.51): Madam Speaker, these are very important reports from the Auditor-General and the Public Accounts Committee. There are some particularly important recommendations from the Public Accounts Committee that I hope the Minister will respond to. Madam Speaker, one of the most critical issues is the Labor Party promise to provide more counsellors to schools. You will recall that that promise was made at the last election and it has been delivered by Mr Wood. However, if you look at the big picture, Madam Speaker, there was effectively then a reduction in full-time student counsellors. Paragraph 9.18 of the committee's report reads:

The Committee recommends that:

the Department of Education and Training examine ways of providing schools with additional full time student counsellors.

Madam Speaker, the issue of teacher professional development was also dealt with, and I believe that the committee's recommendation - that the Government ensure that appropriate professional development is provided - is a critical one. The ACT Education Department provides the least per capita training of any government department. It should provide the most because, after all, we are dealing with students. Madam Speaker, I am going to keep my speech brief, as I have been through those sorts of issues before. I am sure that Mr Wood agrees with me about the need for professional development for teachers, particularly with an ageing teacher profile within our service. It is important for teachers to keep up their professional standards and standing, to understand what is going on and what is new. The only outcome of that is that our students can benefit. Madam Speaker, as you would realise, the professional development of teachers invariably reflects right across both the private and the public sectors. I think that is one of the issues that the Public Accounts Committee took into account in recommending that all children in the ACT can benefit from that. There is a whole series of recommendations in the report that I hope the Minister will have positive responses to.

The other recommendation that I would like to draw attention to - I cannot find it, but I know that we made it - is about the packages that were being provided for teachers. They assisted the Government to contain its budget and also provided new life and a new morale in the teaching service as young teachers were able to be employed. Madam Speaker, it is imperative that that continue and that packages be offered to senior teachers, namely, principals and deputy principals. I think there is still a great inadequacy in that very good program. It will not only improve morale but also save us money.

It should continue. Madam Speaker, I realise that the savings are not so great with promotion positions as they are with teachers who are on the top of the scale; but the impact on morale will be fantastic, and that, of course, is the real challenge for any Minister for Education. It is a matter that I have spoken to Mr Wood about on numerous occasions. He would agree with me that morale is a major issue in education. Having teachers with good morale means a positive classroom atmosphere, and that contributes more than many other things to good educational outcomes. Madam Speaker, what we are really on about is good educational outcomes. That is what we need to work to, and this report assists us in doing that.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (10.55): Madam Speaker, this report presented the results of a review of the effectiveness and efficiency of the management of the ACT government schooling program. Report No. 6 is one of a series of such reviews covering various programs across the ACT Government. The government schooling program was selected early in the series because it consumes a significant proportion of ACT Government expenditure. The audit was conducted under contract by the accounting and consulting firm, Arthur Andersen. The audit methodology and content of the report was critically reviewed by Professor Fenton Sharpe from the School of Education, University of New South Wales, and the audit was coordinated by Mr Phillip Hextall of the Government Audit Office. The audit report concludes that, in general, the government schooling program delivers its services effectively, although there were growing pressures needing to be addressed. The Public Accounts Committee was provided with comments from me on the matters raised by the audit report, and submissions were received from the ACT Branch of the Australian Education Union, school boards, the P and C Association, and principals associations. The report from the PAC was tabled in September 1994.

Madam Speaker, the Government has agreed to five of the recommendations. I think at this stage I should table the Government's response to that report. I note that it has been circulated in the chamber. I will formally table the Government's response to that report. As I said, the Government has agreed to five of the recommendations made by the Public Accounts Committee. It has noted two of the recommendations, indicating that their implementation is subject to the availability of funding. The Government observes that the recommendation for a review of class size is a matter for the Auditor-General to consider.

Madam Speaker, Mr Moore made some comments. The Government is, as always, continuing to maintain a very high quality of education, with a very high level of resources. Mr Moore noted that we had made modest additions to counselling in schools, and, if I heard him correctly, he suggested that there had been some other reductions. I am not sure that I would agree with that. I will go and check my figures.

Mr Moore: The overall result was a reduction.

MR WOOD: I am not sure about the accuracy of that remark. In relation to professional development, the Government has provided quite substantial additional funds for professional development with the introduction of the profiles into our school system. We are supporting new initiatives with professional development funds. In relation to the packages, I would also indicate, as members will have noticed, that in report No. 8 the Auditor-General has commented on the implementation of that policy, the packages, and has indicated, among other things, how that might be done better if we were to do that again in the future. I have noted the Auditor-General's remarks, as I am sure other members have.

MR KAINE (10.59), in reply: This particular Auditor-General's report was a very important one, and one that needed prompt attention. The Public Accounts Committee made a number of recommendations which requested that the Government take action on specific aspects. It is pleasing to note that the Government has taken most of those recommendations seriously. Several of them had to do with the fact that there simply was not proper data. There was no database which allowed the Auditor-General or anybody else to compare the performance of the ACT education system with the performance of other education systems, and we suggested that the Government should set about creating a database that would allow that kind of assessment to be done. The Government, I see, has agreed to that, and also has agreed to update their performance indicators and the like - things that you would expect them to pick up and process.

I am disappointed that the Government has merely noted the recommendation that the Department of Education and Training examine ways of providing schools with additional full-time student counsellors. It was obvious to the committee, from the evidence that was put to us, that there is an enormous amount of stress in our schools. The students are experiencing it and, because of that, teachers are experiencing it. It is hardly enough, given the circumstances that exist in our schools, to expect a limited number of counsellors to handle the workload. The lack of an adequate number of counsellors leads to the teachers themselves, who are already under stress, accepting a higher level of stress in attempting to resolve the problems of their students. The system is a lot different today from what it used to be. It used to be that kids' problems, by and large, were dealt with in the family. It seems that that is no longer the case. They bring their problems into the classroom with them, and they are of many and diverse natures. The teachers and the counsellors struggle to do the best they can under the circumstances.

Whether or not we compare favourably with New South Wales or some other State in terms of the provision of counsellors is not the point. The point is that we have a problem in our schools that needs to be addressed. Of all of the recommendations, of all of the material that the Auditor-General brought before the committee and which the committee looked at, I think that that is the most significant one because, without an adequate number of counsellors, the level of tension is going to increase. It is difficult for students to learn and it is difficult for teachers to teach while the present situation prevails.

I would have thought that the Government would have done something a little more positive about that. The matter was brought to us by almost everybody who came before the committee to give evidence. It did not matter whether it was the parents and citizens association, the teachers, or the principals; everybody who came before us raised this as a major issue. I would have hoped that the Government would have done something more positive about it, rather than just put it on the backburner and hope that it will all go away. It is not going to go away, and I would ask the Minister to rethink the position on this. It simply is not good enough to compare ourselves on a per capita basis with New South Wales and Victoria and say that we are doing okay. We are not doing okay. Any additional positions, the Minister says, will have to be provided by a reallocation of existing resources. I suggest that the Government should be having a damned hard look to see where the resources could be reallocated from, and the sooner the better. I do not believe that there is not the capacity within the department to provide additional resources for that purpose. Mr Deputy Speaker, that is the one disappointing aspect of the Government's response, and I would ask the Minister to review that matter as a matter of urgency.

Question resolved in the affirmative.

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

Debate resumed from 21 October 1993, on motion by Mr Kaine:

That the report be noted.

MS FOLLETT (Chief Minister and Treasurer) (11.04): I would refer members to the Government's previous response to report No. 6 of the Standing Committee on Public Accounts. That report covered the areas of debt recovery operations and what were termed publicly unaccountable Government activities. Our response outlined the action that would be taken in regard to the issues raised in that report. I would like now to take the opportunity, fairly briefly, to update the Assembly on the progress that has been made in regard to these issues.

Firstly, in relation to debt recovery operations of the ACT Revenue Office, Mr Deputy Speaker, the PAC, although they were satisfied that the Revenue Office was effectively collecting the Territory's taxes, did recommend that an independent review be carried out to determine the appropriate staffing level for the recovery operations of the office. The Government at that time did not consider that an independent review would be appropriate, because the Revenue Office had commenced its own internal functional review aimed at improving the efficiency of the office. Mr Deputy Speaker, that functional review is progressing and it will take into account the Government's recent decisions in relation to the review of the current rating system. The rating review covered not only valuation methods but also the billing and payment arrangements, which directly affect the recovery operations of the Revenue Office.

The Government has decided to introduce a number of measures to make the payment of rates more convenient. These new measures include introducing a staggered billing system to reduce queuing at payment centres. That will also have an effect on the Revenue Office's workload. We included enabling ratepayers to make payments via direct debit, introducing a budget payment plan for rates liabilities, and discontinuing the practice of removing the right to pay by instalments if payments are overdue. Mr Deputy Speaker, the introduction of these new measures may also have an effect on staffing levels in the Revenue Office and clearly needs to be taken into account in that review activity.

In relation to the publicly unaccountable Government activities, the PAC listed in its report the following activities of Government as being, in their view, publicly unaccountable: The Workers Compensation Supplementation Fund, the nominal insurer and the Racecourse Development Fund. I previously advised the Assembly that each of these activities would prepare financial statements which would be audited by the Auditor-General and presented in the Assembly. As an interim measure, determinations have been made under section 32 of the Audit Act 1989 to ensure that each of these activities prepares financial statements in accordance with the guidelines which apply to all other commercial operations of government. The determinations also require that the accounts relating to these activities be audited by the Auditor-General and be tabled in the Assembly. As a result of this interim measure, financial statements for 1993-94 have been prepared for each of these activities. These statements are in accordance with the guidelines and have now been audited and tabled in the Assembly.

The Government is currently developing legislation which will bring the activities of the Workers Compensation Supplementation Fund and the nominal insurer within the mainstream accountability framework of the Audit Act. The Racecourse Development Fund is currently under review within the context of developing consolidated racing legislation. The issue of public accountability raised by the PAC, and quite rightly raised, will be factored into this review and appropriate long-term financial disclosure arrangements will be introduced. In addition, Mr Deputy Speaker, the current review of financial management policies and legislation is examining the appropriate reporting and accountability requirements for all government activities. I believe that by the end of this review the Territory will have made significant advances in financial accountability and management.

Mr Deputy Speaker, I would like to thank, again, the Public Accounts Committee for its work on this issue. I share their view about the improvement of accountability. I believe that the Government has demonstrated a commitment to working to ensure that all of the Government's operations are well and truly accountable, as they ought to be. I would like to acknowledge the vital role that the Public Accounts Committee has in scrutinising the expenditure of public moneys and also ensuring that that expenditure is fully accountable.

MR KAINE (11.09), in reply: Mr Deputy Speaker, I note that the Government is taking action on the important issues that emerged from that report. There is one point that I would like to make. It has to do with the inertia of the system. I am referring particularly to the review of the Revenue Office. I point out that the report that we are dealing with was the report for the year ended 30 June 1993. It was tabled and the debate was adjourned on 21 October 1993. The Chief Minister chose not to institute an independent review of that organisation and said that there was an internal review being done. In December 1994 it is still going on. So, 18 months after the period to which the Auditor-General's report refers, that internal review is going on. The reason why we suggested an external review was that you get quicker action. I take the point that the Chief Minister exercised her option and said that there was an internal review being done. I think that it was incumbent on her to make sure that it was done quickly; that we would not find 18 months later that it is still ongoing. It prompts the question: How much longer is it going to be ongoing and what will be the result? Other than that, I note the Chief Minister's efforts to bring previously unaccountable bodies into the field of the accountable, and I commend the Government for that.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE **Report on Review of Auditor-General's Reports**

Debate resumed from 16 December 1993, on motion by Mr Kaine:

That the report be noted.

MS FOLLETT (Chief Minister and Treasurer) (11.11): Mr Deputy Speaker, I would again like to thank members of the Public Accounts Committee for their consideration of this matter and also consideration of the Government's response to the committee's report on various Auditor-General's reports. I mentioned at the time of the tabling of the Government's response on this matter that I was very pleased to note the many positive comments that the committee had made in relation to various aspects of the public sector and financial management that had been investigated by the Auditor-General. It is also very pleasing to note the numerous examples of progress that has been undertaken since the Auditor-General tabled these reports. Mr Deputy Speaker, I will say again that the Government continues to be committed to improving the management of information technology and to progressing matters relating to security policy by way of the Information Technology Strategy Committee. I take the opportunity, again, to thank the PAC for their deliberations on this important issue. It was particularly pleasing that so many of their comments on this occasion were positive in their nature.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of the Financial Management of ACT Health -
Government Response

Debate resumed from 8 December 1993, on motion by Mr Berry:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (11.13): Mr Deputy Speaker, this report is now quite old. I think the report was tabled in August 1993 when Mr Berry was still Minister, and the Government response was made exactly 12 months ago, in December 1993. Since then we have had a number of other reports of varying magnitude in the health area, the major one being the Arthur Andersen report.

Rather than spend a large amount of time going through this report, as I know that time is short today, I think it is worth making the same points that Arthur Andersen made. The Arthur Andersen report cost the ACT Government some \$170,000 and it has been picked up in total by the ACT Government, so I am sure that they would not argue with any of the issues that have been raised. Arthur Andersen suggested that the major deficiency identified in ACT Health - remember that this was after the Auditor-General's report - was its poor budget performance, and its inability to explain the causes of budget overruns was unacceptable. I think we would all agree with that. There was a lack of financial accountability and budget responsibility. They went into the details of why that was the case. There were poor financial management systems; there was inadequate financial management reporting; there was significantly higher than benchmark costing.

We know that the ACT still has costings of some 30 per cent above the national average. In fact, the comment made by Arthur Andersen was that operating costs in ACT Health overall, and Woden Valley Hospital in particular, were significantly higher than the benchmark. In fact, the figures they use, interestingly, are \$26.5m to \$32.9m above New South Wales and Victorian sample hospital benchmark operating costs. They are interesting figures. Analysis of the key areas contributing to this cost position was provided in the bulk of this report. It was interesting to see that the major areas are the ones that we know about; they are doctors; they are nurses; they are administration, and other costs as well. Even our drug costs in the ACT are higher than the national average.

Arthur Andersen went on to say that there is ineffective cost reduction, planning and implementation. We know that this Government report came down at the time that Mr Berry had his infamous \$3m savings in the budget of last year. Arthur Andersen went on to say that there was absolutely no way that that particular \$3m could be saved, because there was absolutely no way that Health had the management systems in place to be able to identify even where it could possibly be saved. They are not my words. Arthur Andersen was - - -

Mr Berry: We identified one, but the doctors would not let us do it.

MRS CARNELL: They are not my words. It is your report. You paid for it. You agreed with it. I think it is very interesting to note that in this report from the Auditor-General that the Public Accounts Committee looked at the Auditor-General did suggest that things were looking up; that programs were being put in place; that financial management systems were being put in place. Remember that this was in August 1993, a long time ago now, and also a long time before Arthur Andersen produced their report. Unfortunately, the high hopes of the Auditor-General were not followed through, or, according to Arthur Andersen, they were not followed through. The Minister continues to tell us how everything is getting better. Unfortunately, every financial report that comes down does not show them getting better.

The Minister suggests that this year they are going to come in on budget. Mr Berry said that every year. Mr Berry always said, "You cannot rely on one quarter; you cannot rely on one month". When the first quarter blew out, he said that it would be all right; but, of course, it never was all right in the next three quarters. When Mr Berry's budget was \$3m over for the first quarter, it was going to be all right by the end of the year. When Mr Connolly's budget is \$1.8m over for the first three months, even after getting \$14m more than he was supposed to get in forward estimates, it is going to be all right. I suspect that it will be just as all right as Mr Berry's budgets were and that the budget will continue to blow out. Hopefully, some of the new management systems have been installed - ones that the Opposition totally support. We believe that the initiative of Trendstar is a very good way to go. It does go down the track. It is the first step in implementing casemix as both a financial tool and a management tool for the hospital. That, again, is something that the Opposition totally supports the Government in doing. We all believe that getting Health in on budget is particularly important. Nobody would doubt that. It is unfortunate that the Auditor-General's high hopes have not been translated into reality.

MR DEPUTY SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

Motion (by Mr Berry) agreed to:

That the time allotted to Assembly business be extended by 30 minutes.

MR CONNOLLY (Attorney-General and Minister for Health) (11.19): I will respond, very briefly. I thank Mrs Carnell for her acknowledgment that there are improvements going on in the financial management of ACT Health from the low point of the \$17m blow-out under the Liberal Alliance Government. We have been getting progressively better. When this report was tabled last year, and when Arthur Andersens reported in the early part of this year, they were projecting about a \$10m overexpenditure. We came in at about \$4.4m, which is still not good enough. We are confident that we will come in on target this year. The hard yards of getting financial management systems in place over the last three or four years, after the system that we inherited from self-government, have not been easy. Mr Berry had the hard job of putting those systems in place and had his head kicked in by Mrs Carnell. There were attempts by Mrs Carnell every day to kick his head in. She still does that. The reality is that the hard work that Labor has put in to put these financial management systems in place is starting to deliver a result, and we are confident that we will get there.

Mrs Carnell constantly focuses on blow-out. It is important that Health meet its budget; but what is also important is what is the health budget, and Labor is maintaining a commitment to health expenditure and health care. Mrs Carnell's pledge to the people of Canberra in her alternative budget is to slash health expenditure by over \$30m. We will meet our budget. Mrs Carnell's promise to the people of Canberra is to slash that budget by \$30m, which would have Kennettesque consequences. The scale of the expenditure reduction that Mrs Carnell is promising for health is Kennettesque. Mr Kennett, in the last three years, has slashed hospital expenditure by about 15 per cent. Mrs Carnell promises to slash hospital expenditure by 13 per cent. Just like Jeff Kennett, she says, "It can be all done by casemix". That brilliant document, the world's greatest alternative budget, tabled here some months ago, says, "You will get \$26m out of the hospital system by a thing called casemix". That is what Jeff Kennett said. If the result is chaos, the result is confusion, and we will not inflict that on the people of Canberra; but Mrs Carnell would.

Question resolved in the affirmative.

STANDING COMMITTEE DOCUMENTS - ACCESS

Motion (by Mr Berry), by leave, agreed to:

That the Committees established by resolution of the Third Assembly shall have the power to consider and make use of the evidence and records of the relevant standing committee of this Assembly.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE Statement by Chairman

MR MOORE: I ask for leave of the Assembly, as chairman of the Standing Committee on Conservation, Heritage and Environment, to make a brief statement in relation to the Floriade bulb give-away.

Leave granted.

MR MOORE: Mr Deputy Speaker, I rise today to make a short statement on the bulb give-away following the closure of Floriade this year. As members are aware, the Minister for the Environment, Land and Planning announced that the general public would be able to help themselves to hundreds of thousands of bulbs from the Floriade site on Saturday, 29 October 1994. The Minister also stated that the bulb give-away was a one-off thing for this year, due to the need to vacate Commonwealth Park earlier than has been required in previous years.

The committee considers that the idea of returning the flowers to the people who have paid for them is a commendable one. However, the end result of the give-away was that, by the advertised starting time of 8.30 am on the day of the give-away, the gardens were already stripped bare by eager Canberrans, who filled their cars, trailers, wheelbarrows and garden bins with bulbs, leaving many others who turned up at the designated time empty-handed. Since the ACT Government is, in effect, a tenant of Commonwealth Park for the purposes of Floriade, the committee considers that there can be no guarantee that circumstances in the future would not once again require another quick exit from the park. For this reason, and to avoid the chaotic scenes of the 1994 give-away, the committee would like to put on record its views on how any future give-away should be conducted. As I said, Mr Deputy Speaker, we consider the concept to be a laudable one.

The committee believes that providing the general public with access to the Floriade bulbs should be as equitable as possible and provide the maximum benefit to all people living in Canberra. To achieve this, the committee proposes that, at the closure of Floriade, those community groups that earlier applied for access to the site should be given a plot of land within the Floriade area to sell bulbs from that plot to the general public. In this way the community groups would be responsible for the orderly and efficient removal of the bulbs from the ground and for the sale of them to the general public, who would be permitted access to the grounds after the bulbs had been removed.

This method of distribution of the flower bulbs would, for a number of reasons, provide a more beneficial system of giving them away than that which was witnessed this year. Firstly, this system would obviously avoid the mayhem that occurred at the 1994 bulb give-away. It is disappointing that the overeagerness of some people spoilt the occasion for all those Canberrans who wished to take advantage of the Government's offer. Secondly, allowing interested community groups initial access to the Floriade site would provide those organisations with the opportunity to gain an additional source of raising funds. The committee considers that many of these groups would more than welcome the chance to raise additional funds in a way that would require very little effort. Thirdly, the committee considers that the end result would still be the same as for the 1994 give-away, in that the bulbs would end up in Canberra gardens, where they belong.

Mr Deputy Speaker, Floriade is a special event in the calendar of events in the ACT. It should not be marred by a quick grab by the general public for whatever it can gain free. The committee considers that its proposal in this statement will both avoid a repetition of the negative aspects of the 1994 give-away and assist community organisations within the ACT with fundraising. As such, the committee hopes that its proposal will be given due consideration by the Government in any future give-away.

CITIZENS-INITIATED REFERENDA LEGISLATION

Statement by Member

MR STEVENSON, by leave: Mr Deputy Speaker, yesterday, the Assembly voted to adjourn the Electors Initiative and Referendum Bill and the Community Referendum Bill, instead of allowing debate to proceed and the Bills to be voted on. Mr Moore mentioned that he was adjourning the matter until next year. The point should be made that the Assembly does not have the power to adjourn any matter until next year. At the end of this term of parliament, anything not voted on dies. These two Bills will die a thousand deaths. We all know the real reason; but the public should know that the Labor members, Ms Szuty and Mr Moore do not want to be seen to be voting against citizens-initiated referendums. With an election coming up, who can blame them? The public have the right to know the truth about who blocked one of the most historic possibilities for this Assembly to produce something for the first time in Australia.

EXECUTIVE BUSINESS - PRECEDENCE

Motion (by Mr Berry) agreed to:

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

FIRE BRIGADE (AMENDMENT) BILL 1994

Debate resumed from 1 December 1994, on motion by Mr Lamont:

That this Bill be agreed to in principle.

MR HUMPHRIES (11.26): Mr Deputy Speaker, the Opposition supports this Bill. It is appropriate that it was introduced on the first day of summer, when we are approaching the fire season. It is important that we acknowledge that more needs to be done to protect the citizens of the Territory from the devastating effects of bushfire, which we saw last summer. This Bill, most importantly, gives to the Fire Brigade the power to enter premises and remove or direct the removal of flammable material which may be on those premises. Members will recall that there were problems particularly in the suburb of Curtin last year, with fires from the hilltops between Curtin and Weston Creek threatening homes in that area of Canberra. I am told that the problem was exacerbated by a number of premises having material heaped up against fences that backed onto nature strips and reserves. The danger of fire affecting those fences and then sweeping into urban areas and perhaps affecting the houses was very real. At the moment, there is not the capacity for the brigade to direct people to remove that sort of flammable material, and it is our view that the power ought to be created for that to happen.

Mr Deputy Speaker, the legislation obviously contains some protection against the abuse of that power. In particular, directions which are given under proposed section 12C may be challenged in the Administrative Appeals Tribunal. In addition, in a fire emergency - which is defined as a period of high fire danger or a period when there is immediate and serious danger to life or property - it is possible for the brigade officers to actually enter the premises and direct an owner or occupier to take the appropriate steps or, failing that, to take those steps themselves. It is also appropriate that in those circumstances the Territory has the right of action for the cost of doing that against the owner who has failed to take part in the removal of that material.

Obviously, this requires a lot of give and take. For instance, a fire officer may instruct someone to remove flammable material from premises. There may be lots of brushwood or wood for log fires against the fence line, and the owner may begin to remove it but may not be able to do it quickly enough. The Fire Brigade officers can also remove flammable material. In that case, one would not expect what the owner or occupier cannot do to become a cost that he has to bear, particularly if there has not already been a directive under proposed section 12C. But I think that that is something which will be worked out in the give and take of these arrangements. I am sure that officers of the Fire Brigade will exercise this power responsibly. I am sure that we can look forward to some improvement in the problems that the Territory faced last year. I hope that we will not have to face them in the immediate future.

MS SZUTY (11.30): Mr Deputy Speaker, this Bill seeks to prevent, as far as possible, the devastating effects of fire during the approaching summer and bushfire season. I note that the Bill deals predominantly with the reduction of fire hazards in urban or built-up areas, as rural areas are already covered by the relevant provisions of the Bushfire Act. I am pleased to note that the Bill focuses on the preventive measures that both residents and the ACT Government can take to reduce fire hazard. Officers of the Fire Brigade will now be able to request that residents take certain steps to reduce the fire hazard around their homes or to take those steps themselves to reduce the fire hazard for both those residents and the general community.

Appropriate appeal mechanisms and procedures have been put in place to ensure that residents' rights are protected and that there are appropriate processes by which they can pursue decisions that they disagree with. That is a fairly fundamental point, Mr Deputy Speaker. I have been assured by the officers who have briefed me that they will be concentrating on those residential blocks in the urban-rural interface areas and responding to complaints by residents about fire hazards in their communities. There will not be a systematic inspection of all blocks in Canberra. The Government and its property will be treated in the same manner as residential properties are treated. I think that is an important point to note. After all, Mr Deputy Speaker, there is no benefit to the community in asking an individual resident to clear their back fence of long dry grass if that fence backs onto government land which also contains long dry grass which constitutes a fire hazard.

Fire officers who are authorised by the chief officer to eliminate fire hazards by entering premises once directions have been issued and not complied with and to eliminate the fire hazards in emergencies will be fire officers who have served in a community safety area, thus being best placed to interact with members of the community regarding these issues. I have raised the issue of how fire officers will approach residents with native gardens, given that a fire officer can have regard to the amount of timber or vegetation on the premises which can be taken into account when assessing the fire hazard. Apparently, native gardens can be well protected from fire hazard, and green English gardens will not necessarily be preferred to native gardens. If appeal proceedings are in train, no direct action can be taken to reduce fire hazard; but then the situation would be no different from the current situation, without the new provisions in the Act. The officers who briefed me do not believe that many people will instigate appeal proceedings; they believe that people will prefer to cooperate with fire officers, in both their own interests and those of the general community. I believe that this is a fairly realistic expectation.

Madam Speaker, through his officers, I have drawn to the Minister's attention the need to move several amendments to this Bill. Although property owners, including the ACT Housing Trust, will be responsible for the reduction of fire hazard around their properties, the amendments will ensure that the occupiers of these properties also are aware of what is happening in relation to the premises at which they are living. This is especially important where owners have not complied with a direction issued by a fire officer and that officer or another officer is seeking entry to the premises on a subsequent occasion. In conclusion, Madam Speaker, I am pleased to support the Bill and the amendments to be proposed by the Minister. I am sure that all members of this Assembly hope, as I do, that the forthcoming bushfire season will not be a dangerous one for the residents of the ACT.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (11.34): Madam Speaker, I appreciate the support from both the Independent members and the Opposition. I indicate that, as foreshadowed by Ms Szuty, I will be moving several amendments. Those amendments, principally, will address the question of the definition of an owner and an occupier, to ensure that, where a landlord-tenant relationship exists, the landlord will be notified, as well as the tenant, in relation to requirements or instructions to remove flammable materials or materials of concern.

In this in-principle stage of the debate I wish to reflect upon the comments made in my presentation speech and upon the explanatory memorandum to the Bill. In particular, I would like to draw the Assembly's attention to the simple fact, which Ms Szuty has outlined as well, that these provisions already operate in regard to the rural area covered by the Bushfire Act. It is appropriate that the Urban Fire Service be provided with the same armoury to deal with fire hazards. I cannot recall an occasion on which the Rural Fire Service have been called upon to enact similar provisions in their area when there has been a level of disputation or suggestions that it was unwarranted or unnecessary. I think the work that is done by the Rural Fire Service in giving effect to their authority is highly regarded within the rural community. I believe that the professionalism of the Urban Fire Service, the way in which the Urban Fire Service has

interacted with the community over a long period of time, the high degree of cooperation that exists and the mutual respect that exists between the Fire Service and its community will ensure that the types of circumstances that may give rise to dispute will not exist. I am grateful that members of the Assembly have seen fit to support the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (11.36), by leave: I move, together, the following four amendments:

Page 2, line 12, clause 4, paragraph (c), proposed new definition, after the definition of "flammable matter", insert the following definition:

"'occupier', in relation to premises, includes a person who is, or appears to be, in charge of the premises;"

Page 4, line 23, clause 8, proposed subclause 12D(2), insert "and occupier" after "owner".

Page 4, lines 26 and 27, clause 8, proposed subclause 12D(3), omit "owner" (wherever occurring), substitute "occupier".

Page 5, lines 10 and 11, clause 8, proposed subclause 12F(1), omit the definition of "occupier".

Madam Speaker, I have made a minor amendment to the Bill to further demonstrate, in legislation, this Government's commitment to protection of the community and the commitment of the Fire Brigade to respecting community relationships. I have proposed that this be reflected in the Bill in two places, and they are outlined in the amendments that I have moved. As I said in the in-principle stage, basically, they insert a definition of an occupier in relation to premises, and also include giving notice to the occupier as well as the owner. On page 5, in lines 10 and 11, we omit the definition of "occupier", as it is outlined satisfactorily elsewhere. I commend the amendments to the house, and I present a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

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

Bill, as amended, agreed to.

NATURE CONSERVATION (AMENDMENT) BILL (NO. 2) 1994

Debate resumed from 10 November 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

MR STEFANIAK (11.39): This Bill amends the Nature Conservation Act 1980, the principal Act, which is the primary ACT legislation for the protection and handling of native plants and animals and the management of national parks and nature reserves. This amendment Bill No. 2 is separate from but consistent with the recently passed amendment Bill No. 1, which provided for the identification and protection of threatened species and ecological communities. The main objective of this amendment Bill No. 2 is to streamline and update nature conservation processes and procedures to allow for a more efficient, flexible and effective application. It does simplify many areas. It provides some detailed amendments to the permit and licence system, effectively replacing that system with a licensing system. It also includes several new sections in relation to management plans, especially the necessity for government agencies and departments to adopt management plans.

It also relaxes a number of restrictions that were found in the old Act, especially in relation to the collection of seed from native plants for domestic purposes. One is now able to collect seed from native plants for domestic use without the need for a permit or licence. It strengthens the capacity to protect wild populations of plants and fauna by prohibiting the import and export of protected native plants to and from the ACT for the purposes of sale and trade. For the non-protected and the more common native plants, I understand that the importation and exportation provisions have been relaxed. It is perhaps desirable to have some limited importation and exportation of native plants. This issue was raised with me by Greening Australia. The departmental officers who gave me a briefing in relation to this matter - and I thank the Minister for that - advised me that this trade can still go on through nurseries, with departmental permission. This is an area that can perhaps be monitored over the next 12 months to see whether there is something that can be done better, and that may necessitate a further amendment to the Act.

There are some other new provisions, which I think are welcome, specifically a new penalty provision, in proposed new section 26A, if a person places a drum net in public waters without a licence. This will certainly assist in protecting our fish species, especially our native fish species, which in the ACT are currently suffering from some problems. There is a need for restocking of some of those species - something which the Government certainly has not done this year, and there is no indication that it will do so. Administrative arrangements have been made to streamline the time for compliance and also to provide for on-the-spot fines in many instances. I think this is a sensible measure. Indeed, from my having a look at the on-the-spot fines there and at the fines in the principal Act, the ratio seems to be consistent with on-the-spot fines in other Acts applying in the ACT.

I think that most groups would support the general import of the Bill. I note the Scrutiny of Bills Committee's report on the question of why the declarations in proposed new subsections 16(1) and (2), which are in clause 5, do not appear to be made disallowable instruments. The Minister's presentation speech clearly indicated an intention to make those amendments disallowable instruments. I suspect - and I would like the Minister to address this - that it is because that question has been covered by the amendment Bill No. 1, which has already been passed and which, by virtue of section 23E, makes an instrument made under sections 16, 17, 21 or 23C a disallowable instrument. So, because that Bill made anything under section 16 a disallowable instrument, I assume that there is no need to reinstate that in this new amendment Bill No. 2, which does provide, in clause 5, for new subsections 16(1) and (2). Provided that that is the case - and I assume that it is - that would satisfy the Scrutiny of Bills Committee's report.

There were some problems. When I read through the Bill I thought that the proposed section 43 was a bit draconian and might cause difficulties for rural lessees. Indeed, that is correct. I was contacted on Tuesday by Mr Alan Anderson, on behalf of the rural lessees. I have spoken to Mr Moore and Mr Wood in relation to that. Mr Richard Arthur, a barrister-at-law and also, I think, a rural lessee, has suggested a few amendments, which I understand the Government is quite happy with. Mr Moore will be moving an amendment to the new subsection 43(2) to add a further subparagraph, to read:

(c) the timber is felled or damaged with the intention of using it on the land for a purpose other than sale or trade.

At present, as the Act stands, if there were a fire which went through a rural lessee's property, it would simply have to lie there, and the lessee would need a licence to move it. Rural lessees would not be able to use wood on their land for fence posts unless they had specifically grown the trees. That, clearly, was not the intention of the drafters and the policy makers. Accordingly, this amendment is a very sensible one. I understand that it is supported by all sides. It certainly satisfies the legitimate concerns of the rural lessees.

With that proviso and with that to come, I will indicate in advance the Liberal Party's support for that amendment, and that we find the Bill generally a welcome addition. I would make one further point, and I think the Minister will make reference to it. Mr Arthur stated that in proposed section 43 the words "remove" and "removal" appear, but the only definition is of the word "removal". However, Mr Wood and the Government drafters assure me that "removal" and "remove" mean the same thing. If that is the case - and I think that the Minister is going to make reference to that in his closing remarks - that satisfies Mr Arthur's concern. Once again, I thank Mr Wood, Mr Moore, Mr Peter Harrison from the department, all the other departmental officers and the rural lessees who contributed to making what should be a most effective piece of nature conservation legislation.

MR MOORE (11.46): Mr Wood, in his introductory speech, and Mr Stefaniak, now, have spoken at length on the import of the Bill. There is no point in my reiterating those comments. Instead, I would like to contribute a few other comments. Most importantly, I would like to start by commenting on the amount of help that I have had in drafting a couple of small amendments to this Bill. First of all, I received help from Mr Wood's officers, particularly from Mr Peter Harrison. That is a good example of how the parliamentary counsel go out of their way, even at very short notice, to assist members to draft sensible amendments to Bills. I do not think that any member here would understate the assistance that we get from parliamentary counsel, the effort that they put in and the number of times they save us from ourselves.

Ms Follett: Not always.

MR MOORE: I hear a very unusual interjection from the Chief Minister, who says, "Yes, always".

Ms Follett: No; not always.

MR MOORE: Not always. It does not always save us from ourselves; but, in parliamentary drafting terms, I think it is fair to say that that is almost always the case. I think that a few of the comments in that area that were made over the last couple of days were somewhat intemperate. I would like to put on the record my appreciation. I know that, generally, that is the feeling of all members. I will be moving the amendments. Mr Stefaniak appropriately described what the amendments will do. They will provide for a situation where farmers can still work their land in a responsible way without degrading the environment. We need to be positive in that approach.

While I am speaking on this issue and talking about the protection of nature, because this is the last day of this Assembly and I probably will not have another opportunity, I would ask members for their indulgence for a little while so that I can make some comments about another aspect of the protection of the ACT. I refer to the National Capital Planning Authority. We have had a new chair appointed to the National Capital Planning Authority. It was announced yesterday and in the newspaper this morning that the new chair is Professor Evan Walker. Professor Walker has a master's degree from the University of Toronto, a very well-respected university, and for another few months he has a half-time administrative position as Dean of the Faculty of Architecture and Planning at the University of Melbourne. He was recently appointed by Brian Howe, the Deputy Prime Minister, to chair the Australian Housing and Urban Research Institute. Professor Walker was a member of the upper house in Victoria. He was Minister for Planning and Environment from 1982 to 1986.

Professor Walker came to my attention when his name was floated as one of a number of people who might chair the Lansdown committee. That is why I took the time to try to find out something about Professor Walker. Just recently I asked for a copy of his CV, which has kindly been provided to me by the National Capital Planning Authority. It includes the sorts of things that I have mentioned. For instance, he was Minister for Major Projects, and in 1986 he won the President's Award of the Victorian Chapter of the Royal Australian Institute of Architects for a major contribution to architecture, planning and environment in Victoria. That was after the time that he had been Minister.

Madam Speaker, Professor Walker is not without his critics. I objected to his being given the position of chair of the Lansdown committee for the same sorts of reasons as apply to his appointment to the National Capital Planning Authority. One of the most distressing things is that I cannot find a single thing that Professor Walker has had published. Usually an academic - a professor - would have significant publications, and probably a range of significant publications; but in this case there appear to be none. Certainly, none are recorded in *Who's Who*, where people always record their publications. None are mentioned in his own CV, which was provided to me by the National Capital Planning Authority. My research also found none. My approaches to other academics indicate that there are certainly no substantive publications in his name.

How, then, did he become a professor? Madam Speaker, in fact, he was appointed a professor at the University of Melbourne - this is actually recorded in *the Age* - following a donation to the University of Melbourne by a major developer. It so happens that that developer had been able to get a major project - a controversial project - through when he was Minister. Madam Speaker, this is not new information, but it has been reported in *Victoria*. The appointment of that particular Minister was a controversial appointment. I will just say a few more words - - -

MADAM SPEAKER: You really are stretching the relevance rule, Mr Moore. Please wind up.

MR MOORE: Madam Speaker, I will conclude by saying that this is one of the worst cases of a mate being appointed. Under the mates system, Mr Howe has appointed one of his Labor mates to this position, when he ought not to be there. I will finish on that note, Madam Speaker, and come back to the Nature Conservation (Amendment) Bill. I am delighted to support the Bill, and I will move the amendments that I have mentioned at the detail stage.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (11.52), in reply: Madam Speaker, to respond to Mr Stefaniak's comments on what the Scrutiny of Bills Committee has reported, I can indicate that his comments are correct. Section 23E does cover the issue. That section was created by the amendment Act passed earlier this year. I can assure Mr Stefaniak that "remove" and "removal" mean the same thing. I am sure that that will cover his concerns in that area. From the discussion that Mr Moore, Mr Stefaniak and I have had over the last couple of days, we have agreed to an amendment, which Mr Moore will move.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (11.53), by leave: Madam Speaker, I move the following amendments together:

Page 8, line 34, clause 11, paragraph (a), proposed new paragraph 43(2)(a), omit "or" (last occurring).

Page 9, line 5, clause 11, proposed new paragraph 43(2)(b), add at the end "or".

Page 9, line 5, clause 11, proposed new subsection 43(2), add the following paragraph:

"(c) the timber is felled or damaged with the intention of using it on the land for a purpose other than sale or trade."

