



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 September 1997

Tuesday, 23 September 1997

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Moore**, from eight residents, requesting that the Assembly pass a Bill allowing for a Territory-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Voluntary Euthanasia

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory respectfully draws the attention of the House to the issue of legalising voluntary euthanasia for the terminally ill.

Your petitioners request the Assembly to pass a Bill allowing for a Territory-wide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

Petition received.

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**TERRITORY OWNED CORPORATIONS
(AMENDMENT) BILL (NO. 3) 1997**

MRS CARNELL (Chief Minister and Treasurer) (10.32): Mr Speaker, I ask for leave to present the Territory Owned Corporations (Amendment) Bill (No. 3) 1997.

Leave granted.

MRS CARNELL: Mr Speaker, I am pleased to present to the Assembly the Territory Owned Corporations (Amendment) Bill (No. 3) 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Section 24 of the Territory Owned Corporations Act 1990 currently prohibits the Territory from lending money to a Territory-owned corporation, except where the borrowing is appropriated by the Legislative Assembly. The borrowing activities of central government are currently undertaken through the Central Financing Unit, the CFU. The requirement to specifically appropriate borrowing proceeds to TOCs has practical difficulties in its application. It is not always possible for a TOC to determine its annual borrowing requirements in the budget context to enable inclusion in annual Appropriation Acts. This was the case in the 1997-98 budget for an amount of \$100m which may require ACTEW to borrow to some unspecified extent. The operation of section 24 of the Territory Owned Corporations Act places TOCs in an adverse position compared to ACT statutory authorities, which are able to borrow directly from government by virtue of section 57 of the Financial Management Act.

The most cost-effective method of raising loan funds from a whole-of-government perspective is through the CFU. The Central Financing Unit is able to take advantage of the ACT's AAA credit rating and has an established market presence which results in lower borrowing costs. To the extent that a Territory-owned corporation is prohibited from borrowing through the CFU, the Territory as a whole would be subject to a borrowing cost differential of approximately 0.2 per cent. In the case of a borrowing of \$50m this would amount to \$100,000 per annum. The passage of this Bill will therefore provide the opportunity for the ACT to minimise its overall cost of borrowings. Mr Speaker, I think it is worth realising that TOCs can already borrow externally; they just cannot borrow through the CFU. I commend the Bill to the Assembly.

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

PUBLIC HEALTH (MISCELLANEOUS PROVISIONS) BILL 1997

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.36): I ask for leave to present the Public Health (Miscellaneous Provisions) Bill 1997.

Leave granted.

MRS CARNELL: Mr Speaker, I present the Public Health (Miscellaneous Provisions) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I have pleasure today in presenting the Public Health (Miscellaneous Provisions) Bill 1997. This Bill contains the necessary consequential amendments for the Public Health Bill 1997 which has already been tabled in this place. The Bill provides for the transfer of various provisions of the Skin Penetration Procedures Act 1994, the Sexually Transmitted Diseases Act 1956, the Tuberculosis Act 1950 and the Building Act 1972 to the new Public Health Act. It also repeals a number of Acts, such as the remainder of the Skin Penetration Procedures Act 1994, the Sexually Transmitted Diseases Act 1956 and the Tuberculosis Act 1950 as well as sections of the Building Act 1972 relating to legionella control. The Bill also repeals the Public Health (Infectious and Notifiable Diseases) Regulations and replaces them with the Public Health (Immunisation and School Diseases Control) Regulations.

One of the most important functions of this Bill is that it creates transitional arrangements so that any licences, notices and the like in operation at the commencement date of the new Public Health Act remain in force as if they had been issued under the new Act. This Bill also transfers the regulations from the old Public Health Act to the new Act. All these regulations will be reviewed against the national competition policy and regulatory reform principles to ensure that they are modern and relevant. In many instances, the regulations will be replaced with flexible codes of practice developed in cooperation with industry and the community. These reviews highlight the Government's strong commitment to regulatory reform. This Bill creates an offence under the Crimes Act 1990 for placing a person in danger of contracting a serious disease. It also inserts a reference to that offence in the Domestic Violence Act 1986. Because blood-borne diseases are so potent, the Government is very concerned about the possibility that these diseases could be used to deliberately harm another person, particularly in the situation where a person intends to infect another person. The Crimes Act, as it currently stands, does not adequately address this problem. Mr Speaker, a serious disease is defined in the Bill as "a disease of such a nature as (a) to endanger life, or be likely to endanger life; or (b) to cause permanent injury to health, or to be likely to cause permanent injury to health". I commend this Bill to the Assembly.

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

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ELECTORAL (AMENDMENT) BILL (NO. 2) 1997

MR HUMPHRIES (Attorney-General) (10.40): Mr Speaker, I ask for leave to present the Electoral (Amendment) Bill (No. 2) 1997.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Electoral (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

MR SPEAKER: Is leave granted?

Mr Berry: No. I want to hear it.

MR HUMPHRIES: I understand that this speech was circulated in advance to members in order for this to be facilitated.

Ms McRae: I did not get a copy of it.

Mr Corbell: Leave is not granted.

MR HUMPHRIES: Mr Speaker, I understand that was the agreement that we reached.

Mr Berry: I have not seen it.

MR HUMPHRIES: I was told it was given to members of your party.

Mr Berry: I take a point of order, Mr Speaker. Leave has not been granted.

Leave not granted.

MR SPEAKER: Proceed, Mr Humphries.

MR HUMPHRIES: We know what we are dealing with today, Mr Speaker. It is obvious.

This Bill provides for amendments to the Electoral Act 1992 following recommendations made by the ACT Electoral Commission in its report on the operation of the ACT's electoral legislation following the 1995 ACT election. The Electoral Commission's report, tabled on 27 June 1996, made several recommendations for changes to the Electoral Act, ranging from suggested ways to enhance the independent status of the commission, to measures to improve services to electors, and to machinery changes to clarify the intent of several provisions in the Electoral Act. Following discussions with representatives of all parties and Independent members of the Assembly, bipartisan agreement was reached on implementing the majority of the measures recommended by the commission.

Before moving on to discuss the provisions in this Bill, I would like to respond to a number of issues raised in the Electoral Commission's report that are not addressed in the Bill. The Electoral Commission recommended that the Assembly consider establishing an electoral matters committee to oversee the operations of the Electoral Commission and to review the operation of the Electoral Act. The Government supports this recommendation. However, given that the next election is due in February 1998, it would be more appropriate to defer establishing such a committee until after the newly elected Assembly meets in 1998.

The Electoral Commission also recommended that the independent status of the commission be enhanced by clarifying where the commission sits in the administrative structure. The Government considers that the commission already maintains a very independent position and that, because of its small size, it would be costly and inefficient to increase its administrative structure. However, in recognition of the commission's concerns, the Government considers that these issues should be referred to the proposed Assembly committee after the election.

Some of the other recommendations made by the commission aimed at enhancing the independent status of the commission have been agreed to by the Government. The Bill will guarantee that the Electoral Commission will submit an independent annual report to the responsible Minister for tabling in the Legislative Assembly. At present, the Electoral Commission is required to submit an independent annual report only if an appropriate direction is issued by the responsible Minister under the Annual Reports (Government Agencies) Act.

The Bill will also allow the Electoral Commission to submit reports on matters relating to elections and referendums to the responsible Minister, who will be required to table the reports within six sitting days of receipt. These reports will enable the commission to bring any electoral matters it considers important to the notice of the Assembly at any time. In addition, the Bill gives the Electoral Commission the explicit power to advise all members of the Legislative Assembly on electoral matters on an individual basis. This will permit the Electoral Commission to advise non-government members when they are preparing electoral legislation, for example.

In its report, the Electoral Commission noted that the difference between the instructions to voters on ballot papers, which instruct voters to vote for at least five candidates in the five-member electorates, and the formal voting rules, which allow a vote to be counted if it shows a preference for only one candidate, caused some confusion at the 1995 election.

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The commission recommended that the formality rules be brought into line with the instructions, or that the Assembly publicly affirm that the instructions are intended to be different from the formality requirements.

After discussing this issue with representatives of the other parties and the Independents, it was agreed that the formality rules should remain unchanged. The Hare-Clark system is a preferential voting system. It works best if each voter marks preferences for several candidates. Consequently, voters should be encouraged to show at least as many preferences as there are candidates to be elected in their electorate. However, where a voter fails, for whatever reason, to follow the instructions on the ballot paper, that person's vote should be counted so long as the voter's intention is clear, not discarded for a technicality.