I think that these few small amendments demonstrate the way the Assembly usually operates. Largely, the way the Assembly operates is that something is drawn to a member's attention and then we negotiate. For example, Mr Stefaniak and I negotiated with Mr Wood and I spoke to Ms Szuty, and we ensured that we had an agreed position on this amendment and that we were able to enhance this Act. Madam Speaker, I think that sometimes we forget that about 80 per cent of the work of the Assembly is done in that way - in a very cooperative fashion. Generally, what appears in the media is the conflicts rather than the cooperation. I think this is a good example of the cooperation that has been the hallmark of the vast majority of the work of this Assembly. I commend the amendments to members.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (11.55): Madam Speaker, Mr Moore is right. I was not going to follow that through; but, since he has spoken about consensus and agreement, I want to express my regret at his remarks about the new chair of the National Capital Planning Authority. They seemed to me to be rather churlish remarks. I am sure that they have been made on very hasty judgment. We work with the National Capital Planning Authority. We express our strong views. They are not always in agreement with the views of the National Capital Planning Authority. I look forward to a further generally constructive relationship with the authority, and I think time will show Mr Moore's remarks to be unjustified.

MR MOORE (11.56): I would like to make one very quick comment in response, Madam Speaker. I hope that Mr Howe will see the error of his ways and that a new and more appropriate appointment will be made.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 11.57 am to 2.30 pm

QUESTIONS WITHOUT NOTICE

Group Apprenticeship Schemes

MR WOOD: Madam Speaker, I want to amend part of the answer I gave yesterday in relation to funding provided by governments to the MBA. I wish to say that the bulk of funds provided to the MBA are provided by employers, with the ACT Government and DEET - the Department of Employment, Education and Training - providing some \$348,000, which is for administrative processes and for special projects.

Assembly Members - Mobile Telephones

MR STEVENSON: Madam Speaker, my question is to you. In March last year I asked you a question. I wore a kilt into the Assembly at the time. The question was about mobile phones. I said that you had sent us a letter that said that five new mobile phones were available, making a total of eight, and that it had been decided by the Administration and Procedures Committee to give them to the female members of the Assembly. As you will recall, at the time I said:

Would you agree that the basis for the allocation of all public resources ... should be merit and need, not ... whether or not someone wears trousers?

You took the question on notice at the time and I notice that you have not answered it yet. I could not let the Assembly wrap up for the year, or for the term, without giving you an opportunity to do so.

MADAM SPEAKER: It is my recollection that an answer was forwarded to you but - - -

Mr Stevenson: We have checked thoroughly and you did not give me an answer.

MADAM SPEAKER: Mr Stevenson, I will take your word for it. As you know, we subsequently reviewed that decision and everybody now has a mobile phone, should they seek to have one.

MR STEVENSON: I well understand - - -

MADAM SPEAKER: Is this a supplementary question?

MR STEVENSON: Yes, it is a supplementary question. I well understand that, but I have been waiting for a year and a half for the answer and that is not it. Why were female members of the Assembly considered to be more important than male members by the Labor Party, who wave the flag of anti-discrimination? That was the question. I have waited a year and a half. It is the last day of sitting. I will not be asking you a question next year. Perhaps you could let us know what the answer is.

MADAM SPEAKER: Mr Stevenson, your question has been answered. The request was made at the time by members who were concerned about their security. I was concerned about my own security. That was the priority accorded at the time. We then reviewed the decision and felt that all members should be accorded that extra bit of security, and it was done.

Rates Increases

MRS CARNELL: Madam Speaker, my question without notice is to the Chief Minister. The Chief Minister will be aware that the consumer price index for the ACT has increased by approximately 6.6 per cent over the last three years under this Labor Government. During the same time, however, general residential rates have increased by an average of 30.2 per cent. In fact, rates in the Chief Minister's own suburb of Downer have risen by 48 per cent. I ask, therefore, how the average Canberran living in Downer, for example, can afford to pay 48 per cent, or \$245 a year, more in rates.

MS FOLLETT: Madam Speaker, I am absolutely astounded that Mrs Carnell would seek to ask this question, unless she deliberately wanted to embarrass Mr Kaine yet again.

Mrs Carnell: We are talking about the last three years. That is the increase over the last three years.

Mr De Domenico: The last three years, under your Government.

Mrs Carnell: Your Government. Nobody else.

MADAM SPEAKER: Order!

Mr Kaine: The rate percentage in your suburb has been the same every year as what we did.

MADAM SPEAKER: Order! Mr Kaine, let the Chief Minister answer the question.

MS FOLLETT: The fact of the matter is that it was under the Liberal stewardship, under Mr Kaine as Chief Minister and Treasurer, that the rates in Canberra experienced by far their largest rise, and that was of 16.6 per cent. That was a deliberate decision of the Government. As Mr Kaine knows only too well, there are many factors that influence any increase in rates. One of the chief factors is the underlying value of the unimproved land. Mrs Carnell pretends not to understand this. I think she is pretending, but I am a generous person.

Mr De Domenico: The people at Downer do not think so.

MS FOLLETT: I would not count on that. The unimproved capital value of land is the primary determinant of the size of the increase in rates. The unimproved - - -

Mrs Carnell: Under your policy.

Mr De Domenico: Under your policy, your Government's policy.

Mrs Carnell: It is not set in stone.

Mr Cornwell: I do not think that is right.

MADAM SPEAKER: Order!

MS FOLLETT: I am happy to continue to try to answer the question, but not to the point where I have to shout. The unimproved capital value is determined not by the Government but by the Australian Valuation Office, an independent body. In reaching their valuations they take into account a number of factors, but the primary factor they take into account is the recent sales experience in that area - in other words, the market prices that properties have been fetching in that area. It is, indeed, the Government's policy to base valuations on the advice of an independent body, and I would be amazed if Mrs Carnell, or Mr Kaine, her Treasury spokesman, so-called, were to take a different point of view.

Mr Humphries: I raise a point of order. The Chief Minister was clearly asked how an average Canberran living in the suburb of Downer could afford to pay 48 per cent more in rates. She was not asked about Government policy. She was asked about how these people, these citizens of Canberra, are supposed to be able to pay rates. That is the issue.

Mr Lamont: What have you been smoking?

MADAM SPEAKER: Order!

Mrs Carnell: That was the question.

MADAM SPEAKER: Order! I have a point of order from Mr Berry.

Mr Berry: Madam Speaker, it seems that the only way that we will get silence on that side is to allow them to ask the question and answer it themselves. This is just silly. Just let the Chief Minister answer the question.

Mr Humphries: She is not answering the question that was asked.

MS FOLLETT: Madam Speaker, I will continue. The unimproved capital value, as independently determined, is the principal factor in determining the increase in rates. As the Government, what we then determine is the amount of cents in the dollar that will apply to that unimproved capital value. As the Government, in successive years we have made a decision about the overall revenue to be achieved from the rates. Our increases have varied; but they have, I believe, not been above 5 per cent in the past few years, and that compares, I think, very favourably with the Liberals' record of 16.6 per cent.

Across Canberra, there will, of course, be variations in the increase or the decrease in people's rates. I think that any member of this Assembly would understand that. It is a fact that in some suburbs of Canberra, in the most recent rating period, there was a quite sharp increase. Those suburbs were predominantly in the old inner north of Canberra, which, as members would know, includes Downer. What was I supposed to do? Was I supposed to say, "Oh, my God; my suburb's rates have gone up. I had better change the system."? What a load of nonsense! It is probably what they would have done. It is probably what they would have done in Red Hill.

Madam Speaker, as a resident of Downer, I do not enjoy large rate rises; but I can acknowledge that the underlying value of my asset has increased, and I am pleased about that, as, indeed, are many people in those areas. Madam Speaker, I also acknowledge that the rates in that area were pretty low for a long time. They were well below average for many years. There are suburbs in Canberra that still enjoy that relatively low rating base and there are still suburbs in Canberra whose rates, from time to time, go down each year. It does happen. Madam Speaker, to pretend otherwise, I think, is extremely dishonest. To try to imply, as Mrs Carnell appears to be doing, that I ought to set the rates in my suburb according to how I feel about it, regardless of the very valuable, tried and tested method of setting rates that we have utilised, is absolute nonsense.

MRS CARNELL: I have a supplementary question, Madam Speaker. Chief Minister, average weekly earnings in the ACT have increased by 10 per cent between August 1991 and August this year, yet rates across Canberra have increased by 30 per cent, not 5 per cent as you said. You know perfectly well that it is 30 per cent, on average, for residential rates across Canberra. Does that not mean that ratepayers are now worse off than was the case three years ago, Chief Minister?

MS FOLLETT: Madam Speaker, I have said on many occasions that the Government does not set the rates according to what people's incomes are. Mrs Carnell would. Mrs Carnell would make it a further form of income tax. Indeed, we have seen her float that idea, as we have seen her float the idea - another idea off the top of the head - that she would be taxing on the improved capital value. Every time somebody added

an extra bathroom, maybe had their place painted out or did up the garden with a bit of landscaping, they would have the tax inspectors around to re-evaluate their property. Madam Speaker, Mrs Carnell knows perfectly well that the rates are not set according to people's income. Maggie Thatcher tried that. It did not prove terribly popular, Mrs Carnell; but, if she is going to be your hero, you go right ahead.

Woden Valley Hospital - Redirection of Patient

MS ELLIS: Madam Speaker, my question is directed to the Minister for Health. Last month the Minister said that the Commissioner for Health Complaints was investigating a situation where an elderly woman was redirected from Woden Valley Hospital to Calvary Hospital in the early hours of the morning. Has there been any progress in the commissioner's investigation?

MR CONNOLLY: Madam Speaker - - -

Mr De Domenico: You cannot help the woman; she died.

MR CONNOLLY: I thank Ms Ellis for her question. I hope that *Hansard* heard the gleeful little interjection from Mr De Domenico, "You cannot help the woman; she died".

Mr De Domenico: It was not gleeful. Your office would not even admit that she did die, Mr Connolly. Your office said that she was still alive.

MADAM SPEAKER: Order! Mr De Domenico, let the Minister answer the question.

MR CONNOLLY: Thank you, Mr De Domenico. You very eloquently illustrate a point I will be coming to in a minute. I asked the Health Complaints Commissioner to investigate the matter, and late yesterday afternoon he handed me the report, a copy of which I table. The summary of that report says this:

Woden Valley Hospital had requested the ACT Ambulance service to redirect certain types of patients to Calvary Hospital shortly before the patient arrived at the Woden Valley Hospital Accident and Emergency Department. There had not been time to redirect the ambulance before its arrival at the hospital. The ambulance was redirected by Ambulance control when it arrived.

The patient's treatment was not compromised by the additional travelling time.

...

The decision to request redirection and the actual redirection of the ambulance were reasonable.

He does point out:

However, the patient should have been medically examined before leaving Woden Valley Hospital.

That is a matter of some concern to the doctor in charge of the Emergency Department at the time, Dr Lucas, obviously, and it is something that should have been addressed. We will ensure that it will not recur. The commissioner points out on page 7 that ambulance control advised the crew, when they had placed the woman back on the ambulance, that they could get their patient examined by a doctor before they left Woden Valley Hospital. He then says:

Since they were already under way they decided it was better to proceed. However, since Mrs A was still having difficulty breathing and the journey was longer, they decided to upgrade the priority ...

He says in conclusion:

Redirection of patients who can be better treated at another hospital is an appropriate workload management strategy if used sparingly, safely and efficiently. It can spread the load between the institutions which make up the public hospital service in the ACT.

He makes some suggestions about appropriate protocols for a redirection strategy, and we have developed those. I table the protocols.

Mrs Carnell: Tell the truth. There were no beds.

MR CONNOLLY: He makes the point that on that night there were pressures on bed numbers at Woden but not at Calvary. Mrs Carnell squawks, "There were no beds; there were no beds". I quote again:

It is not reasonable to expect that a hospital where emergency admissions constitute more than 40% of admissions will always have sufficient beds to admit all patients as soon as they arrive. This would mean that too many beds are left empty to cope with possible demand for emergencies when they should be used for elective admissions. In a well managed hospital temporary shortages will occur sometimes. The challenge is to achieve a balance between using resources efficiently and maintaining enough flexibility to cope with fluctuations in demand for services.

Going back to the point that redirection is a reasonable policy if used sparingly, it is used sparingly. We need to establish protocols, which we have done.

Madam Speaker, throughout this unfortunate incident Mrs Carnell and her colleagues have gleefully exploited this as a media stunt par excellence. I read, with some shame for the political conduct of this Territory, some additional findings made by the Health Complaints Commissioner. He says at page 12:

Several other issues arose during the course of the investigation. They are not directly related to the terms of reference. They include:

. Patient confidentiality and family privacy. Mrs A's family made no complaint about the health services she received. However, they were very distressed about unwelcome publicity and attention from television journalists following her death. Her name was used without the permission of her family when the incident was publicised.

Thank you, Mrs Carnell, for your grubby politicking and your trivialising and personalising of an issue like this. He continues:

. Staff support. Accident and Emergency Departments have received a great deal of publicity and criticism in recent times. This has led to personal criticism and abuse of staff while they are at work. Staff believe that much of this criticism is misplaced.

Mr De Domenico: Tell us what your office said, Minister.

MADAM SPEAKER: Order, Mr De Domenico!

Mr De Domenico: He needs to tell the whole truth, Madam Speaker.

MADAM SPEAKER: Order! Mr De Domenico, you know better than that. Let us have some order.

MR CONNOLLY: It is all one would expect from this lot, Madam Speaker. This report continues:

They are looking to managers to listen to and respond to their concerns and to set the record straight if their service is unreasonably criticised.

Again, thank you, Mrs Carnell, for the way you constantly beat up and sensationalise your grubby little attacks on the staff of the ACT hospital system. Madam Speaker, I would hope that we never again have to go through a process like this where individual clinical incidents are beaten up by the Opposition Leader in order to achieve some short-term political gain. I was staggered yesterday when I saw in the paper that Mrs Carnell was attacking me for "playing politics with medicine". If there was ever a case of playing politics with medicine, it was the way Mrs Carnell acted over a few days in relation to this matter. I think it is shameful that the Health Complaints Commissioner has had to make the point that the woman's family have made no complaint about health services but that they were quite distressed by the way that this issue became a media circus. This issue became a media circus because of the way that it was being driven by Mrs Carnell. You should be ashamed of yourself.

Starlight Drive-In Site - Redevelopment

MR MOORE: My question is directed to Mr Wood as Minister for the Environment, Land and Planning and it refers to the Starlight Drive-In. With reference to the Starlight Drive-In and the proposed new 330 residential sites described in that glossy sales brochure as Karelia Park - the sales brochure I showed you yesterday - it advertises them at between \$94,000 and \$140,000 per dwelling. An ultra-conservative UCV would be about \$40,000, leaving the land value at over \$13m. Considering a new lease was issued only a couple of years ago, what betterment do you expect that our community can look forward to, Minister?

MR WOOD: Madam Speaker, I expect that the ACT community can look forward to very substantial betterment - more substantial betterment since the time, a year or so ago, I amended the regulations to provide a greater return; that change which focused on the before and after value. We will get a very substantial return.

MR MOORE: I have a supplementary question, Madam Speaker. Considering that the value is now shown at under \$2m, would you expect the return to be over \$10m, Minister?

MR WOOD: Madam Speaker, I am not prepared to put a figure on it at the moment, but Mr Moore is pointing out a relatively low value. That being the case, the return to the ACT should be quite considerable, because the contrast between the before and after values is now much greater than it was formerly.

Unemployment

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. Chief Minister, during the three years of your Government, between June 1991 and August 1994, the number of people unemployed for more than 12 months in the ACT has grown from 1,500 to 3,400 - an increase of 125 per cent. Do you view these statistics as another example of the Government's failure to deal with the tragic social problem of long-term unemployment?

MS FOLLETT: Madam Speaker, we have had today the release of the labour force figures from the Australian Bureau of Statistics. I can confirm that, yet again, the Territory has the lowest unemployment figures of any State or Territory, and that is something which I think is worthy of some degree of satisfaction; but, of course, it is not the end of the unemployment problem, which does continue. That is why, as a government, we have made jobs our main priority and have continued to work hard to ensure that the Territory does return to full employment. I can also advise members that this month's ABS figures show that the number of people in jobs in the Territory is at an all time high.

Mr De Domenico: Tell us about the ones out of jobs. They are the ones we are concerned about - not the ones who have jobs; the ones who do not have jobs.

MADAM SPEAKER: Mr De Domenico, you have asked your question.

MS FOLLETT: Madam Speaker, the number of people in jobs has reached a new peak, as I said, of 155,200, and that does represent an increase over the number in November of last year of 1.4 per cent. Madam Speaker, I think that members ought to be aware that there is a growing job scene in Canberra, that more and more people are finding jobs, but - - -

Mr De Domenico: Not for the ones out of work. They are very concerned.

MADAM SPEAKER: Order! I realise that there is a high level of excitement about this being the last question time, but I see absolutely no reason for people to display such a high level of discourtesy. Let us have some order.

MS FOLLETT: Thank you, Madam Speaker. As a government, we continue to provide a wide range of services to meet the needs of the long-term unemployed people in the Territory. Madam Speaker, unlike these members opposite, who simply do not understand what they are talking about, the Government does recognise that long-term unemployed people do lose the self-esteem and the skills that are necessary to compete for jobs in the labour market. Madam Speaker, training programs like Jobskills, which members opposite continue to denigrate, which provide a combination of work experience and training and income for six months, are a very high priority for this Government. This financial year, under the Jobskills program, we have provided for 140 places, which brings it to a total of 340 over the three financial years. Jobskills has provided six months of employment and income and training for those long-term unemployed people.

The Opposition's only response - we are hearing it again today - has been to attack that program and to threaten its future funding. That is about all we expect from them. They just tear things down. Madam Speaker, the Government also provides funding to assist long-term unemployed people under a range of other programs. I will list some of them for you: The employment and training grants program, which we have increased; the new enterprise incentive scheme; the working opportunities for women grants program - this is another one which they would like to tear down; the youth employment and training program and the youth Joblink program.

Mr Kaine: How many jobs did they create?

Mr De Domenico: It has not worked, Chief Minister. You have had three years. It has not worked.

MADAM SPEAKER: Order!

Mr Humphries: You are going backwards, not forwards.

MADAM SPEAKER: Order! Let the Chief Minister answer the question.

MS FOLLETT: Madam Speaker, as the Government, I believe that our commitment to providing assistance to unemployed people in the ACT is very clearly demonstrated, particularly by the fact that funding for these programs has increased from \$1.4m in 1991-92 to \$4.1m in 1994-95. In addition, the Government is committed to working very closely with the Commonwealth Government to ensure that unemployed people in the ACT receive maximum advantage from the Working Nation package. This cooperative approach, Madam Speaker, together with our own programs, I believe, will ensure that those people who do still find themselves unemployed will at least be well placed to compete for the jobs becoming available as the economy continues to grow. I think that is a realistic and compassionate approach. It is certainly not the kind of approach that we hear from people opposite. They have only been concerned to tear down everything this Government does. They have never come up with a single constructive suggestion of their own.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Chief Minister, the ACT's unemployment rate - I am talking about trend figures now, just to compare apples with apples - as at June 1991 was 6.2 per cent. Today the unemployment trend rate stands at 7.5 per cent. Given that you identified unemployment as one of your priorities over the last three years, why should Canberrans now not believe that you have failed this challenge and that unemployed people are now worse off than was the case three years ago?

MS FOLLETT: Madam Speaker, I said at the outset that the unemployment figures for this Territory are the lowest of any State or Territory. I do not believe that anybody would believe that, alone of all the States and Territories in Australia, the ACT has an unemployment problem. We are clearly facing a national problem and an international problem.

Greenhouse Gas Emissions

MRS GRASSBY: Madam Speaker, my question is to the Minister for the Environment, Land and Planning. Is the Minister aware of recent press reports claiming that Australia has a generally poor performance in greenhouse gas emissions? Can the Minister report on the ACT's past record - - -

Mr De Domenico: A blockbuster!

Mr Humphries: A last day special!

MRS GRASSBY: Is there any way, Madam Speaker, that you could keep them quiet?

Mrs Carnell: No.

Mr De Domenico: Not when you are standing.

MRS GRASSBY: I hope that you can hear this, Minister. Can the Minister report on the - - -

Mr Humphries: He has the question in front of him. Of course he can hear it.

Mrs Carnell: Is it pink today?

MRS GRASSBY: Maybe somebody could gag Mrs Carnell. She never knows how to shut up.

Mr De Domenico: We will gag you. You will not be here in March.

MADAM SPEAKER: Order!

MRS GRASSBY: I think they have all been smoking the hemp they want. Can the Minister report on the ACT's past record, and the current initiatives in this area?

MR WOOD: Madam Speaker, I have seen a newspaper report on the Australian Conservation Foundation study. That report indicated a need for greater emphasis on improving end use energy efficiency and reducing land clearing for agricultural purposes, which is less related to the ACT. The ACT Government is responding vigorously to its responsibilities in this area, as all members have acknowledged.

Mr Moore: Just give her one of these.

MR WOOD: I will take that. There is no greater acknowledgment.

Mr Moore: But we have all read it.

MR WOOD: Yes, and what did Mr Moore say about it?

Mr Moore: I was very positive.

MR WOOD: Yes, Mr Moore was very positive. There is no greater indication, Madam Speaker, of the priority we have given to the environment than for us to open ourselves to whatever criticism may flow. There is no greater acknowledgment. This was an acknowledgment of the great work we have been doing, along with suggestions for how we may improve. That is exactly what the Government sought.

Madam Speaker, as a participant in the national greenhouse response strategy, we are committed to an action plan which was intended to meet national targets established in the light of international debate. Whilst land clearing for agriculture is not a significant issue in the ACT, there are still very many important areas where we do take action. The recently released national greenhouse gas inventory revealed that around half of Australia's lead emissions come from the energy sector. We are not a significant energy producer, but we are a significant consumer of energy, and we need to be more efficient.

Mr Lamont: Hear, hear!

MR WOOD: Mr Lamont says, "Hear, hear", but he is doing more than that. He is doing a great deal of work to do that. The ACT greenhouse strategy, which was released in May last year, established an agreed local approach to dealing with emissions. Further, members here will recall that in March this year I released a report which detailed our response to the national greenhouse response strategy. Also, I attended the Prime Minister's round table on ecologically sustainable development in June this year to discuss ESD and greenhouse issues with peak national environmental, business and industry organisations. At that meeting I provided a progress report.

Examples of major initiatives include the house energy efficiency rating scheme, a unique scheme, which was released last August, and ACTEW's energy efficiency display homes. I was also able to report there that through the ecoworkplace scheme the Government is encouraging its employees to practise end use energy efficiency by a whole range of very effective measures. Since then a study has been commissioned to investigate the potential for cogenerated heat and power at Woden Valley Hospital, and this may also have applications in other large government buildings. I understand that the technology for local power generation of this nature is available and can lead to significant energy use efficiencies.

In the transport sector, through Mr Lamont, the Government has been pursuing a range of initiatives within its transport strategy designed to assist in reducing greenhouse gas emissions, primarily through reducing the use of private vehicles. These include the greater use of express services for ACTION buses, together with the ongoing trial of alternative fuels, the future public transport options study process, and the continuing development of on- and off-road cycling facilities.

Mr De Domenico: There are fewer people using ACTION buses now than a year ago.

Mr Lamont: That is a liar.

MR WOOD: However, despite its record of achievement, the Government will not become complacent in its greenhouse response.

Mr De Domenico: I raise a point of order, Madam Speaker. Madam Speaker, albeit through an interjection of mine, I just heard - - -

Ms Follett: Yes. Why do you not just sit down and keep quiet and no-one will offend you?

Mr De Domenico: I am not offended, Madam Speaker.

Ms Follett: Well, why are you jumping up, you idiot?

MADAM SPEAKER: Order!

Mr De Domenico: Just to be equally fair to all sides, Mr Lamont said, "This is a lie". Whilst you have ruled that "itchy nose" is unparliamentary, I am suggesting that Mr Lamont's comment, "It is a lie", should be ruled out as well.

MADAM SPEAKER: Yes. Mr Lamont, please withdraw that.

Mr Lamont: I did not say, "This is a lie". I said that you were a liar.

Mr De Domenico: That is doubly why Mr Lamont should withdraw that remark, Madam Speaker.

Mr Humphries: I think you should name him, too, Madam Speaker.

Mr De Domenico: That is right.

Mr Lamont: I will withdraw that imputation, Madam Speaker.

Mr De Domenico: Thank you, Mr Lamont.

MR WOOD: Madam Speaker, as I indicated, in order to obtain an independent assessment of the adequacy of our processes and our progress, I asked the Commissioner for the Environment to include a particular focus on greenhouse issues in his report, including comment on where there is scope for more effective action. The commissioner's recommendations are now being given careful consideration by the Government in the context of its response to this state of the environment report. Madam Speaker, we are continuing to work assiduously in the area of containing greenhouse emissions.

Unlicensed Vehicle Repairers

MR HUMPHRIES: My question is directed to the self-proclaimed world's greatest consumer affairs Minister, Mr Connolly. I refer to the problem of backyard vehicle repair businesses in Canberra. Is it a fact that motor mechanics are not required to hold a licence to operate in the ACT, as they do, for example, in New South Wales? Is the Minister concerned that there are vehicle repair businesses trading out of Canberra backyards where the operators may not be properly trained or accredited in repair work on, say, brakes and steering? Why, after three years, have this Government and this Minister failed to address this problem?

MR CONNOLLY: Madam Speaker, I think the quote in *Hansard* was from Mr Humphries, who described me as the world's greatest consumer affairs Minister. I have only ever claimed credit for having twice been nominated by the Australian Consumers Association as Australia's greatest consumer affairs Minister, but I thank Mr Humphries. There are still a few hours before we get up and Mr Stevenson might refer to me as the interplanetary world's greatest consumer affairs Minister, which would be a nice way to end the year.

Mr Humphries asks why we do not have a regulatory regime for backyard motor repairers. We are not keen to regulate and license everything that moves in the ACT. Through COAG and through the whole micro-economic reform process there is a general thrust around Australia for governments to be cautious about the extent to which they regulate everything. Nonetheless, we are doing a lot of work with the Motor Trades Association, particularly in the second-hand motor vehicles area, and we are shortly to - - -

Mrs Carnell: They say that you have done nothing.

MR CONNOLLY: If they say that, Mrs Carnell, they are saying a very different thing from what they are saying to us, because, within the next few days, we will be tabling a massive and comprehensive review of the second-hand motor vehicle dealers Act - - -

Mrs Carnell: How do you table it? Where are you going to table it?

MR CONNOLLY: We will not be tabling it; we will be releasing it to the public. It is the result of a couple of years - - -

Mr De Domenico: A big launch?

MR CONNOLLY: Yes, no doubt it will be.

Mr De Domenico: A great big launch?

MR CONNOLLY: Yes, probably so. It represents a lot of work that has gone on with us and the Motor Trades Association. If the Motor Trades Association is telling you that nothing has happened about that, they are severely misinforming you, because they have been working with us for over two years. We do not have - - -

Mrs Carnell: They say that you have been slacking around, and they are concerned.

MR CONNOLLY: You are pathetic, Mrs Carnell; you really are. We do not have active plans for an interventionary regulatory regime. The issue of safety which Mr Humphries raises, which is one that we are all concerned with, is something that my colleague Mr Lamont has recently addressed with that major paper on the review of motor vehicle registry arrangements in the ACT and safety. Rest assured that it is something that we are taking a collegiate approach to. We are not promising to go immediately into a regulatory regime.

MR HUMPHRIES: I have a supplementary question, Madam Speaker. The Minister seems unconvinced that it is a good idea to do this. Does he consider it inappropriate that people deregistered from practising as mechanics in New South Wales should be able to cross the border and set up legally here in the ACT? Does he also think it is ridiculous that the situation ensues where a person requires a licence to work on a car's air-conditioning in the ACT but is not required to have a licence if they work on brakes and steering?

MR CONNOLLY: Madam Speaker, Mr Humphries obviously has done a lot of work on this, to find this funny little point: "Is it not absurd that there is a licence required for air-conditioning but not for brakes?". A licensing regime was introduced for air-conditioning because of particular concerns about the chemical agent in the air-conditioning system which has a very serious environmental effect. Governments around Australia took a coordinated, careful intergovernmental approach, like we take to drug reform, as opposed to the knee-jerk "Let's decriminalise cannabis, let's prescribe cannabis" approach of the local Liberals. That is why we have introduced a licensing scheme for air-conditioning.

Mrs Carnell: So, air-conditioning is more important than brakes?

MR CONNOLLY: Around Australia governments have accepted that we need to license air-conditioning. Should the great misfortune ever befall this Territory that Mrs Carnell is able to do a deal with whomever and become Chief Minister, no doubt on promises of doing all sorts of wacky things, as we have seen in recent weeks, presumably she will stand apart from the COAG approach that every other government has been involved in - to not regulate everything that moves. She will act off the top of the head, do whatever she thinks of that morning, or adopt three positions in a day. Mr Humphries, yes, we are concerned about consumer protection in the motor industry and we have been working with the Motor Trades Association in other areas. We are not convinced that a regulatory approach is the correct approach. Our record on road safety is a very high one. It is one we are very proud of. We want to be more efficient on it and, as I said, it is something on which Mr Lamont has brought forward a very comprehensive and carefully considered paper - again typical of the careful, well considered approach that this Government takes to issues.

Commercial and Retail Tenants Association

MS SZUTY: My question without notice is also to the Minister for consumer affairs, Mr Connolly. Given that the Tenancy Tribunal Act establishes a Tenancy Tribunal and other special procedures for resolving disputes about certain types of leases and provides for a code of practice about such leases and for related purposes, and given that the Commercial and Retail Tenants Association is the organisation best placed to offer information and advice to tenants about the new arrangements, has the Minister given consideration to the funding of CARTA for the provision of this advice to tenants necessitated by the introduction of the new regime?

MR CONNOLLY: It sounds like a funding bid, and we normally do not use question time for funding bids. Certainly, CARTA are working with the Government and with other agencies in the review of that package. That package is not yet in force. It will come into force on 1 January. We have established, as I have said before, a monitoring group, a task force involving CARTA, BOMA and the Canberra Property Owners Association. Members would also be very aware that just recently an all-embracing small business association has sprung into being. There would be a question as to who is the best representative of small business - CARTA or the Canberra Small Business Association. I am not making any commitments at the moment

as to who may get funding for any support services; whether it would be CARTA, whether it would be the Small Business Association, or whether, as we did in the case of residential tenancies, we would fund the tenants advice service that is not owned by one or the other of the particular interest groups. The issue of disseminating information on that very important, indeed landmark, piece of law reform is an issue that we will be addressing.

That whole exercise of the commercial tenancies package exemplifies this Labor Government's approach to law reform. We tackled an issue that for 20 years this Assembly and its predecessors had been trying to tackle. We brought forward a package that was stronger than anything existing anywhere else in Australia. We did it in a way that brought together, at the end of the day, a fairly general consensus, and we had the major commercial interests at least accepting the package as well as the tenants saying that it was a very strong package. Our approach to law reform is careful, considered and well thought out, as opposed to the slap-dash, opportunistic Opposition which sits permanently on that side of the house.

Betterment Tax

MR CORNWELL: My question without notice is to the Chief Minister. During the last three years of your Government, Chief Minister, receipts from betterment tax have fallen from \$7.985m to only \$3.4m, which is a decrease of approximately 57 per cent. Does this decrease demonstrate, once and for all, that your policy of 100 per cent betterment on commercial properties has been a dismal failure?

MS FOLLETT: Madam Speaker, the answer is no. How can this be, Mr Cornwell? If you are asking - - -

Mr Kaine: Will you agree that it is a failure when it gets to zero?

Mr Cornwell: It has fallen by 57 per cent.

MADAM SPEAKER: Order! Let the Chief Minister answer the question.

MS FOLLETT: Madam Speaker, questions on betterment are probably better directed to my colleague, the Minister for the Environment, Land and Planning; but I can say that, in common with the rest of Australia, this Territory has been through a recession. During that period there has not been an enormous amount of large-scale commercial construction activity. I do not think that that would come as a surprise to anybody. On the other hand, what we have consistently seen in the Territory is a very healthy residential construction sector and - I know that members opposite will be delighted about this - also some very healthy developments in the public sector construction and development activity, particularly through projects like the new Foreign Affairs and Trade building - a very major construction activity. I think, Madam Speaker, that Mr Cornwell is trying to draw far too large a bow here. It is my understanding that our betterment regime varies between 50 and 100 per cent, rather than a flat rate of 100 per cent. How you can possibly draw the conclusion that you have is certainly not apparent to me; nor would it be apparent to anybody else.

MR CORNWELL: I have a supplementary question, Madam Speaker. I note that the Chief Minister talks about the very large rise in residential development. Chief Minister, is it your intention to increase betterment on residential properties to 100 per cent?

MS FOLLETT: Madam Speaker, I would need to consult closely with Mr Wood on this matter, but my recollection of the Lansdown report is that that matter ought to be investigated, and we have adopted his recommendation.

International Hockey Festival

MR BERRY: My question is to the Deputy Chief Minister in his capacity as Minister for Sport. Would the Deputy Chief Minister please outline the value and outcomes of the International Hockey Festival recently held in Canberra?

Mr Humphries: Not VITAB? How many goals did you score, David?

MR LAMONT: Unlike you, Mr Humphries, you can rest assured that I and this Government will continue to kick goals when you are lost in obscurity. The International Hockey Festival, an initiative of the ACT Hockey Association, was designed to attract international hockey teams to train in Canberra in the lead-up to the World Cup, which was recently held in Sydney, Madam Speaker. Three international teams participated in the festival - teams from England, South Africa and Germany - together with an Australian B team and our own world famous Canberra Lakers. The festival, Madam Speaker, was an indication of the sorts of activities and spin-offs that Canberra can expect from the 2000 Olympic and Paralympic Games. In fact, all the international teams involved in the festival have expressed interest in returning to Canberra to train in the years leading up to the games. We understand that not only their senior men's and women's national teams but also their junior national teams, for training and development camps, would be interested in such a program.

Madam Speaker, the international festival provided a significant profile and reputation for Canberra as a hockey centre and a centre of excellence. This reputation will filter through to other international teams specifically involved in hockey. Having international teams here has provided high level competition for our own elite athletes. In this case the Canberra Lakers had the opportunity to play South Africa, England and the Australia B side. The international festival also provided a profile for hockey within our own community, and increased numbers of these types of festivals and activities will have a positive effect on community participation in sport, and, in particular, community participation in hockey. Each of the international teams that participated in the festival, as I have said, expressed their delight with the high standard of hockey facilities available in Canberra, and in particular the professionalism demonstrated by our hockey administration. That is a sentiment that I would take this opportunity to echo. In terms of hockey, we expect that the festival is just the start of many future international visits and training development opportunities. The 2000 Games will ensure that many other sports will have the same opportunities during this period. The ACT Government was proud to be a supporter of the festival.

I had the pleasure this morning of attending a breakfast at Parliament House hosted by the Federal Minister for Sport, at which he outlined the future role of the Australian Sports Commission, particularly in the lead-up to Atlanta, to Sydney and beyond. I am extremely gratified that all of the participants at that breakfast, representing all State governments, State sporting organisations and national sporting organisations, are committed, in both the able-bodied and the disabled sports movements, to the principle that we need to develop activities that take us beyond 2000 and that we should concentrate on encouraging teams, both nationally and internationally, to see Australia as an attractive venue for them to hone their skills by participating with Australian teams that are internationally recognised. Excellent facilities are available throughout Australia, and in particular here in the ACT. The International Hockey Festival provided us with an opportunity to demonstrate that.

I think it will stand us in good stead that the ACT Government in this last year increased funding for sport by over 9 per cent in terms of its grants program. It has demonstrated a great commitment to the promotion and development of sport and recreation at all levels and for all members of our community. I wish to place on record the comments of the president of the World Federation of Hockey about the standards that apply here in the ACT. I met with him this week. He was extremely impressed with the professionalism of the hockey organisation in the ACT, the standard of the facilities available to hockey players in the ACT, the attitude of the ACT community to the development of sports initiatives, and, in particular, the development of women's sports initiatives. With those few words, Madam Speaker, I pass on the congratulations of the ACT Government to ACT hockey for this successful event.

Noise Control - Fairbairn Park

MR STEFANIAK: My question is directed to the Minister for the Environment, Land and Planning. Minister, you indicated to me on Tuesday that your Government would not support the Opposition's Noise Control Amendment Bill, even with the very reasonable compromise offer of 90 decibels at 30 metres by the ACT motor sports bodies that use Fairbairn Park, the main track in the ACT. Minister, I refer you to the following documents: Firstly, a letter dated 23 January 1992 from you to the then MLA, Mrs Robyn Nolan, stating that the maximum noise level applicable to motor sport activities at Fairbairn Park between 10.00 am and 5.00 pm was 95 decibels at 30 metres. Secondly, a minute to you from the then head of the Pollution Control Authority dated 30 September 1992, with a notation from the secretary of the department recommending a new standard of five decibels measured at the nearest residence because "we might as well satisfy one group totally rather than please no-one". Thirdly, a further minute to you by the then head of the Pollution Control Authority, dated 25 January 1993, recommending the current regime of noise measurements and exemptions accepted by you. I seek leave to table those documents, Madam Speaker.

Leave granted.

MR STEFANIAK: Minister, given that the then head of the Pollution Control Authority was, at the material time, a resident of The Ridgeway area and did, I understand, disclose that to you, and despite your denials in the letter of 3 March 1993 in the *Canberra Times* that there was a conflict of interest arising from the assessment of noise levels from the Sutton Park and Fairbairn Park motor sport facilities, how can you otherwise explain the sudden change of noise measuring standards that you readily accepted and are obviously still persisting with?

MR WOOD: There are a couple of things wrong here. One is that this is a question from the shadow Minister for the Environment saying, "Do not take environmental issues to heart. Do not be serious about them. They are not important". That is what Mr Stefaniak is saying. One day he wants to protect the kangaroos. That was only a week or two after he said, "Get them off our roads. Shoot them. Do what you can with them". Now he is saying, "Do not worry about noise pollution". This is a strange position from the spokesperson for the Liberal Party, but we are accustomed to strange positions from those people.

The other factor that Mr Stefaniak clearly misunderstands - he would not follow my reasoning because he does not have this starting point - is my role in all this. My role from the day I became Minister for the Environment has been to establish the best possible environmental regime in the ACT. The advice I have been getting from my officers is based on that. My officers have been under constant pressure from me to bring down legislation to improve the measures on a whole range of environmental activities, including noise in urban areas as well as the race track a little further away. It has escaped the attention of Mr Stefaniak that yesterday I tabled a further discussion paper on pollution control, on means of being proactive in the way we deal with possible pollutants; not waiting until a problem emerges and then taking action, but establishing a process whereby we are ahead of the game. We establish the best possible standards. It escaped Mr Stefaniak yesterday. I have required of my officers that they provide for me the information I need, so that I can establish the highest possible environmental standards. That is what happened on this occasion.

Planning Authority

MR KAINE: Madam Speaker, I would like to address a question to Mr Wood as Minister for the Environment, Land and Planning. The report that was tabled yesterday from the Planning, Development and Infrastructure Committee suggested that the Planning Authority should be formally separated from the Department of the Environment, Land and Planning. Minister, do you support that proposal?

MR WOOD: Madam Speaker, I am going to be reading that report in greater detail than I have done to this date.

Mr De Domenico: Answer the question. Will you let Mr Lamont, should he win, be the Minister for Planning?

MR WOOD: Mr De Domenico, you are going to be very unhappy because this is the last question time. You will not be able to prattle on quite as much as formerly. I hope that the television cameras and the sound people can edit you a little better than we have been able to achieve here. Madam Speaker, my quick reading of that report suggests that the issue has been raised for consideration. I might indicate that it has been part of my examination over a period. There are pros and cons. We will be examining the position most carefully. I will be providing a full response to all the recommendations of that report very early in the next parliament.

MR KAINE: I have a supplementary question, Madam Speaker. We are still not clear on whether the Minister supports that proposal or not. Minister, can you tell me whether you also support what is widely known and supported within your department, and that is that this move has the enthusiastic backing of Mr Lamont, who wants to take over your portfolio responsibility?

MR WOOD: I have not read that into the report, or anything else, Mr Kaine.

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

PERSONAL EXPLANATIONS

MRS CARNELL (Leader of the Opposition): Madam Speaker, I seek leave to make a personal explanation, pursuant to standing order 46.

Members interjected.

MADAM SPEAKER: Order! Luckily for you, Mrs Carnell, I am the one who gives leave, and I will give you leave. Please proceed.

MRS CARNELL: Madam Speaker, in question time, the Minister for Health indicated that I or some other member of the Opposition had made public the name of a particular patient who had died in an incident at Woden Valley Hospital.

Mrs Grassby: No; only you.

Mr Berry: You disgraced this Assembly.

MADAM SPEAKER: Order!

MRS CARNELL: We have to be quiet, but they do not.

MADAM SPEAKER: I wish you did, Mrs Carnell. Mr Berry and Mrs Grassby, please come to order.

MRS CARNELL: The Health Minister also indicated that the Health Complaints Commissioner had somehow been critical of the Opposition's handling of this whole issue. Madam Speaker, I think it is important, in terms of a personal explanation, to explain actually what did happen in this circumstance. The fact of the matter is that there was an early morning call to a radio station from one of the relatives of the woman involved, suggesting that there had been a transfer. Mr Connolly reacted by disparaging the ambulance officers involved. This caused a medical staff member at Calvary - - -

Mr Connolly: Who was ringing up radio stations, in great glee, saying, "She is dead"? Who did that?

Mr De Domenico: And who denied it, Mr Connolly?

MADAM SPEAKER: Order! Only Mrs Carnell has leave to speak.

MRS CARNELL: We will get to that. These disparaging comments from Mr Connolly about ambulance officers caused a statement to be made by a medical staff member at Calvary Hospital. The media hysteria that followed was more to do with members of Mr Connolly's office making statements like "The woman involved is at home and resting", when she was, in fact, dead, and "You would have a story if the patient had died", when she had actually died. The fact of the matter is that the Opposition never used the name of the woman involved, mainly because it would have been totally inappropriate to do so. The Complaints Commissioner said:

The primary problem was not a lack of resources in the Accident and Emergency Department but a short term lack of available beds in the hospital.

MR CONNOLLY (Attorney-General and Minister for Health): I seek leave to make a statement on the same matter.

MADAM SPEAKER: Please proceed.

MR CONNOLLY: I will not get into this grubby business of who said what to whom, but - - -

Mr Humphries: You were prepared to do it before, in question time.

MR CONNOLLY: All right; I will say on the record that, late one night, we were telephoned by a radio station and told that a staff member of the Opposition had rung the radio station, spreading it about that the woman had died. So, who is playing grubby politics? It was a shameful act by the Opposition. I would, however, repeat the statement by the Health Complaints Commissioner that I read previously. He was not saying that the primary problem was a lack of beds. He made this point about the situation in a well-managed hospital system:

It is not reasonable to expect that a hospital where emergency admissions constitute more than 40% of admissions will always have sufficient beds to admit all patients as soon as they arrive. This would mean that too many beds are left empty to cope with possible demand for emergencies when they should be used for elective admissions.

I was kind enough not to quote the part where he quite emphatically refuted Mrs Carnell's claim that we need a holding ward. At page 13, while he noted that that was suggested by some staff, he said, and I quote him precisely:

Some of the suggestions made by staff have practical disadvantages. A holding ward, for example, would quickly become a permanent increase in the number of beds but would separate patients from their treating units.

Mrs Carnell: Only if it is not cleared every morning. I know what he said before, and he is wrong.

MR CONNOLLY: He said:

Experiments elsewhere with similar ideas have led to greater cost and less effective service for some patients.

I heard Mrs Carnell interject, "I know what he said, but he is wrong". So, in the unlikely event of the Liberals ever winning government, Mrs Carnell not only will drive the ambulance, perform the nursing role, perform the surgical role, prescribe the pharmaceuticals and do the X-rays, but also will be the Health Complaints Commissioner.

Mr De Domenico: On a point of order, Madam Speaker: As a matter of clarification, I would like to know whether the document that the Minister is referring to is the same as the one that he tabled. I am confused. Can I refer the Minister to page 8, just to make sure that we have the same document. I think it is the third paragraph on page 8, a paragraph out on its own - - -

MADAM SPEAKER: Mr De Domenico, you are stretching the limits of a point of order.

Mr De Domenico: It says:

The primary problem was not a lack of resources in the Accident and Emergency Department but a short term lack of available beds in the hospital.

Are we quoting from the same document, Minister?

MADAM SPEAKER: Mr De Domenico, order!

MR CONNOLLY: He has asked me a question. Does he give me leave to answer the question?

MADAM SPEAKER: It is not question time. I believe that you are all quoting from the same document.

MR CONNOLLY: The answer is at page 15: It is not reasonable to expect that there will always be those surplus beds.

ANSWERS TO QUESTIONS ON NOTICE

MR CORNWELL: Madam Speaker, I wish to ask a question under standing order 118A. I refer Mr Lamont, the Minister for Housing and Community Services, to questions on notice Nos 1463 and 1455, which are due to be answered today. I ask whether he will give me an undertaking that answers will be provided by close of business.

Mr Lamont: What were they in relation to, specifically?

MR CORNWELL: They are questions Nos 1463 and 1455. I have copies of them here. I also have some questions for Mr Wood, who is not here. Questions Nos 1452, 1457, 1462 and 1468 are due to be answered today.

Mr Berry: What were they about?

MR CORNWELL: I will tell you in a moment.

Madam Speaker, I also wish to move a motion in relation to question No. 1442, addressed to Mr Wood, which was due to be answered on 12 November. When I raised the matter last week and asked when I would receive an answer, Mr Wood's response was, "In due course". I therefore move:

That Mr Wood, the Minister for the Environment, Land and Planning, provide an answer to question on notice No. 1442 within seven days.

Question resolved in the affirmative.

MRS CARNELL: I also have some questions that need to be answered, under standing order 118A. Question No. 1450 is to Mr Wood, as Minister for the Environment, Land and Planning. Question No. 1465 is to the Minister for Urban Services. Could I have those answers by close of business today? I will table them, if you would like them.

MR LAMONT: No; I have them here. I thank you for your request.

AUDITOR-GENERAL - REPORT NO. 9 OF 1994
Performance Indicators Reporting

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 9 of 1994 entitled "Performance Indicators Reporting".

Motion (by Mr Berry), by leave, agreed to:

That the Assembly authorises the publication of the Auditor-General's report No. 9 of 1994.

BUDGET PERFORMANCE AND OUTCOMES FOR 1993-94 -
SELECT COMMITTEE
Report - Government Response

MS FOLLETT (Chief Minister and Treasurer) (3.35): For the information of members, I present the Government's response to the report by the Select Committee on Budget Performance and Outcomes for 1993-94. I move:

That the Assembly takes note of the paper.

I will speak very briefly. I am presenting the Government's formal response to the Budget Performance and Outcomes Committee. In fact, the full import of the response was given by me previously, when I spoke on the committee's report. Members will recall that I clearly stated the Government's position in relation to the recommendations of the Budget Performance and Outcomes Committee during the debate which followed the tabling of that committee's report last week. So, today, I am just tabling the formal response, for the benefit of members.

In doing so, I would like to remind members that the Government generally supports all nine recommendations. This provides evidence of the commendable way in which the committee conducted its business and presented its recommendations. They are recommendations that are reasonable, that are constructive and that are generally achievable. I think that the absence of cheap political rhetoric makes it more likely that the recommendations will be implemented, despite the very dismissive comment provided at the time by the Leader of the Opposition and on which there has been a great deal of other comment.

MS SZUTY (3.36): I would like to thank the Chief Minister for tabling today the Government's formal response to the Budget Performance and Outcomes Committee report for 1993-94. Madam Speaker, one of the reasons for reporting to you by 25 November of this year was to enable the Government's formal response to be tabled in this Assembly before the end of the year. I am pleased that the Chief Minister has done so, and I am pleased to hear her say that, in general, the Government has supported all of the recommendations made by the select committee. I have not had time to study it in detail, but I am thankful for the Government's response.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 1 of 1994 -
Government Response

MS FOLLETT (Chief Minister and Treasurer) (3.37): Madam Speaker, for the information of members, I present the Government's response to report No. 15 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 1, 1994 - Overtime and Allowances - Part 2". I move:

That the Assembly takes note of the paper.

Madam Speaker, the Auditor-General presented report No. 1 of 1994, "Overtime and Allowances - Part 2", to the Legislative Assembly in May 1994. Report No. 1 of 1994 was the second part of a two-part report which examined the overall effectiveness of management in ensuring that overtime and allowances are paid only when necessary for the economic performance of an agency's functions. The reports also examined the appropriateness of payments in terms of the various awards and determinations under which the payment of overtime and allowances is made.

The PAC sought comment from me on the broader ACT Government Service-wide matters raised by the audit and from the Minister for Housing and Community Services, the Minister for the Environment, Land and Planning, the Minister for Education and Training and the Minister for Health on the matters raised by the audit as they affected their respective portfolio responsibilities. The committee was provided with comments by me, by letter dated 5 September 1994; by the Minister for Housing and Community Services, by letter dated 6 September 1994; by the Minister for the Environment, Land and Planning, by letter dated 8 August 1994; by the Minister for Education and Training, by letter received on 15 August 1994 - again you forgot to put the date on, Bill - and by the Minister for Health, by letter dated 12 August 1994.

Madam Speaker, the relevant agencies have noted the recommendations made by the Auditor-General and the comments of the Public Accounts Committee. Where required, steps have been taken to implement the recommendations or to respond to the comments of the committee.

Question resolved in the affirmative.

BILL OF RIGHTS LEGISLATION

Exposure Draft and Paper

MR CONNOLLY (Attorney-General and Minister for Health) (3.39): Madam Speaker, for the information of members, I present an exposure draft of the Bill of Rights legislation, together with explanatory notes. I move:

That the Assembly takes note of the papers.

Madam Speaker, I table the ACT Bill of Rights Bill 1994. The idea that the rights of individuals must be protected is a powerful one which has endured for centuries. The idea that all men and women possess certain inalienable rights because of their humanity dates back to ancient Greece. Some of the earliest protection for individual rights is set out in the Magna Carta of 1215. These ideas have persisted and continue to influence the world. They were behind the American Revolution, after which Thomas Jefferson declared, "We hold these truths to be self-evident - that all men are created equal". They were incorporated into the American Constitution with its Bill of Rights and they were behind the American civil rights movement and the women's movement. The Universal Declaration of Human Rights is one of the foundation documents of the United Nations. These ideas were behind the fall of the Berlin Wall and the recent remarkable events in South Africa.

But people cannot enforce their rights if they do not know what they are; courts cannot respect the rights of individuals if they have no means to do so; and governments cannot respect those rights without the agreement of the people as to which rights are most important. A Bill of Rights for the ACT would provide a clear and accessible statement of rights which could easily be read and understood. It would provide standards for the Government and for members of the Assembly about the fundamental rights of people in the ACT. It would provide clear guidelines for the police and the courts, as well as for people who are arrested and charged, of their rights and responsibilities. It would give members of the community the ability to have the law interpreted consistently with their rights.

The Bill of Rights Bill that I am tabling today is a draft Bill. It will be released to the public so that further consultation can be undertaken. This Bill was drawn up after six months of consulting with the public, which included talking to community groups and schools and a public seminar in May of this year. This Bill that you see today is not in its final form. That form will be determined by the outcome of the next six months of public consultation. My department will send out copies of this draft Bill to all interested members of the ACT community and to academics and human rights experts around Australia. There will also be public meetings to allow everyone a forum in which to express their views. Those views will be given serious consideration by the Government. The Bill, as it is drafted, will apply to the whole of the ACT Government - the Legislative Assembly, the ACT Executive, the judges of the Supreme Court, and the ACT Government Service. It states that every person in this jurisdiction has the following rights: Freedom of thought, conscience and religion; freedom of expression; freedom of peaceful assembly; freedom of association; a number of democratic rights; life, liberty and security; freedom from torture and cruel punishment; and freedom from unreasonable search and seizure.

The rights of people who have been arrested, detained or charged are also set out. This Bill lays down minimum standards of criminal procedure which are necessary to ensure a fair trial and provides that people who are hearing-impaired or who have language difficulties have a right to an interpreter. The Bill also provides that every person is entitled to equality before the law, to freedom from discrimination, to education and to privacy. The rights of children are set out in detail, as are certain rights of Aboriginal peoples and Torres Strait Islanders. These were developed in consultation with the Chief Minister's Aboriginal and Torres Strait Islander Advisory Committee.

The rights and freedoms set out in the Bill can be limited by law, but only where this is justifiable in a free and democratic society. This will allow the balancing of the rights of the individual with the interests of society as a whole. The Bill will be used by courts to interpret legislation. It cannot be used to strike down laws or regulations. The Attorney-General is also given the responsibility of notifying the Assembly if any proposed law - be it a government Bill or a private members Bill - infringes the Bill of Rights.

Madam Speaker, the Bill of Rights Bill 1994 was drafted after consulting the people of this community and draws on the experience of other countries with Bills of Rights. Once again, the ACT community is asked to give its views - this time on a draft Bill. Madam Speaker, with World Human Rights Day coming up in December, it gives me great pride, as a member of a progressive Labor government, in my last significant statement to this Assembly, to finally introduce into an Australian parliament something that has been a dream of the Labor movement for a very long time. The late Lionel Murphy introduced similar legislation in the Senate in the early 1970s, which failed to go through the process. Gareth Evans introduced similar legislation later, in the 1980s, which failed to see the light of day. I am confident that next year this re-elected Labor Government will enact a Bill of Rights for the first time in Australia.

Question resolved in the affirmative.

HEALTH GOALS AND TARGETS FOR THE YEAR 2000

Final Report

MR CONNOLLY (Attorney-General and Minister for Health) (3.44): Madam Speaker, for the information of members, I present the final report of ACT Health Goals and Targets for the Year 2000. I move:

That the Assembly takes note of the paper.

In the interests of time, I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

Statement incorporated at Appendix 4.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION

Paper

MR BERRY (Manager of Government Business): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present the following paper:

Determination No. 155 of 1994 made under the Public Place Names Act and gazetted in *Gazette* S284, dated 7 December 1994.

PAPERS

MR BERRY (Manager of Government Business): Madam Speaker, for the information of members, I present the following papers:

Heritage Council of the ACT - Annual Report 1993-94.

Australian Capital Territory Totalizator Administration Board - Annual Report 1993-94, including financial statements, together with the Auditor-General's report.

LEGAL AFFAIRS - STANDING COMMITTEE

Report on Criminal Injuries Compensation (Amendment) Bill 1993 - Government Response

MR CONNOLLY (Attorney-General and Minister for Health): Madam Speaker, I seek leave to make a ministerial statement on the Government's response to the report of the Legal Affairs Committee on criminal injuries compensation. Again, in the interests of time, I seek leave to have my statement incorporated in *Hansard*.

Leave granted.

Statement incorporated at Appendix 5.

PROPORTIONAL REPRESENTATION (HARE-CLARK)

ENTRENCHMENT BILL 1994

Suspension of Standing and Temporary Orders

MR HUMPHRIES (3.46): Madam Speaker, I ask for leave to move a motion to suspend standing orders. The motion is the same, in substance, as the one that was moved earlier today.

MADAM SPEAKER: That is a worry, is it not? I have the power to disallow that, have I not?

Mr Moore: He is seeking leave, Madam Speaker. Any of us have that power.

Leave granted.

MR HUMPHRIES: I move:

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 1, private members business, relating to the Proportional Representation (Hare-Clark) Entrenchment Bill 1994, being called on forthwith.

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

Agreement-in-Principle Stage

Debate resumed from 30 November 1994, on motion by Mr Humphries:

That this Bill be agreed to in principle.

MS FOLLETT (Chief Minister and Treasurer) (3.47): Madam Speaker, the Government has a number of difficulties with this Bill of Mr Humphries's, although we do not oppose the concept of entrenchment in principle. The first problem with the Bill is the obvious haste with which it has been drafted and the very short period of time that has been allowed for consideration of it. Given the complex nature of the Bill and the fact that it seeks to entrench key parts of our electoral system - or that is what Mr Humphries has tried to tell us that it does - it would have been appropriate, in my view, to have consulted widely on the Bill and to have given adequate time to consider all of its legal and practical implications. To claim, as Mr Humphries has done, that the Bill could not be drafted until passage of the Referendum (Machinery Provisions) Act is simply not a sufficient excuse. As I have said previously on this matter, the Referendum (Machinery Provisions) Bill was tabled in September of this year, and at that stage Mr Humphries could have distributed an exposure draft of his Bill for comment; but he did not do so. In fact, Madam Speaker, I believe that that would have been the preferable course for Mr Humphries to follow, had he been really genuine in his desire to entrench some of these provisions.

As a consequence of the haste with which the Bill has been drafted, it contains numerous technical errors. I understand that the Bill will require substantial amendment before it can be effective. I would like to draw some of those matters to attention. I know that Mr Humphries has a series of amendments to move to his original Bill. One problem is that several of the "principles" of the Hare-Clark system listed in the Bill, strictly speaking, are not consistent with the ACT's current Electoral Act. I think that is a big problem. There is no suggestion that the Electoral Act has not provided for an effective Hare-Clark system. I have not heard that from any member here. It is this Bill of Mr Humphries's which, I consider, does not accurately reflect the Hare-Clark system provided for in our Electoral Act.

The second problem with the Bill is that it is not clear what legal effect it will have, because it seeks to entrench principles rather than specific provisions of law. The Attorney-General's Department has advised me as follows:

... it is not certain whether principles, rather than enactments or provisions in enactments, can be entrenched. Even if it were possible to entrench principles, the proposal is fraught with danger and uncertainty. Any laws which might affect the principles would need to be considered from a legal point of view at first instance to determine whether they, in fact, did affect the principles. Such a process would be time consuming and could be subject to constant challenges on the issue of interpretation.

In other words, Madam Speaker, the Bill may not achieve its desired aim if it could not be enforced in the courts. On the other hand, it may have the unintended effect of leading to unnecessary court challenges because of the lack of clarity in the language that is used.

The third problem - and this is by far my biggest problem with the Bill - is that Mr Humphries has been very selective in the principles of our electoral system that he has sought to entrench. If it is the majority view of the Assembly that the Bill should proceed, I have indicated that the Government will propose that at least two other aspects of the ACT's electoral laws also be entrenched. The first of those is compulsory voting. The Government proposes that compulsory voting be entrenched so that voluntary voting could not be introduced by a future Assembly without the approval of a majority of voters or a two-thirds majority of Assembly members. It is well known, Madam Speaker, that voluntary voting is supported by various members of the Liberal Party interstate and, of course, in the Federal Parliament. It is the Government's view that compulsory voting is a key feature of our democratic process. Voting is not only a right and a privilege, but also a civic duty. Compulsory voting brings many benefits. It ensures that each parliament is truly representative of voters from all walks of life. It also ensures that political parties and candidates must appeal to voters from a wide cross-section of the community rather than to those special interest groups who can mobilise support under a voluntary system.

It is particularly important, in my view, that the ACT retain compulsory voting with our relatively complex Hare-Clark electoral system. If voluntary voting were introduced, many voters could decide that it was all too difficult, leaving the selection of members of the Assembly in the hands of a minority. I note also, Madam Speaker, that Mrs Carnell singled out compulsory voting as a key reason why citizens-initiated referendums could have credibility in the ACT. Should CIR ever be introduced in the ACT, this would be another reason for retaining and, indeed, entrenching compulsory voting. For these reasons, the Government considers that our system of compulsory voting should not be changed without a clear mandate from the voters.

Madam Speaker, I have discussed with Mr Humphries what is meant by compulsory voting. Mr Humphries expressed to me some concern that compulsory voting may mean, for instance, that children would have to vote and so on. I want to make it very clear that by "compulsory voting", as set out in my amendment, I mean compulsory voting in the ordinary course of an election conducted in the ACT. Voting in an election - whether it is for the Federal Parliament or for the ACT Assembly - ought to be compulsory, with the normal exemptions that have applied in previous elections. Those exemptions are very few. Madam Speaker, I believe that it is worth while ensuring that that principle of compulsory voting is retained.

There is another amendment that I wish to make to Mr Humphries's Bill, and that is to fix the number of MLAs at 17. Madam Speaker, the Government is proposing that the Bill be amended to ensure that a future Assembly cannot change the number of elected members to the Assembly, again, without seeking the approval of a majority of voters or a two-thirds majority of the Assembly. At present, I should point out, the Commonwealth Parliament has not given the ACT Legislative Assembly the power to legislate to change the number of members of the Assembly. However, it is possible that the Assembly will be given this power in the future. It is the Government's strongly held view that the current size of the Assembly, at 17 members, has clearly proved to be adequate for the Territory's needs. While the ACT does have fewer elected representatives than any other State or Territory, I believe that six years of self-government has shown that this relatively modest number of members can be made to work effectively. Rather than our Assembly growing, I believe that probably every other parliament in the country should shrink considerably.

I note also, Madam Speaker, that the model proportional representation Hare-Clark system, set out in the 1992 referendum options description sheet, specified that the ACT would have 17 members; yet, inexplicably, Mr Humphries chose to leave that out of his Bill. Indeed, Mr Humphries is on the public record as favouring an Assembly of 21 members. In his submission to the Commonwealth parliamentary inquiry into the 1989 ACT election, Mr Humphries, who was styled at the time "Gary J.J. Humphries, Immediate Past President, Deputy Leader of the ACT Opposition", said:

The ACT Liberal Party favours the creation of three electorates of seven members each.

Madam Speaker, that was also echoed in the oral submission that Mr Humphries made before the Joint Standing Committee on Electoral Matters. When Mr Humphries was under questioning by Mr Lavarch, Mr Lavarch said to Mr Humphries:

In your submission you talk about two preferred models. You do not actually give a preference between the Senate system or the Hare-Clark system. Could you indicate to us now whether the Liberal Party has a preferred electoral system model for the ACT?

Mr Humphries said subsequently, "Three electorates of seven members each". Clearly, Mr Humphries has had an agenda of wanting to increase the size of the Assembly. The Government considers that any proposal to change the size of the Assembly not only should be justified on its own merits but also should be approved at referendum by a majority of voters.

Madam Speaker, there are a couple of other matters that I would like to comment on and there are some other principles that are listed in the referendum options description sheet that are not covered by the Bill. For example, there are three or four issues in the model proportional representation Hare-Clark system, set out in the 1992 referendum options description sheet, that are not covered. They include that the ACT would have 17 members elected by three electorates, with two electorates returning five members and one returning seven members. Nothing in the Bill, as it stands, would prevent a future Assembly from abolishing the three-electorate system and replacing it with the Assembly members being elected at large from one electorate. I do not know whether or not that is Mr Humphries's intention. In that description sheet there is also a prohibition on a candidate contesting more than one electorate at a general election. Again, it is not reflected in Mr Humphries's Bill. The sheet includes the requirement that boundaries of electorates shall be drawn by an independent statutory body. That is not in Mr Humphries's Bill. The sheet also includes the requirement that electoral boundaries be redrawn after every general election. Again, that is not included. I do think those matters are as fundamental as the ones on which I have foreshadowed amendments; but, again, these are issues that could have been adequately addressed, given more time.

Madam Speaker, while there are some elements of the referendum options description sheet that are not covered by this Bill, there are also some "principles" listed in this Bill that cannot be said to be intrinsic to the Hare-Clark system. These include the principles that an electorate shall return an odd number of members and that an electorate shall return no fewer than five members. Neither of those so-called "principles" of Mr Humphries's can be said to be intrinsic to Hare-Clark. Indeed, Tasmania had six-member electorates for many years. Madam Speaker, I am advised by the Electoral Commissioner that there are a number of technical difficulties with some of the "principles" listed in this Bill, to the extent that they are not consistent with the current Electoral Act. I understand that Mr Humphries will move some amendments which will address those issues.

To sum up, the Government is concerned at the haste with which this Bill has been drafted and at the apparent omissions, additions and technical errors that it contains. The Government is also concerned about the legal doubt as to the effectiveness of the proposed method of entrenching various "principles" of our electoral system. However, we are not opposed to it in principle. If it is the wish of the majority of the Assembly to proceed with the Bill, then the Government would want to see the Bill amended to correct, as far as possible, those technical errors that have been identified. In addition, the Government will seek to amend the Bill to entrench two further elements of the ACT's electoral system that we see as fundamental and that were included in the Hare-Clark referendum options description sheet. Those two issues are compulsory voting and the current size of the Assembly. I do not support any move to increase the size of the Assembly without a specific referendum and a specific decision by the electors of the ACT.

MR MOORE (4.00): Madam Speaker, it is easy for the Chief Minister to stand up and say that she does not support an increase in the size of the Assembly, because there is no doubt that an increase would be to Labor's disadvantage. If we had three seven-member electorates, it would be even more difficult for Labor to get a majority than it is under the current system. So, to that extent, it is clearly in Labor's interests to ensure that we contain the number of members to 17. Madam Speaker, I feel quite comfortable about standing up and saying this, because there is no personal advantage to me in it. I am already in a seven-member electorate. It would make no difference to me, personally. That being the case, I will be very interested to see how the amendments go and, in particular, how Labor responds to this entrenching system. We must not forget the Chief Minister's resistance to the suggestion that her above-the-line voting system ought not to be part of it because, clearly, it undermined the whole referendum system. For the Chief Minister now to take the high moral ground, when her credibility on that point was severely questioned by many commentators - not the least of them being Geoff Pryor in the *Canberra Times* - is a most extraordinary thing.

Madam Speaker, what is also interesting is how difficult it is to ensure that the result of a referendum concerning 17 members is binding on the Assembly, because I believe that it cannot be binding. The number of members of the Assembly is actually 17, according to the self-government Act. To change that, it requires a Federal Minister to respond to a resolution of the Assembly. I think there is a real question about whether a referendum can actually change that result. So, Madam Speaker, for those two reasons I have some unease about the amendment that Ms Follett proposes to this Bill.

Ms Follett proposes a further amendment, in relation to compulsory voting. I have always been a supporter of compulsory voting, in the sense in which we use the term. In fact, Madam Speaker, I think most of us are aware that we actually have compulsory attendance. Once somebody is handed a ballot paper, if they do not want to vote, nobody can do anything about what happens. Secretly, they can rip up their paper or they can write "abolish it" across the paper, as many did at the last election and as even more did at the election before that. Some of them even ticked a box that had "abolish" on it - more than 7 per cent did, I think.

Mr Stevenson: Even more than voted for you, Michael.

MR MOORE: Even more than voted deliberately for it. It is amazing how the negative vote can go. But we do know about the positive vote, Madam Speaker. Based on this booklet on the referendum for a new electoral system for the ACT Legislative Assembly on 15 February 1992, we were talking about 5.6 per cent or 7 per cent; but over 65 per cent of people did support this system. The system was then subjected to an attempt by Labor to undermine that referendum result by providing for above-the-line voting. Madam Speaker, it is critical that this Bill goes through the Assembly today and is then gazetted as quickly as possible, so that we can have the electoral system entrenched. If that requires a compromise with the Labor Party to have compulsory voting, that is an easy compromise for me, because I agree with that 100 per cent.

I have some real difficulties with 17 members, because I do not think that part of the referendum can be binding. I think the time will come when it will be appropriate for us to have 21 members. I believe that this Assembly would actually work somewhat better with 21 members. However, Madam Speaker, it is not a huge problem, as far as I am concerned. I think that that can go to a referendum and people can consider it. At this stage, I believe that we have approximately one politician to 13,500 constituents. The nearest State is New South Wales, with about one to 2,500. In Tasmania and the Northern Territory, the figures are, roughly, one to 600 and one to 800, respectively. Madam Speaker, those figures are off the top of my head; but that is what my memory tells me, and I know that they are in the right sort of order.

Mr Humphries: That does not count local government either, does it?

MR MOORE: Those figures do include local government. Individuals are still represented in a democratic way. So, Madam Speaker, I think that there are real reasons for us to consider the issue of how many members we have; but I would argue that the time is not yet ripe for us to change the number of members in the Assembly. It is far more important for us to use at least another term to consolidate what we have and then to look at improvements. If that means going back to the electorate to argue that there is a very good reason for it, I feel very comfortable with that as well. So, although I have reservations about that particular amendment, I accept it.

Madam Speaker, I think that Mr Humphries, in particular, needs to be congratulated for putting this Bill together. It was a very difficult task to do it in such a tight timeframe, considering the difficulty he had following the passing of the Referendum (Machinery Provisions) Act 1994. Madam Speaker, this Bill will finally deliver for the people of Canberra what they have wanted in a referendum. I discussed this issue with people in Canberra and said to them, "We need to put this Bill through. This is the most important piece of legislation that we have to deal with in the last couple of weeks". They said to me, "But that was not done? We voted on it by referendum. Was it not binding?". People certainly believe that it is already binding. So, I think that what we will deliver to the people of Canberra is an appropriate piece of legislation to bind our electoral system and to remove any doubts about the electoral system.

I think that many of us would agree that part of the problem has been, certainly, the first three years of self-government and, to a certain extent, the fuss prior to the last election to do with how our electoral system works. Clarifying that and binding it will only assist in ensuring that the standing of this Assembly is enhanced rather than denigrated, as it has been on a number of occasions. Madam Speaker, I think that one of the most significant occasions of its denigration was over the situation with above-the-line voting. In fact, for the only time in the last three years, Ms Szuty and I went to the Chief Minister and said, "We do not consider that conduct becoming. We could not continue to support you as Chief Minister if above-the-line voting remains". It was fundamental to the way we believed things ought to have been done. I must say that Ms Follett responded to our meeting in, I think, less than 24 hours, or certainly within a very short while. So, above-the-line voting, appropriately, was removed.

Madam Speaker, this will allow the Robson rotation to continue to do its work. Certainly, according to the *Canberra Times*, early polling in the Tuggeranong area - the seat of Brindabella - indicates that voters may well be prepared to reverse the order of party tickets. I think that is a very positive thing. It means that voters will have even more say as to who they believe should be representing them. Madam Speaker, there is no doubt in my mind that we are taking the final step to deliver the fairest electoral system in the world and to leave its control in the hands of the populace at large. I think this is a very important step for the people of Canberra, and it is with great pleasure that I support this piece of legislation.

MS SZUTY (4.10): Madam Speaker, I, too, understand the motivation behind Mr Humphries seeking to entrench key provisions of the Hare-Clark electoral system, which would mean that, to overturn them, it would take a referendum of the people of the ACT or a two-thirds majority vote in the Assembly. It was certainly obvious to me at the time of the referendum in 1992 that the community had come to a clear decision about the adoption of a Hare-Clark proportional representation electoral system, as opposed to an electoral system based on single-member electorates. Madam Speaker, we have spent many hours in this Assembly, and in the previous Assembly, debating the merits of various aspects of the electoral legislation that we have put in place. Perhaps this is not surprising because, as politicians, we have a genuine interest in these matters.

Members of this chamber are aware that Government members do not necessarily share the views of the remaining members of this Assembly about what are the integral principles or components of the Hare-Clark electoral system. We know that because of the Chief Minister's attempts, in 1993, to introduce the above-the-line voting options to the Hare-Clark system. I believe that that debate is one that the community in the ACT never wishes to hear again. Mr Humphries, in his presentation speech to this Bill, referred to the comments made by the Chief Minister at the time about above-the-line voting provisions, which were included in her Electoral (Amendment) Bill. I wish to clarify yet again to members of this Assembly that my colleague, Mr Moore, and I did not threaten the stability of the ACT Government at the time in our approach to the Chief Minister; rather, we indicated to the Chief Minister that she no longer had our confidence and support as Chief Minister in proposing and supporting actions which were contradictory to the clearly expressed will of the community at the time.

I would like to quote a particularly telling sentence from Mr Humphries's presentation speech to this Bill. I do not often do this, Madam Speaker, but I believe that this sentence states quite succinctly the views of various members of this Assembly. He stated:

This Bill's objective is to put key elements of the electoral system well out of the reach of majority governments.

Unfortunately, this entrenchment Bill has been necessitated by the Government's attitude to the Hare-Clark electoral system - a feeling by members of the community and members of this chamber that the current minority Labor Government cannot be trusted on this issue and, therefore, that a majority Labor government could not be trusted either. I have stated, Madam Speaker, that I understand the motivation behind Mr Humphries's presentation of this Bill to the Assembly today. I have spoken of the fear that is genuinely held that a Labor government would again seek to tamper or interfere with the principles and provisions of the Hare-Clark electoral system, as the community understands it.

The Chief Minister has proposed two amendments to the Bill that we are considering today - the first, that voting in an election shall be compulsory, and the second, that the numbers of the Legislative Assembly shall basically remain the same. They are both issues which, I believe, this Assembly could debate at length; but I, like Mr Moore, am sympathetic to the need for the Assembly to pass this legislation today, and I indicate to the Assembly at this time that I will be supporting those amendments.

MR STEVENSON (4.14): Madam Speaker, people should have the right to have a say on these and other important electoral matters. The amendments raised by members of the Labor Party and the Liberal Party are, indeed, important matters that go to the very democratic principles of electing members to this unwanted, unnecessary, undemocratic and unconstitutional State-like Assembly. Ever since I first heard that this thing called "self-government" was going to be forced on the people of Canberra, back in 1988, I thought that the people should have a say on it. I realised that people had had a say on it - and they said no. That was a politician-initiated referendum - a PIR - as against a citizen-initiated referendum.

There had been a referendum back in 1978, and it asked reasonable questions. There was a slight problem, because added to the end of the questions were the words "for the time being". So, if the people voted against what the Federal politicians wanted, they could say, "Well, they only said 'for the time being'". The difficulty was that the questions were posed by politicians. That is always fraught with difficulty, because PIRs normally favour politicians. It is not unusual. We understand that. People in Canberra understand that politicians have particular agendas and they vote that way to try to maximise their power. People always have a chance to do something about that; but they do not have much of a chance with politician-initiated referendums, because the questions are usually rigged, as they were in the two referendums that Canberra has had.

So, what is the principle? The principle is that people should have the right to have a say on these electoral matters. There is no doubt about that. The Assembly has the power to give them that right. The people may not want to have a say on these particular electoral matters. We do not know. But we have the power to place in the hands of the people the right to determine the questions - electoral or otherwise - that they want to have a say on.

Mr Moore, Ms Szuty and members of the Liberal Party, along with me, could introduce that say through citizens referenda, in this Assembly today, even though it is the last day and the matter was put off yesterday by Mr Moore and Ms Szuty, along with the Labor Party.

Mrs Grassby: No; we did not put it off.

MR STEVENSON: Mrs Grassby must have been out of the Assembly at the time. They did not want to be seen to be voting against the right of the people to determine what they can have a say on. Let me say that again - the right of the people to determine what they can have a say on. The Liberal Party would have agreed with the right of the people to have a say; but, unfortunately, Mr Moore and Ms Szuty did not agree that the people should have the right to say what issues they want to have a say on.

Let me allude to the referendum in 1992, which concerned electoral matters. There is no doubt whatsoever that more people voted for one option than for the other. The difficulty, as I have mentioned a few hundred times in this Assembly - that is exaggerating slightly - was that they were not given reasonable options. That is like giving someone the option to choose between being boiled in oil and being hanged. It is not much of an option. I am not suggesting that both those choices were the equivalent of killing yourself; I am simply mentioning that, if you did not give the people the choice between boiling in oil or being hanged and having the opportunity to go free - which perhaps would be the best option of the lot - you restricted their choice.

If we maintain the idea that in Canberra we have some form of democracy, where the people have a say, then we should give them a choice. In 1992 we did not give them a choice. First of all, we did not allow them to have a say on whether or not they wanted a referendum. It was suggested that they needed to have a referendum and we would decide the questions that were asked. The Electoral Commission said that the existing system, with a good PR system, would be an ideal one for the ACT - one electorate with a good PR system. Notwithstanding whether or not that was right - whether or not most people would want to have that system - the truth of the matter is that they were not allowed a say. And they were not allowed a say on the status quo, the existing system. As I have mentioned in this Assembly a number of times, that was a fraud. There is no doubt about that. Some people might deny that that was a fraud, but everyone who denies that that was a fraud has to have a vested interest. It was obviously a fraud. Why else would you deny that a fraud is a fraud unless you have a vested interest? So, they were not allowed to vote for the status quo, perhaps with an optional preference of Hare-Clark, d'Hondt - or "don't", as we used to call it - or some other system. It was the perfect opportunity.

All of this is allowed under the Electors Initiative and Referendum Bill. So, if we brought on that Bill, or even the Liberal Bill, we would give the people the power in the coming year to have a referendum on whether they wish to change the electoral system or cement the electoral system. There may be some parts of the electoral system that they wish to cement - and then drop it in the harbour. But it should be up to them. This Bill does not let the people ask the questions. They did not have that opportunity in 1978, although it

was not a bad choice. They did not have the opportunity in 1992, and that was not a bad choice. Yet again, they are not going to be given the opportunity to initiate the referendum. They will, once again, just have a choice of what the politicians think they should be allowed to have a say on. I suggest that the major benefits are to members, not to the electorate. That is the difficulty.

So, what I suggest is that, if any eight other members of the Assembly - the Labor eight or the other eight - wish to move for the suspension of so much of the standing orders as would prevent citizens referendum Bills being brought on, I guarantee that I will vote for one of them and that I will make sure, in any amendments that are necessary, that the people of Canberra can have a vote - and a vote at the next election, which would save us a few bob. Apart from that, as there has been no call by citizens of Canberra to have a referendum - no citizen-initiated referendum - I will vote against the legislation today. But members should understand that, straight after that, I will vote for the power of the citizens to call for a referendum on this, if they choose; on the questions that they choose; and, if they choose, to have it brought up at the next election.

MR HUMPHRIES (4.23), in reply: Madam Speaker, I want to respond to a few things that were said by the Chief Minister and by Mr Stevenson in the course of the debate. First of all, let me say that the criticism about haste in the preparation of this Bill needs to be addressed. This Bill depends on two other Acts to operate. It simply cannot operate without those two other Acts. Those Acts are the Electoral (Amendment) Act and the Referendum (Machinery Provisions) Act, both of which were passed earlier this year - one in May and one just two weeks ago. Madam Speaker, members might say, "I do not understand why that is the case". The simple answer is that this proportional representation Bill relies on the provisions in those other Acts in order to operate the referendum machinery that actually gets a referendum under way. As members will observe, for example, in my Bill there is no reference to a question to be put, to where people can vote on this question that we are putting to them, to who will conduct it, or to anything like that. The simple answer is that those provisions are set out in other legislation.