Two minor recommendations made by the commission will also not be implemented. The commission recommended that the requirement to authorise notices of electoral meetings be removed. The Government has not accepted this recommendation, as notices of meetings may themselves convey a political message which should carry an authorisation. The commission also recommended that members of the Assembly should not be entitled to unlimited free updates of the electronic electoral rolls for their electorates, for cost reasons. In considering this recommendation, members agreed that it is not unreasonable to receive the free quarterly updates that are now regularly provided, and that it would improve the service to the community that members provide if they could have access to the electronic rolls for all three electorates. The Bill accordingly provides for this change. Another issue touched on in the Electoral Commission's report, updating the funding and disclosure laws, has already been dealt with by passage of the Electoral (Amendment) Act 1996. The commission's recommendation regarding an October election date has been adopted by the Assembly in passing Mr Moore's Electoral (Amendment) Act 1997.

Mr Speaker, turning to the remaining provisions of the Bill, I am pleased to note that many of them are intended to improve service to electors. These include: Allowing ordinary voting at pre-poll voting centres in the ACT, so that electors voting before polling day, because they are unable to attend a polling place on polling day, can vote without being required to complete declaration certificates; allowing for pre-poll voting in the ACT up to 8.00 pm on the Friday before polling day, rather than the current 6.00 pm close; allowing silent electors to cast an ordinary vote at a polling place, rather than a declaration vote; closing the roll at 8.00 pm rather than 6.00 pm; not requiring payment of a deposit when an objection is made to an enrolment on the basis that a person is of unsound mind; allowing an additional class of persons to make submissions at public hearings into objections against redistribution proposals; ensuring that any details submitted to the Electoral Commission by an elector with "silent" enrolment that could enable another person to contact the silent elector, such as postal addresses or phone numbers, will not be made public; providing for the automatic issue of postal ballot papers to registered declaration voters, rather than the automatic dispatch of application for postal voting; and requiring car stickers to be authorised, to prevent mischievous electoral advertising.

Further changes to the political party registration scheme will ensure that public money is not spent on advertising changes of addresses of party registered offices, while ensuring that all registered officers of political parties will be residents of the ACT who are eligible to vote for ACT elections. At present, any person of any age or address may be a registered officer for any ACT political party. The Bill also provides for the appointment of deputy registered officers by a party secretary where the registered officer is unable to carry out his or her duties. At present, only registered officers may appoint deputy registered officers, so that, if a registered officer was unable to carry out his or her duties, a party may be left without a registered officer at a crucial time. Other more technical amendments are intended to clarify various provisions in the Electoral Act to ensure that the electoral process operates smoothly.

Mr Speaker, this Electoral (Amendment) Bill will lead to further refinements in the ACT's Hare-Clark electoral system. This system is widely regarded as one of the most representative electoral systems in the world - even now, apparently, by the ACT Labor Party - and I am confident that these changes will lead to even better service to electors at future elections. I commend the Bill to the Assembly.

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

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO. 2) 1997

MR HUMPHRIES (Attorney-General) (10.49): Mr Speaker, I ask for leave to present the Legal Practitioners (Amendment) Bill (No. 2) 1997.

Leave granted.

MR HUMPHRIES: I present the Legal Practitioners (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum and the explanatory memorandum for the Legal Practitioners (Consequential Amendments) Bill 1997.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave not granted.

MR HUMPHRIES: Dear, oh dear; claims about not filibustering this week as well?

Ms McRae: Did we get a copy of this?

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MR HUMPHRIES: I understand, Mr Speaker, that the speeches were circulated, as agreed previously, to members at 9 o'clock this morning. It is a pity that members opposite are not prepared to abide by their - - -

Ms McRae: Mr Speaker, I raise a point of order. I do not have a copy of that speech. If Mr Humphries makes those claims, I would like to see where they are.

MR SPEAKER: The Chair is not involved in this.

MR HUMPHRIES: You had a copy for your party spokesperson. That is a problem for your party, Ms McRae. Mr Speaker, the Legal Practitioners Act 1970 provides for the regulation of the legal profession in the Australian Capital Territory, including rules for the admission to practise of barristers and solicitors and conditions on the issue of practising certificates. The Act does not take account of the impact of the mutual recognition scheme on the admission by the Supreme Court of legal practitioners and the issue of practising certificates by the Law Society of the ACT.

The mutual recognition scheme is intended to produce free movement of goods and service providers in a national market in Australia and, to this end, provides for the recognition of the trades and professions in Australia. In relation to the legal profession, the operation of the scheme should allow a person who may practise law in one Australian jurisdiction to practise in another jurisdiction without the need for further admission formalities. The Legal Practitioners (Amendment) Bill (No. 2) 1997 will amend the Legal Practitioners Act to take account of the mutual recognition scheme.