It was impossible to have brought forward this legislation prior to the passage of both of those other Bills, without having incorporated in this legislation the provisions from those two very thick Bills. Madam Speaker, I could have commissioned my own Referendum (Machinery Provisions) Bill and brought it forward to this place; but I would almost certainly have been prevented from doing so by the Parliamentary Counsel, whose job it is to ensure that there are not two identical matters going forward at the same time. In fact, for the record - the Chief Minister is not here to hear this - I commissioned my legislation as soon as the Referendum (Machinery Provisions) Bill was put on the table in the Assembly. The principles that this legislation incorporates were prepared and ready to go at that point. Madam Speaker, it is a tribute to the draftsmen who worked on this legislation that the Bill - a very complex matter - was ready to present in this place on Wednesday of last week.

I defy the Chief Minister, or anybody else, to tell me how it would have been possible to do this job any more quickly. Again, I say to her, "Had she wanted to have this matter exposed for a long period of time, the simple answer would have been for her to have produced her own legislation, on which this was dependent, earlier than she did".

She knew that the Liberal Party had this proposal, because I said so a year ago in a press release. I indicated a year ago that, on the basis of the referendum machinery legislation, we would want to have our own Bill to entrench the Hare-Clark principles. She cannot pretend to be surprised about that. She knew full well that, if she brought this in at the last moment, she would end up with a last-moment Liberal Bill in response. She has no-one to blame but herself if she does not like that.

The Chief Minister complains about the principles that are entrenched in this legislation. Madam Speaker, I think it is important to indicate that the legislation is not an attempt to entrench the Electoral Act. The Chief Minister criticised that fact; but I indicate that, if she thinks about it a little more carefully, she will realise that it really is not possible to do that. The Electoral Act has something like 300 different sections in it. The vast majority of those sections do not materially constitute an intrinsic part of the Hare-Clark system. In fact, most of those provisions deal simply with the operation of an electoral system - the operation of elections. Whatever system we had - the Senate system or single-member electorates - many of those provisions would be exactly the same. So, entrenching the whole Electoral Act was not an option.

I suggest that what the Chief Minister really meant to say was that we should entrench parts of the Electoral Act that deal with the Hare-Clark system. But, if she looks more carefully at that proposition, she will see that that is also extremely difficult. What we end up having to do, then, is to pick out certain sections which not only build up the essential elements of the Hare-Clark system but also actually build up parts of sections. Can members imagine how difficult it would be to present a piece of legislation which entrenched line so-and-so to word so-and-so of so-and-so sections? It would be impossible. The alternative - of entrenching whole sections in various parts of the Bill - would necessarily also build into the legislation a number of other provisions which are not necessary to the Hare-Clark system. So, I think the Chief Minister needs to be aware that there really was not any alternative to the course of action that we took.

The Chief Minister suggested that I have been selective about the principles. At one point in her remarks she suggested that I had left some out. At another point she said that I had not put enough in, that I had left out some things that were intrinsic to the Hare-Clark system. I have to say that I do not share the view that everything that appeared in the referendum options booklet could be described as absolutely essential to the Hare-Clark system. For example, I do not see how one can argue that having two electorates of five members and one of seven is an essential part of the Hare-Clark electoral system. After all, Madam Speaker, the Tasmanian version of Hare-Clark has five electorates of seven members. So, the number of members and the size of the electorates are surely incidental features but not essential to how the Hare-Clark system operates. It would operate perfectly well if there were six electorates of three, or four of seven, or six of two. It is still a proportional system which has to operate.

I do, however, say in the principles that I have tabled that there are some elements of proportionality and establishing a reasonable quota for that electoral system that necessitate having at least five members in each electorate. I believe that that is an essential part of the fairness of this new system. That is essentially what people were voting for. But I think that to say that people were not voting for three seven-member

electorates, for example, just cannot be argued. I was not trying to entrench democracy per se. That is why we did not have a provision there about people not having to vote in certain circumstances or about compulsory voting and things of that kind. We tried to entrench things that were essential to the Hare-Clark system. I do not believe that democracy in general is under threat in this Territory; but I do think that the essentials of the Hare-Clark system are, and that is why this system has to be entrenched.

Madam Speaker, let me talk about the two amendments being brought forward by the Chief Minister. One is about compulsory voting and the other is about fixing the size of the Assembly at 17 members. The Liberal Party does not have a policy on compulsory voting in the ACT.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

PROPORTIONAL REPRESENTATION (HARE-CLARK) ENTRENCHMENT BILL 1994 Agreement-in-Principle Stage

Debate resumed.

MR HUMPHRIES: Madam Speaker, I have personal views about compulsory voting. My personal view is that it is a fine argument but I tend to prefer compulsory voting to voluntary voting. However, the point that I think needs to be made here is that the Liberal Party fully accepts that, before anybody puts compulsory voting or voluntary voting into law, they ought to seek a reference to the people of the ACT. So, if we as a party decided in a party convention in a year's time that voluntary voting was a good thing, I believe that it would be appropriate for us not just to make our case in here, if we had nine seats, but to make it out there in the electorate as well. So, I have no problems at all with compulsory voting as a principle which necessitates going to a referendum to change. That is why we accept the amendments being put forward by the Government.

I think it is a little hard to argue, though, that compulsory voting is an essential principle of the Hare-Clark system, since it operates in such places around the world as Malta and Ireland, where there is not compulsory voting. If the Chief Minister argues that compulsory voting is an essential requirement of democracy, which she seemed to be saying - - -

Ms Follett: I am.

MR HUMPHRIES: She is saying that. Then, apparently, Australia is one of only three democracies in the entire world. Only Colombia and one other place - I cannot remember what the other place is - - -

Mr De Domenico: Is it Vanuatu?

MR HUMPHRIES: It could be Vanuatu. I do not know. There are only two other places in the entire world that have compulsory voting. So, I am very pleased that the Chief Minister thinks that Australia is one of only three democratic countries in the whole world; but that is perhaps going slightly too far.

Madam Speaker, the other issue is that of the 17 members of the Assembly. Again, I argue that that could hardly be described as an essential element of the Hare-Clark system, because Hare-Clark is used elsewhere without 17 members. I think it is a bit difficult to make that case. But, again, I think it is a fair enough argument to say that, if members, politicians or parties wished to change the number of members of the Assembly, they should take the issue to a referendum. That is why, on both of these scores, the Liberal Party will support the amendments to be moved by the Government.

Madam Speaker, let me finally pose the question: Why are we doing this? Why are we going down this path? Yesterday in question time I asked the Chief Minister to indicate whether she, on behalf of her Government, could rule out the adoption of above-the-line voting now or in the future. The Chief Minister gave an answer which was fairly disparaging. She accused me of pulling a stunt and said in the end that the Government has no plans to do so. Mr Berry shakes his head. Obviously, he agrees that the Government has no plans at this stage. But the point is, of course, that that is not the same thing as was being sought. That is not a guarantee that this Government has put it to one side. I can give a commitment on behalf of my party that we will never put forward above-the-line voting for the Hare-Clark electoral system. I do not need to qualify it or say, "This is only our present plan", or "It is good for six months", or something. I can give an unequivocal guarantee of that. The question remains: Why can the Chief Minister not do that?

I think it is also worth noting, Madam Speaker, that throughout 1992 and 1993 I persistently asked the question of the Chief Minister and put to the Chief Minister that there was a necessity to have no above-the-line voting, and no modification of the Robson rotation principles. When I asked those questions in this place and out in the electorate I was persistently accused of rumourmongering, of scaremongering, of beating up an issue and of telling lies.

Mr De Domenico: Then what happened?

MR HUMPHRIES: And then what happened? On this day last year, exactly what I had accused the Chief Minister of contemplating happened. Madam Speaker, I think we are entitled to make the assumption that this Government believes strongly enough in those principles to do so again, if it had an unfettered opportunity. But I also accept that this is an important issue, which needs to be dealt with by way of referral to the people of Canberra.

I am not suggesting that we have all the knowledge on this question and that we are absolutely correct. Maybe the principles are not quite right. Maybe we have got things wrong in some way. I think that the people of the ACT should have the chance to decide whether it is right or wrong. If we have not got it all right, if we have missed out something important or we have put in something which should not be in there, then the only option that people have available to them is to vote no. But, Madam Speaker, I am confident that the people of the ACT will support the principles we have put forward, with the amendments moved by the Government, as fully as they did in 1992. I am sure that that required majority of electors will be forthcoming, because people realise - indeed, many Labor voters realise - that that is the fairest system. Madam Speaker, I commend this Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

MR HUMPHRIES (4.36): I move:

That clause 4 be omitted and the following clause substituted:

Entrenchment of electoral system

"4. This Act applies to any law that is inconsistent with any of the following principles of the proportional representation (Hare-Clark) electoral system:

- (a) at a general election, an odd number of members of the Legislative Assembly shall be elected from each electorate;
- (b) at a general election, at least 5 members of the Legislative Assembly shall be elected from each electorate;
- (c) each voter has the right to a fully preferential vote;

- (d) squares for the indication of preferences on each ballot paper shall appear only alongside the names of individual candidates;
 - (e) a voter shall not be taken to have marked any preferences beyond the numbers, starting with "1" for the candidate with the first preference, marked by the voter in the squares alongside the names of individual candidates;
 - (f) ballot papers shall be -
 - (i) prepared and collated in accordance with the method known as the Robson Rotation; and
 - (ii) distributed and issued;
- as set out in Schedule 2 to the *Electoral Act 1992*, being that Schedule as in force on 1 December 1994;
- (g) a candidate whose total votes equal or exceed a relevant quota as defined in Schedule 4 to the *Electoral Act 1992*, being that Schedule as in force on 1 December 1994, shall be declared elected;
 - (h) unless the number of successful candidates is equal to the number of vacancies, any surplus votes for a successful candidate shall be transferred to continuing candidates in accordance with the next available preferences indicated on ballot papers that were counted for the successful candidate.
 - (j) if there are no surpluses to be distributed, the candidate with the least total votes shall be excluded and the ballot papers counted for the excluded candidate shall be transferred to continuing candidates in accordance with the next available preferences, if any, indicated on each ballot paper;
 - (k) where there are 2 or more eligible candidates in relation to a casual vacancy, the vacancy shall be filled by a recount of the ballot papers counted for the person who, at the last election before the vacancy occurred, was elected to the seat in which the vacancy has occurred."

Clause 4 encapsulates the principles themselves. The principles have been amended in line with comments and suggestions made by the Electoral Commissioner. I think they reflect fairly accurately what the basic elements of the proportional representation system that we have adopted actually do, although I note the comments made by the Chief Minister. I think that they conform to the principles which are, I believe, at the heart of the Hare-Clark system.

MS FOLLETT (Chief Minister and Treasurer) (4.37): Madam Speaker, I would like to comment briefly on Mr Humphries's amendment and then to move my own. As I said in the in-principle stage of the debate, I think that the amendment that Mr Humphries has moved largely addresses the technical problems that existed with his original Bill, particularly those aspects of the original Bill which, it seemed, conflicted with the existing Electoral Act. There remains the concern that I have and that has been expressed to me by both the Attorney-General's Department and the Electoral Commissioner, which is that merely addressing the technical concerns does not address the general problem of the legal effect, or lack of legal effect, that the entrenchment of principles would have. So, I repeat that concern.

Whilst I certainly understand and support the intention here, I again warn members that they must not dismiss too lightly the fact that the Attorney-General's Department has referred to this approach as being "fraught with danger and uncertainty" and that they should take that advice seriously. Nevertheless, Madam Speaker, I indicate that the Government will be supporting Mr Humphries's amendment. I move the following amendment to Mr Humphries's amendment:

After paragraph (b), insert the following paragraph:

"(ba) voting in an election shall be compulsory;"

This amendment to Mr Humphries's amendment to clause 4 addresses my concern that voting should be compulsory and should remain compulsory. By calling for compulsory voting, I mean compulsory voting in the normal, accepted terms; that is, the compulsory voting that exists for Federal elections and that existed for previous Assembly elections, and voting that is compulsory, with the usual very small and specific number of exceptions - for example, for people who are too ill to vote, for people who might be serving in Antarctica, for people who might be in prison interstate and so on. It is a very small number of exceptions for specific circumstances.

MR STEVENSON (4.39): The Chief Minister raised the point that her advice is that the matter is fraught with danger.

Mr Moore: And uncertainty.

MR STEVENSON: Was it "and uncertainty"? Yet she mentions that she is going to support it. I could not quite understand her. If anything in our parliament is fraught with danger and uncertainty and if the next thing we say is, "We are going to agree with it", that sounds - - -

Mr Moore: No; it is just one opinion.

MR STEVENSON: But it is the opinion that the Chief Minister has. That is the point. Let us say that, in the future, something happens that determines that that advice was correct, and we get nothing but uncertainty and danger. Will the Chief Minister then say, "I told you so", or will she say, "I supported it"? I am not sure. I would like that opinion clarified.

MR MOORE (4.40): Madam Speaker, yesterday I spoke about one opinion from that department. These opinions are still given in good faith. There is no question about that. It seems to me that, if we are talking about danger and uncertainty, there is far less danger and uncertainty associated with this Bill than there is in not entrenching these provisions. I think that is the critical thing. Often, in this house, we make decisions on a cost-benefit analysis - not in economic terms, but in terms of the broad range of issues that come before us. To answer the sorts of issues that Mr Stevenson has raised, on a cost-benefit analysis it is far better for us to proceed with this Bill than it is for us to vote it down.

Madam Speaker, I think that the amendment moved by Mr Humphries makes a significant improvement to the original Bill. The Chief Minister has now clarified her amendment. She said that she is using the term "compulsory voting" in the normal way in which we use it. That is my understanding of it as well, and that is why I intend to support the amendment. Generally, with a couple of minor exemptions, such as those that are in the Electoral Act at the moment, it should be compulsory for people to attend the ballot place and to take a ballot paper. What people do with it - whether they vote or not - is, of course, a private matter. We probably ought to be using the term "compulsory attendance"; but we can use the term "compulsory voting" generally. Australians understand exactly what we mean by the term and how it should be interpreted.

MS FOLLETT (Chief Minister and Treasurer) (4.42): Very briefly, Madam Speaker, for Mr Stevenson's benefit, I would like to explain the advice that I have had that Mr Humphries's proposal is "fraught with danger and uncertainty". I refer there to the legal effect of Mr Humphries's Bill and its amendments and to the point which I have raised repeatedly, which is that Mr Humphries's Bill seeks to entrench principles rather than specific provisions of the law. So, the reference to "danger and uncertainty" is a reference to the legal enforceability of this law, the readiness with which it might be challenged and the difficulty, if there were any challenge, of clarifying just what it was that the law meant, because it refers only to principles, not to black-letter law. Madam Speaker, I raise that as a point which has been made to me by people technically qualified to make such points, and I am passing it on to the Assembly. Of course, there would be that danger and uncertainty only if there were to be a challenge to this law. In my view, that is probably unlikely.

Amendment (Ms Follett's) agreed to.

Amendment (Mr Humphries's), as amended, agreed to.

MS FOLLETT (Chief Minister and Treasurer) (4.44): Madam Speaker, I move:

Page 2, line 36, add the following subclause:

"(2) This Act applies to any law made pursuant to a power at any time vested in the Legislative Assembly to make a law with respect to the number of members of the Legislative Assembly."

Madam Speaker, I know that the wording of this amendment is extremely convoluted, but the intention of the amendment - and I think it is clear - is to ensure that the number of MLAs in this Assembly remains at 17, unless there is a referendum and a majority of voters in the ACT vote to change that number from 17. As I said in the in-principle stage, the Assembly does not currently have the power to determine the number of Assembly members. That is a power which still rests with the Commonwealth. So, there is a certain speculative element to this amendment. However, I believe that, if the amendment is passed, it has a very powerful element of moral persuasion attached to it.

It is my view that 17 is an ample number for the good government of the Territory. It has worked very well within this Assembly. I know that having 17 members has placed strains upon the Assembly from time to time, because we have all of the powers of, and more powers than, any other parliament in Australia. I believe that, stretched as we are, we have done a good job. The committees have worked well; the Assembly has worked well; we have not had a problem in getting quorums; and we have conducted government business, private members business and so on very capably. For that reason, I believe that we should stick to the number. I would heartily commend to every other parliament in Australia that they consider halving their numbers, because it is quite clear to me that a small parliament is a good parliament.

MR HUMPHRIES (4.46): Madam Speaker, as I indicated during the in-principle stage, the Liberal Party supports this amendment. I do not know that we support the arguments that the Chief Minister has put for retaining the number at 17. I would argue that there have been occasions in the life of this parliament on which the number of people in this Assembly has been a problem. I will make one small reference to that. I think that, if there had been more backbench members of the Government, possibly with - - -

Ms Follett: We can work on that.

MR HUMPHRIES: I am sure that you would like that.

Mr Moore: We could just reduce the number of Ministers; but that is not what you are thinking of.

MR HUMPHRIES: That is right. It is very easy. Perhaps, if there had been a few more backbench members of the Government, there would have been more opportunity for some people to look over other people's shoulders when decisions like those relating to VITAB were being made. Ms Ellis laughs at that suggestion; but there is no doubt whatever that some mistakes were made there. Perhaps, if more people had been available within the Government to look at that question, it would not have happened. I know that those opposite think that is a great hoot, and they do not admit that there was a mistake with VITAB. But, Madam Speaker, the fact of the matter is that there was a problem. I think there is an argument at the end of the day that, as the population of the ACT grows, we should reconsider this question.

Would the Chief Minister suggest, for example, with our population growth, which is higher than anywhere else in the country, that we should not consider having more members when our population grows to 350,000, 400,000 or 500,000 people? We already have, as the Chief Minister or Mr Moore said, the lowest ratio of politicians to electors anywhere in the country. There is also the question of access by electors to our members. So, Madam Speaker, I think the argument is one that could be debated at another time; but the point we make is that we agree that this should be dealt with, not by people in here, but by members of the community through a referendum. We commit ourselves to that process and we support it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5

MR HUMPHRIES (4.49): Madam Speaker, I move:

Page 3, lines 8 and 9, omit the lines, substitute:

"(2) A law to which this Act applies by virtue of section 4 has no effect unless it is passed by -".

This is a very simple amendment, which simply deals with the fact that it was probably redundant to refer originally to a law including an amendment or repeal. It is, by definition, possible for an amendment or repeal to be affected only by a law, and therefore those words that were in the original Bill are not necessary.

Amendment agreed to.

Clause, as amended, agreed to.

Title agreed to.

MADAM SPEAKER: The question now is: That this Bill, as amended, be agreed to. As this is entrenching legislation, we need to proceed to a vote.

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

AYES, 16 NOES, 1

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

Question so resolved in the affirmative, by the special majority required.

PAPER

MR STEVENSON: I seek leave of the Assembly to present an out-of-order petition from 216 Canberrans calling for the banning in the ACT of videos which show the torture of humans and animals.

Leave granted.

MR STEVENSON: I present the petition.

EXECUTIVE BUSINESS - PRECEDENCE
Suspension of Standing and Temporary Orders

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

That so much of the standing and temporary orders be suspended as would prevent Executive business being called on forthwith.

LIQUOR (AMENDMENT) BILL (NO. 2) 1994

Debate resumed from 1 December 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.54): The Opposition does support the legislation that is before us today. We have called for it for a very long time. In fact, we called for this legislation to be in place, in a sense, long before the Government acknowledged that it was necessary.

Madam Speaker, I want to make reference particularly to section 84 of the Liquor Act that is being amended today. Section 84, for members who were not in the First Assembly, was a section introduced into the Liquor Act by the Liberal Party. It was introduced by Mr Stefaniak in 1991 to provide that it would be an offence to consume liquor in certain public places. That was a reform that we introduced. We saw a problem with public drinking. We introduced the legislation in 1991; and it was passed by the Assembly, over the objections of the Labor Government. Mr Connolly said, at that time:

The Labor Government does not support this Bill, because it believes that the Bill is unnecessary.

He went on to argue for quite a few pages - six pages - why he did not wish to have these provisions in the legislation. I know that this is embarrassing for you; but the fact is that what we are seeing today is not, as you might expect from what they said then, an attempt to repeal section 84. On the contrary, this is legislation designed to extend section 84. It now provides that we will have a further operation than that intended by the Liberal Party. Instead of saying that we got it wrong in 1991, we are now told that it did not go far enough. I do not mind, because it is a step in the right direction.

There is a problem in this city with regard to access to alcohol. It needs to be faced up to, and this Bill goes some way towards doing that. The Liberal Party supports the amendments which make it an offence to have opened liquor in a public place. I have an amendment to put before the house, which I expect will not get up, but I shall move it anyway. I see that there is to be an amendment by Ms Szuty, which deals with the question of a responsible adult. Madam Speaker, I argue that it is important for us to deal with these matters as appropriately as we can. The arrangements set out in this Bill are appropriate. They do constitute an important step forward. They particularly facilitate a measure which has long been overdue in this Territory, and that is the little card which Mr Connolly has just held up, his very own pubcard. I am sure, Mr Connolly, that with your receding hairline you will not be mistaken for a 17-year-old, by any stretch of the imagination. If they saw your behaviour here sometimes they might think otherwise, but not from your appearance. It is high time that everybody else in the Territory who wanted access to that card had it as well. It is gratifying to see this legislation to facilitate this happening, albeit rather too late.

MR STEFANIAK (4.57): Firstly, on a positive note: It is better late than never. Mr Connolly and I discussed this matter back in September 1991. In fact, I was going to move this as a private members Bill then. Mr Connolly said, "No; do not worry about it". He was very much in favour of it. He said that it would happen by the end of that year. Unfortunately, we saw divisions in the Labor Party - the divisions between Mr Connolly's sensible approach and the approach of the Left, which managed, effectively, to stall this for three years. A committee was established. I think my leader was on that committee, as were Mr Moore and several other members. They actually did go around and consult a lot of youths, including youths at colleges, the overwhelming majority of whom were in favour of it. My colleague Mr Humphries recently on radio, I think, put his finger on why the Government was so tardy with this, and that was that a slight majority of the Chief Minister's youth advisory committee, reflecting very much the majority Labor Party line - because I do exclude Mr Connolly - had some spurious worries about civil liberties. They proved to be totally unfounded. Finally, we have this Bill. Better late than never. In relation to the amendment that my colleague is going to move, generally, that will be of assistance in terms of curtailing drinking in public. That is the amendment to section 84. Unlike Mr Connolly, I will just rely on my drivers licence. I probably look a lot older than he does and probably do not need one of these pubcards.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS SZUTY (4.59): I move:

Page 7, lines 11 to 19, clause 12, proposed subsection 83(2), definition of "responsible adult", omit the definition, substitute the following definition:

"'responsible adult' means a person who is 18 years of age or more and who, by his or her behaviour, could reasonably be expected to exercise responsible supervision;"

The current definition of a responsible adult, which is included at clause 12 of the Bill, is very prescriptive. I will read it for members. It states:

'responsible adult', in relation to a person under the age of 18 years (in this subsection called a 'minor'), means a person who is 18 years of age or more and who is -

- (a) a parent, step-parent or guardian of the minor;
- (b) the minor's spouse:

- (c) a person of the same or opposite sex to the first-mentioned person who lives with that person as his or her spouse on a bona fide domestic basis; or
- (d) a person who stands in loco parentis to the minor.

I have stated previously that I believe that this definition is prescriptive and does not necessarily take account of the situations in which young people would have access to bar room situations; for example, in extended family groups. This is especially applicable to people from particular cultural backgrounds and perhaps people of Aboriginal and Torres Strait Islander communities. Mr Connolly, in his capacity as Attorney-General, may raise the scenario of young people, perhaps in a group of other young people and people over the age of 18 years of age, and whether those people who are perhaps over 18 are responsible. I believe that it is better to emphasise the behaviour and conduct of the responsible adult rather than whether they are parents, spouses, de factos or whatever. This definition of responsible adult, which I am putting forward for members' consideration, is more open to subjective interpretation - I do acknowledge that - but I believe that it is more workable and will be more realistically applied in practice.

MR CONNOLLY (Attorney-General and Minister for Health) (5.02): The Government will not be opposing this amendment. We had originally intended to be a bit prescriptive. There had been concerns about the brother, the friend or the mate of the 17-year-old, and our definition was meant to fix that. Acknowledging that this is an Assembly of compromise and consensus on the last sitting day, we will not be opposing Ms Szuty's amendment. I thank members for their support of the pubcard. They have probably seen the pubcard in the paper this morning. It actually is bright orange and has my photograph on it. In fact, all the ones that have been issued have my photograph on them. I do thank members for their support. These will start to become available from about 15 or 16 December.

Amendment agreed to.

MR HUMPHRIES (5.02): I seek leave to move two amendments together.

Leave granted.

MR HUMPHRIES: I move:

Page 8, lines 2 and 3, clause 14, paragraph (a), proposed new subsection 84(1A), omit "with the intention of consuming the liquor in that place".

Page 8, line 7, clause 14, paragraph (a), after proposed new subsection 84(1B), insert the following subsection:

"(1C) It is a defence to a prosecution for an offence against subsection (1A) if the defendant adduces evidence that he or she did not intend to consume the liquor in the prescribed public place.".

The amendments effectively make provisions dealing with having liquor open in a public place easier to administer. The legislation presently provides that it is an offence to consume the liquor in a public place. The amendment that Mr Connolly has proposed to the Act provides, in effect, that a person must not have an opened can of liquor in a public place. I take it that the reason for this is that very often police are finding people in public places with liquor opened, obviously half-way through consuming it. Because the police cannot prove that what is in the can of Tooheys actually is alcoholic and because the police do not actually see them drinking it when they are around, they cannot proceed.

The amendments that Mr Connolly has proposed do two things. Firstly, they make a presumption that the thing that looks like, smells like and is in a container that looks like it contains alcohol is in fact alcohol. That presumption can be rebutted, of course. Secondly, they provide that simply having the opened container of beverage in your hand in a public place constitutes the offence. We seek to add the words "with the intention of consuming the liquor in that place". It seems to be fairly obvious that, if those words are there in that form, the onus falls on the prosecution to prove that the person concerned with the opened can of liquor actually had that intention. Since we know that they will not have been seen drinking it - if they were seen, they would have been prosecuted under subsection (1) - all we have is a person holding a can of liquor in a public place. How is the prosecution to prove the intention of consuming; how is that to happen? I am sure that a very successful prosecutor like Mr Stefaniak would have had no trouble proving that, but he is now here and cannot do so. He could. He could have a part-time job. We have allowed that.

Madam Speaker, we need a realistic way for police and prosecution to deal with these matters. What my amendment does is say that we take away the intention requirement there, so that it is not up to the prosecution to prove intention, which is obviously very difficult to do. Instead, it allows a person charged with this offence to defend it by adducing evidence that they did not intend to consume the liquor in the prescribed place. They do not have to prove beyond reasonable doubt or even on the balance of probabilities that they were not going to drink it; they have only to adduce evidence of that fact. That is a fairly small onus to have to discharge. Without it, I would submit that it is going to be very hard to get convictions under this provision.

MR CONNOLLY (Attorney-General and Minister for Health) (5.04): Madam Speaker, it was something of a lineball decision for the Government whether to adopt the approach that Mr Humphries is now urging, which is, in effect, to make it an absolute offence; or to adopt the approach that the Government has adopted, which is to make part of the offence an offence with an intent, generally speaking, as a matter of principle. Mr Humphries would agree with us that criminal offences should contain an element of intent; we should not have absolute offences. There was a view from police that rather reflects what Mr Humphries has said, namely, that it would be easier if you did not have the intent requirement.

The Government took the view that the intent requirement should be there; that a person who has perhaps consumed half a bottle of wine at a BYO restaurant and is wandering through Garema Place with the opened bottle in their hand should not be immediately subject to the law and have to prove that they were not intending to drink it and were just on their way home. However, should the Assembly support the Government's view and should this law, in its form as an offence with intent, prove to be unworkable and we have problems, the Government may well revise it. We showed our ability to do that with the fighting in a public place provisions, where there had been problems proving assault, and we were prepared to have the more general offence of fighting in a public place. It effectively does not require an intent, because it is just the act of fighting rather than the intent itself. At this stage, on balance, we believe that we should stick to the basic principle that a criminal sanction should attach to an action and an intent rather than to an action alone.

MR MOORE (5.07): My decision, too, is made on balance, and the balance has gone with the Government.

Amendments negatived.

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

Bill, as amended, agreed to.

POSTPONEMENT OF ORDER OF THE DAY

Motion (by Mr Berry) agreed to:

That order of the day No. 4, Executive business, relating to the Periodic Detention Bill 1994, be postponed until the next day of sitting.

DAY AND HOUR OF NEXT MEETING

Motion (by Ms Follett) agreed to:

That the Assembly, at its rising, adjourn until a day and hour to be fixed by the Speaker either:

- (1) at the request of the Chief Minister; or
- (2) on receipt of a request in writing from an absolute majority of Members

and that the date and time of the meeting shall be notified by the Speaker to each Member in writing.

BUSINESS NAMES (AMENDMENT) BILL 1994

Debate resumed from 10 November 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR STEFANIAK (5.08): Madam Speaker, some four years ago unsatisfactory amendments of a technical nature were made to the Business Names Act. The result was that in some instances where the fees were levied there was no legislation under which to levy such fees. I am told by the departmental officers that it was a very minor portion of fees levied - something like one or 2 per cent. A small number of those fees have been paid and are technically invalid. The glitch was found by the department. Accordingly, the amendments were put forward; hence, the basis for this Bill. Members of the business community whom we have talked to have no problems, as such, with the Bill. The Bill does a number of other things. It removes sexist language, replaces numbers in words with figures and does extend the registrar's powers to levy fees for things like the late lodgment of documents with the registrar, inspection of documents, production of documents and approval. The Liberal Party will be supporting the Bill.

However, I did notice one matter of concern. I will give the reasons now. We would want to see clause 11 deleted. That is the clause that retrospectively covers any fees that have been paid. I note in the report of the Scrutiny of Bills Committee the following comments:

Clause 11 of the Bill inserts a savings provision that removes any doubts about the validity of past determinations of fees made by the Minister. This ensures that any fees that were collected in the past have been validly collected whether or not the determinations were valid.

If, in fact, previous determinations were invalid, then this clause would have a prejudicial retrospective effect in validating the collection of fees under those invalid determinations.

Because of that prejudicial retrospective effect, it is the Liberal Party's view that that clause should be deleted. We appreciate that there are only a few fees involved and that it is probably unlikely that anyone would want to claim those back; but people who have paid fees invalidly to a government department should have that right protected, should they wish to reclaim those fees that they need not have paid in the first place. Accordingly, with that proviso, we support this Bill.

MS SZUTY (5.11): Madam Speaker, I just want to indicate to the Assembly that I will be supporting the Bill. While I have the opportunity, I might take this moment to comment briefly on Mr Stefaniak's proposed amendment to the Bill. Mr Stefaniak did quote some comments made by the Scrutiny of Bills Committee. I did ask a question either during the Scrutiny of Bills Committee meeting on this matter or at the briefing I had on this Bill. My understanding is that there are no cases pending in relation to this matter where fees have been collected invalidly. I do not see any need to support Mr Stefaniak's amendment.

MR CONNOLLY (Attorney-General and Minister for Health) (5.11), in reply: Madam Speaker, the Government obviously will not be supporting Mr Stefaniak's amendment. This error, to the extent there may have been an error, was not one of our making; it occurred in the period of the Alliance Government. There was a query as to whether these fees are valid. It has not been held that they are valid or invalid; this is an exercise of making something beyond doubt by finding what may be an error, and fixing it, but not fixing it retrospectively. When there are no cases pending, all you are doing is creating potentially a massive legal problem. If anyone wants to fight it, they will have to go to the bother of court costs and the rest, for very little gain. While there is generally a reluctance to legislate retrospectively, this, I would suggest, is justified in the circumstances. As the Scrutiny of Bills Committee points out, as it always does, it does not necessarily follow that one should always oppose retrospectivity.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR STEFANIAK (5.12): Madam Speaker, I move:

Page 3, line 31 to page 4, line 2, clause 11, omit the clause.

The Liberal Party will be agreeing to all of the Bill, except clause 11, which we would seek to have omitted.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would enable the adjournment debate to extend beyond the 30-minute time limit.

ADJOURNMENT

Motion (by Mr Berry) proposed:

That the Assembly do now adjourn.

Valedictory

MR MOORE (5.14): In our final Christmas adjournment, I would like to tell a little story, Madam Speaker, titled "Away in a Manger". Once upon a starry night, the angels gathered in the heavens to herald an amazing event. The spokesperson for the angels, Archangel McRae, announced that we were all to be upstanding; that something pretty momentous was about to happen. Just then, Mary - Rosemary - struggled into view, highly pregnant with child, and accompanied by her long-suffering husband, Gazza. Archangel McRae led them to a stable owned and operated, at very reasonable prices, by a Roman, Antonio De Domenico. He assured them that there was hot and cold running water, and an en suite and room service. It transpired that this turned out to be cold leaks from the roof, hot leaks from the animals, an outhouse and a dial-a-pitta down the road.

Not long after they settled into their straw accommodation, a baby boy was born, screaming and protesting at the top of his lungs. A centurion named Waynus Berrius passed by, heard the noise and fell to his knees, claiming that this was the prophecy come true. "Indeed, the Messiah has been born, as was predicted. In fact, many ducats were laid on this bet", he proclaimed. "Messiah? Messiah?", asked the baby incredulously - not bad for a baby. "What's that, ma?". Just then, the heavens broke open, and the choir of cheeky cherubim began the chorus of the angels. "David, my son, he thinks that you are the god that we have all waited for", his mother replied, and then went on to explain that the centurion had overreacted. "Huh", said midwife Kate, who had finally arrived, wearing her white robes of office. "Anybody would think that it was unusual. The birth of a man who thinks he's god isn't such a rare event". "Have the authorities on accommodation been notified of this extra person living in this stable?", asked centurion Cornwell. "I thought not", he said, as he turned on his heels and went looking for King Herod.

Just as everyone was settling down to a nice, peaceful evening, there arrived three wise guys who had come from the left bank, the right strip, and the middle ground. "Hail", said King Terry, "I bring you gifts from the Orient. Please accept this myrrh as a token of our esteem". "Myrrh? Myrrh?", asked David. "What sort of stuff is that?". "This substance has wonderful properties for healing the sick, alleviating the pain of the suffering, and assisting the up-tight to relax. Here, you put it up your nose, like this". "No, you don't; no, you don't", roared Archangel McRae, "There'll be none of that here. No nose is good nose". King Terry stormed off in a rage as King Trevor presented his gift. "Here is a silver carriage to complement your new position in society. I know someone who deals in secondhand donkeys to take that heap standing outside off your hands". "Wonderful", said Rosemary. "Gazza, would you please strip the donkey of its blanket and put it in the new carriage". The dejected donkey stood still. "Oh, no", he thought, "here it comes - the Gazza Strip".

"King Billius", asked Rosemary, "what have you to offer?". "Lady, I bring you soft legless lizards, headless chickens and a wish for a Merry Christmas". "Chris Mouse?", asked the baby's new grandmother, Ellnor, coming in from the pitta house. "What is this Chris Mouse?". Everyone looked at each other quizzically for a moment, but no-one had an answer. Then she noticed a large guest sitting in the corner of the room. "Who are you?", she asked. "I'm Round John Virgin", he replied, "I go with mother and child". "No, you're not", shrieked Town Crier Ellis, "you're a Stefaniak from the area Ginninderra, if ever there was one. Get thee out of this Valley of Debt which is ruled by King Billius Woodus and his faithful servants. Go on, move on; move on; move on". "And the banks", said Round John of Stefaniak. "The Banks and the Conders will rue the day they moved into our valley", cried Town Crier Ellis as she picked away at the pitta bread on the table.

Michael, the shepherd, wandered in, looking sheepish. "Baa, humbug", he cried, "A pox on all your houses". "How dare you, shepherd?", asked Rosemary. "Who invited you to this party?". "This is a party?", he asked. "In that case, I have been led astray. The strange old man outside insisted that it was an illegal gathering". The old man, Yasser Dennis, was nowhere to be seen when the others went out to look. A large yellow double-decker chariot was seen heading out of town. The only sign of life was the woman Helen from the village of Szuty, painting words on the wall of the house of Herod. It read, "Wrong call; wrong place. We need more time to get this right. Let's do it again. Wait for the star that heralds the real son of David".

Valedictory

MS SZUTY (5.18): Madam Speaker, I have chosen to continue the theme of last year's valedictory speech, and that is to allocate what I consider to be appropriate song titles to members of this Assembly, based on their personal fortunes or activities during the year. As I also mentioned last year, these song titles bear a resemblance to my musical upbringing and experience, and, if members are not aware of where they come from, I will be happy to discuss them afterwards.

I will again proceed according to the call of the Assembly by the Clerk. Mr Berry: This year Mr Berry has inherited Mr Kaine's song title of 1993, *If I could turn back time*, referring to the time when Mr Berry was a Minister in this Assembly. Mrs Carnell: *I want to be your number one* comes to mind, as Mrs Carnell tops the *Canberra Times* popularity poll. I also considered *Constant craving*, but my son Andrei thinks that *Girls just want to have fun* fits the bill for Mrs Carnell, as she continues to enjoy her role as Leader of the Opposition. Mr Connolly: For the ever media-hungry Mr Connolly, *You don't have to be a star, baby, to be on my show* seems appropriate. Andrei considered the frequency of Mr Connolly's appearances on our television screens and thought *Horror movie* was much more apt.

Mr Cornwell could well do with *Doctor, doctor* at the moment, but has been known this year to be *Leaving on a jet plane* and perhaps has had occasion to ask for *More wine, waiter, please*. Mr De Domenico: In 1994 it could only be *Sing, sing a song* in memory of his vocal performances. Andrei remembers Mr De Domenico as the short one, and believes that *Eat it* might more appropriately encourage Mr De Domenico to expand in size. Ms Ellis is difficult to assign a song title to. However, recollections of Ms Ellis's dog conjure up visions of *Me and you and a dog named Boo*. The availability of sweets and lollies in the Assembly conjures up images of *The Candy Man*; but, of course, the sex is wrong. Ms Follett: *I should have known better* applies to above-the-line voting, but *Stand by your man* comes to mind in recent times as Ms Follett has defended Mr Connolly. Mrs Grassby: A swimming pool for Belconnen brings to my mind vivid visions of Mrs Grassby *Twisting by the pool*, while Mr Humphries is still appreciating his *Beautiful Boy*, Felix, born during 1994.

For Mr Kaine, we have heard little else lately other than *Learning to fly*. Mr Lamont has graduated from being a backbencher to being Deputy Chief Minister, and is deserving of the title of *Big time operator*. Madam Speaker's was the easiest of all song titles this year, because the *Sounds of silence* was reserved from 1993. *Fame* reflects Mr Moore's international award for drug law reform, although *Little boxes*, in relation to dual occupancies and medium density development, and *Let it grow* seemed closer to home. For Mr Stefaniak, returning to the Assembly after an absence of several years, *You have got to get right back to where you started from* comes to mind. Mr Stevenson, at times, is worthy of *After Midnight* in relation to the hours he keeps in his office. *You're history* is now appropriate on the announcement of Mr Stevenson's decision not to stand as a candidate for the election of the Third Assembly in 1995.

Madam Speaker, Andrei never has difficulty coming up with appropriate song titles for me. Although I had thought of *Art for arts sake* in connection with a beautifully decorated underpass adjoining the Belconnen Library, Andrei suggested that *I'm late*, *Ramble on* and *The trouble with Andrei* could all be considered to be appropriate in some circumstances. Finally, Madam Speaker, for Mr Wood, *Tiptoe through the tulips* for the Minister for Floriade. That concludes a busy year for all members of this Assembly.

Valedictory

MR HUMPHRIES (5.22): Madam Speaker, Christmas is hurtling towards us once again and Christmas cheer will, no doubt, soon envelop us all. Before peace and goodwill amongst men overtakes us, however, I would like to get in first. As another year and another Assembly splutter to an end, so too do a few parliamentary careers; so it behoves us to dwell, briefly, on the alternatives open to us all in the event that the unthinkable happens. As a precursor to that, Ms Szuty yesterday suggested that I should consider the part-time occupations that our underutilised MLAs would be suited to, and I now submit my thoughts on this subject.

While I would be tempted to suggest that Ms Follett might get work experience in the Leader of the Opposition's office, a more charitable idea would be as a TV model. I think that the 100-megawatt smile which she can generate would sell an awful lot of chocolate biscuits. Mr De Domenico might like a job as a lion tamer. He certainly seems to enjoy putting his head in lions' mouths. Of course, if he did so, Mr Lamont would certainly apply for a job as the lion. Mr Stefaniak I see getting work as a priest, being exceedingly well qualified on account of his recent experience with resurrection. Alternatively, he could be a chef specialising in twice-rising souffles.

Mr Berry would make a wonderful garbage collector, if Mr Lamont had not recently abolished them, since he has spent much of this year carrying the can for the Government. I understand, Ms Szuty, that Microsoft are looking for someone to be the human back-up when the computer spellcheck breaks down. It could be hard, though, waiting a week to get the answer to what you put in the machine. I thought Mr Kaine would have an excellent opportunity to get a job as the convenor of the Canberra mile-high club. This is because he does enjoy flying, and at least at this time last week we were all pretty high.

Mr Connolly, I think, would get work in children's TV. I understand that Mr Squiggle needs a holiday. Mr Wood could consider a career with the Victoria Police, where he would have the opportunity to shoot something other than kangaroos and his own foot. I was going to suggest before yesterday's adjournment debate that a new job for Mr Stevenson would be to try being a politician, but that now seems to be out of the question. A position as a tele-evangelist springs to mind, or perhaps one at the Bank of Israel.

Mr Cornwell could get a job, I am sure, as a baseball coach on account of his interest in Housing Trust tenants. It is he, after all, who has advocated the "three strikes and you are out" rule. I think Mrs Grassby, on the other hand, would make a wonderful Mormon, since I understand that she has been doing a great deal of doorknocking in Belconnen in the last few weeks. I also understand that, when people come to the door, she is about as popular as a Mormon. As it happens, Madam Speaker, I am in the market at the moment for a gardener, and who better to do that job than Mrs Carnell, who, I am sure, would greatly enjoy spending all day in my garden digging up weeds and tending to the grass. Ms Ellis has been cruelly overlooked by her colleagues for promotion into this Government. I think she would make a wonderful inaugural president of the republic of Tuggeranong, and I certainly would vote for her.

Ms Ellis: I already am, thanks, Mr Humphries.

MR HUMPHRIES: You already are? I beg your pardon. Mr Moore, I think, would be easily welcomed by members of the medical profession, perhaps as an ear, nose and throat specialist. Finally, Madam Speaker, it is you I turn to. I have noticed that you have a certain penchant for firm discipline, so perhaps a private sector position would be in order - very private. Might I suggest the setting up of Madam S's Chamber of Pleasure, where unruly members could be suspended, and perhaps, Madam Speaker, Mr Berry and I, as the Whips, could assist you from time to time in those premises.

Madam Speaker, briefly, on a more sober note, a less intoxicated note, I want to say that I wish all my colleagues on this side of the chamber and the other side of the chamber a very merry Christmas. After Christmas, it will be every man for himself, and do not turn around or you might get a knife in the back. Until that time, a very merry Christmas and a happy new year.

Ms Jenny Butt

MRS CARNELL (Leader of the Opposition) (5.28): Madam Speaker, on the last day of this Assembly, with Christmas only a few weeks away, I thought it was important to speak about a Canberran who is making a very real difference to people in Australia, particularly to rural women and their children. I am speaking about Jenny Butt, the organiser of Rural Drought Relief for Women and Children. Jenny, with the help of the Lions Club, Delfast, a number of ACT schools, shops and businesses, and Mr Berry as well, has sent tonnes of food, toiletries and, more recently, Christmas presents to families in rural New South Wales and Queensland who have been affected by the drought. Jenny has made a real difference for many people who are living in almost unbearable circumstances. Madam Speaker, I would like to read into the record one of the literally hundreds of letters that Jenny has received. It says:

Dear Jenny,

I guess when you and your helpers organised the relief parcels you realised how much they would be appreciated. What you may not realise is that as with me the "relief" would come from the feeling that out there is concern and caring. That feeling means as much if not more than the contents of my parcel.

I have been known to say that this year is "the year from Hades". The big dry is only a part of it, marriage break-up, ill health, and a grand balance of \$2.21 in the bank. Feeling down and defeated is putting it mildly, but this year is coming to a close. There are people like your good self who share my breathing space, so, a smidgin of faith comes creeping back.

I thank you, not just for the parcel, but for being who and what you are, bless you.

There are many of those sorts of letters around, and I know that both sides of this house have supported Jenny. She is making a real difference for Christmas. It is only a few weeks away and the Liberal Party will be recommending Jenny for Canberran of the Year next year. I am sure that Mr Berry, Mr Wood and others will do exactly the same.

Mr Connolly: Political parties should not politicise that process.

MRS CARNELL: It is not political. This is not a political statement at all. Somebody is making a real difference at Christmas time and I think we all should be saying thank you to Jenny as a Canberran.

Valedictory

MR STEVENSON (5.31): Madam Speaker, this will be my last speech in this house after six years. I want to thank members for their support over the six years.

Mr Moore: On both occasions?

MR STEVENSON: Yes, on both occasions. Since Mr Cornwell moved that one person not be able to call for a division, there have been a lot fewer 16-1 votes. It requires two. If I had had two members it would have required three; if I had had three it would have required four; and so on. I can understand that it is a bit of a nuisance having someone come along and have recorded how you vote on different issues. You handled that very nicely. I did not really appreciate it at the time, but that is fine. We had our last 16-1 vote a little while ago.

It was like a time when I was in the Army and a sergeant showed me a photograph of our battalion. He said, "I want to congratulate you on being the only one in the battalion that was in step". He had a photograph and apparently everyone else was out of step. But I think it is a little bit different in this situation. I think that politicians within political parties are brought up in a particular way. The majority of members in our parliament and in parliaments around Australia believe that they are going to do wonderful things for the community when they first start.

Mr Wood: Ha, ha!

MR STEVENSON: Bill Wood probably does not believe that. It is nice of you to acknowledge it, Bill. I think you do as well.

Mr Wood: I what?

MR STEVENSON: I think you do as well.

Mr Wood: Do what?

MR STEVENSON: Bill, read it in *Hansard* tomorrow.

Mr De Domenico: Ask your staff, Bill. They will tell you.

MR STEVENSON: Yes, ask your staff. If it is important, they will give you a note.

Mr Wood: Dennis, we will have another night out together one day.

MR STEVENSON: Let us have a night out together one night, or a day out together one day.

It has been the most marvellous learning experience for me. When I first came into this place I did not know a great deal about government, apart from the fact that a conscience vote is when members vote according to their conscience. We have not had too many of them around this place over the years. Politicians vote according to how the decisions are made by their party in what I laughingly call a cupboard at times, but it is referred to as a cabinet. It would be a far better situation if we got back to where, in any electorate - be it a 17-member electorate, a five-member electorate, or three seven-member electorates or whatever - the members voted according to the majority expressed will of the people in that electorate. Imagine the responsibility we would push on the electorate. Then it would be no longer our responsibility. They could not come outside with their posters and banners and say, "It is your responsibility", because it would not be. We would have been voting for what they wanted.

I look forward to the time in Canberra, apart from when we have a council with a lord mayor, when we have precinct groups like the community councils, where there is really good communication within the local electorate. People in Tuggeranong should not be particularly concerned about what is going on in Weston or what is going on in Ainslie. After all, we are concerned about our local electorate - where we live, where we shop, where our children play, where we garden, where we drive around, and so on. That is the area we know. So, when we comment on it we can make valuable comment. It would be a great reform to have precinct areas. If anybody is interested, they do it very well in Manly, in Sydney, where they have 12 precincts. Of course, there is citizens-initiated referendums. It will not be too long before that is introduced throughout Australia. Of course, it needs to be binding. Do not introduce non-binding referendums. The only reason that people want it is that they cannot have a binding say. When you finally get around to introducing it, do it correctly.

Over the last six years I have had a great deal of help from people in the administrative area of the Assembly, the Secretariat and so on. I want to thank all the people who have helped me to serve others in this community. Normally the other people, the security guards and so on, do not get a mention, but they deserve thanks for securing all the secrets that people have in the Assembly. What about the cleaners? Where would we be if there were no big bins and there were no cleaners? Particularly, I would like to thank my staff over the years. They have done a wonderful job.

Mr Humphries: The people who wake you up in the morning.

MR STEVENSON: The people who wake me up in the morning, and also the people who have supported what I have done over the many years by letterboxing our Direct Democracy newspaper and so on. I thank you, members, and a merry Christmas to you all.

Valedictory

MR BERRY (Manager of Government Business) (5.37), in reply: On this last day of sitting I rise to speak on behalf of Government members. This Assembly has been, in the true spirit of parliamentary democracy, a quite adversarial one. It has been one with some highs and lows. I think that, from the Labor Government's point of view, we have deserved most of the highs and the rest of you have deserved most of the lows. This has been a system where the community has had the opportunity to see the differences. We all know that we were not welcomed by the community for a long time, but I think that after six years, save for a couple of events in recent weeks, we have been able to present this place as a credible parliamentary government here in the ACT. I think we have a credible government with established and responsible policies. I have to say, having had some experience throughout these Assemblies in opposition, in government and on the back bench, that we are now headed by a group of Ministers who work harder than I could have ever imagined. I think it will take a while for the credibility of the Executive, of the ACT Government, to be really recognised by the community; but next time, maybe.

I think that this time we saw some personality politics in the place. It is pretty hard to avoid in an Assembly which is so face to face. I think that some of the decisions that have been made on the basis of personalities have been rather disappointing. They have marred a pretty good performance overall, I think. Happily, this Assembly has not been marred by the instability of the First Assembly; nevertheless it has been unstable. That is the nature of minority governments. There is a little unfairness in that, I think, from any perspective. People who hold the balance of power exert more influence over government affairs than the vote that they have received in the community would warrant. But that is the nature of things, and governments learn to cope, as do oppositions, and it has been a very interesting process to participate in.

One of the constants in both of the Assemblies has been the Assembly staff. Throughout what some people might describe as the shenanigans, they have always been courteous, respectful, dedicated and professional. I have not seen one example where that could not be said. I would even go so far as to say that they have been long-suffering. I think they deserve all of our support because without them we could not have achieved the law-making that has gone on in this place; and, even though we might have very distinct differences about the value of those laws and the process through which we went to get there, the people who have helped us get there are deserving of our greatest respect, and of the community's. It would also be fair to say that they have set an example for us all with their tolerance, dedication, courteousness and respect. To Mark McRae and his staff, congratulations. To the Secretariat staff, the attendants, the committee staff, the *Hansard* staff, all of those people, heartfelt thanks from us all. I look forward next year to be working with you as part of a Labor majority government.

I cannot say to our political opponents that I wish you well in the new year. I have to say that, politically, I wish ill upon you. I hope that we cream you, and I think we will. It has been, nevertheless, an experience to work with you all, and something that none of us will forget if some of us fall by the wayside as a result of the next election. I want to come back to this team of Labor people that you have had managing this Government. The time, I am sure, has not expired, Madam Speaker.

Mr Stevenson: I move for an extension.

MADAM SPEAKER: No. The Speaker cannot see the clock. It is all right, Mr Stevenson.

MR BERRY: Madam Speaker has had to walk the razor's edge quite often and I think she has done a great job. Thank you, Madam Speaker. As far as the team in the parliament is concerned, I think we have presented as a pretty solid group, a hardworking group, as all people here are; but we worked down a different path from the rest of you. I would like to congratulate my colleagues for the contribution that they have made to Labor's ideals and for how they have been delivered in this Assembly. I would also like to wish the Labor staffers all the best. They have been a particularly hardworking group, as all staffers are. There is no question about that. Staffers for all the political groups within the Assembly work very hard, and they deserve thanks from all of us in one way or another. I would particularly like to thank our people because they are better. I hope that in the new year you all have a peaceful year. I hope that some of you are disappointed and that we get a lot of pleasure out of the next election. We will see you next time.

Question resolved in the affirmative.

Assembly adjourned at 5.44 pm until a day and hour to be fixed

8 December 1994

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ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1390

Urban Services Portfolio and Housing and Community Services Portfolio - Market or Political Research

Mrs Carnell - asked the Deputy Chief Minister - For each and every department or agency for which you have ministerial responsibility:

- (1) What market or political research has been conducted a) in the year 1992-93; (b) in the year 1993-94; and (c) since 1 July 1994.
- (2) What was/is the purpose of that research.
- (3) What were/are the questions asked.
- (4) What was, or is expected to be the cost of that research.
- (5) What were the results of that research. (Can copies of the results, including reports, of any research conducted during the specified periods be provided).

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

- (1) (i) In my capacity as Minister for Housing and Community Services, as it relates to the ACT Housing Trust:
 - (a) In 1992-93 the ACT Housing Trust undertook a comprehensive survey of its tenants (see Attachment A - copy provided to Member).
 - (b) In 1993-94 the ACT Housing Trust arranged for the Strategic Research Section of the Economic Development Division in the Chief Ministers Department to prepare a report, Stock Projections and Needs Analysis, for it.
 - (c) During 1994-95 some market-oriented research will be undertaken in the context of implementation of the Housing Review. At 11 October 1994, work had not commenced on these studies.
- (1) (ii) In my capacity as Minister for Urban Services, as it relates to ACT Electricity and Water (ACTEW)
 - (a) ACTEW market research carried out in the years 1992-93 and 1993-94 included ACTEW staff, domestic and commercial customer surveys (see Attachment B - copy provided to Member).
 - (b) ACTEWs conservation, safety and product campaigns.
 - (c) 1993-94 ACTEWs ACT Future Water Supply Strategy (see Attachment C - copy provided to Member).
- (1) (iii) In my capacity as Minister for Urban Services, as it relates to ACTION:
 - (a), (b) ACTION carries out continuous surveys of bus users in various categories to ensure its services are effective. In July 1992 ACTION commissioned a survey of bus users from a consultant (see Attachment D - copy provided to Member).
 - (c) The new Bus Book format introduced in August 1994 was based on overseas timetable formats and feedback from the Canberra community.

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(1) (iv) In my capacity as Minister for Urban Services, as it relates to ACT City Services:

(a) Market research began in September 1992 into the trial of wheeled bins for the kerbside collection of recyclables and wastes in Canberra. Trials of kerbside collection in Kaleen began in November 1992.

Market research was carried out in 1992-93 as part of the Future Public Transport Options for Canberra Study Stage I (see Attachment E - copy provided to Member).

Market research covering the annual traffic volumes data collection was undertaken in the period from 1990 to 1993/94 (see Attachments F, G and H - copies provided to Member).

(b) A follow-up survey of domestic wastes in Kaleen, Melba, Dickson and other Canberra suburbs took place in May 1993 (see Attachments I and J - copies provided to Member).

A Transport Regulation Client Survey was conducted between 23 May 1993 and 4 June 1993 (see Attachments K and L - copies provided to Member).

Market research for the Hughes/Garran Local Area Traffic Management Study was conducted in 1993 (see Attachments M and N - copies provided to Member).

(c) Market research was introduced as part of the 1994/95 Precinct Management Pilot Program.

(2) (i) In my capacity as Minister for Housing and Community Services, as it relates to the ACT Housing Trust:

(a) To establish client needs and to assess client perception and satisfaction with services and assistance provided under ACT Housing Trust programs.

(b) To provide an analysis of the existing stock; an analysis of the existing clients; the development of a demographic profile of the ACT population; a projection of demand for housing assistance in the future; and an analysis of the existing stock profile in relation to projected demand.

(c) To progress implementation of the Housing Review recommendations in the areas of housing needs assessment and planning and client service.

(2) (ii) In my capacity as Minister for Urban Services, as it relates to ACT Electricity and Water (ACTEW):

(a) To survey a sample of ACTEWs staff, ACT residence and commercial customers to establish benchmarks for performance indicators.

(b) To ascertain a qualitative assessment of ACTEWs conservation, safety and product programs.

(c) To obtain statistical confirmation of the level of public support for ACTEWs draft water strategy direction.

(2) (iii) In my capacity as Minister for Urban Services, as it relates to ACTION:

To collect data on the characteristics and bus usage patterns and demands of ACTIONs Canberra patrons.

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(2) (iv) In my capacity as Minister for Urban Services, as it relates to ACT City Services:

(a) The market research into the trial of wheeled bins was conducted to establish the content of the domestic waste stream including the proportion of recyclables prior to the introduction of kerbside recycling. The trials were undertaken to establish the most effective and efficient method of kerbside collection of garbage and recyclables.

The market research for the Future Public Transport Options for Canberra Study Stage 1 was undertaken to obtain information regarding the likely preference of existing and potential public transport passengers for various public transport modes.

The annual traffic volumes data collection was undertaken to monitor trends, seasonal variations and traffic flow levels at 153 mid block sites; 97 intersections; 43 bicycle paths locations; 307 suburban locations (once every three years); and 26 sites to determine vehicle classifications; in addition to a large number of ad hoc counts.

(b) The follow-up survey of domestic wastes in Kaleen, Melba, Dickson and other Canberra suburbs was undertaken to establish the effects of the kerbside collection trial. The trial was then extended into the suburbs of Melba and Dickson to trial different methods of kerbside collection. Polls and questionnaires of the residents in the trial areas were undertaken to determine the attitude, behaviour, acceptance and comments on the collection system.

The Transport Regulation Client Survey was undertaken to gauge client responses to the services offered by Transport Regulation and to seek their comments about how these services could be improved.

The market research associated with the Hughes/Garran Local Area Traffic Management Study was undertaken to obtain the views of the local residents on proposals for traffic management measures in their areas.

(c) Information surveys associated with the Precinct Management Pilot Project have been conducted since 1 July 1994, and relate to user needs and public place facilities around the three pilot local shopping centres in OConnor, Hughes and Narrabundah.

(3) (i) In my capacity as Minister for Housing and Community Services, as it relates to the ACT Housing Trust:

(a) A copy of the Tenant Survey is at Attachment A.

(b) The questions answered in the report Stock Projections and Needs Analysis were phrased in relation to the purposes of the research stated at (2) (i) (b) above.

(c) Not applicable; as work has not commenced on the studies relating to the implementation of the Housing Review.

(3) (ii) In my capacity as Minister for Urban Services, as it relates to ACT Electricity and Water (ACTEW):

(a) A copy of the 1993/94 staff and domestic customer survey is at Attachment B.

(b) survey ACTEWs conservation, safety and product campaigns, endeavour to identify the message conveyed about ACTEW and about their various products and services, such as trees and power lines, energy efficient heat pumps, water conservation and off-peak hot water.

(c) The Water Future Strategy related to education and awareness, consumption habits and appliance efficiencies, supply security, alternative sources and system efficiencies.

(3) (iii) In my capacity as Minister for Urban Services, as it relates to ACTION:

(a), (b) ACTIONs continuous surveys of bus users included consultations with community groups in Tuggeranong, Belconnen, and Gungahlin for problems, queries and suggestions for route planning; special needs groups for route planning and proposed changes to services; and liaison with the ACTION Schools Liaison Committee for route and timetable requirements; Department of Education and Training for new school year enrolments and out of area transport; ACT Planning Authority for planning of new suburbs in relationship to bus stop siting, width of roads and route layout; individual members of the community for their input into the way in which services are provided; and on-board bus surveys are carried out for reactions to suggestions by the community and to route planning being undertaken.

The questions asked in the Survey of Bus Users undertaken in 1992 are detailed in Attachment D, and cover such matters as purpose of bus journey, method of fare payment, frequency of bus travel, type of employment, place of work and residence and age group of respondent.

(3) (iv) In my capacity as Minister for Urban Services, as it relates to ACT City Services:

(a) A copy of the survey of residents in the Kaleen wheeled bin trial is at Attachment I.

See Appendix 1 of Working Paper IV:: Stated preference survey - survey design and preliminary results, at Attachment E, which details the market research undertaken for the Future Public Transport Options for Canberra Study Stage 1.

Not relevant to the Annual Traffic Volumes Data Collection undertaken. Observations are made in the bicycle data collection program to determine sex, age group, and helmet wearing statistics.

(b) A copy of the survey of residents in the Kaleen wheeled bin trial is at Attachment 1. In addition a telephone survey was conducted; the questions asked were: -

If recycling bins are provided to all households in Canberra, would you still need to use recycling facilities at shopping centres, recycling centres or tips?. If the combined garbage and recycling service was to cost more than the current system, how much extra would you be prepared to pay each year? \$20, \$10, \$5? Would you prefer to own your own recycling bin? Would you prefer to own your own garbage bin? If yes, would you prefer a one-off charge or instalments over four quarters? You are no longer required to put paper into plastic bags for recycling. Have you found this system more convenient? (Kaleen only). Do you find it difficult having the bin on your premises? (Kaleen, Melba only). Do you have sufficient space in your recycling bins? Do you have any additional comments? Would you recommend that the Government introduce this system throughout Canberra?

A copy of the Transport Regulation Client Survey is at Attachment K, and the Client Survey Report is at Attachment L.

See Attachment M, Hughes/Garran Traffic and Pedestrian Study, Newsletter No. 3.

(c) The survey questions for the Precinct Management Pilot Project were developed by City Management staff and were:

Please indicate your area of interest eg. business owner, resident, shopper etc. What particularly interests you about the Narrabundah Precinct Project? What do you think are the best things about the Narrabundah Shops area? What do you think are the worst things about the Narrabundah Shops area? What do you think makes the Narrabundah Shops Precinct special and unique? What are the four most important features you would like to have considered for the Narrabundah Shops Precinct? 1-low would you like to be kept informed about future developments? Do you have any special skills that you would be willing to contribute to the work of the Precinct Community Group? Do you wish to nominate as a potential member of the: Precinct Community Group?

(4) (i) In my capacity as Minister for Housing and Community Services, as it relates to the ACT Housing Trust:

- (a) The research was conducted in-house and no costs in addition to those of printing and mailing were incurred.
- (b) No fees were charged for the research.
- (c) Not applicable.

(4) (ii) In my capacity as Minister for Urban Services, as it relates to ACT Electricity and Water (ACTEW):

- (a) \$40,220 for the 1992-93 and the 1993-94 staff, domestic and commercial customer surveys.
- (b) \$83,371.63 for the conservation, safety and product research for the financial years 1992-93 and 1993-94.
- (c) \$20,229 to obtain statistical information relating to public support for the ACT Water Strategy direction.

(4) (iii) In my capacity as Minister for Urban Services, as it relates to ACTION:

The Survey of Bus Users cost \$21,265.

(4) (iv) In my capacity as Minister for Urban Services, as it relates to ACT City Services:

- (a) The costs relating to the trial of wheeled bins, including the resultant market research and related surveys, were not identified separately in Branch operational costs.

The estimated costs for the Future Public Transport Options for Canberra Study Stage 1 market research was \$39,000, which was shared between the National Capital Planning Authority, the Federal Department of Transport, the ACT Department of the Environment, Land and Planning and the Department of Urban Services. The Department of Urban Services share was approximately \$10,000.

The costs associated with the Annual Traffic Volumes Data Collection are approximately \$40,000 per year.

- (b) The cost of the follow-up survey of domestic wastes was not identified separately in Branch operational costs.

The cost of the Transport Regulation Client Survey was approximately \$8,000.

The cost for the Hughes/Garran Local Area Traffic Management Study market research was not identified separately within Branch operational costs.

- (c) The cost relating to the Precinct Management Pilot Project market research is between \$700 and \$1,000 and covers the printing and distribution costs which varied according to the number of households in each precinct (approximately 3,000 in O'Connor and 1,000 in Hughes).

(5) (i) In my capacity as Minister for Housing and Community Services, as it relates to the ACT Housing Trust:

- (a) In-house analysis of the survey was undertaken. No report, as such, was produced and the results are therefore not publicly available.
- (b) An unpublished preliminary report was presented to the ACT Housing Trust. The report is not publicly available.
- (c) Not applicable.

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(5) (ii) In my capacity as Minister for Urban Services, as it relates to ACT Electricity and Water (ACTEW):

- (a) See the attached copy of the staff, domestic and commercial user survey at Attachment B.
- (b) The Water Future Strategy survey gave the strategy a very positive mandate. An invitation was extended to all members of the ACT Legislative Assembly to attend a briefing which provided valuable insight into the community's views towards the ecologically sustainable directions set out in the Future Water Supply Strategy, see Attachment C.
- (c) Recall and reaction to ACTEW's campaigns was high with one or two dominant messages communicated, each reflecting major objectives of recent campaigns to position ACTEW as an environmentally aware and responsible organisation.

(5) (iii) In my capacity as Minister for Urban Services, as it relates to ACTION:

The findings of the report ACTION: Survey of Bus Users (Attachment D), indicate that the majority of bus users are workers and students travelling to fixed destinations on a regular basis.

(5) (iv) In my capacity as Minister for Urban Services, as it relates to ACT City Services:

- (a) See Attachment J, page G of Trial of wheeled bins for the kerbside collection of recyclables and wastes in Canberra.

See Attachment E, the Future Public Transport Options for Canberra Study working paper.

For the results of the Annual Traffic Volumes Data Collection see Attachments F, G and H).

- (b) The results of the extensive market research into domestic waste is the introduction of the wheeled bin garbage and recycling collection system throughout Canberra, which will be fully operational from the beginning of December 1994.

The results of the Transport Regulation Client Survey can be seen at page 17, Attachment L.

The results of the Hughes/Garran Local Area Traffic Management market research can be seen at Attachment N.

- (c) Precinct Community Groups have the results of the surveys and are using the information to create individual priority lists of their needs for shopping centre rejuvenation.

ATTACHMENTS:

- A. ACT Housing Trust Tenant Survey
- B. ACTEW Satisfaction Indices (Results of three questionnaires)
- C. ACT Future Water Supply Strategy and Summary, June 1994
- D. ACTION Survey of Bus Users, Main Findings, July 1992
- E. Future Public Transport Options Working Paper IV, Stated Preference Survey
- F. ACT Traffic Volumes, Volume 1: Traffic Flow Trends and Variations, 1990-93
- G. ACT Bicycle Volumes, Trends, Variations, Survey Results, Helmet Wearing and Cyclists Characteristics, 1991-1993/94
- H. ACT Traffic Volumes, Volume 2.- Results of the Data Collection Program 1993/94
- I. Residents Survey - Kaleen Trial, May 1993
- J. Trial of Wheeled Bins for the Kerbside Collection of Recyclables and Wastes
- K. Transport Regulation Client Survey
- L. Client Survey Report
- M. Hughes/Garran Traffic and Pedestrian Study, Newsletter 3
- N. GFOPLAN Report on Hughes/Garran Traffic and Pedestrian Study, June 1993

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION No.1442

Commercial Leases - Renewal

Mr Greg Cornwell asked the Minister for the Environment, Land and Planning:

- (1) Is it a fact that commercial properties exist with less than 30 years remaining on their leases and which cannot be re-leased for an additional 99 years because no legislative provision exists to do so?
 - (2) If (1) is correct, how many such commercial leases exist and where are they located?
 - (3) Are proposals under consideration to correct the situation? If so, when might amending legislation be introduced?
- If proposals are not under consideration, why not?

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

- (1) No, it is not correct to say that there is no legislative provision to enable commercial lessees to renew their leases in the last 30 years of term.

When the Land (Planning and Environment) Act 1991 (the Land Act) came into effect in April 1992, section 172 of that Act made provision for commercial lessees to renew their leases in the last 30 years of the term, provided that the land was not needed for any other public purpose; the land was to be used for the same purpose as before; and the determined fee and any outstanding rent were paid.

Any commercial lease-holder is able to apply to renew his or her lease under these circumstances.

- (2) According to the Departmental records, there are approximately 30 commercial leases which were originally 99-year leases and which are due for renewal before the year 2025 - that is, which are in their last 30 years of term. As well as those, there are approximately seventy-seven 50-year leases which may be extended to 99-year leases during the same period.

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(3) & (4)

The only legislative matter which relates to this, and which is under consideration at the moment, is byway of determining the quantum of the "determined fee".

Since 1980, a policy introduced by the then Commonwealth Minister, the Honourable Bob Ellicott, has been used. Under the Ellicott policy, commercial lessees wishing to extend the term of their lease from 50 to 99 years could do so by paying 10% of the unimproved value.

In the same way, lessees with 99-year leases could apply, between the 69th and the 84th years of the term of the lease, for a further 99 years, at a cost of 10% of the unimproved value of the land.

One option may be to reinstate the Ellicott formula while a review of the quantum of the determined fee is under way. This matter, together with a range of other options, is currently under consideration by the Government.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1452

Schools Funding

MR CORNWELL - asked the Minister for Education and Training on notice on 8 November 1994:

Further to your answer to question on notice No. 1369 -

(1) What are the "number of adjustments" referred to in your cause for additional funding being required for Government schools during 1993-94 and what "increased litigation" is referred to, by item, cause and amount.

(2) Why did the Commonwealths One Nation Package funding cease earlier than anticipated and thus decrease expected funding to the ACTs non-government schools by \$0.611 m.

MR WOOD - the answer to Mr Cornwells Question is:

(1) (a) The "number of adjustments" referred to were outlined in papers presented to the Select Committee on Budget Performance and Outcomes 1993-94. In summary, the additional funding received is as follows:

\$000

Amendment to Appropriation Bill 1,500

Senior Officer Performance Pay 70

Targeted Separation Scheme 550

Litigation and Other Non salary Expenses 627
2,747

Original Subvention 203.569

206,316

(b) Details of claims paid under the Litigation heading in 1993-94 cannot be provided because they would allow identification of individuals. Of the 27 claims paid in 1993-94:

less than \$1,000 13 claims

\$1,001-\$10,000 7 claims

\$10,001-\$50,000 4 claims

\$50,001-\$110,000 3 claims

24 claims were for personal injuries (21 students, 1 teacher and 2 cleaning contractors) and three claims were for legal costs.

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(2) Funding provided by the One Nation Package ceased in December 1993 as announced by the Commonwealth. However, the Department had projected income from One Nation Package to be received for the full financial year.

4866

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1455

**Environment, Land and Planning Portfolio -
Field Officers Houses**

MR CORNWELL: Asked the Minister for Housing and Community Services -In relation to the response to question on notice No 1316 -

- (1) Were the occupiers employees of the Department of the Environment, Land and Planning when they became tenants in these houses.
- (2) Were the occupiers eligible for ACT Housing Trust accommodation by the Trusts usual eligibility criteria when they became tenants in these houses.
- (3) How long have the occupiers of these three houses been Trust tenants.
- (4) What is the status of the applications to buy or change the leases of these houses at 8 November 1994.
- (5) Are the occupiers of these houses still employees of the Department and are they still eligible for Trust accommodation under the usual eligibility criteria. (Redirected 29 November 1994)

MR LAMONT: The answer to the Members question is as follows -

- (1) The occupiers of these houses were Government employees at the time when they became tenants in these houses.
- (2) At the time when the occupiers of these houses became tenants, the houses were Government housing provided for Government employees as part of their conditions of employment. The houses were not transferred to the ACT Housing Trust until 16 September 1987.
- (3) The occupiers of these three houses have been Trust tenants since the date of the transfer of these houses to the Housing Trust.
- (4) The status of the applications is that the applications for leases for Blocks 40 and 57 Stromlo and Block 1 Section 33 Pialligo have been approved. The application for the lease of Block 556 Majura is still under consideration.

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(5) The applicant for Blocks 40 and 57 Stromlo is no longer an employee of the Department. The other applicants are still employed by the Department.

As Housing Trust tenants, the occupiers of these houses have the same right to security of tenure as other tenants. They are not required to continue to meet the eligibility criteria, either to remain as tenants or to purchase the house as a tenant.

4868

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1457

Abattoir Holding Paddocks

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to your response to question on notice No.1070 that " If it is necessary to extend the agistment arrangements prior to leasing (of the abattoir Paddocks), there will be a further selection process for all interested rural lessees"

- (1) When was it realised that the auction of this land would not occur in the second quarter of 1994.
- (2) What process was followed to determine agistment rights on this land beyond the original arrangement.
- (3) How many rural lessees were notified that the land was available for an extended period of time; (a) how and when were they notified; (b) how many expressed interest and (c) who made the decision regarding allocation of rights.
- (4) Who currently has the right to graze this land and are they the same persons who agisted the land previously.
- (5) What charges and responsibilities for the land were levied on the previous agistees and are levied on the current agistees.

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

- (1) It was realised that the auction of this land would not occur in the second quarter of 1994, in early November 1993.
- (2) In line with agreed policy, letters were sent to all adjoining lessees and to the ACT Rural Lessees Association, so that members may express interest.
- (3) Four lessees were directly notified along with a letter to the ACT Rural Lessees Association.
 - (a) They were notified by letter dated 9 November 1993.
 - (b) Four initially expressed an interest but following an on site inspection only the original agistees reconfirmed their interest.
 - (c) No decision had to be made as there was only one party left expressing an interest.

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- (4) There is currently no one grazing the Abattoir Paddocks.
- (5) The previous agistees paid the standard agistment fee based on the carrying capacity and any excess water charges and were responsible for minor repairs to government owned improvements.

4870

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1462

Schools and Colleges - Student Costs

MR CORNWELL: - asked the Minister for Education and Training on notice on 8 November 1994:

What has been the total Government amount (Commonwealth and Territory) spent upon (a) Government, (b) non-Government school students in each year from 1989-90 to 1993-94 at (i) primary; (ii) high and (iii) college levels.

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

Based on Sub-program level information published in Budget Papers, annual explanatory notes and Annual Management Reports, the total amounts spent on ACT students are as follows:

	1989-90	1990-91	1991-92	1992-93	1993-94
	\$000	\$000	\$000	\$000	\$000
Government Schooling:					
Primary	64,861	70,923	69,456	75,414	78,353
High	47,633	47,425	46,104	46,839	52,067
College	28,802	31,184	35,463	34,917	36,436

System costs have not been attributed in these figures. The amounts for the remaining Sub-programs in the Government Schooling Program are:

Balance of
Program 23* 37,375 43,530 37,442 38,632 44,556

*This includes Special Education, Preschools, System Support, Public Education Services and Corporate and Resource Management Sub-programs.

Relevant average cost per student, for the same time periods are:

Primary	3,690	4,380	4,290	4,420	4,630
High School	4,850	5,460	5,290	5,530	5,920
College	5,180	5,640	5,730	5,980	6,330

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These amounts include the attribution of corporate, system and special school costs. They are comparable to State average per student costs published in the National Collection.

Non-Government Schooling:

Primary 25, 83 8 24,164 26,23 5 27,196 29, 5 87

High 19,120 17,881 19,414 20,125 21,894

College 6,718 6,283 6,821 7,071 7,693

These Non-government sector figures do not include Interest Subsidy Scheme payments. The total amounts for these payments are:

Interest Subsidy

Scheme 1,897 2,958 1,802 1,985 2,015

These amounts include all (Commonwealth and Territorial) funding of both Government and Non-government students.

4872

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1463

Housing Trust Properties - Wilful Damage

MR CORNWELL - Asked the Minister for Housing and Community Services -

- (1) What was the cost of wilful damage in ACT Housing Trust properties in 1993-94.
- (2) How much of this amount has been repaid by the tenants responsible.

MR LAMONT - The answer to the Members question is as follows -

- (1) Wilful damage costs are included as part of tenant responsible maintenance charges. Wilful damage is not recorded as a separate cost item.

Tenant responsible maintenance in 1993-94 was \$668,953.

- (2) Over 50 per cent of tenant responsible maintenance relates to former tenants who have not left forwarding addresses. These charges are being referred to Laurens and Co a debt collection agency engaged by the Housing Trust to assist the Trust in recovery of all debts from former tenants. Debts relating to existing tenants are pursued by the Housing Trust. The Housing Trust recently established a Sundry Debts taskforce to assist in and co-ordinate both of these processes.

Recovery of tenant responsible maintenance charges are recorded in the year they are received and not necessarily the year they are incurred.

Recoveries in 1993-94 were \$16,001.

4873

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 1465

Flower Boxes - Manuka

Mrs Carnell - asked the Minister for Urban Services - In relation to the large cement flower boxes which were positioned on Franklin Street, Manuka, outside the Down Town Milk Bar, My Cafe and Caphs Restaurant and Coffee Lunge, and which have recently been removed

- (1) What were the reasons for the removal of these boxes.
- (2) Was a request made to the Government to remove the boxes; if so, from whom did the request come and what were their reasons.
- (3) Given the extra space now available, what will the proprietors of each above mentioned shop, as well as any others concerned, be charged for the use of the extra space outside their shops.
- (4) What was the cost of the removal of the boxes and how many hours of labour were required to remove them.
- (5) Did the proprietors concerned contribute to the cost of removal; if so what was their contribution.
- (6) Is there any plan to replace the boxes with anything else; if not, why not.
- (7) If there is a plan to replace the boxes, (a) what is it and (b) what will be the cost of this replacement.

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

- (1) City Parks Section of the Department of the Environment, Land and Planning supported the request from Mr Ken Bennett of My Cafe. There had been problems with vandalism and littering in the boxes, and maintenance could not keep up the flower supply. Thus they were empty for a considerable part of the time.
- (2) On 25 July 1994 Mr Ken Bennett, of My Cafe, applied to use the footpath adjacent to his premises for an outdoor cafe. He requested consideration be given to the removal of the large concrete flower box across the Manuka Arcade entry and his frontage; the rubbish bin adjacent; and an empty tree surround with seats. The reasons were not clearly stated, but can be inferred from the letter to be for maximising the area available for an outdoor cafe at the frontage by providing a treatment similar to that provided previously to rectify problems near the newsagency.

(3) The removal of the plant box increased the possible length of the area for an outdoor cafe at My Cafe by 0.7m. The removal of the empty tree space was necessary to restore the pavement for pedestrian safety and aesthetic reasons, and increased the length of the available space by 1.3m. The width for the

_ outdoor cafe use adjacent to the kerbside is 2.3m. Thus the additional area available for My Cafe due to these works is 4.6M which attracts an annual fee of \$39.10. To date no other applications have been lodged for permission to occupy the other additional area referred to in the question.