The Legal Practitioners (Amendment) Act 1997 provides for the practice in the Territory of legal practitioners from other jurisdictions in Australia. I will shortly be bringing to the Assembly a further Bill which will regulate the practice of foreign law by foreign solicitors in the Territory. Today's Bill will complement the earlier amending Act and the foreign solicitors Bill, so-called. Taken together, the effect will be the opening up of the profession to competition.

A problem for the implementation of a national legal practice scheme is that each State and Territory provides different qualifications for a person's first admission to practise. In order to ensure that legal practitioners throughout Australia have comparable qualifications and experience, the Consultative Committee of State and Territory Law Admitting Authorities has proposed the adoption of uniform admission rules by all States and Territories. The rules regulate the admission to practise of legal practitioners from Australia, from New Zealand and from other overseas countries. Implementation of the rules will mean that each jurisdiction can be confident that all legal practitioners in an increasingly national profession are qualified at the same level.

With one exception, the Bill will adopt the rules proposed by the committee as those for the admission to practise of legal practitioners in the Territory. The exception is that the Bill does not include those rules which provide for the admission of overseas legal practitioners other than those from New Zealand. This is in line with the current arrangements under the Act which provide for the admission of New Zealand legal practitioners and which do not provide for those from other external jurisdictions.

The Supreme Court has not had, and does not have, the resources required to vet applications for admission from other overseas countries. The provision made in the Bill for New Zealand practitioners reflects the provisions currently made in the Act for the admission of overseas practitioners and is an expression of the closer economic relations agreement with New Zealand and a move towards an eventual trans-Tasman market in legal services.

The Act provides for a suitably qualified person to be able to be admitted by the Supreme Court to practise as a “barrister and solicitor”. In line with the current move to standardise the terms and emphasise the unity of the profession in its provision of legal services, the Bill will amend the Act to provide for the admission of a person as a “legal practitioner”. The Legal Practitioners (Consequential Provisions) Bill 1997 will amend other legislation to change the references in that legislation to “barrister and solicitor”, “barrister”, “solicitor”, “advocate”, and so on, to “legal practitioner” where appropriate.

The Legal Practitioners (Amendment) Bill (No. 2) 1997 will also amend the Legal Practitioners Act to provide that, where a solicitor holds \$5,000 of a client’s money, the solicitor is to seek instructions from the client as to the investment of that money if it is likely to be held for three months or more. Currently the Act requires a solicitor to seek instructions in respect of an amount of \$1,000.

The Bill will also provide for the consolidation, and some refinement, of the provisions dealing with the conditions for the issue of a practising certificate; provide for review by the Administrative Appeals Tribunal of a decision of the Law Society as to the approval of a provider of, or the terms of, a professional indemnity insurance policy; and provide for simplification of the title of a partnership trust bank account, for requirements governing the issue of trust account receipts to clients and the administration of trust bank accounts.

The Legal Practitioners (Amendment) Bill (No. 2) 1997 advances moves towards a national and competitive legal service market in Australia and will enhance the regulation of the legal profession under the Act. I commend the Bill to the Assembly.

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

LEGAL PRACTITIONERS (CONSEQUENTIAL AMENDMENTS) BILL 1997

MR HUMPHRIES (Attorney-General) (10.56): I ask for leave to present the Legal Practitioners (Consequential Amendments) Bill 1997.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Legal Practitioners (Consequential Amendments) Bill 1997.

Title read by Clerk.

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MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave not granted.

MR HUMPHRIES: Mr Speaker, the Legal Practitioners (Amendment) Bill (No. 2) 1997 will amend the Legal Practitioners Act to omit the definition of “barrister and solicitor” and insert “legal practitioner” to mean a person whose name is on, or is to be taken to be on, the roll of legal practitioners. Many of the Acts of the Territory contain references to legal practitioners by a variety of terminology - “barrister and solicitor”, “barrister”, “counsel”, “legal representative” or “solicitor”. The Legal Practitioners (Consequential Amendments) Bill 1997 will amend the Interpretation Act 1967 to insert definitions of “legal practitioner”, “barrister” and “solicitor” and will amend other Acts, regulations and rules in consequence of the change from the term “barrister and solicitor” to that of “legal practitioner”.

Mr Berry, given your great desire to hear me read this speech, it would be a pity if you were not actually listening to what I have to say, I would have thought.

Ms McRae: Are you Mr Speaker now?

MR HUMPHRIES: I would have thought Mr Berry wanted to hear what I had to say.