(4) The cost of the removal of the boxes was \$3,209. The removal required 92 hours of labour.

(5) Yes. The costs are to be equally shared between my Department, the Department of the Environment, Land and Planning and the proprietor of My Cafe.

(6) No, there are no plans to replace the flower boxes with anything else. The boxes were considered inappropriate as street furniture given the current use of the path area. The boxes were designed and located before outdoor seating became popular and caused considerable congestion. The area is now paved and any future development is dependent on any major redevelopment of the area.

(7) I refer you to my answer of part 6 above.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1468

**Environment, Land and Planning Portfolio -
Employee-Occupied Dwellings**

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to dwellings owned by the Government

- (1) How many are occupied by employees of your Department.
- (2) How many are occupied by employees of your Department and are controlled by the ACT Housing Trust.
- (3) How many are occupied by employees of your Department and are controlled by your Department or another Department but not the Trust.
- (4) Where are the dwellings in (1) located and how much rent (and rental rebate if applicable) is paid at each.
- (5) Are there any dwellings occupied on a rent free basis and if so, which ones.
- (6) Are any dwellings occupied on a basis where rent or other costs are offset by hours worked or duties performed either as part of the officers jobs or as work outside their normal duties or hours; if so, (a) which dwellings; (b) how much rent is offset; (c) what types of duties and (d) how many hours are involved.

Mr Wood the answers to the members questions are as follows

- (1) There are 20 Department of the Environment, Land and Planning officers occupying Government dwellings for which either a rental subsidy is paid to the ACT Housing Trust or rent is paid to this Department.
- (2) There are 14 houses occupied by Departmental officers which are controlled by the Housing Trust.
- (3) There are six houses occupied by Departmental officers which are controlled by this Department.
- (4). The dwellings identified in (1) and the rent (and rental rebate) which is paid at each is as follows;

No	Address	Full Rent (fortnight)	DELP contribution	Tenant Contribution
1	RMB 99A Cooma Road Via Queanbeyan	\$275.00	\$167.00	\$108.00
2	RMB 121 Cotter Road, Queanbeyan	\$211.00	\$126.00	\$ 85.00
3	Managers Cottage Paddys River	\$252.00	\$102.00	\$150.00
4	01 via Piccadilly Circus Upper Cotter Cotter River	\$106.00	\$ 66.00	\$ 40.00
5	RMB 85A Burra Road via Queanbeyan	\$171.00	\$ 86.42	\$ 84.58
6	20 Kallaroo Road Pialligo	\$201.00	\$161.00	\$ 40.00
7	Caretakers Cottage Cotter River	\$252.00	\$212.00	\$ 40.00
8	Gudgenby Rangers Cottage Booth	\$171.00	\$131.00	\$ 40.00
9	Rangers Cottage Paddys River	\$211.00	\$108.00	\$103.00
10	Cottage 1 Cuppacumbalong, Tharwa	\$248.00	\$218.00	\$ 29.92
11	Rangers Cottage, Pialligo Avenue	\$222.00	\$176.00	\$ 45.62
12	Rangers Cottage Antill Street Watson	\$260.00	\$230.00	\$ 29.92
13	Block 129 Drake Brockman Drive Holt	\$248.00	\$156.75	\$ 91.25
14	RMB 310 Fyshwick	\$231.00	\$201.08	\$ 29.92
15	Rose Cottage Macarthur	\$200.00	\$ 0.00	\$200.00
16	Kama. Hawker	\$100.00	\$ 0.00	\$100.00
17	Couranga. Hume	\$ 80.00	\$ 0.00	\$ 80.00
18	Tidbinbilla	\$ 1.00	\$ 0.00	\$ 1.00
19	Lanyon, Cottage 3	\$120.00	\$ 0.00	\$120.00
20	Lanyon, Cottage 2	\$ 90.64	\$ 0.00	\$ 90.64

The employee rental contribution to job tied houses is paid in accordance with the relevant industrial agreements.

(5) There are no dwellings occupied on a rent free basis.

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- (6) one house controlled by the Parks and Conservation Service, within the Tidbinbilla Nature Reserve, is occupied by an employee where a token rent is paid to offset duties undertaken outside of the normal work performed. This employee has agreed to complete a schedule of works, including painting, carpentry and general clean-up tasks aimed at restoring the property to a habitable condition. These works are estimated to be more than equal to two years market rental of the property.

The agreement is to run for two years, after which full rental will be charged. A similar agreement for a cottage at Pine Island is proposed in the near future.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION ON NOTICE NO. 1472

"The Grange", Deakin - Development Project

Mr Moore - asked the Minister for the Environment, Land and Planning - In relation to Block 8, Section 36, Deakin and adjacent areas, namely "The Grange", Deakin Anticline and surrounding public parklands

1. Does the Minister and/or the Department allow- (a) illegal works; (b) breach of lease conditions; and (c) withholding of public parkland and heritage areas from the public to the direct commercial advantage of a private developer.
2. Has the Minister received any information from the public that there has been (a) any illegal work; (b) any breach of lease conditions; and (c) any withholding of public parklands and heritage areas from the public to the direct commercial advantage of a private developer.
3. Has there been an approval for a design and siting application which deletes open access public parkland (around a heritage area) and effectively gives over additional public parkland to the lessee/developer.
4. If so, (a) has such approval been given despite outstanding prior requirements under the lease and (b) does the application also further contravene lease and Conservation Plan requirements for a Heritage Place.
5. Has the lessee of Block 8, Section 36, Deakin been in breach of lease conditions that require development and management of adjacent public parkland.
6. Has the lessee already for some time illegally extended into public parkland including excavating and fencing an area extending more than 4 metres into a public park.
7. Has any approval, whether for lease, occupancy or design and siting, been given to the lessee whilst in breach of such conditions.
8. Has the development proceeded at a significantly greater density than in the originally approved plans and publicly circulated documents.

9. Does the development include the originally proposed outdoor recreation areas which were given as part of the justification for allowing development on this land.
10. Has the lessee fenced off an area of public parkland which includes the Deakin Anticline which is now only accessible through that property and is a portion of the fenced off area used for the lessees own gardening activities.
11. Does any recently completed two-storey construction extend into the required 4 metre minimum set-back on De Chair Street.
12. Has the lessee constructed sheds within the public area.
13. Does the design and siting application referred to in (3) meet all the performance standards of the Territory Plan.
14. Does the proposal have multi-storey buildings to the boundary on all four boundaries despite the performance standard of 6 metres for a lower floor and 7.5 metres for upper floor.
15. Do the proposed works cover some 80 percent or more of the remaining portion of the block and do the performance standards actually require 35 percent of the total block to be retained as open space.
16. Does the building meet performance standards of 2.25 parking spaces per unit.
17. Does the proposal include four storey development when special allowance has already been given for consideration of three storey development and, if four storey development has been permitted, is it on the very boundary of parkland.
18. Are the Hostel and Nursing Home, that were part of the originally approved development conditions and plans, included in the current development.
19. Did the Minister, having knowledge of the various lease breaches and outstanding requirement, direct (through his delegate) that the lessee submit by the end of February 1994 detailed plans for the outstanding work and expeditiously complete it.
20. Is it true that complete plans have not yet been submitted and no work at all has taken place.
21. Is it true that no action, or even threat of action, has been taken against the lessee in respect of known infringements on block boundaries.
22. Why is it that special consideration has been given to this particular developer, if indeed that has been the case.

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

1. (a) No.

(b) No, but in the event of extenuating circumstances, negotiation with a lessee and extensions of time may be given.

(c) No.

2. (a) A nearby resident has made several allegations that there is "illegal work" on the site. The Government disagrees with this allegation. There are however several buildings, required by the lease, which have not been completed. The Department, after a period of negotiation, has granted the lessee an extension of time to September 1997 - the estimated time to complete the required construction. In this time, all building work and off site works must be finished. This agreement was subject to the following conditions:

that the building to the south east corner and adjacent works including the pocket park and part of the landscaping on Hanna Place is completed within 36 weeks from building approval. This is to ensure that a substantial portion of Hanna Place landscaping is undertaken during this stage of construction;

that the works on Territory land are carried out concurrently with the building work conducted on leased land and;

that the remaining works including building work, landscaping and works on Territory land is completed within 36 months from formal planning and building approval.

This work will also repair any excavation encroaching onto unleased land.

(b) As referred to above several lease breaches did exist. The developer has satisfied the Department that these breaches will be rectified, thus an extension of time was granted. The Department will consider compliance action if all work is not completed by September 1997 (36 months from the date the extension was granted).

(c) In respect of complaints made by the resident, this matter has been investigated. The Department has not entered into any agreements whatsoever, which would give a private developer the right to use any public parkland or heritage area for direct commercial advantage.

3. No. Design and Siting approval was granted for Stage 4 of the development on 19 October 1994 subject to conditions. However the application does not delete open access to public parkland and in no way gives additional parkland to the lessee.

4. Not applicable.

5. See answer to 2(b) above.

6. Yes, the lessee has encroached, by excavation, onto public parkland. This occurred to enable construction work to proceed. The lessee has undertaken however to rectify this encroachment during the period of the "extension of time".

7. A lease variation and Design and Siting approvals have only been given to the lessee after close consideration and with a view to seeing the total development completed.

8. The original proposal for the site has altered several times. This is particularly common for large developments. The plans recently submitted provide for 85 self care units, which has not changed from the original proposal. However there is a reduction in the gross floor area of the building proposed to be used as an aged persons home. Therefore there is a reduction in the density rather than an increase.

9. No. In the original Policy Plan the outdoor recreation areas were listed as a possible use. There is no mandatory requirements for the provision of outdoor recreation areas within the site.

10. Certain areas around the Deakin Anticline area are required to be fenced off during construction periods. Access to the Anticline is still open to the public from several points and will improve once the total development has been completed. The lessee of "The Grange" is responsible for the landscaping around the curtilage of the Anticline in accordance with an approved landscape plan.

11. The plans granted Design and Siting approval for two storey buildings along De Chair Street show a minimum setback of 4 metres. Building Control has been asked to assess if the lessee has not complied with these setbacks.

12. Most major developments involve the location of site sheds on adjacent land. Any such sheds will be removed when the development is complete.

13. No. Application No. 942961 does not meet all of the Performance Measures contained in the Territory Plan. However it was considered to satisfy the relevant objectives and the Performance Criteria and was therefore released for public comment.

14. No. The proposal does not have multi storey buildings to all four boundaries.
15. The Performance Measures require 35 percent of the total block to be retained as open space and this has been achieved.
16. The proposal does not satisfy the provision of 2.25 parking spaces per unit as this generation rate is for multi dwelling residential developments and does not distinguish between aged persons accommodation which generates parking at a reduced rate. The 21 carparking spaces provided on-site for stage 4 of the development are consistent with the ACT Planning Authoritys parking guidelines.
17. The proposal is for a four storey building along Hanna Place, projecting a two storey facade to Hanna Place. Agreement to four storey development along Hanna Place was granted in September 1989 by the then Interim Territory Planning Authority and contained no reference to minimum setback requirements. There is four storey development adjoining the pocket park but it is setback 3 metres from the boundary.
18. The plans recently submitted include a proposal for an aged persons home.
19. Yes. As a result of the provision of plans for outstanding work and subsequent discussions with the lessee, an extension of time was agreed to allow the completion of the project.
20. Yes. Complete plans have not been submitted. However the recent Design and Siting approval is subject to further detailed plans being submitted prior to the approval taking effect. The Design and Siting approval is subject to an appeal. Further detail cannot be finalised until the appeal is heard. It should be noted however, that the plans required for design and siting purposes are less detailed than Building Plans.
21. Action regarding all breaches of lease conditions has taken place. It was after extensive consultation with the lessee that an extension of time was granted.
22. Special consideration has not been given to this particular developer. The complex issues surrounding this development have been handled in a manner consistent with that taken for all other cases of this nature.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 1473

Floriade - Contracts

Mr Stefaniak - asked the Minister for the Environment,
Land and Planning in relation to Floriade

- (1) What is the name of the agency/ department which arranged contracts for the Advance Bank Floriade in 1993 and 1994.
- (2) Name the companies under which contracts were entered into for the Advance Bank Floriade 1993 and 1994.
- (3) Name the products/ services the companies under contract supplied.
- (4) Were the companies under contract given exclusive rights over the sale of their type of-products, ie Coca-Cola - soft drinks; Lindemans - wines; if so, why.
- (5) On what date and how were tenders called for Advance Bank Floriade 1993 and 1994.
- (6) Were local ACT owned and ACT Region owned companies invited to tender for contracts to Advance Bank Floriade.
- (7) If so, what ACT owned or ACT Region owned companies which tendered for Advance Bank Floriade were successful and what products/ services did they supply.
- (8) What were the terms and conditions of each contract entered into for Advance Bank Floriade 1993 and 1994.
- (9) Were all products at Advance Bank Floriade 1993 and 1994 sold under contract only; if not, name those products which were not sold under contract and why they were not sold under contract.
- (10) Name the event manager/s for Advance Bank Floriade 1993 and 1994.

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

- (1) The Department of the Environment, Land and Planning (DELP) arranged contracts for event management, sponsorship acquisition and supply of bulb material for Advance Bank Floriade 1993 and 1994 and a licence agreement for the production of Floriade merchandise in 1994.

A visitor survey was let by DEL P in 1993 and jointly between DELP and the Chief Ministers Department in 1994.

- (2) The event management and sponsorship acquisition contracts for Advance Bank Floriade 1993 and 1994 were let to Byrne Donohoe & Waters (later BDW Special Events Management).

Contracts for supply of bulb material were let to TA & NL Bakker, Tesselaars Padua Bulb Nurseries and Dysons Bulb Farm.

A merchandise licence agreement was entered into with Australian Tourist Souvenirs in 1994.

The visitor surveys were conducted by Barbara Davis in both 1993 and 1994. Focus groups in 1994 are being conducted by Market Attitude Research Services (MARS).

- (3) The companies under contract supplied the following products/ services:

1993 Event management and Byrne Donohoe & Waters

Sponsorship acquisition

Merchandise suppliers Jaymac

Bulbs TA & NL Bakker

Bulbs Tesselaars

Bulbs Dysons Bulb Farm

Security Star Security

Outdoor Cafe Capitol Cafe

Visitor Survey Barbara Davis

1994 Event management and BDW Special Events Management

Sponsorship acquisition (formerly Byrne Donohoe & Waters)

Merchandise licensee Australian Tourist Souvenirs

Bulbs TA & NL Bakker

Bulbs Tesselaars

Security Star Security

Outdoor Cafe The Catering Company
(formerly Capitol Cafe)

Visitor Survey Barbara Davis

Focus Groups Market Attitude Research
Services

Coca Cola Bottlers and Streets Ice Cream were contracted as product sponsors to supply soft drinks and ice creams respectively in both 1993 and 1994. In 1993, Lindemans Wines was contracted as a wine sponsor.

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- (4) Coca Cola Bottlers, Streets Ice Cream and Lindemans Wines were given exclusive trading rights at Floriade.

It is common practice to offer exclusive trading rights to product sponsors in return for financial support for the event.

- (5) DELP called for tenders for the event management contract in the Canberra Times on 5 October 1991 and for sponsorship acquisition in the Canberra Times on 2 November 1991.

Expressions of interest for the supply of bulbs for 1990, with a possible extension for four additional periods of one year each, were invited from selected companies thought capable of the job and through an advertisement in the Canberra Times. Expressions of interest were due by 15 November 1989 and requests to tender by 1 December 1989.

Expressions of interest for the supply of Floriade merchandise for both 1993 and 1994 were sought from selected firms who were known to have expertise in this type of merchandising. They were also sought for 1994 through an advertisement in the Canberra Times on 11 April 1994.

Submissions were invited from firms with past experience working for the Chief Ministers Department for visitor surveys in 1993 and 1994 and focus groups in 1994.

- (6) The event management contract for Floriade 1992 was advertised in the Canberra Times. No firms were contacted directly.

An advertisement calling for expressions of interest for the supply of bulb material was placed in the Canberra Times.

A local firm was contracted to supply Floriade merchandise in 1993. In 1994, 4 of the 6 firms contacted directly to supply Floriade merchandise were locally based and expressions of interest were invited through the Canberra Times.

In 1993, 5 ACT/ Queanbeyan based security firms were invited to submit expressions of interest for security services. In 1994, the breakdown was 4 ACT / Queanbeyan and one NSW based security firms.

An advertisement inviting expressions of interest for the outdoor cafe was placed in the Canberra Times in both 1993 and 1994. Seven of the 10 companies requesting information in 1993 were local and, in 1994, 4 of the 5 companies were local.

In 1993, a local firm was engaged to conduct the visitor survey and in 1994, 4 of the 8 agents contacted were local.

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(7) In both 1993 and 1994 local companies were contracted to provide event management and sponsorship acquisition (BDW Special Events Management), security (Star Security), and the outdoor cafe (The Catering Company).

Floriade merchandise for 1993 was supplied under contract by a local firm (Jaymac). In 1994, a licence agreement was entered into with a NSW based firm for the production of Floriade merchandise due to the higher potential return compared with the submissions proposed by other firms.

In both years the visitor survey was awarded to a local company (Barbara Davis). The contract for focus groups held in 1994 was let to a NSW firm (MARS) on the basis of price.

Both Coca Cola bottlers and Streets Ice Cream are ACT/ Queanbeyan owned and operated franchises.

(8) The terms and the conditions of each contract entered into are commercial in confidence.

(9) Contract arrangements are described above.

Additionally, expressions of interest were invited through an advertisement in the Canberra Times in 1993 and 1994 for the sale of food, drinks, art/craft, novelties and other items. These are sold on a commission basis through the Floriade Shop or directly on site on payment of a site fee.

Successful applicants for a concession site must supply products which are suitable for a floral festival and which meet the contractual obligations which the Department has agreed to abide by or is subject to as a government agency.

(10) The event managers for Floriade 1993 and 1994 were a local firm, BDW Special Events Management (formerly Byrne Donohoe & Waters).

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 1475

**Environment, Land and Planning Portfolio - Officers
Involved as Developers**

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

- (1) Have any employees of your Department or members of their families been involved in developments of a residential nature.
- (2) If so, for (a) 1992-93; (b) 1993-94 and (c) to date 1994-95, how many have been "the developer" either as individuals or as part of a company or partnership, in (i) dual occupancies, (ii) broadacre development, or (iii) multiunit residential redevelopment.
- (3) What are the block and section numbers for each instance at (i), (ii) and (iii) and in what section of your Department has the relevant officer worked in each case.

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

- (1), (2) and (3) Officers in my Department and every Commonwealth and ACT Government body who hold residential leases in Canberra, or wish to do so, are included in this definition. All or any one of these people could be exercising their rights in this manner.

Senior Executive Officers in my Department are required to submit an annual Declaration of Interest, which includes the disclosure of any activities of this nature. Senior Officers are asked to do the same, where they feel there may be a conflict of interest. There are no records held in respect of other staff but senior managers in my Department monitor this situation carefully.

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1477

**Environment, Land and Planning Portfolio - Officers
Involved as Consultants**

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

- (1) Since self-government, have any officers of your Department or their relatives performed consultancy duties on a separate fee basis for the Department.
- (2) If so, (a) what were their names; (b) what were the dates and duties of each consultancy and (c) what fees were paid.

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

- (1) The Department of the Environment, Land and Planning provides detailed information on consultants in its Annual Reports.

I am unable to provide additional information on relatives of officers because this information is not sought at the time a consultant is engaged.

Copies of the relevant extracts of the Departments Annual Reports have been provided to the Member.

- (2) Not applicable.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1479

Hartley House - School Bus Service

MRS CARNELL - asked the Minister for Education and Training on notice on 9 November 1994:

In relation to school transport for children who attend the Hartley Street annexe of the Turner Primary School:

- (1) Can the Minister advise what action has been taken to ensure that school buses arrive at the school prior to the commencement of classes in the morning.
- (2) Has consideration been given to an alternative service provider who will deliver children to the school prior to the commencement of schooling (ie. 9.00 am) each day; if not, why not.
- (3) What arrangements have been undertaken to make up for the loss of school time for the students who miss out on schooling because of delays in bus arrivals.
- (4) Does the Minister consider it acceptable and in accord with the espoused social justice principles of his Government that children who are disadvantaged by their circumstances should be further disadvantaged by the failure of the Government to provide a bus service which delivers children on time to school.
- (5) When will the issue of late arrivals be resolved.

MR WOOD - the answer to Mrs Carnells question is:

- (1) Changes have been made to some bus routes to resolve the issue. .
- (2) The current contract is in place until 1996. The department is currently investigating what other states do to provide special needs transport. These will be considered as part of a review of ACT services.
- (3) School timetables are arranged so that core time in literacy and numeracy is not disrupted.
- (4) The Government upholds social justice principles by providing a door to door service for students with special needs. Provision is made within available resources.
- (5) The situation is being monitored. New routes for 1995 will be negotiated.

**MINISTER FOR INDUSTRIAL RELATIONS FOR THE
AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 1481

**Industrial Relations Portfolio -
Advertising Material**

MR DE DOMENICO - Asked the Minister for Industrial Relations upon notice on 10 November 1994:

Since your appointment to the relevant portfolio -

- (1) How many rate-payer funded leaflets, advertisements, pamphlets and any other written material have been distributed on which your photograph and/or message has appeared.
- (2) How many of each have been printed and distributed.
- (3) What is the total cost of producing and distributing each.
- (4) How many more are scheduled.
- (5) Will you supply copies of each to myself.

MR LAMONT - The answer to the Members question is as follows:

- (1) Nil
- (2) Nil
- (3) Nil
- (4) Nil
- (5) Nil

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

Question No. 1484

Tilt-train and Speedrail Projects

Mrs CARNELL - Asked the Chief Minister upon notice on 29 November 1994:

In relation to the Tilt-train and Speedrail -

- (1) How much money has been provided from the ACT Government for these projects.
- (2) When were monies paid, and to whom were they paid.
- (3) For what goods or services were the monies paid.

MS FOLLETT - The answer to the Leader of the Oppositions question is as follows:

- (1) The ACT has committed up to \$75,000 for a study into the feasibility of a Tilt-train service between Sydney and Canberra and \$50,000 for a feasibility study into Speedrail.
- (2) A payment of \$30,000 was made on 25 October 1994 for the Speedrail project to Speedrail Pty Ltd. Only \$15,000 of this was ACT Government funding (\$15,000 was the Commonwealths). A payment of \$33,750 is currently being processed for the NSW Government towards the Tilt-train study.
- (3) The monies paid to Speedrail represented the payment for the first stage of the market study. The monies being paid to the NSW Government are the ACTs contribution towards a patronage study.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 1485

Waste Disposal Charges

Mr Stefaniak - asked the Minister for Urban Services - In relation to the answer to question on notice No. 1386

(1) To question (2) you replied:

"The agreement between the ACT Government and the City of Queanbeyan for use of the ACTs landfills includes a payment by the City for the usage of the landfills made by the residents of Queanbeyan."

What is the amount of the payment made by the City of Queanbeyan for the usage of ACT landfills.

(2) To question (3) you replied:

"Where charges are raised, Government users are charged at the same rate as applies to other users."

Can the Minister (a) confirm that ACT and Federal Government users are charged \$22.00 per tonne and if not, what are they charged and (b) provide details as to what circumstances charges are (i) raised and (ii) not raised.

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

(1) The City of Queanbeyan pays \$17270.00 per quarter for privately delivered household waste from Queanbeyan residents to ACT landfills.

(2) (a) Where charges apply to ACT and Federal Government users of ACT landfills they are charged at a rate of \$22.00 per tonne for the disposal of general waste or at the rate applicable for special wastes.

(b) Charges are not varied to those gazetted.

4893

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1486

Housing Trust - Debt Collection Contract

MR CORNWELL - Asked the Minister for Housing and Community Services -In relation to your reply of 31 December 1993 to my question on notice No. 1060 regarding the debt collection service for ACT Housing Trust rent defaulters that "I am prepared to provide a progress report on recovery action once the new arrangements have become properly established"-

- (1) How much money has been recovered in the 12 month period of the contract, ie to 21 October 1994.
- (2) How much money has been written off.
- (3) Has the contract been renewed; if so, (a) when and (b) for how long.

MR LAMONT - The answer to the Members question is as follows -

- (1) Total monies recovered through the Housing Trusts debt collection agency on rent defaulters to 21 October 1994 amounts to \$43,418.
- (2) During the financial year ended 30 June 1994, total rental write offs amounted to \$2,330,269.

The practice adopted by the Trust is to write off a debt at 30 June each year, therefore since 1 July 1994, no rental write offs have taken place.

- (3) A renewal of the contract for debt recovery is currently being undertaken. Laurens & Co have recently closed their Canberra office and as the contract is now up for review the Housing Trust is currently assessing whether to remain with Laurens & Co or transfer the debt to another local mercantile agent. The original contract required the agent to have an office within the Canberra region.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1487**

Housing Trust - Rent and Maintenance Arrears

MR CORNWELL - Asked the Minister for Housing and Community Services -

- (1) What was the total (a) vacated and (b) current ACT Housing Trust (i) rent and (ii) maintenance arrears at 30 June 1994.
- (2) How much of each category has been collected as at 30 November 1994 following the initiatives to chase outstanding debts of July 1994.

MR LAMONT - The answer to the Members question is as follows

- (1) As at 30 June 1994 the total Rental and Maintenance arrears are as follows;

Rental

Vacated \$1,068,725

Current \$1,773,400

Maintenance

Vacated \$2,015,879

Current \$ 789,885

- (2) Information in relation to the total recoveries from each category is provided in relation to the period 1 July 1994 to 30 October 1994, and is as follows;

Rental

Vacated \$ 13,139

Current Not Available **

A The information in relation to current rental arrears is not available as the Trusts computer system moves on an accrual basis, and as such the data is constantly changing.

Maintenance

Vacated \$ 98,834

Current \$ 59,320

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION 1488

Traffic Management - Hughes and Garran

Mr Cornwell - asked the Minister for Urban Services, in relation to the construction of traffic calming devices in the suburb of Hughes in July 1994:

- (1) Has traffic speed decreased; if so, by how much.
- (2) Has traffic flow decreased; if so, by how much.
- (3) Has movement in and out of driveways in Kitchener Street improved; if so, how has this been measured.
- (4) If no surveys have been carried out concerning the above, why not.

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

- (1) Surveys not finalised.
- (2) Surveys not finalised.
- (3) Surveys not finalised.
- (4) The Department of Urban Services completed a study of traffic and pedestrian issues in Hughes and Garran in June 1993. This study formed the basis for the various implementation stages of traffic management measures in both suburbs.

Stage 1 of the Hughes and Garran scheme was implemented during July 1994. A period of between 3 to 6 months is considered adequate before an evaluation can be undertaken. In this period, drivers become aware and familiar with the new devices and as a by-product would establish new driving habits, patterns and may also choose alternative routes for their trip.

Since late November 1994 the Traffic and Roads Section of my Department has commenced the collection of traffic volumes and speed data for the after situation. A questionnaire will also be distributed in the near future to residents of streets where devices have been installed. The questionnaire will request feedback on the perceived impact of the implemented measures.

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The traffic surveys and residents feedback will form the basis of the evaluation of the first stage of the scheme. The results of the evaluation will be available around March 1995. , This evaluation will identify modifications and/or additional measures to the existing scheme. Meanwhile, work is currently underway to identify the scope of Stage 2 of the Hughes and Garran Traffic Management Scheme, which has been funded for the 1994-95 financial year.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1489

National Training Wage Award

MR CORNWELL - asked the Minister for Education and Training on notice on 29 November 1994:

In relation to the National Training Wage Award as it affects ACT training bodies -

- (1) When (a) was it announced and (b) did it come into effect.
- (2) How many people have been placed in jobs in the ACT since the Awards inception.
- (3) Have all aspects of the training arrangements now been worked out by the Vocational Training Authority; if not, why not.
- (4) If all aspects have not been worked out, why is the Award operating.

MR WOOD - the answer to Mr Cornwells question is:

- (1)(a) and (b) A national training wage was mooted in the Commonwealth Governments Working Nation White Paper released on 4 May 1994. On various dates in May and June 1994 various union and employer groups notified the Australian Industrial Relations Commission of the existence of alleged disputes relating to the application of a national training wage and on 12 September 1994 the Commission handed down its decision to make the National Training Wage Interim Award 1994, applying from 5 September 1994. That Award covers significant sectors of industry at a national level through the Federal Awards system. For the Award to have wider application, including within areas of State and Territory jurisdiction, other processes need to be pursued.

In the ACT, following negotiation between various industry parties, the Master Builders Construction and Housing Association of the ACT has filed an application with the Commission for the Award to be made a common rule in the ACT. The application has been listed for hearing on 20 December 1994. This process is intended to ensure that the Award has wide application within ACT variations and agreements based on Federal Awards, as well as Federal Awards themselves.

- (2) To my knowledge, there have been no placements in jobs in the ACT to which the Award applies, noting, as above, that many areas of ACT industry will not be covered by the Award until the Commission makes a determination on the common rule application.

- (3) Not all aspects of the training arrangements that will apply under the Award have yet been determined, either by the Vocational Training Authority or nationally, and discussions and negotiations between the Authority, DEET, NETTFORCE and industry and interstate bodies are continuing. Much of the necessary documentation and procedural work has been developed and the Authority is in a position to manage traineeship arrangements once relevant industrial concerns are addressed.

- (4) See above.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1490

**Non-Government Schools - Funding under
New Schools Policy**

MR CORNWELL - asked the Minister for Education and Training on notice on 29 November 1994:

- (1) Is it a fact that some students in the ACT nongovernment sector do not receive Commonwealth funding under the New Schools Policy and in consequence, do not receive ACT Government funding.
- (2) Do the students concerned number about 60; if not, how many do they number.
- (3) What schools do these students attend.
- (4) What amount of funding per student is involved.
- (5) What steps are being taken to correct this discriminatory anomaly.

MR WOOD - the answer to Mr Cornwells question is:

- (1) Some students in ACT non-government schools are unfunded by the Commonwealth. It has been the practice to provide ACT per capita funding only for non-government students who attract Commonwealth funding. In order to attract funding the students must attend a registered school on a full time basis and be in the years from kindergarten to year 12. The school must have approval from the Commonwealth New Schools Committee. Under the New Schools Committee Guidelines, in order to achieve final approval, schools must reach the required minimum
_ enrolment at each level.
- (2) As at the Departments July 1994 census, 65 students were unfunded by the Commonwealth.

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- (3) The unfunded students attend Covenant College, Maria Montessori Preschool, Canberra Montessori Preschool, Orana School and the Australian International Christian School. It should be noted that the students attending the Australian International Christian School are unfunded through choice.
- (4) Students at the two Montessori schools would attract a rate of \$213.50, students at Covenant College a rate of \$813 and students at Orana School a rate of \$1114. ,
- (5) I am reviewing the issue of funding approvals, and I expect to inform the non-government schools of my decision very soon.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1491

Noise Control - Helicopter Flight over Garran

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

- 1) Is the Environment Protection Service (EPS) authorised to monitor noise pollution and enforce noise control regulations.
- 2) Can the EPS monitor noise pollution caused by aircraft flying low over suburban areas of the ACT which are not adjacent to the airport or on a recognised flight path.
- 3) What advice was given by the EPS officer who was asked about noise regulations relating to a helicopter flying low over Garran on Wednesday, 9 November 1994.
- 4) If the EPS cannot enforce noise regulations in such a circumstance, why not.

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

- 1) Yes. The EPS is authorised to monitor noise pollution and enforce noise control regulations in accordance with the Noise Control Act 1988.
- 2) No. Section 6 of the Noise Control Act 1988 states that the Act does not apply in relation to noise that emanates from an aircraft.
- 3) I have been advised that the EPS officer concerned is on leave interstate and cannot be contacted to ascertain the nature of advice provided. However, the standard advice in response to such a request would be that aircraft noise is not covered by the Noise Control Act 1988 and that the matter should be referred to the Civil Aviation Authority which has jurisdiction over this issue.
- 4) Refer to 2) above.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1493

**Housing Trust Properties - Community Group
Tenancies**

MR CORNWELL - Asked the Minister for Housing and Community Services In relation to ACT Housing Trust homes with leases held by community groups

- (1) How many such houses exist; (a) which community groups lease them and (b) what is the purpose of each lease.
- (2) Do community groups operating such houses receive financial assistance from the Government; if so, how much in total in 1993-94.
- (3) Do community groups pay rent upon these properties.
- (4) What checks exist to ensure such properties are tenanted.
- (5) If properties are untenanted for a period of time and rent is still being paid, are the community groups therefore wasting money provided by the Government.
- (6) What is the status of 36 Du Faur Place, Mawson; (a) is it occupied by a community group and (b) why has it been vacant since June 1994.

MR LAMONT - The answer to the Members question is as follows:

- (1) As at 7 December 1994 the total number of properties provided to community groups by the ACT Housing Trust is 182. (a) Houses and flats are provided to community groups and government agencies under the Community Organisations Rental Housing Assistance Program (CORHAP). A list of current tenants under the Program is attached. (b) The aim of this Program is to broaden the range of accommodation options available for people who are eligible for public housing but whose housing needs are best met by shared and/or supported accommodation services. The Program provides dwellings for a range of crisis, short, medium and long term supported accommodation services.

- (2) The source of operational funding for the largest number of services with tenancies under CORHAP is the Supported Accommodation Assistance program. In 1993/94 funding totalling \$7, 478, 812 was provided to 30 services operating out of 66 CORHAP properties. Many of these community groups receive financial assistance from both the Federal and Territory Governments under a range of programs including health, disability, home and community care, drug and alcohol rehabilitation. Because of the diverse sources of these other funds and the wide range of organisations using CORHAP there are no figures available for these other funding sources.
- (3) Community groups pay rent on properties provided under the CORHAP Program.
- (4) Inspections are undertaken from time to time, as is the case with individual tenancies. In addition, these accommodation services do not operate in isolation from the rest of the community housing sector. Organisations refer clients to and between accommodation services and major issues such as vacancy or neighbour problems are usually identified at an early stage.
- (5) The community groups provided with operational funding from either Government source are not wasting their funds. Tenancies undertaken by some community groups are, because of their nature, not as straightforward as individual tenancies. For example, where the clients of the service are people with a mental disability or where there are a number of clients sharing the accommodation, the organisation has a responsibility to appropriately match clients to each other and to the dwelling. This may take time and occasionally result in some vacancies for longer than is desirable. However, a satisfactory long term outcome for the client also results in a more stable tenancy, a more satisfied community and thus a more cost effective tenancy.
- (6) (a) 36 Du Faur Place Mawson is tenanted by a community organisation. (b) The house has not been vacant since June 1994. The property was vacated by the former tenant on 8 August 1994 and the organisation was granted the tenancy on 21 September 1994. The house currently has residents who were placed by the organisation.

8 December 1994

Organisations

Association for Post Secondary -student accommodation

Aboriginal Health Clinic

ACT Board of Health

ACT Society for physically handicapped children

ADD INC

ADFACT

Anglican Church

Baptist Church

Barnardos

Barton Co-op

Beryl Womens Refuge

Castlereagh Hse

Coolibah Co-op

CCHYP

Cura Casa

Dare

Doris Collective

Family Service Branch

FOCUS

Havelock House

Inanna Inc

Incest Centre

Intellectual Disabilities

Juno

L Arche

Lasa

Lowana

Northside Community Service

Mental Health

4904

O Connor Family Church
OConnor Uniting Church
Open Family Foundation

POACH

Rape Crisis
Richmond Fellowship

St Pauls
St Pauls Anglican Church
St Simons Anglican Church
St Vincent De Paul
Salvation Army
SSAY

TOORA

.
Tumladden

University of Canberra

Weston Creek
Woden Community

Youth Refuge
YWCA

4905

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1495

Water Storage Facilities

Mr Cornwell - asked the Minister for Urban Services - in relation to Canberras water storage facilities:

- (1) Has consideration been given to raising the height of our existing dams, as has been done elsewhere in Australia
- (2) If so, (a) which dams could be enhanced by such a process and (b) how much extra water could they store.
- (3) If not, why not.

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

- (1) I am able to confirm that raising our existing dams was looked at in the development of the Future Water Supply Strategy, and found not to be a viable option.
- (2) (a) The only possible exception to this is the Cotter dam, which was identified in the Future Water Supply Strategy. However, I understand that this would require completely rebuilding the existing dam as the old Cotter Dam wall has previously been raised during its lifetime.
(b) The existing Cotter Dam has a storage capacity of approximately 5 gigalitres (GL) of water. A rebuilt Cotter Dam could be expected to store approximately 30 GL, or 3000 megalitres.
- (3) Our existing water supply dams have been designed to take the optimal yield from their respective catchments. Raising these dams will effectively result in negligible additional storage at very high costs. While this extra storage would remain empty most of the time, it would effectively retard those significant floods which might cause the dams to overflow. This would deprive the rivers of occasional flushes, and so could in fact lead to increased blue-green algal growth problems down stream of the dams.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION 1496.

**Traffic Management -
Hindmarsh Drive-Dalrymple Street Intersection**

Mr Cornwell - asked the Minister for Urban Services - in relation to the intersection of Hindmarsh Drive and Dalrymple Street -

- (1) Why is there no turning lane for traffic turning off Hindmarsh Drive into Dalrymple Street (coming from Woden).
- (2) Is the intention of making such turning traffic wait along with through traffic to deter people from using Dalrymple Street.
- (3) Have the traffic calming measures in Dalrymple Street, recently installed, been successful; if so, how.

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

- (1) The decision not to provide a free left turn lane from Hindmarsh Drive into Dalrymple Street was a deliberate move made some years ago designed to make Dalrymple Street less attractive to through traffic. There is a separate left turn lane (controlled by the traffic lights) which reduces the impact of this traffic on the through lanes.
- (2) Yes.
- (3) The most recent speed surveys on Dalrymple Street have indicated that, over the same sections of the street, the vehicle speeds have dropped from 70 km/h prior to the measures being installed, to 55-60 km/h now.

There has also been a significant drop in the number of heavy commercial vehicles using the street, which had been a concern, despite the 2 tonne load limit in place.

4907

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1497

Housing Trust - Rent and Maintenance Arrears

MR CORNWELL - Asked the Minister for Housing and Community Services In relation to debts owed to the ACT Housing Trust for (a)1991-92; (b)1992-93; (c)1993-94 and (d) 1994-95 to date

- (1) How much in bad debts has been written off and how much of this was for (a) current arrears; (b) vacated arrears and (c) maintenance.
- (2) What efforts are put into retrieving or tracing this money before it is written off.
- (3) How much money owed in(a) current arrears; (b) vacated arrears and (c) maintenance has been recouped by Laurens and Co.

MR LAMONT - The answer to the Members question is as follows

(1) Bad debts written off 91-92 92-93 93-94 94-95

Current arrears \$0 \$0 \$0 \$0

Vacated arrears \$63,154 \$210,556 \$2,330,269 \$0

Maintenance \$0 \$22,927 \$182,798 \$0

\$63,154 \$233,483 \$2,513,067 \$0

(2) Prior to 1993-94 debt was written off as unrecoverable due to the age of the debt. From 1993-94 the write off a debt will be forwarded to the debt collection agency of the Trust for further recovery action. Once with the debt collection agency a debt will progress through various stages of attempted recovery action. Debts will only be written off once they reach a pre-determined write off stage with the agency.

(3) Monies recouped by Laurens & Co as at 93-94 94-95

Current arrears \$0

Vacated arrears \$30,279 \$13,139

Maintenance \$0 \$46,621

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1498

Vacant Building - Griffith

Mr Cornwell - asked the Minister for Urban Services:

In relation to your response to question on notice No. 1498 relating to the building on block 2 section 43, Griffith which has been vacant since July 1993

- (1) Why did it take 15 months before the vacant building was handed over to your Department.
- (2) What type of office accommodation will it shortly become and where will its occupants park their vehicles.
- (3) What (a) is the floor area of the building and (b) facilities does it include.
- (4) Will it be occupied by a Government Departments officers or let to private tenants.
- (5) What will be the rental and other lease conditions applying to the building.

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

- (1) The Department of Health continued to retain the property in the expectation of the possible transfer of two services to that location. The property was transferred to the Department of Urban Services when the Department of Health requirements for the building altered.
- (2) The building will be used as office accommodation for ACT Government staff. The occupants will park on the paved area in front of the building.
- (3) (a) The floor area is approximately 170 sq metres.
(b) Facilities include a toilet, a shower recess and a small sink.
- (4) The tenants will be ACT Government Service officers.
- (5) No rent will be payable.

4909

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION No 1499

Floriade - Costs

Mr Cornwell - asked the Minister for the Environment, Land and Planning in relation to Floriade 1994

What was its total cost; (a) how much of this was paid by the Government and (b) how much was provided by sponsorship or other means (please specify amounts by provider).

(2) How many visitors attended Floriade this year.

(3) How much money was raised by plant sales, T-shirts, mugs etc. (include all Government Department outlets on site).

(4) Where is (a) the yurt now; (b) what is it being used for and (c) what was its cost.

(5) How many (a) bulbs were used in the displays; (b) where were they purchased from and (c) what was their cost.

(6) how many bulbs were removed by the Department to be salvaged and re-used and what was their value.

(7) Where did the advice that the Governments loss would be in the vicinity of \$7,000 if bulbs were to be pulped come from and how was that figure arrived at.

(8) What was the cost of the annuals that were used in the displays and from where were these obtained.

(9) What was the actual cost of bulbs which were not salvaged by the Department and were subsequently retrieved by the citizens of Canberra.

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

- (1) Advance Bank Floriade 1994 cost an estimated \$1,241,300.
 - (a) The ACT Government subvention for 1993/94 was \$1,056,300.
 - (b) Revenue from sponsorship totalled \$185,000. Cash sponsorship was received from: Advance Bank, Streets Ice Cream, Coca Cola Bottlers, Canberra Milk, Federal Airports Corporation, Ainslie Football Club, Instant Office Furniture and Countrylink. Details of individual cash sponsorship amounts are commercial in confidence.
- (2) An estimated 461,000 people visited Floriade this year.
- (3) Money raised by the sale of plant material and Floriade merchandise on site at Floriade 1994 is approximately \$155,000. This figure-is still being finalised.
- (4) The Yurt was dismantled in 1994 and is being stored at the City Parks Cotter Plots. It was erected as a temporary structure in 1988 using a grant of \$25,000 from the Bicentennial Authority.
- (5) Approximately 580,000 bulbs were used in the floral display in 1994. The majority were purchased from two companies, Tessellaars and Bakkers, at a total cost of approximately \$218,000.
- (6) None of the bulbs from 1994 have been salvaged by the Department for re-use, although about 1,000 bulbs are to remain in the "Meadow Gardens" in Commonwealth Park for next year.
- (7) Officers in the ACT Parks and Conservation Service advised the ACT Government that if the bulbs were to be pulped, the loss would be approximately \$7,000. The figure was arrived at by calculating the percentage of bulbs suitable for salvaging and then the purchase cost of replacing these bulbs with new stock, less the cost of recovery, including labour, hire of equipment, transport, cleaning, fumigation and storage of bulbs.
- (8) Annuals were purchased from Woodlyns Nursery and cost approximately \$40,000.
- (9) It is not possible to estimate the actual cost of bulbs which were not salvaged by the Department and were subsequently retrieved by the citizens of Canberra. The amount taken by each person was not monitored and not all the bulbs were retrieved.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1500

Legless Lizards - Gungahlin

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

In relation to investigations into the existence of legless lizards in the ACT

- (1) What were the precise dates (beginning and end) of such investigations which took place in the Gungahlin area, particularly in the area designated for the Town Centre, including those which occurred in the late 1980s before development actually began.
- (2) Who conducted the investigations.
- (3) How big an area was fenced off for the trial to prevent stock in the paddock from stepping in the holes dug to trap lizards.
- (4) How many (a) legless lizards were found; and (b) what other animals and in what numbers were trapped in the holes.
- (5) Can a copy of the reports submitted after the investigations, noting the occurrence of legless lizards, be provided to interested persons, including myself.
- (6) What other areas in the Gungahlin area have been noted to be environmentally sensitive and what fauna or flora have been named as in need of protection in those areas.
- (7) Have platypus colonies re-established in the water courses in the area following the creation of the lake and various stormwater drains.

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

- (1) 13 February 1990 - 15 March 1990
(2CY, CSIRO, Gungahlin Hills,
Mulligans Flat)

1990/91 22 November 1990 - 28 December 1990
(2CY, CSIRO, Mitchell, Ginninderra
Creek, Palmerston)
9 January 1991 - 8 February 1991
(Gungahlin Cemetery, Crace)
20 February 1991 - 10 May 1991 (2CY, CSIRO,
Palmerston)

1991/92 1 September 1991 - 21 December 1991 (2CY)
1 November 1991 - 23 December 1991
(Mulligans Flat, ACT/NSW border,
Horse Park, Gold Creek, Ngunnawal,
Gungahlin Pond, 2CY, CSIRO, Mitchell)
7 January 1992 - 27 May 1992 (CSIRO, 2CY,
Mitchell)

1992/93 25 November 1992 - 18 December 1992
(Franklin)
12 November 1992 - 18 December 1992
(Mitchell, 2CY, CSIRO)

1993/94 19 November 1993 - 16 December 1993
(Franklin, Gungahlin Town Centre, Palmerston, Mulangarri)
29 October 1993 - 10 December 1993 (2CY)

1994/95 14 November 1994 - 10 December 1994 (expected)
(Palmerston, Crace, Wells Station Road,
Sullivans Creek catchment, Harrison,
Throsby, Mulangarri, Franklin, Gungahlin
Town Centre, Gungahlin Cemetery)

(2) Wildlife Research Unit, ACT Parks and Conservation Service, Department of Environment,
Land and Planning.

(3) Where stock proof fencing is required, the area enclosed is approximately 35 metres by 35
metres.

(4) The numbers of animals trapped is dependent upon the length of time the traps were open.

(a) *Delma impar* (legless lizard)
Table included.

(b) Other animals
Reptiles Frogs
Table included.

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(5) The following reports were prepared after the legless lizards surveys and have been provided to you:

Fauna of the ACTs Native Grasslands, 1991, Williams, K. and Kukolic, K., in The ACTs Native Grasslands, proceedings of a workshop, Conservation Council of the South-East Region and Canberra.

Survey of the striped legless lizard, *Delma impar*, in the Gungahlin Town Centre and North Watson proposed development areas, 1993, Kukolic, K., ACT Parks and Conservation Service, Internal Report 93/1.

Survey of the striped legless lizard, *Delma impar*, during 1993 in the proposed development area E1 comprising sites for the Gungahlin Town Centre and the suburb of Franklin, 1994, Kukolic, K., ACT Parks and Conservation Service, Internal Report 94/3.

(6) Mulligans Flat Nature Reserve: an area of native woodland and secondary grassland containing habitat for the golden sun moth (*Synemon plana*) and a wide variety of terrestrial vertebrate animals including some locally uncommon birds and reptiles, the Common Dunnart (*Sminthopsis murina*) and some plant species uncommon in the ACT (*Acacia parramattensis*, *Bossiaea prostata*, *Desmodium brachypodum*, *Eucalyptus goniocalyx*).

Gungahlin Hill Nature Reserve: an area of native woodland which is relatively undisturbed by grazing and includes a diverse assemblage of orchid species.

Horse Park Wetlands: a natural lowland swamp system which includes habitat for Latham's snipe (*Gallinago hardwickii*) a species protected under the Japan/Australia Migratory Birds Agreement and the China/Australia Migratory Birds Agreement.

Horse Park entrance: a small area of native grassland which provides habitat for the largest ACT population of an uncommon plant species *Psoralea tenax* which is of regional significance and close to the south-east limit of its natural range.

Native Grasslands: areas of lowland native grasslands within the Lower Gungahlin area and at the proposed Gungahlin Town Centre have been identified as having high conservation value because they provide habitat for the threatened species *Delma impar* and *Synemon plana*.

- (7) There is no known record of naturally occurring platypus populations in the Gungahlin area because of the ephemeral nature of Ginninderra Creek and other drainage lines.

In the early 1980s three confiscated platypus were released into Lake Ginninderra. One of these was later found dead on a road adjacent to the lake, and another was recaptured once during regular monitoring of Lake Ginninderra. In 1991 a platypus was reportedly caught in Ginninderra Creek, approximately 4 km upstream of Lake Ginninderra, during the early construction phase of Gungahlin Pond and at a time when the creek was a series of intermittent pools.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 1501

Mental Health Legislation

MR STEFANIAK: Asked the Minister for Health - In relation to the Mental Health (Treatment and Care) Act 1994.

- (1) What will be the monitoring process of the Act during the two years prior to its review.
- (2) What procedures have been put in place to enable the Standing Committee on Social Policy to monitor the operation and effectiveness of this new Act.
- (3) What is the nature of the consultation process, if any, to allow ongoing input by service providers and organisations involved in the mental health field.
- (4) What facilities are in place for community groups to have input and feedback from the Standing Committee on Social Policy.
- (5) What facilities are in place for community groups to obtain necessary information to monitor the operation of this Act.
- (6) What assurance is there of independent monitoring of the adequate working of the Act.
- (7) Will there be an independent monitoring body to ensure objective and independent scrutiny of the application of this Act, especially in relation to:
 - a) the reasons for which persons are placed under compulsory treatment orders; and b) ensuring that persons to be placed under treatment orders are given a full and adequate chance for legal representation, or person representation by a person of their choosing, before a treatment order is made out on that person and before that person has received treatment of any kind, particularly drugs, Electro Convulsive Treatments (ECT), or other intrusive treatments.
- (8) What guarantees are there that under this new Act that compulsory and involuntary detention of persons considered mentally dysfunctional is any more open to scrutiny by the community than it has been until now.
- (9) What guarantees are there that persons placed under an order of noncommunication are placed under such an order for adequate reasons.
- (10) What independent authority will scrutinise such orders to ensure that they only serve the welfare of the patient.

- (11) What statistics will be collected to ensure the effectiveness of the Act;
- (a) have the relevant organisations that will supply the statistics agreed to do so; and (b) do they have systems in place to accurately collect such statistics.
- (12) Will there be a publicly accessible record, such as an annual report, specifying the following for each 12 month period:
- (a) reasons for compulsory treatment orders made out; (b) reasons for involuntary detention, with or without treatment; (c) nature of treatments administered; (d) number of ECT treatments administered; (e) number of instances of psycho surgery administered; (f) nature of psychiatric drugs administered and their frequency; (g) reports of results obtained with any of the above treatments, verified by an independent third party; and (h) costs of treatments, frequency and reasons for their administration.
- (13) What provisions are being made to ensure independent monitoring of the mental health sector, including:
- (a) effectiveness of current treatments; (b) specific results of those treatments ; and (c) costs of treatments.
- (14) How many patients (inpatients and outpatients):
- (a) have received ECT treatment at both public and private hospitals in the ACT each year for the past five years and; (b) what was the frequency of treatment for each patient at each hospital.
- (15) On average, how many sessions of ECT does a patient receive in one course of treatment on both an inpatient and outpatient basis; referring to the statistics at the public and private hospitals.
- (16) What are the annual statistics for the number of patients treated with ECT involuntarily, but ordered by the courts to be given such treatment, for the last five years at each of the public and private hospitals in the ACT.
- (17) In relation to Section 54 of the Mental Health (Treatment and Care) Act 1994 that states: "... the person has been given an adequate description (without exaggeration or concealment of the benefits, discomfort and risks involved in the [ECT] procedure)", what is the specific source for this information that will be given to the patient and can a copy be provided.

Mr Connolly - the answer to the Members question is:

- (1) An interdepartmental committee will be established early in 1995 to set up a monitoring role during the first two years of the Act. The Act will be closely monitored by the Government over the two year period to ensure that the needs of people affected by this legislation are being met appropriately.
- (2) The Legislative Assembly Standing Committee on Social Policy recommended that a formal monitoring mechanism be established whereby the Government reports to the Committee every six months on services. This monitoring mechanism will ensure the Government is advised on a regular basis as to how the legislation is working, and whether changes are desirable. The procedures for monitoring the Act will be developed during 1995 in consultation with the relevant Legislative Assembly Committee.
- (3) The monitoring committee will establish consultation procedures which will enable service providers and the community to be involved and have input into the consultation process.
- (4) It will be the responsibility of the Standing Committee on Social Policy to establish procedures for community groups to have input and feedback from the Committee-
- (5) The monitoring committee will establish the procedures to enable community groups to obtain necessary information to monitor the operation of the Act.
- (6) Monitoring the operation of the Act will occur at a number of levels. The Tribunal and the monitoring committee will both be in appropriate positions to monitor the Act on a regular basis. The Act will also be independently monitored by the Legislative Assembly.
- (7) The Mental Health (Treatment and Care) Act 1994 prescribes strict procedures that must be followed before any treatment and care orders can be made. The Tribunal is an independent authority consisting of a Magistrate or legal practitioner of at least five years standing, psychologists, psychiatrists and members of the community. It will play a central role in scrutinising the application of this Act to ensure that the individuals interests are represented and protected. In addition, clients will be given the opportunity to contact the Community Advocate and independent legal representation.
- (8) The Community Advocate has a role to ensure that the rights of individuals are protected. In addition, the monitoring committee will establish the procedures to enable community groups to obtain information they require to monitor the compulsory and involuntary detention of persons considered mentally dysfunctional.
- (9) The Tribunal is the mechanism through which scrutiny of involuntary detention and non communication orders will occur. The Act provides safeguards to protect the rights of affected individuals and ensures that the Tribunals decisions are made against strict criteria.

Woden Valley Hospital
Psychiatry Unit

ELECTRO-CONVULSIVE THERAPY

CONSENT

convulsive therapy has been prescribed by your doctor. Your doctor will discuss with you the number of treatments needed for your condition.

Each treatment is given in the hospital recovery room (near the operating theatre)-You will receive an anaesthetic for the treatment.

I, , consent to anaesthetic and convulsive therapy which has been explained to me by Dr. _ I am satisfied with that explanation- I also consent to any further or alternative measures during the anaesthesia as may be immediately necessary to preserve health

I understand I may withdraw my consent at any time during the treatment

Patient
(or legal guardian)

This consent was read by the patient and signed in my presence.

Witness

Dale /

NOTE:

- 1) If you are receiving treatment under a Treatment Order under the ACT Mental Health Act, your consent to Electro-convulsive therapy must be ratified by the ACT Court before you receive treatment.
- 2) You may ask for any medical or legal advice you would like before signing this consent.
- 3) The person witnessing the consent should not be the person who will prescribe or give treatment.
- 4) No more than 10 (ten) treatments will be given on this consent. Should you require more than ten treatments, your doctor will discuss this with you before you are asked to consent for further treatment.
- 5) The medical officer prescribing treatment will countersign the back of this form.

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8 December 1994

Electronic copy of this page is not available but it is included in the printed Hansard.

APPENDIX 1:
(Incorporated in Hansard on 7 December 1994 at page 4707)

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY
PUBLIC DISCUSSION PAPER

"REFORM OF PUBLIC HEALTH LEGISLATION IN THE A.C.T."

TABLING STATEMENT

Circulated by the authority of
Terry Connolly MLA
Minister for Health

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8 December 1994

MADAM SPEAKER, I HAVE PLEASURE TODAY IN PRESENTING A DISCUSSION PAPER ENTITLED "THE REFORM OF PUBLIC HEALTH LEGISLATION IN THE A.C.T." -

THE LABOR GOVERNMENT IS COMMITTED TO PROVIDING THE CANBERRA COMMUNITY WITH THE BEST POSSIBLE HEALTH SYSTEM.

TO THIS END, MANY IMPORTANT INITIATIVES IN THE AREAS OF HOSPITAL SERVICES AND COMMUNITY HEALTH HAVE ALREADY BEEN IMPLEMENTED.

WHILE THESE INITIATIVES WILL CONTINUE TO PROVIDE BENEFITS TO MEMBERS OF THE PUBLIC FOR MANY YEARS TO COME, THE GOVERNMENT ALSO RECOGNISES THE NEED TO EXPLORE OPTIONS FOR THE IMPROVEMENT AND REFINEMENT OF LEGISLATION GOVERNING THE PROMOTION AND PROTECTION OF PUBLIC HEALTH IN THE A.C.T.

OUR PRESENT PUBLIC HEALTH ACT IS NOW OVER 60 YEARS OLD. ALTHOUGH IT HAS BEEN SUBSTANTIALLY AMENDED, IT REMAINS A REFLECTION OF SOCIETYS ATTITUDES IN THE 1920S.

FURTHERMORE, THE CURRENT LEGISLATION IS INADEQUATE WITH EMERGING CHALLENGES SUCH AS THE SPREAD OF LEGIONELLA.

RECENT REVIEWS BY MY DEPARTMENT HAVE SUGGESTED THAT, IN LINE WITH CHANGES TO LEGISLATION IN THE STATES, THERE IS A NEED FOR A CLEARER LEGISLATIVE AND PHILOSOPHICAL FRAMEWORK FOR PUBLIC AND ENVIRONMENTAL HEALTH SERVICES IN THE A.C.T. THEREFORE, I PROPOSE THAT WE WORK TOWARDS REPEALING THE PUBLIC HEALTH ACT 1928 AND REPLACING IT WITH NEW LEGISLATION THAT IS SIMPLER, MORE COMPREHENSIVE AND EASIER TO ADMINISTER. _ _

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I ALSO CONSIDER THAT THERE IS A BENEFIT TO BE DERIVED BY INCORPORATING INTO NEW PUBLIC HEALTH LEGISLATION, IDEALS ENUNCIATED TO IN THE OTTAWA CHARTER ON HEALTH PROMOTION (1986).

THE OTTAWA CHARTER WAS PRODUCED AT THE FIRST INTERNATIONAL CONFERENCE ON HEALTH PROMOTION. THIS CONFERENCE WAS SPONSORED BY THE WORLD HEALTH ORGANISATION, HEALTH AND WELFARE CANADA AND THE CANADIAN PUBLIC HEALTH ASSOCIATION.

IT INCLUDED THE FOLLOWING IDEALS:

- A RECOGNITION THAT HEALTH POLICY IS FAR REACHING AND THAT RELEVANT LEGISLATION SHOULD FACILITATE THE PUBLICS ACCESS TO HEALTHIER FACILITIES AND SAFER GOODS AND SERVICES;
- THE NEED TO PROVIDE OPPORTUNITIES FOR HEALTHY LIVING BY MAKING WORK, LEISURE AND NATURAL ENVIRONMENTS SAFE, SATISFYING AND ENJOYABLE;
- THE NEED FOR COMMUNITY PARTICIPATION IN THE MAKING OF DECISIONS ABOUT THE WAY HEALTH SERVICES ARE DEVELOPED;
- THE PROMOTION OF OPPORTUNITIES FOR INDIVIDUALS AND GROUPS TO DEVELOP SKILLS WHICH MAY ENHANCE THEIR OWN HEALTH; AND
- A RECOGNITION THAT THE HEALTH SECTORS ROLE, MUST EXPAND FURTHER BEYOND ITS RESPONSIBILITIES FOR THE PROVISION OF CLINICAL SERVICES. _ . _

ALSO INCLUDED IN THE OTTAWA CHARTER IS A PLEDGE TO ADVOCATE A CLEAR POLITICAL COMMITMENT TO HEALTH AND EQUITY IN ALL SECTORS." THE GOVERNMENT SUPPORTS THAT PLEDGE.

MADAM SPEAKER, I WOULD LIKE TO ADDRESS SOME OF THE PROBLEMS OF THE CURRENT PUBLIC HEALTH LEGISLATION AND PROPOSE SOME SOLUTIONS. THESE ARE PRESENTED IN MORE DETAIL WITHIN THE DISCUSSION PAPER. IN LIGHT OF THE CHANGES TO SOCIAL VALUES AND ATTITUDES OVER THE LAST HALF CENTURY, ALONG WITH SHIFTS IN INTERNATIONAL AND NATIONAL POLICY REGARDING THE MANAGEMENT OF PUBLIC HEALTH ISSUES, IT IS CLEAR THAT THERE IS NOW A NEED TO DEVELOP PRINCIPLES AND OBJECTIVES FROM WHICH OUR LEGISLATION CAN BE PREPARED. INCORPORATION OF PRINCIPLES AND OBJECTIVES INTO THE PREPARATION OF PUBLIC HEALTH LEGISLATION WILL PROVIDE FOR GREATER FLEXIBILITY THAN IS CURRENTLY AVAILABLE WITH OUR PRESCRIPTIVE REGULATIONS. SOUTH AUSTRALIA, FOR EXAMPLE, HAS MOVED AWAY FROM VERY SPECIFIC REGULATIONS TOWARD GENERAL HEALTH PROVISIONS. THE CURRENT PUBLIC HEALTH ACT PROVIDES NO DIRECTION FOR THE DEVELOPMENT OF SUBORDINATE LEGISLATION. ALONG WITH THIS NEED FOR GREATER FLEXIBILITY IN PUBLIC HEALTH LEGISLATION, IS THE RECOGNITION THAT WE ALSO HAVE A RESPONSIBILITY TO EXPAND THE SCOPE OF CURRENT SERVICES SO THAT ADEQUATE PROTECTION OF THE PUBLIC IS ASSURED. THE EXPANDED SCOPE OF PUBLIC HEALTH SERVICES COULD PROVIDE FOR THE: COLLECTION OF DATA SO THAT WE MAY RESPOND MORE EFFICIENTLY AND EFFECTIVELY TO ACTUAL OR POTENTIAL HEALTH PROBLEMS; DEVELOPMENT OF A PUBLIC AWARENESS CAMPAIGN ON PUBLIC HEALTH ISSUES; AND

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- INCREASED CAPACITY OF HEALTH AUTHORITIES TO RESPOND TO VARIOUS EMERGING HEALTH ISSUES CONFRONTING THE A.C.T.

IN ADDITION TO THE NEED FOR GREATER FLEXIBILITY AND SCOPE IN PUBLIC HEALTH LEGISLATION IS THE OPPORTUNITY TO ESTABLISH A MORE COMMON APPROACH TO THE MANAGEMENT OF MANY PUBLIC HEALTH RISKS.

EVEN GREATER COMPLEXITIES WERE CREATED WHEN IT WAS NECESSARY TO INTRODUCE PROVISIONS FOR THE CONTROL OF LEGIONELLA, WHICH WERE ESSENTIALLY PUBLIC HEALTH PROVISIONS, UNDER THE BUILDING AMENDMENT ACT (1991).

ANOTHER LIMITATION OF THE CURRENT LEGISLATION IS THE ABSENCE OF ADEQUATE CHECKS AND BALANCES IN ITS ADMINISTRATION.

THIS SITUATION IS HIGHLIGHTED BY THE ABSENCE OF APPEAL PROVISIONS, AGAINST WHICH DECISIONS MADE BY THE CHIEF HEALTH OFFICER/MEDICAL OFFICER OF HEALTH OR OFFICERS DELEGATED UNDER THAT POSITION, MAY BE ADDRESSED.

OUR GOVERNMENT WOULD PARTICULARLY LIKE COMMUNITY COMMENT ON THE FOLLOWING MAJOR ISSUES AFFECTING THE PUBLIC HEALTH ACT 9928.

THE LACK OF DIRECTION WHICH MAY PROVIDE ASSISTANCE IN THE PREPARATION OF SUBORDINATE LEGISLATION.

THE USE OF OLD PRESCRIPTIVE REGULATIONS WHICH HAVE LIMITED APPLICATION TO ADDRESSING BROADER PUBLIC HEALTH ISSUES.

THE LACK OF ACCESSIBLE APPEAL PROVISIONS TO _._ _
COUNTERBALANCE THE BREADTH OF POWERS CURRENTLY
AVAILABLE TO THE MEDICAL OFFICER OF HEALTH.

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THE NUMEROUS PIECES OF LEGISLATION WHICH ADDRESS COMMUNICABLE DISEASES.

THE INABILITY OF INFECTIOUS AND NOTIFIABLE DISEASES LEGISLATION TO ADOPT, BY REFERENCE, THE NATIONAL HEALTH AND MEDICAL RESEARCH COUNCILS LIST OF NOTIFIABLE DISEASES.

THE LIMITED RANGE OF POWERS FOR ENVIRONMENTAL HEALTH OFFICERS TO ADDRESS CONDITIONS OF AN INSANITARY NATURE.

THE INABILITY TO INCLUDE IN THE PUBLIC HEALTH ACT 7928, POWERS TO DEAL WITH THE CONTROL OF LEGIONNAIRES DISEASE.

I COMMEND THIS DISCUSSION PAPER TO MEMBERS AND LOOK FORWARD TO THE COMMUNITY'S RESPONSE TO THE ISSUES RAISED.

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APPENDIX 2:

(Incorporated in Hansard on 7 December 1994 at page 4727)

STANDING COMMITTEE ON PUBLIC ACCOUNTS

REPORT NO 19

REVIEW OF COMMITTEE ACTIVITY DURING THE SECOND ASSEMBLY

On behalf of the committee I inform the Assembly of activity by the Public Accounts Committee during the course of the second Assembly.

I also take the opportunity to outline the committees position in relation to several matters of committee business which will be unfinished when the Assembly adjourns prior to the forthcoming ACT election. The committee makes certain recommendations in respect of those matters.

Committee Objectives

The Standing Committee on Public Accounts was established in the first Assembly. The committee was re-established in the second Assembly with objectives contained in its terms of reference which have required it to examine:

- (a) the accounts of the ACT;
- (b) the financial affairs of ACT authorities; and
- (c) all reports of the ACT Auditor-General which are presented to the Assembly.

The committee was also authorised to report to the Assembly on any items or matters in the ACT accounts and reports or any circumstances connected with them, and to inquire into any question in connection with the public account which is referred by the Assembly.

Performance

In the event, the committee found its base workload in the review of reports presented to the Assembly by the ACT Auditor-General.

On a quantitative basis, since March 1992 and to this point, the committee has reviewed 22 reports by the Auditor-General covering a wide range of ACT Government agency activities and has reported to the Assembly on the outcome of those reviews.

In addition, the committee considered and reported to the Assembly on:

- (i) the Audit (Amendment) Bill 1993;

(ii) the Monitoring of Budget Supplementation by the Legislative Assembly;
the Financial Management of ACT Health; and
(iv) Petrol Supply Arrangements in the ACT.

To date the committee has presented 19 reports to the current Assembly.

Further statistics also give some measure of the activities of the Public Accounts Committee, and provide an insight into the demands which have been placed upon its members.

Committee meetings were scheduled for Monday mornings between 11.00am and 12.30pm. The committee held 90 meetings including public hearings.

The objective measurement of the committees performance on a qualitative basis is less definable. Nevertheless, the committee has a record of almost complete unanimity in bringing down reports which have taken a constructive approach in redressing revealed administrative and financial deficiencies and have been firm in their criticism of the administration where this has been warranted.

With regard to reports by the Auditor-General, the committees practice has been to invite the relevant Minister to comment to the committee on the audit findings and to refer to the Ministers response in its review report. Where appropriate, the committee has also met with the Auditor-General to clarify audit findings and, with the agreement of the relevant Ministers, has also discussed audit findings with senior departmental officials.

The committee also held a number of public inquiries associated with audit reports during which private individuals and private sector organisations were invited to provide evidence on matters brought up in audits which were of direct relevance to their operations. In other cases, individuals and private sector bodies were invited to provide written submissions on such matters.

The committee notes that Ministers have readily assisted the committee as have the Auditor-General and departmental officials and the committee expresses its appreciation for assistance so provided.

Accrual Budgeting and Accounting

It is the intention that ACT Government agencies will have accrual accounting in place by 1996 - 97. A pilot program has been introduced in the Department of Health and will be progressively moving through the Departments of Education and Training, and the Treasury to other Departments.

Accrual accounting is the basis upon which Australian business and most government commercial enterprises are required to operate and present their accounts. Accrual accounting provides a comprehensive picture of the financial operations, assets, liabilities and performance of a business enterprise.

Government, on the other hand, has traditionally operated on a cash accounting basis with annual budget appropriations and with performance measured in terms of expenditures against those appropriations. In essence, the rationale for cash accounting is that no monies be collected or spent except in ways and amounts approved by Parliament through budget appropriations.

Through 1993 and this year the committee gave close consideration to the desirability of ACT Government accounts being presented on an accrual accounting basis. The committee noted, in particular, Auditor-Generals report no 5/92 on the Budget Outcome Presentation and the Aggregate Financial Statement for the year ended 30 June 1992 which indicated the current limitations of consolidated fund reporting.

The committee subsequently held discussions with the accounting profession and visited New Zealand during May 1994 for intensive discussions with NZ Government officials, professional and business organisations, client bodies and academics to gauge the ramifications of accrual accounting upon the operations of government and the delivery of services to the community. The committee reported to the Assembly on 23 May 1994 and recommends that should the Public Accounts Committee be re-established in the next Assembly it access the documentation and records of this committee in order to consider whether it should pursue this matter.

Australasian Council of Public Accounts Committees (ACPAC)

The committee has been represented at meetings of the ACPAC by the Presiding Member the Deputy Presiding Member, other committee members from time to time and the committee secretary, and has been an active participant in those meetings.

ACPAC meetings have provided a means of interaction between public accounts committees of the Federal and State Parliaments. This contact has been invaluable in establishing a degree of uniformity between Parliaments on their approaches to matters of common interests. These have included the role of Auditors-General, the relationship of the Auditors-General to public accounts committees, reporting on public accounts inquiries, possible joint Federal/State/Territory inquiries into matters such as Commonwealth/State grants, financial reporting by governments and public sector accounting standards.

The committee recommends that should the Public Accounts Committee be reestablished in the next Assembly it continue membership of and active participation in ACPAC.

Matters Outstanding

Two matters are currently before the committee and will not be completed before the Assembly rises prior to the election. These are the committees review of Auditor-Generals report no 6/94 - Inter-Agency Charging and its review of Auditor-Generals report no 7/94 -Overseas Travel.

The committee had sought advice from the Treasurer on matters central to the committees consideration of those reports but responses had not been received at this date.

A deal of preparatory work has been done on these two audit reports. Further, the presentation to the Assembly late last week of a third Auditor-Generals report, no 8/94 Financial Audits With Years Ending To 30 June 1994, has meant that it has not been feasible for the committee to consider that report. Accordingly the committee recommends that should the Public Accounts Committee be re-established in the next Assembly it access the documentation and records of this committee in order to complete consideration of audit reports nos 6/94, 7/94 and 8/94.

Valedictory

As the Presiding Member of the committee I take this opportunity to thank my committee colleagues, the Deputy Presiding Member - Ms Annette Ellis, Mrs Kate Carnell, Mrs Ellnor Grassby and Mr Michael Moore for their commitment to the work of the committee and wise counsel during the past two and a half years or so.

I also thank the secretariat staff who have served the committee with dedication and professionalism. In particular I extend the committees appreciation to Ms Karen Malmberg who was secretary to the committee until January this year, Bill Symington who succeeded her and Rod Power who assisted the committee during the inquiry into petrol supply arrangements.

APPENDIX 3:

(Incorporated in Hansard on 8 December 1994 at page 4768)

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

CONSUMER CREDIT BILL 1994

PRESENTATION SPEECH
Circulated by authority of

Terry Connolly MLA
Attorney-General

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MADAM SPEAKER,

THE CONSUMER CREDIT BILL AND THE CONSUMER CREDIT CODE REPRESENT THE CULMINATION OF MANY YEARS WORK BY CONSUMER AFFAIRS MINISTERS AND OFFICERS THROUGHOUT AUSTRALIA. THE LEGISLATION HAS BEEN RELEASED IN A NUMBER OF PREVIOUS FORMS, NONE OF WHICH ACHIEVED THE CONSENSUS BETWEEN CREDIT PROVIDERS, CONSUMER ORGANISATIONS, PROFESSIONAL ORGANISATIONS OR THE COMMUNITY WHICH WAS NEEDED TO ENSURE ITS PROGRESS THROUGH THE PARLIAMENTS OF THE AUSTRALIAN STATES AND TERRITORIES.

THE BILL NOW BEFORE THE ASSEMBLY, WHILE NOT NECESSARILY MEETING ALL OF THE ASPIRATIONS OF ALL OF THE COMPETING INTERESTS IN AUSTRALIA, NEVERTHELESS REPRESENTS OUR BEST EFFORTS TO ACHIEVE SUSTAINABLE AND PROGRESSIVE LAWS FOR THE REGULATION OF CONSUMER CREDIT. IT IS A UNIQUE BILL, NOT ONLY BECAUSE OF ITS CONTENTS, BUT BECAUSE OF THE OPPORTUNITY IT PRESENTS FOR COOPERATIVE FEDERALISM IN AUSTRALIA. FOR MANY, THE PROSPECT OF THE STATES AND TERRITORIES AGREEING TO A SET OF LAWS ON WHICH THERE HAS BEEN SO MUCH ACRIMONIOUS COMMUNITY DEBATE SEEMED REMOTE. YET WHAT WE HAVE ACHIEVED AS STATES AND TERRITORIES IS A LAW WHICH WILL SIGNIFICANTLY ADVANCE CONSUMER PROTECTION AND AT THE SAME TIME ENSURE THAT PRODUCT DIVERSITY AND COMPETITION IS OPTIMISED.

THE BILL ATTEMPTS TO PROVIDE STRONG CONSUMER PROTECTION WHILE RECOGNISING THAT COMPETITION AND PRODUCT INNOVATION MUST BE ENHANCED AND ENCOURAGED BY THE DEVELOPMENT OF NON-PRESCRIPTIVE FLEXIBLE LAWS.

UNLIKE THE EXISTING CONSUMER CREDIT LAWS, THERE IS NO ARTIFICIAL MONETARY LIMIT. THE LEGISLATION APPLIES TO ALL CONSUMER CREDIT LENDING. THE BILL DOES NOT SET A MAXIMUM INTEREST RATE BUT DOES GIVE THE EXECUTIVE POWER TO MAKE REGULATIONS PRESCRIBING A MAXIMUM ANNUAL PERCENTAGE RATE. THIS IS NOT DEALT WITH IN THE CODE AND IS A RECOGNISED NON-UNIFORM ISSUE. THIS PROVISION IS INTENDED TO BE A SAFEGUARD AGAINST POSSIBLE UNSCRUPULOUS ACTIVITIES BY FRINGE CREDIT PROVIDERS.

THE CONSUMER CREDIT CODE, WHICH IS ATTACHED TO THE BILL, IS INTENDED TO FORM THE BASIS OF CONSUMER CREDIT LAWS THROUGHOUT AUSTRALIA. QUEENSLAND PASSED THIS LEGISLATION ON 2 SEPTEMBER 1994. WE ARE PROPOSING TO PASS AN APPLICATION OF LAWS ACT APPLYING THE CONSUMER CREDIT CODE TO THE TERRITORY. THIS MEANS THAT WHEN THE CODE AND REGULATIONS ARE MODIFIED, THOSE CHANGES WILL BE PICKED UP IN THOSE JURISDICTIONS, RESULTING IN UNIFORMITY BOTH IN SUBSTANCE AND TIMING.

AMENDING LEGISLATION MAY NOT BE INTRODUCED INTO THE QUEENSLAND PARLIAMENT UNLESS THERE HAS BEEN A RESOLUTION OF THE MINISTERIAL COUNCIL, PASSED BY A

MAJORITY OF AT LEAST TWO-THIRDS OF THE MEMBERS WHO ARE PRESENT AND WHO VOTE, APPROVING THE AMENDING LEGISLATION. ONCE APPROVED, THE AMENDING LEGISLATION IS INTRODUCED INTO THE QUEENSLAND PARLIAMENT AND, IF ADOPTED, IS THEN APPLIED BY THE OTHER STATES AND TERRITORIES. ALL PARTIES ARE BOUND BY THE AGREEMENT NOT TO SUBMIT LEGISLATION TO THEIR RESPECTIVE PARLIAMENTS WHICH CONFLICTS WITH OR NEGATES THE CONSUMER CREDIT LEGISLATION.

SOME PROVISIONS WILL BE NON-UNIFORM. THESE AREAS WILL COVER ESSENTIALLY ADMINISTRATIVE MATTERS, NAMELY, WHETHER A COURT OR TRIBUNAL WILL BE UTILISED FOR RESOLVING DISPUTES, WHETHER THERE WILL BE POSITIVE OR NEGATIVE LICENSING OF CREDIT PROVIDERS AND WHETHER A MAXIMUM INTEREST RATE WILL BE SET.

THE TERRITORY HAS CHOSEN TO ESTABLISH A FINANCIAL COUNSELLING TRUST FUND INTO WHICH CIVIL PENALTY MONEYS CAN BE PAID. THIS WAS A MATTER OF DISCRETION FOR EACH JURISDICTION. THE TERRITORY WILL ALSO CONTINUE TO UTILISE THE CREDIT TRIBUNAL.

THE LEGISLATION APPLIES TO ALL FORMS OF CONSUMER CREDIT. BUSINESS CREDIT IS NOT REGULATED, AND THIS STANDS IN CONTRAST TO THE EXISTING LAW WHICH ATTEMPTS TO REGULATE CREDIT PROVIDED FOR THE PURCHASE OF FARM MACHINERY AND COMMERCIAL VEHICLES.

THE LEGISLATION ONLY APPLIES TO CREDIT GIVEN TO NATURAL PERSONS, UNLESS THE DEBTOR IS A STRATA CORPORATION. ALSO, A CHARGE MUST BE MADE FOR THE CREDIT, AND IT MUST BE PROVIDED BY A CREDIT PROVIDER AS PART OF ITS BUSINESS. THE CREDIT MUST BE PROVIDED, OR INTENDED TO BE PROVIDED, WHOLLY OR PREDOMINANTLY FOR PERSONAL, DOMESTIC OR HOUSEHOLD PURPOSES. A PREDOMINANT PURPOSE IS DEFINED TO INCLUDE A PURPOSE FOR WHICH MORE THAN ONE HALF OF THE CREDIT IS INTENDED TO BE USED, OR IF THE CREDIT IS INTENDED TO BE USED TO OBTAIN GOODS AND SERVICES FOR DIFFERENT PURPOSES, THE PURPOSE FOR WHICH THE GOODS OR SERVICES ARE INTENDED TO BE MOST USED. IN THE CASE OF CREDIT USED TO PURCHASE A VEHICLE USED PARTLY FOR PERSONAL AND PARTLY FOR BUSINESS ACTIVITIES, IF THE VEHICLE IS MOSTLY USED FOR BUSINESS PURPOSES THE TRANSACTION IS NOT REGULATED BY THE CODE, WHEREAS IF THE VEHICLE IS MOSTLY USED FOR PERSONAL PURPOSES IT IS REGULATED.