Ms McRae: I think you should concentrate on reading your speech, Mr Humphries, and worry about yourself. Who is wasting time now?

MR HUMPHRIES: Obviously, you are Madam Speaker. Are you interested, Mr Berry, in what I have to say? You asked me to read it into *Hansard*.

MR SPEAKER: Order!

Ms McRae: I was listening very carefully. Please proceed.

MR HUMPHRIES: I certainly will, Ms McRae.

Where it would be appropriate, reference in legislation to “barrister and solicitor”, “barrister”, “counsel”, “legal representative” or “solicitor” will be deleted and reference to “legal practitioner” substituted. I commend the Bill to the Assembly.

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

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO. 3) 1997

MR HUMPHRIES (Attorney-General) (10.58): Mr Speaker, I ask for leave to present the Legal Practitioners (Amendment) Bill (No. 3) 1997.

Leave granted.

MR HUMPHRIES: I present the Legal Practitioners (Amendment) Bill (No. 3) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I seek leave to incorporate my presentation speech in *Hansard*.

Leave not granted.

MR HUMPHRIES: Oh, suddenly you are interested in legal matters this morning. Well, well, well! What a surprise!

Mr Speaker, at the meeting of the Standing Committee of Attorneys-General held in March 1996 the committee considered a paper on the regulation of the practice of foreign law in Australia. The underlying purpose of the proposal is to facilitate the practice of Australian law in overseas countries because, unless there is reciprocity, Australian lawyers will, in many cases, not be able to practise overseas. Currently, the practice of foreign law in the Territory is not regulated. The Bill will, in essence, place persons practising foreign law here on the same regulatory footing as local lawyers as regards such matters as indemnity insurance, trust accounts and discipline.

Two approaches were discussed at the SCAG meeting. The first was a regulatory model which would regulate the practice of foreign law in Australia by a person who is qualified to practise law in an overseas jurisdiction. It would place lawyers practising foreign law on the same footing in relation to consumer protection and discipline as local practitioners. The alternative model was a declaratory provision which would provide that a person providing legal services relating to foreign law does not breach any domestic law. There was an almost even split at the SCAG meeting as to the preferred model. This Government favours the regulatory model because this more comprehensive approach will essentially place the practice of domestic and foreign law on the same footing and provide appropriate protection for consumers. The Law Society also favours the comprehensive approach.

The legal profession in the Territory is a fused profession, in that practitioners are admitted by the Supreme Court as barristers and solicitors, with practitioners choosing to practise as barristers, as solicitors, or as both. Solicitors are regulated by the Law Society, which is established by the Act. However, the Act does not establish a regulatory system for barristers, who, unlike solicitors, are not required to hold

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practising certificates. A registered foreign lawyer will not be able to practise domestic law. Letterhead and other documents relating to legal practice will have to make it clear that the practitioner may practise only foreign law. However, a foreign lawyer may practise in partnership with other locally registered foreign lawyers and domestic legal practitioners.

Mr Speaker, the Bill will encourage and facilitate the globalisation of legal services and the legal services sector by providing a framework for the regulation of the practice of foreign law in Australia by foreign qualified lawyers as a recognised aspect of legal practice in the Territory. I am confident that these amendments of the Legal Practitioners Act 1970 will be of significant benefit to both the legal profession and its users, the public. I commend the Bill to the Assembly.

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

LIQUOR (AMENDMENT) BILL (NO. 3) 1997

MR HUMPHRIES (Attorney-General) (11.01): Mr Speaker, I ask for leave to present the Liquor (Amendment) Bill (No. 3) 1997.

Leave granted.

MR HUMPHRIES: I present the Liquor (Amendment) Bill (No. 3) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill amends the Liquor Act 1975 to permanently provide the capacity to impose trading hours restrictions. I am presenting to the Assembly a completely new Bill enabling trading hours restrictions, rather than making further amendments to Mr Osborne's Liquor (Amendment) Act 1996. Mr Osborne's legislation was termed in a manner which was appropriate for the temporary nature of the trial. This Bill proposes permanent amendment to the Liquor Act.

This Bill, similar to the Liquor (Amendment) Act 1996, enables the restriction of trading hours by regulation. This is a continuation of the system that was in place during the trial period. Any regulation restricting trading hours is a disallowable instrument and is subject to the consideration of the Assembly. This system also enables the making of regulations for exemption on specific days such as New Year's Day and Anzac Day,

as has occurred during the trial period. If this Bill is passed, I propose to regulate trading hours restrictions as follows: The sale of liquor for consumption on licensed premises will be prohibited between 5.00 am and 7.00 am or for a minimum of three hours after ceasing sales in a particular premises; and the sale of liquor for consumption off licensed premises will be prohibited between 11.00 pm and 8.00 am.