A NUMBER OF EXCEPTIONS ARE ALSO CONTAINED IN THE LEGISLATION AND ARE SET OUT IN CLAUSE 7 OF THE CODE. THE EXCEPTIONS ESSENTIALLY MIRROR THOSE WHICH ARE CURRENTLY PROVIDED BY THE CREDIT ACT. ONE OF THE KEY ELEMENTS OF THE CONSUMER CREDIT CODE IS TO ENSURE THAT THERE IS TRUTH IN LENDING. THIS MEANS THAT A CONSUMER CAN MAKE AN INFORMED CHOICE BETWEEN CREDIT PROVIDERS AS TO THE NATURE OF THE CREDIT BEING OFFERED, AS WELL AS THE COMPARATIVE COSTS BETWEEN CREDIT PROVIDERS.

THE LEGISLATION SETS OUT IN SOME DETAIL THE REQUIREMENTS FOR CREDIT CONTRACTS, INCLUDING BASIC MATTERS LIKE PRECONTRACTUAL DISCLOSURE, THE FACT THAT CREDIT CONTRACTS MUST BE IN WRITING AND THAT THEY MUST CONTAIN CERTAIN KEY MATERIAL DESIGNED TO ENSURE THAT THERE IS TRUTH IN LENDING. KEY DISCLOSURES ARE OUTLINED IN CLAUSE 15 OF THE CODE, AND DEAL WITH CRITICAL ISSUES SUCH AS THE ANNUAL PERCENTAGE RATE OR RATES, THE AMOUNT AND NUMBER OF REPAYMENTS, THE CALCULATION AND TOTAL AMOUNT OF INTEREST CHARGES, CREDIT FEES AND CHARGES, DEFAULT RATES, ENFORCEMENT EXPENSES, COMMISSIONS, INSURANCE FINANCED BY THE CONTRACT AND OTHER CRITICAL INFORMATION.

CLAUSE 16 PROVIDES THAT THE CONTRACT MUST CONFORM TO THE REQUIREMENTS OF THE REGULATIONS AS TO ITS FORM AND THE WAY IT IS EXPRESSED. THIS IS INTENDED TO ENSURE THAT DOCUMENTS ARE AS FAR AS POSSIBLE USER FRIENDLY, AND THAT CONSUMERS, WHEN ENTERING INTO TRANSACTIONS, UNDERSTAND THE EXTENT OF THEIR RIGHTS AND OBLIGATIONS.

A COPY OF THE CONTRACT IS REQUIRED TO BE GIVEN TO THE DEBTOR AND IT IS POSSIBLE FOR A CONSUMER TO TERMINATE A CONTRACT EVEN THOUGH THE CONTRACT HAS BEEN ENTERED INTO, PROVIDED THAT NO CREDIT HAS BEEN OBTAINED OR ATTEMPTED TO BE OBTAINED UNDER THE CONTRACT.

I WOULD ALSO DRAW MEMBERS ATTENTION TO THE PROVISIONS IN THE LEGISLATION DEALING WITH MORTGAGES AND GUARANTEES. ONE IMPORTANT PROVISION IS THE PROHIBITION ON THIRD PARTY MORTGAGES. THIS PROHIBITS A CREDIT PROVIDER FROM ENTERING INTO A MORTGAGE TO SECURE OBLIGATIONS UNDER A CREDIT CONTRACT UNLESS THE MORTGAGOR IS A DEBTOR OR A GUARANTOR UNDER A RELATED GUARANTEE. _

IN ADDITION, ANY MORTGAGE IS VOID TO THE EXTENT TO WHICH IT SECURES AN AMOUNT IN EXCESS OF THE SUM OF THE AMOUNT OF THE LIABILITIES OF THE DEBTOR UNDER THE CREDIT CONTRACT AND REASONABLE ENFORCEMENT EXPENSES OF ENFORCING THE MORTGAGE. THE CODE SPECIFICALLY RECOGNISES ALL ACCOUNTS MORTGAGES, WHICH, AS MEMBERS KNOW, WHEN PROPERLY USED, CAN BE OF ASSISTANCE IN MINIMISING STAMP DUTY, REGISTRATION FEES AND PROFESSIONAL COSTS WHEN ENTERING INTO NEW MORTGAGE ARRANGEMENTS.

IN RECENT YEARS THERE HAVE BEEN CRITICISMS ABOUT THE WAY IN WHICH CERTAIN BANKING INSTITUTIONS HAVE MISUSED GUARANTEES. THE CODE CONTAINS A NUMBER OF PROVISIONS DESIGNED TO ENSURE THAT PERSONS WISHING TO GUARANTEE THE DEBT OBLIGATIONS OF OTHERS ARE GIVEN KEY INFORMATION UP-FRONT, AND THAT CREDIT PROVIDERS CANNOT IMPOSE UNREASONABLE OBLIGATIONS ON GUARANTORS. FOR EXAMPLE, A GUARANTOR MUST RECEIVE A SIGNED COPY OF THE GUARANTEE AND RELATED CREDIT CONTRACT WITHIN 14 DAYS OF EXECUTION.

MOREOVER, BEFORE A GUARANTORS OBLIGATIONS UNDER A CREDIT CONTRACT ARE INCREASED, THE GUARANTOR MUST RECEIVE WRITTEN NOTICE OF THE PROPOSED CHANGES, AND BEFORE THEY BECOME BINDING, THE GUARANTOR MUST FIRST ACCEPT THEM IN WRITING.

I MUST DRAW YOUR ATTENTION TO PART 4 OF THE CODE WHICH DEALS WITH CHANGES TO OBLIGATIONS UNDER CREDIT CONTRACTS, MORTGAGES AND GUARANTEES, AND, IN PARTICULAR, DIVISION 3 WHICH FOCUSES ON CHANGES ON GROUNDS OF HARDSHIP AND UNJUST TRANSACTIONS. IN RELATION TO HARDSHIP, THE CODE PROVIDES AS A GENERAL PRINCIPLE THAT A DEBTOR WHO IS UNABLE REASONABLY, BECAUSE OF ILLNESS, UNEMPLOYMENT OR OTHER REASONABLE CAUSE, TO MEET HIS OR HER OBLIGATIONS UNDER A CREDIT CONTRACT, AND WHO REASONABLY EXPECTS TO BE ABLE TO DISCHARGE HIS OR HER OBLIGATIONS IF THE TERMS OF THE CONTRACT ARE CHANGED BY EITHER EXTENSION OR POSTPONEMENT, CAN APPLY TO A CREDIT PROVIDER FOR SUCH A CHANGE. THIS FACILITY DOES NOT APPLY WHERE THE CREDIT PROVIDED EXCEEDS \$125,000.

THE CODE ALSO EMPOWERS THE CREDIT TRIBUNAL TO REOPEN UNJUST TRANSACTIONS. A COURT MAY REOPEN A TRANSACTION IF SATISFIED ON THE APPLICATION OF THE DEBTOR, MORTGAGOR OR GUARANTOR THAT IN THE CIRCUMSTANCES RELATING TO THE CONTRACT, MORTGAGE OR GUARANTEE, AT THE TIME THE TRANSACTION WAS ENTERED INTO OR CHANGED, THE

TRANSACTION WAS UNJUST. THE CODE SETS OUT CERTAIN CIRCUMSTANCES THAT THE COURT CAN TAKE INTO ACCOUNT IN DETERMINING WHETHER A TRANSACTION SHOULD BE REOPENED AND I INVITE YOU TO PERUSE SUBCLAUSE 70 (2). THE SUBCLAUSE OUTLINES A NUMBER OF FACTORS TO WHICH THE COURT MAY HAVE REGARD. HOWEVER, THESE ARE NOT INTENDED TO BE EXHAUSTIVE.

HOME LENDING AND OVER COMMITMENT ARE OF PARTICULAR CONCERN TO THIS GOVERNMENT. THE CONSUMER CREDIT CODE HAS NOT BEEN DRAFTED WITH THE INTENTION OF REQUIRING CREDIT PROVIDERS TO MAKE INQUIRIES BEYOND THOSE ORDINARILY MADE BY PRUDENT LENDERS. NOR IS IT INTENDED TO PLACE OBSTACLES IN THE WAY OF LENDERS GIVING CREDIT TO BORROWERS WHO MAKE IT CLEAR FROM THE OUTSET THAT THEY WILL HAVE DIFFICULTIES REPAYING THEIR LOAN BUT NEVERTHELESS WANT TO TAKE ON THE OBLIGATION BECAUSE OF THE LIFESTYLE THEY WISH TO PURSUE. THIS OFTEN HAPPENS WITH YOUNG PEOPLE WHEN THEY ARE BUYING THEIR FIRST HOME. IT IS INTENDED TO DEAL WITH THOSE LENDERS WHO CONSCIOUSLY LEND WITHOUT MAKING PROPER INQUIRIES INTO THE DEBTORS ABILITY TO PAY, RATHER THAN THOSE LENDERS AND BORROWERS WHO HAVE GONE DOWN THIS PATH AND MADE A CONSCIOUS DECISION BASED ON THE BEST INFORMATION AVAILABLE.

IN RELATION TO TERRITORY PUBLIC HOUSING ASSISTANCE AGENCIES WHICH ARE COVERED BY THE CODE, I POINT OUT THAT IT IS CERTAINLY IN THE PUBLIC INTEREST THAT THESE AGENCIES

CONTINUE TO PROVIDE FINANCE TO PERSONS WHO OTHERWISE MAY NOT BE ABLE TO OBTAIN IT. I THEREFORE WISH TO MAKE ABUNDANTLY CLEAR THAT SUBCLAUSE 70 (2) SHOULD NOT BE READ OR UNDERSTOOD AS SOMEHOW INHIBITING TRADITIONAL LENDING PRACTICES OF TERRITORY HOUSING AGENCIES, OR BE IN ANY WAY INTERPRETED AS PREVENTING PEOPLE WHO ARE SUFFERING FROM INCOME SHORTFALLS BEING DEPRIVED OF THE BENEFIT OF SOCIALLY JUST AND INNOVATIVE HOUSING SCHEMES.

IMPORTANT INNOVATIONS IN THE CODE ARE THE PROVISIONS RELATING TO CONSUMER CREDIT INSURANCE. CONSUMER CREDIT INSURANCE HAS BEEN THE SUBJECT OF JUSTIFIED CRITICISM FOR SOME YEARS NOW AS BEING UNJUST WITH EXCESSIVE PREMIUMS IN RELATION TO PAY OUTS AND UNACCEPTABLY HIGH COMMISSIONS. THE PROBLEMS WITH THIS FORM OF INSURANCE WERE EXPOSED BY THE TRADE PRACTICES COMMISSION IN 1991 AND THE CODE, CONSEQUENTLY, GIVES SPECIFIC PROTECTION TO PERSONS WHO HAVE TAKEN OUT THIS FORM OF INSURANCE.

TO DEAL WITH THE EXCESSIVE COMMISSIONS THAT HAVE BEEN CHARGED IN THE PAST, THE CODE PROVIDES THAT A COMMISSION MUST NOT EXCEED 20 PER CENT OF THE PREMIUM AND, IN ADDITION, ON THE TERMINATION OF A CREDIT CONTRACT, ANY RELEVANT CONSUMER CREDIT INSURANCE CONTRACT FINANCED UNDER THE CONTRACT IS ALSO TERMINATED. THESE RIGHTS OVERRIDE ANY CONTRARY STATEMENT IN A CREDIT CONTRACT AND WILL ENSURE THAT SOME OF THE MOST BASIC AND TELLING CONSUMER DETRIMENT IN THIS AREA WILL BE RECTIFIED.

THE CODE ALSO CHANGES THE CIVIL PENALTY REGIME. MEMBERS WILL BE AWARE THAT UNDER THE EXISTING LEGISLATION, IN ADDITION TO CRIMINAL PENALTIES, CREDIT PROVIDERS AUTOMATICALLY LOSE ALL OF THEIR INTEREST IF THEY BREACH CERTAIN PROVISIONS OF THE ACT. CREDIT PROVIDERS HAVE TO MAKE REINSTATEMENT APPLICATIONS TO THE CREDIT TRIBUNAL. ALTHOUGH THE TERRITORY WOULD HAVE PREFERRED TO RETAIN SUCH AUTOMATIC CIVIL PENALTIES AS A DETERRENT, IT WAS IN THE END IMPOSSIBLE AGAINST THE ODDS TO SUCCEED ON THIS POINT. OTHERWISE THE WHOLE CODE MAY NOT HAVE PROCEEDED.

UNDER THE CONSUMER CREDIT CODE THE NUMBER OF CIVIL PENALTY TRIGGERS HAS BEEN NARROWED AND MADE EXPLICIT. THE TRIGGERS ARE CALLED "KEY REQUIREMENTS" AND ARE SET OUT IN CLAUSE 100. THE PRESENT OPEN-ENDED LIABILITY OF CREDIT PROVIDERS IS MODIFIED AND A CAP OF \$500,000 FOR ALL BREACHES OF A KEY REQUIREMENT IN AUSTRALIA IS PROPOSED. THIS CAPPING WILL DEAL WITH CONCERNS OF SOME OF THE SMALLER LENDERS THAT THEIR PRUDENTIAL STANDING COULD HAVE BEEN OTHERWISE JEOPARDISED. IN ADDITION, WHEN DETERMINING WHETHER TO IMPOSE A CIVIL PENALTY, A COURT IS SPECIFICALLY REQUIRED TO HAVE REGARD PRIMARILY TO THE PRUDENTIAL STANDING OF THE CREDIT PROVIDER IF REQUESTED BY THE CREDIT PROVIDER.

APART FROM AN APPLICATION BY A BORROWER AFFECTED, THE DIRECTOR OF CONSUMER AFFAIRS CAN INTERVENE IN A CIVIL

PENALTY APPLICATION EITHER TO ASSIST THE COURT OR TO REPRESENT DEBTORS. IN THE EVENT THAT A STATE CONSUMER AFFAIRS AGENCY INTERVENES, ANY CIVIL PENALTY OR PART THEREOF AWARDED AGAINST A CREDIT PROVIDER CAN BE PAID INTO THE FINANCIAL COUNSELLING TRUST FUND.

THE FINANCIAL COUNSELLING TRUST FUND IS INTENDED TO PROVIDE A CENTRAL LOCATION FROM WHICH MONEYS CAN BE DISBURSED TO ASSIST CONSUMERS AND THEIR REPRESENTATIVES IN RELATION TO CREDIT MATTERS.

FINALLY, I SHOULD ALSO MENTION THAT LINKED CREDIT PROVIDER PROVISIONS, NOW CALLED RELATED SALE CONTRACTS, REMAIN AN INTEGRAL ELEMENT OF THE CONSUMER CREDIT CODE.

MADAM SPEAKER, ALTHOUGH I HAVE ATTEMPTED TO PROVIDE MEMBERS WITH AN OVERVIEW OF THE CODE, I HAVE BY NO MEANS DEALT WITH ALL OF THE IMPORTANT PROVISIONS. THE CODE PROVIDES A COMPREHENSIVE FRAMEWORK FOR ALL ASPECTS OF CONSUMER CREDIT LENDING. FROM THE CONSUMERS VIEWPOINT ITS CENTRAL PILLARS ARE COVERAGE OF ALL CREDIT CONTRACTS INCLUDING HOUSING LOANS, DISCLOSURE, ACCESSIBILITY TO USEFUL INFORMATION AND ENFORCEMENT AND REOPENING MECHANISMS WHICH TARGET AREAS OF DEMONSTRATED CONSUMER NEED.

FROM THE CREDIT PROVIDERS POINT OF VIEW, THIS LEGISLATION IS NOT JUST A CONSUMER CREDIT CODE BUT A CODE OF GOOD

BUSINESS PRACTICE. IT CONTAINS PROVISIONS WHICH SHOULD REFLECT GOOD LENDING PRACTICES BUT AT THE SAME TIME IS FLEXIBLE ENOUGH AND SUFFICIENTLY CONTEMPORARY TO ENSURE THAT IT WILL POSE NO SIGNIFICANT PROBLEMS TO LENDER AND BORROWER RELATIONSHIPS, PRODUCT INNOVATION, COMPETITION OR THE DEVELOPMENT OF SENSIBLE PRICING DECISIONS.

MEMBERS ONLY HAVE TO LOOK AT THE INDEX TO THE LEGISLATION TO SEE THAT THE CODE DEALS WITH EVERYTHING FROM PRECONTRACTUAL DISCLOSURE AND ADVERTISING, THE FORM AND CONTENT OF CREDIT DOCUMENTATION, THE ENFORCEMENT OF OBLIGATIONS AND THE CHANGES TO THOSE OBLIGATIONS, AS WELL AS SUCH IMPORTANT ANCILLARY MATTERS AS HARASSMENT, RELATED SALE CONTRACTS AND RELATED INSURANCE CONTRACTS.

THE LEGISLATION IS WRITTEN IN PLAIN LANGUAGE AND SHOULD ASSIST THE COURTS, PROFESSIONS AND THE LENDING FRATERNITY.

THE CONSUMER CREDIT BILL 1994 AND THE CONSUMER CREDIT CODE REQUIRE AN ADMINISTRATION ACT TO PROVIDE THE "MACHINERY" PROVISIONS. IT HAS BEEN AGREED THAT THIS WILL NOT BE A UNIFORM EXERCISE. DUE TO THE LARGE LEGISLATION PROGRAM THE ADMINISTRATION BILL WILL NOT BE READY FOR INTRODUCTION INTO THE ASSEMBLY UNTIL EARLY IN 1995. THE ADMINISTRATION LEGISLATION WILL CARRY FORWARD

8 December 1994

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PROVISIONS OF THE EXISTING CREDIT ACT 7985 DEALING WITH LICENCES, THE CREDIT TRIBUNAL, THE FINANCIAL COUNSELLING TRUST FUND, HOLDING INQUIRIES, POWERS AND FUNCTIONS OF THE DIRECTOR OR CONSUMER AFFAIRS AND MISCELLANEOUS PROVISIONS.

I COMMEND THE BILL TO THE ASSEMBLY.

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APPENDIX 4:

(Incorporated in Hansard on 8 December 1994 at page 4818)

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY
FINAL REPORT OF THE

"A.C.T. HEALTH GOALS AND TARGETS FOR THE YEAR 2000"

TABLING STATEMENT

Circulated by the authority of
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Minister for Health

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MADAM SPEAKER, I AM PLEASED TO PRESENT THE FINAL REPORT OF THE A.C.T. HEALTH GOALS AND TARGETS FOR THE YEAR 2000, WHICH IS THE A.C.T.S CONTRIBUTION TO NATIONAL INITIATIVES AIMED AT FOCUSING THE HEALTH SYSTEM TOWARDS IMPROVED HEALTH OUTCOMES.

NATIONAL HEALTH GOALS AND TARGETS ARE CURRENTLY UNDER REVISION. THIS PROCESS COMMENCED WITH THE PUBLICATION OF GOALS AND TARGETS FOR AUSTRALIA'S HEALTH IN THE YEAR 2000, WHICH IDENTIFIED DETERMINANTS OF ILL HEALTH WITHIN FIVE BROAD HEADINGS, NAMELY:

- PREVENTABLE MORTALITY AND MORBIDITY;
- HEALTH LIFESTYLES AND RISK FACTORS;
- HEALTH LITERACY AND HEALTH SKILLS;
- HEALTHY ENVIRONMENTS; AND THE
- HEALTH SYSTEM.

TI-ASE NATIONAL HEALTH GOALS AND TARGETS WERE COMPLEMENTED BY THE DEVELOPMENT OF PARALLEL HEALTH STRATEGIES FOR A NUMBER OF POPULATIONS GROUPS, SUCH AS THE ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH GOALS AND TARGETS, THE HEALTH GOALS AND TARGETS FOR AUSTRALIAN CHILDREN AND YOUTH, THE HEALTH GOALS AND TARGETS FOR AUSTRALIAN WOMEN, AND THE NATIONAL NON-ENGLISH SPEAKING BACKGROUND WOMENS HEALTH STRATEGY.

THE COMMONWEALTH AND STATE AND TERRITORY GOVERNMENTS WERE REQUIRED UNDER THE MEDICARE AGREEMENTS ACT 1992 TO AGREE, BY JUNE 1994, TO NATIONAL GOALS AND TARGETS AND PRIORITY AREAS FOR IMPLEMENTATION. TO THIS END, THE VARIOUS HEALTH MINISTERS IDENTIFIED FOUR KEY FOCUS AREAS, NAMELY CARDIOVASCULAR DISEASE, CANCERS, INJURY, AND MENTAL HEALTH.

DRAFT GOALS, TARGETS AND IMPLEMENTATION STRATEGIES IN EACH OF THESE AREAS HAVE BEEN PREPARED BY THE COMMONWEALTH DEPARTMENT OF HUMAN SERVICES AND HEALTH, AND ARE CURRENTLY BEING FINALISED FOLLOWING COMMUNITY CONSULTATION.

THE PENULTIMATE NATIONAL HEALTH GOALS AND TARGETS WERE PRESENTED TO THE HEALTH MINISTERS IN JUNE 1994. THESE AND THE ASSOCIATED IMPLEMENTATION PLANS WERE AGREED TO IN SEPTEMBER 1994. THEY FORM THE BASIS OF THE NATIONAL HEALTH POLICY ADOPTED BY THE COMMONWEALTH, STATES AND TERRITORIES.

THIS REPORT FOLLOWS 12 MONTHS OF CONSULTATION WITH COMMUNITY ORGANISATIONS, HEALTH CARE WORKERS AND CONSUMERS. A DRAFT HEALTH GOALS AND TARGETS DOCUMENT WAS CIRCULATED TO THE COMMUNITY FOR COMMENT DURING MAY AND JUNE OF THIS YEAR. FOLLOWING RECEIPT OF COMMENTS THE DOCUMENT HAS NOW BEEN FINALISED.

OVER THE PAST YEARS, THE A.C.T. HEALTH SYSTEM HAS PARTICIPATED IN ONE OF THE LARGEST HOSPITAL REDEVELOPMENT PROGRAMS IN AUSTRALIA. THIS MASSIVE REDEVELOPMENT, REPRESENTING AN INVESTMENT OF OVER \$170 MILLION, HAS MEANT SOME DISRUPTION TO HOSPITAL SERVICES OVER RECENT YEARS. IT IS A GREAT CREDIT TO ALL STAFF AT WODEN VALLEY HOSPITAL AND CALVARY HOSPITAL THAT THEY HAVE CONTINUED TO PROVIDE FIRST-RATE SERVICES DURING THE REDEVELOPMENT.

BUT THE BENEFITS ARE NOW APPEARING, WITH OUR NEW STATE-OF-THE-ART EMERGENCY DEPARTMENT AND THEATRE AND IMAGING FACILITIES. THE BENEFITS OF THIS REVITALISED PUBLIC HOSPITAL SYSTEM WILL BECOME EVENT MORE APPARENT AS WE MOVE TOWARDS THE YEAR 2000.

THE ESTABLISHMENT OF THE CANBERRA CLINICAL SCHOOL WILL SOON SEE THE APPOINTMENT OF AT LEAST SIX PROFESSORIAL POSTS IN THE PRESTIGIOUS UNIVERSITY OF SYDNEY MEDICAL FACULTY. THIS WILL HAVE A SIGNIFICANT IMPACT ON FURTHER IMPROVING PROFESSIONAL STANDARDS THROUGHOUT CANBERRAS CLINICAL COMMUNITY.

AND WHILE THIS HERALDS A NEW BEGINNING FOR THE A.C.T. PUBLIC HOSPITAL SYSTEM, IT IS ALSO IMPORTANT TO ACKNOWLEDGE THE SIGNIFICANT CONTRIBUTION THAT COMMUNITY-BASED HEALTH (OR PRIMARY CARE) SERVICES MAKE TO THE HEALTH OF CANBERRANS.

THESE SERVICES PROVIDE MUCH OF THE ILLNESS PREVENTION ACTIVITY IN OUR COMMUNITY, AS WELL AS THE POST-HOSPITAL REHABILITATION AND FOLLOW-UP CARE OF PATIENTS. THE CLINICAL SCHOOLS CHAIR OF GENERAL PRACTICE AT CALVARY HOSPITAL WILL ALSO PROVIDE A FOCUS FOR IMPROVEMENTS IN GENERAL PRACTICE SERVICES.

MADAM SPEAKER, COMMUNITY-BASED HEALTH CARE NOT ONLY ENCOMPASSES GOVERNMENT SERVICES SUCH AS HEALTH CENTRES, SCHOOL DENTAL SERVICES, COMMUNITY NURSING, AND PUBLIC AND ENVIRONMENTAL HEALTH SERVICES, BUT ALSO PRIVATE HEALTH PRACTITIONERS, SUCH AS GENERAL PRACTITIONERS AND PHARMACISTS. VOLUNTARY WORKERS, FOR EXAMPLE CARERS OF PEOPLE WITH A DISABILITY OR CHRONIC CONDITION, ARE ALSO AN INTEGRAL PART OF OUR HEALTH SYSTEM, AS ARE WORKERS IN THE NON-TRADITIONAL HEALTH SETTINGS, SUCH AS SCHOOLS, WORKPLACES, AND THE FOOD INDUSTRY.

TOGETHER THEY ALL PLAY AN IMPORTANT ROLE IN OUR HEALTH SYSTEM. BY WORKING TOGETHER IN AN INTEGRATED AND COOPERATIVE MANNER, MUCH CAN BE ACHIEVED TO ENHANCE THE QUALITY OF HEALTH PROMOTION AND HEALTH CARE SERVICES PROVIDED IN THE A.C.T.

THE HEALTH GOALS AND TARGETS REPORT FOCUSES ON:

- IMPROVING HEALTH OUTCOMES RATHER THAN THROUGHPUTS; ACHIEVING MORE EQUITABLE OUTCOMES BY ADDRESSING SOME OF THE UNDERLYING DETERMINANTS OF ILL HEALTH;
- PROVIDING A MEANS WHEREBY SECTORS OTHER THAN HEALTH CAN BE INVOLVED IN HEALTH POLICY AND PLANNING; AND
 - FACILITATING THE MONITORING AND REVIEWING OF THE PROGRESS MADE TOWARDS IMPROVED HEALTH OUTCOMES.

THIS REPORT NOT ONLY EXAMINES THE PROFILE OF HEALTH ISSUES IN THE A.C.T., BUT ALSO INCLUDES INFORMATION ON THE SOCIO-DEMOGRAPHIC FACTORS WHICH INFLUENCE THE HEALTH AND LIFESTYLE OF THE CANBERRA COMMUNITY. IT ADDRESSES THE CAPACITY OF PEOPLE WITH DISABILITIES TO LEAD INDEPENDENT LIVES, AND HOW THE QUALITY OF THE CARERS LIFE CAN BE ENHANCED THROUGH ATTENTION TO EARLY INTERVENTION SERVICES, COMMUNITY-BASED SUPPORT SERVICES AND THE PROVISION OF FLEXIBLE RESPITE CARE OPTIONS.

IT ADDRESSES PRIORITY AREAS SUCH AS:

- CANCERS;
- CARDIOVASCULAR HEALTH;
INJURY;
- MENTAL AND EMOTIONAL HEALTH;
- ASTHMA;
- COMMUNICABLE DISEASES; AND
- DIABETES.

THE FIRST FOUR AREAS HAVE BEEN ADOPTED NATIONALLY. HOWEVER THIS REPORT INCLUDED THE OTHER ISSUES AS AN ANALYSIS OF THE MOST RECENT NATIONAL SURVEY INDICATED THEY WERE ALSO SIGNIFICANT CAUSES OF ILL-HEALTH IN THE A.C.T.

MADAM SPEAKER, WHEREVER POSSIBLE THE GOALS WHICH HAVE BEEN SET WILL CROSS THE COQ OF HEALTH CARE FROM PREVENTION TO TREATMENT, REHABILITATION AND PALLIATIVE CARE. THE PROPOSED GOALS ARE GENERAL STATEMENTS OF INTENT AND THE INDICATORS PROVIDE A MEASURABLE WAY OF ASSESSING PROGRESS TOWARDS ACHIEVING THESE GOALS.

FOR EXAMPLE, CANCER IS ONE OF THE AREAS ADDRESSED BY BOTH NATIONAL AND LOCAL GOALS AND TARGETS. LOCALLY THE ISSUES TO BE ADDRESSED INCLUDE COORDINATION OF SERVICES, QUALITY OF LIFE OF CANCER SUFFERERS AND REDUCTION OF CANCER INCIDENCE THROUGH ATTENTION TO PREVENTABLE CANCERS SUCH AS LUNG CANCER, CERVICAL CANCER AND SKIN CANCER.

TARGETS PROPOSED INCLUDE REDUCTION IN TOBACCO SMOKING, INCREASED USE OF SUNSCREEN AND EARLY DETECTION OF CANCERS AS MEASURED THROUGH IMPROVED SURVIVAL RATES AFTER DIAGNOSIS.

ANOTHER AREA WHERE GOALS AND STRATEGIES WILL CROSS THE CONTINUUM OF HEALTH CARE IS IN THE PREVENTION OF INJURIES DUE TO FALLS (PARTICULARLY IN THE ELDERLY), WORKPLACE AND TRAFFIC ACCIDENTS AND ACCIDENTS IN RECREATIONAL AND SPORTING ACTIVITIES. THESE ARE ADDRESSED BY STRATEGIES RELATING TO THE PHYSICAL ENVIRONMENT, EDUCATION OF SPORTS COACHES AND DRIVER TRAINING.

VIOLENCE, ABUSE AND SUICIDE ARE ALSO COVERED IN THIS SECTION. TARGETS INCLUDE INCREASED USE OF PROTECTIVE EQUIPMENT, REDUCTION IN HOSPITAL ADMISSIONS AND DEVELOPMENT OF PROTOCOLS RELATING TO VIOLENCE AND ABUSE.

MADAM SPEAKER, THIS IS JUST A SAMPLE OF WHAT IS CONTAINED IN THE REPORT. THIS REPORT PROVIDES AN EXCELLENT FIRST STEP IN FORMULATING THE FUTURE DIRECTIONS FOR THE COORDINATED PLANNING AND DELIVERY OF HEALTH SERVICES IN THE A.C.T.

APPENDIX 5:

(Incorporated in Hansard on 8 December 1994 at page 4819)

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY
MINISTERIAL STATEMENT ON

GOVERNMENT RESPONSE TO REPORT NO. 7 OF THE
LEGISLATIVE ASSEMBLY STANDING COMMITTEE ON LEGAL
AFFAIRS

CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL 1993

To be delivered by:
Terry Connolly MLA

December 1994

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8 December 1994

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MADAM SPEAKER

ON 26 AUGUST 1993 I INTRODUCED INTO THE LEGISLATIVE ASSEMBLY A BILL TO AMEND THE CRIMINAL INJURIES COMPENSATION ACT 1983. THE STANDING COMMITTEE ON LEGAL AFFAIRS RESOLVED TO INQUIRE INTO THE BILL IN SEPTEMBER 1993. HOWEVER, ITS REPORT WAS NOT DELIVERED UNTIL OCTOBER OF THIS YEAR.

THE BASIC PURPOSE OF THE BILL WAS TO PROVIDE THAT COMPENSATION WAS NOT TO BE AWARDED UNLESS THE COURT WAS SATISFIED THAT IT WOULD BE JUST AND EQUITABLE TO AWARD COMPENSATION, AND TO EMPHASISE THAT THE COURT HAS A DISCRETION AS TO WHETHER TO AWARD COMPENSATION FOR AN INJURY RESULTING FROM AN OFFENCE.

IN MAKING ITS DECISION THE COURT WOULD BE REQUIRED TO HAVE REGARD TO WHETHER THE OFFENCE HAD BEEN THE SUBJECT OF A PROSECUTION. THE INTENTION WAS TO FOCUS THE ATTENTION OF THE COURT ON THE QUESTION OF WHETHER THE OFFENCE IS SERIOUS ENOUGH TO JUSTIFY THE EXPENDITURE OF TAXPAYERS FUNDS ON COMPENSATION.

THE BILL ALSO PROVIDED THAT, IN THE ABSENCE OF A PROSECUTION, COMPENSATION WAS NOT TO BE PAYABLE FOR CATEGORIES OF INJURY SPECIFIED IN THE REGULATIONS - IN PARTICULAR SPORTING INJURIES AND INJURIES CAUSED BY ANIMALS.

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3 THE COMMITTEE DELIVERED ITS REPORT ON THE BILL IN OCTOBER THIS YEAR. APART FROM ONE MINOR TECHNICAL AMENDMENT THE COMMITTEE REJECTED ALL OF THE PROPOSED AMENDMENTS AND PROCEEDED TO RECOMMEND ADDITIONAL AMENDMENTS.

THE CHAIRMAN OF THE COMMITTEE, MR HUMPHRIES, AND I IN FACT DISCUSSED THOSE ADDITIONAL AMENDMENTS AT LENGTH BEFORE THE COMMITTEE DELIVERED ITS REPORT, AND I WAS PLEASED THAT WE WERE ABLE TO REACH AGREEMENT ON A NUMBER OF ISSUES:

NEVERTHELESS, THE GOVERNMENT HAS DECIDED TO WITHDRAW ITS BILL AND NOT PROCEED, AT THIS STAGE, TO PROPOSE THE ADDITIONAL AMENDMENTS TO THE ACT AS RECOMMENDED BY THE COMMITTEE.

MADAM SPEAKER, THE GOVERNMENTS COMMITMENT TO VICTIMS OF CRIME IS WELL KNOWN AND DEMONSTRATED BY ITS RECENT RESPONSE TO THE COMMUNITY LAW REFORM COMMITTEES REPORT ON VICTIMS INCLUDING THE PACKAGE OF VICTIMS LEGISLATION WHICH HAS BEEN BEFORE THE ASSEMBLY. COMPENSATION IS AN ESSENTIAL COMPONENT OF A SENSITIVE RESPONSE TO THE SPECIAL NEEDS OF VICTIMS, BUT I HAVE BEEN CONCERNED FOR SOME TIME ABOUT THE WAY THAT THE TERRITORYS COMPENSATION LEGISLATION IS BEING APPLIED.

THE COST OF THE SCHEME IS GROWING EXPONENTIALLY EVERY YEAR, AND HAS INCREASED FROM \$700,000 IN 1990/91 TO OVER \$3 MILLION LAST YEAR, AND MY OFFICERS ESTIMATE THAT IT WILL INCREASE ANOTHER \$1 MILLION THIS YEAR - TO \$4 MILLION DOLLARS.

4 MADAM SPEAKER, THE GOVERNMENT HAS A RESPONSIBILITY TO ENSURE THAT THE TAXPAYERS DOLLARS ARE BEING PROPERLY TARGETED IN THIS AREA THIS MEANS THAT ONLY TRUE VICTIMS OF VIOLENT CRIME ARE BEING COMPENSATED - AND THAT THERE HAS TO BE A LIMIT ON THE AMOUNT EXPENDED UNDER THE SCHEME. AS MY COLLEAGUE MRS GRASSBY SHOWED IN HER ADDITIONAL COMMENTS TO THE COMMITTEE REPORT, IF THE COMPENSATION EXPENDITURE INCREASES AT THE SAME RATE AS IN THE LAST COUPLE OF YEARS, IT COULD COST \$17 MILLION BY 1997/98.

THE GOVERNMENT HAS CONSIDERED THE COMMITTEES RECOMMENDATIONS FOR ADDITIONAL AMENDMENTS CAREFULLY. AS I SAID MANY OF THE IDEAS WERE SUGGESTED BY ME IN MY DISCUSSIONS WITH MR HUMPHRIES. BUT WE HAVE COME TO THE VIEW THAT ALTHOUGH THE AMENDMENTS MIGHT HAVE SOME BENEFICIAL IMPACT ON THE ADMINISTRATION OF THE SCHEME, IT WOULD BE FAR MORE PREFERABLE TO HAVE A LOOK AT THE WHOLE PROCESS OF CRIMINAL INJURIES COMPENSATION IN THE A.C.T.

THE GOVERNMENT RESPONSE TO THE COMMUNITY LAW REFORM COMMITTEES VICTIMS REPORT REFERRED TO A DISCUSSION PAPER BEING PREPARED IN THE ATTORNEY-GENERALS DEPARTMENT ON COMPENSATION FOR VICTIMS OF VIOLENT CRIME. THIS DISCUSSION PAPER IS GOING TO TAKE A "ZERO-BASED" LOOK AT THE SCHEME - THAT IS, NOT JUST HAVING A LOOK AT THE LEGISLATION WHICH WE ALREADY HAVE, BUT ALSO EXAMINING THE FUNDAMENTALS - WHO SHOULD BE COMPENSATED AND WHAT IS THE MOST EFFECTIVE AND FAIREST WAY TO DO IT.

5 THE OTHER ADVANTAGE OF PROCEEDING IN THIS WAY IS THAT APPROPRIATE CONSULTATION CAN OCCUR AND THE VIEWS OF ALL INTERESTED PERSONS AND GROUPS HEARD. ON REFLECTION, I THINK THAT THE AMENDMENTS WHICH MR HUMPHRIES AND I DISCUSSED AND WHICH WERE RECOMMENDED BY THE COMMITTEE WOULD BE SIGNIFICANT ENOUGH IN THEMSELVES TO MERIT WIDER CONSULTATION.

A FINAL CONSIDERATION BY THE GOVERNMENT WAS THE VERY LIMITED ASSEMBLY TIME AVAILABLE BEFORE WE RISE IN DECEMBER. THERE IS A LARGE NUMBER OF SIGNIFICANT AND IMPORTANT GOVERNMENT BILLS REQUIRING THE ATTENTION OF THE ASSEMBLY, AND I THINK THAT IT IS FAIR TO SAY THAT IF THE SUGGESTED AMENDMENTS WERE INTRODUCED, THEY EITHER MAY NOT BE REACHED OR PERHAPS MEMBERS, GIVEN THE HEAVY WORKLOAD AHEAD, MAY NOT BE ABLE TO GIVE THEM THE LEVEL OF SCRUTINY THEY NORMALLY WOULD.

MADAM SPEAKER, I THANK THE MEMBERS OF THE COMMITTEE FOR THEIR WORK ON THIS MATTER. THEIR DELIBERATIONS WILL BE OF GREAT BENEFIT TO THE OFFICERS PREPARING THE DISCUSSION PAPER, AND I TRUST THAT THAT PAPER WILL ALSO RECEIVE THE BENEFIT OF EXAMINATION BY THE NEW COMMITTEE, IN THE NEXT ASSEMBLY.

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