During the trading hours debate there have been strong views aired both for and against trading hours restrictions. The Government has received widespread comment on this issue from the general community, the business community and the industry. Much of the information received favours the continuation of the restriction of trading hours for the sale of liquor. In particular, businesses located in close proximity to Canberra's late night entertainment venues have highlighted the positive impact on the amenity of their business environment and the reduction in the incidence of antisocial behaviour when going to work and opening their businesses in the early hours of the morning.

In addition, while accepting that statistics on crime and antisocial behaviour did not change significantly during the trial, a number of positive points emerged from the trial that are worth noting: 75 per cent of residents support restricted trading hours; 24 per cent of residents believed restricted trading hours reduced crime; restricted trading hours impact on a minority of licensed premises; whether coincidental or not, there was a reduction in drink-driving; and police believe that the city area is more orderly.

Foremost in opposing trading hours restrictions has been the industry, and in particular the Australian Hotels Association. I have had ongoing discussions with the industry on the restriction of trading hours. Through this process I believe a mutual understanding of each other's objectives has been acknowledged and with that I am now confident that the industry will be a willing and compliant partner or participant in an environment of restricted trading hours in the terms I have outlined. Indeed, I met Australian Hotels Association representatives on Friday of last week and outlined this proposal, and it met with their support.

Mr Speaker, while not contained in this Bill, I am also announcing today the establishment of a non-statutory liquor advisory group to provide advice to government on questions to do with liquor, including enforcement of regulations, serving practices and, most significantly, harm minimisation and public health. I intend to write to members of the Assembly this week seeking proposals for a composition of the group. That group will be put in place not to deal with the statutory issues which are the prerogative of the Liquor Licensing Board but more as a group to advise government on issues associated with liquor.

In response to a number of other issues raised at my meeting with key stakeholders in July, the Government will formally introduce a code of practice for security staff in licensed premises, the so-called bouncers, within the next couple of weeks. That code will apply to the security and protection industry generally but will have provisions which will apply specifically to bouncers, including the mandatory wearing of identification.

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That code has been developed in wide consultation with the industry and I would particularly like to recognise the efforts of the Security Industry Task Force chaired by Justice Rae Else-Mitchell. In particular, this issue was well progressed by Steve Vjdor, an employee of the Private Bin, and Ken Smith, representing the Australian Hotels Association.

The Government notes that the Assembly's Legal Affairs Committee will bring down today its report on liquor industry codes of practice. A number of issues raised at the meeting of stakeholders on 11 July will, I understand, be further canvassed in that report and I propose to consider those issues further in the Government response to that report. On the question of trading hours, which is dealt with by this Bill, I am confident that we have a solution to this issue now which is agreed by all parties. It ensures that police are given certainty in roster planning, that nightclubs are given a reasonable opportunity to trade, and that the community wakes up to another day with the streets clear of heavily intoxicated people who once confronted early morning users of Civic and other public places.

This is a compromise, Mr Speaker. Like all compromises, it contains elements of good and bad from particular points of view; but I believe that this is an acceptable way of preserving at least some of the elements of benefit that were contained in the original 4.00 am trading hours trial. It will allow us to assess how this measure will fit in with other measures being announced today by the Government to address the problem of the consequences of alcohol abuse in public places. I commend the Bill to the Assembly.

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

UNIVERSITY OF CANBERRA (TRANSFER) BILL 1997

MR STEFANIAK (Minister for Education and Training) (11.08): Mr Speaker, I seek leave to present the University of Canberra (Transfer) Bill 1997.

Leave granted.

MR STEFANIAK: Mr Speaker, I present the University of Canberra (Transfer) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: I move:

That this Bill be agreed to in principle.

I am pleased to present the University of Canberra (Transfer) Bill 1997. The Bill is the culmination of extensive consultation and is a symbol of confidence in the Territory. In introducing this Bill, I will be seeking to discharge the transfer Bill which I introduced in 1995, because of the introduction of a Financial Management Act in 1996 and the long time lapse from when the Bill was introduced. You will recall, Mr Speaker, that the 1995 transfer Bill could not be passed until the passage of Commonwealth enabling legislation.

The Commonwealth Education Legislation Amendment Act 1997, passed in May this year, placed the university under Territory jurisdiction through the Australian Capital Territory (Self-Government) Act. This Act is due to commence on 1 December 1997. ACT legislation amending the University of Canberra Act must also commence on this date.

Mr Speaker, the new University of Canberra (Transfer) Bill 1997 places the university under the Financial Management Act and the Territory accountability framework. The new Bill incorporates those parts of the old Bill that are not affected by the Financial Management Act. It is important to note that the university will continue to be accountable to government and the community. The Chief Minister will appoint 10 of the 22 members of the university council as the positions become vacant. This gives the Territory substantial influence on the affairs of the university. It is the Government's intention that some members of the Legislative Assembly should be included on the council. The university council will be responsible for the efficient and effective management of the university. All university statutes will be tabled in the Assembly. Legislative statutes will be disallowable if they determine or alter existing law. The university will establish whistleblowing statutes that the Executive can examine to ensure they comply with government objectives on public interest disclosure.

The university will continue to report on a calendar year basis, tabling its annual report in the Assembly within four months of the year end. Financial statements will be presented to the ACT Auditor-General within two months of the calendar year end. The university receives most of its funding from the Commonwealth Government and was assured that it would retain its autonomy upon transfer. Accordingly, I propose a number of exemptions from the provisions of the Financial Management Act. These exemptions have been developed following extensive consultations with the university.

The university will not be required to prepare a statement of intent or a statement of performance. The university already provides comprehensive financial reporting to the Commonwealth under the Higher Education Funding Act 1988. These reports will be available to the Territory. The university will retain the capacity to determine which bank it uses and will not be required to use the Territory's bank. Loans drawn by the university will not need to be paid into the Territory bank account. While the university will have similar investment powers to other Territory authorities, it will also be able to invest either with an authorised dealer or in clean bills of exchange.

The university will form or participate in a company or joint venture subject to Commonwealth corporation law. Where the university has a controlling interest, the council must authorise all changes to company memorandum or articles of association. Company and joint venture operations and financial statements will be summarised in annual reports. The university is liable for Territory taxation unless exempt under specific laws. The university financial statements will be prepared in accordance with generally accepted accounting practice. The Auditor-General will audit all financial matters and report any irregularities to the council.

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Mr Speaker, as a higher education institution accountable to the Commonwealth, the university is different from other Territory authorities. The university will therefore not be required to provide monthly and quarterly interim financial reports. However, the Bill allows the responsible Minister to give a written direction to the university council requiring it to provide the responsible Minister with particular financial statements. The direction will be presented to the Assembly within five sitting days after it is given to the university.

The university has taken this opportunity to change aspects of its operations. The office of deputy chancellor has been created, with a seat on the council. This will minimise delays when the chancellor is unavailable. The title of vice-chancellor will be expanded to include that of president. The vice-chancellor will use the title of president when overseas at international forums. University council members are not currently indemnified from suit, contrary to the situation existing in other university councils. To rectify this, the 1997 Bill indemnifies council members for actions taken in good faith in the performance of their duties. I must emphasise to the Assembly that academic and general staff will continue under the current industrial awards. Long service and maternity leave are also provided for under industrial awards. All employee liabilities will continue to be fully funded by the university. The Territory will incur no liability for superannuation costs or long service leave liabilities.

Mr Speaker, the transfer of the University of Canberra is an important milestone in Territory history. The ACT will now have its own university like other States. The transfer is testimony to our growth as a regional centre of excellence in education. It is with great pleasure that I commend the Bill to the Assembly.

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

UNIVERSITY OF CANBERRA (TRANSFER) BILL 1995
Discharge from Notice Paper

MR STEFANIAK (Minister for Education and Training) (11.14): Mr Speaker, in accordance with standing order 152, I move:

That order of the day No. 1, Executive business, relating to the University of Canberra (Transfer) Bill 1995, be discharged from the notice paper.

Question resolved in the affirmative.

CORONERS BILL 1997

[COGNATE BILL:

CORONERS (CONSEQUENTIAL PROVISIONS) BILL 1997]

Debate resumed from 26 June 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Coroners (Consequential Provisions) Bill 1997? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR WOOD (11.15): Mr Speaker, the Opposition will be supporting this Bill. It is an extensive rewrite of the Coroners Act and is an improved version of that Act. As a lead-up to this rewrite, the draft Bill was well circulated and widely debated in the community. The end result is a good one that merits the support of the Assembly. There are in it a number of new measures and a number of measures that may have been part of the practice of the Coroners Court in more recent times. Sensitive issues are dealt with.

For example, cultural attitudes are to be considered by the coroner, reflecting the culturally diverse nature of our society. Canberrans coming from different parts of the world obviously have different views about death, about dying, about treatment of bodies and the like, and the coroner is able to take those views into account. Generally, the coroner is asked to be as sympathetic as possible to families. Inevitably, of course, the requirements of the law have to take their place and there will be times when some of the considerations that the families would like to be taken into account cannot be observed. I expect that the courts have been acting in this way for quite some time, but it is good to see it now written into legislation.

One interesting part of this Bill is that disasters are now to be formally part of a coroner's inquiry. The speech the Minister gave indicated that it was expected that these would be rare events. We certainly hope that they will be rare. This Bill was tabled before the disaster of the hospital implosion. It is interesting to note that the coroner's inquiry now being held into that is being undertaken because of the death of a person. If a piece of shrapnel had not found a fatal target, there would have been no requirement for that investigation to take place. Obviously, the Government had open to it before this legislation the option of its own inquiry separate from the Coroners Court.

I wonder whether in responding today the Minister would be able to give the Assembly and the broader community a timetable for the conduct of the inquiry into the hospital implosion. He might confirm for me whether a timetable exists. I understand, simply from what I read in the newspapers, that there has been an opening day. I do not know whether there was more than one day. The community and certainly its representatives in this Assembly are concerned to know how rapidly this matter will be dealt with. We have seen, and we understand, that some coroners' inquiries take a very long time.

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I think this is an inquiry that should be done fairly expeditiously because there are a lot of answers that the community is waiting to receive. If the Minister has that information, we would certainly like to hear when the coroner proposes to move into further stages of that inquiry and when he is likely to report, if he has determined a date for that report.

It is worth pointing out that the Smethurst inquiry that the Government set up was all ready to go. It was all ready to take evidence. It was all organised. I do not think that there should be any particular reason why the coroner's inquiry is not able to move at the same pace as the Smethurst inquiry seemed to be able to. It is a question that we would like answered.

MR MOORE (11.20): Mr Speaker, I rise to support the Coroners Bill and the Coroners (Consequential Provisions) Bill, and congratulate the Minister for tidying up the legislation. He claimed in his introductory speech that this will make the coronial procedure much more accessible. I do not think that the changes are of such a nature that it makes it that much more accessible to ordinary people in terms of reading the legislation, but I think it is a significant improvement.

I would like to talk about two or three of the advantages of this legislation. The first one, and I think the most interesting one, to come out of this legislation is that in some ways it will allow for the adoption of a European style of investigation. We know about the European magistrates' - the French in particular - investigative style. It strikes me that there is a possibility that this will allow a coroner to do that kind of investigation. Certainly, section 59 of the legislation, which allows the coroner to appoint an investigator to assist, will provide some of the way in which that would operate. Indeed, Mr Speaker, I imagine that that investigator will work in very much the way that counsel assisting currently works with inquiries.

It is interesting, when we look at inquiries that have taken place within our own jurisdiction in the last little while, to see how they have operated. In relation to the Royal Canberra Hospital, I think many people in Canberra are conscious of the time that it has taken for the inquiry by the coroner to get under way and get moving. In contrast, with the disaster in Israel where the bridge collapsed, there was a report back within three or four weeks. I think that this legislation will help somewhat in this situation in the future because it allows interim findings. One way of dealing with issues quickly is for the coroner to make an interim finding while the investigation continues. I hope that that will assist in getting a more rapid response to some of the investigations that the coroner conducts.

It seems to me, Mr Speaker, when I look at the legislation as a whole, and particularly at this notion of appointing an investigator, that there is a minor increase in power for the coroner. Is this a good thing or a bad thing? My response is that it is a good thing that we allow the coroner to get on and investigate and not to have that investigation interfered with. It does have protections in place. So, firstly, I think the inquisitorial approach is an improvement. It will be very interesting to see how the coroner uses that over the next few years. Secondly, the coroner can make an interim finding. I think that will help speed up issues of public interest and then allow a further investigation.

The other interesting thing coming out of this legislation, Mr Speaker, is the ability to investigate a disaster. Previously, the coroner has been able to investigate either a death or a fire, but not a disaster. To use a case in point, if the Royal Canberra Hospital disaster had not actually caused a death, even though it had caused severe injury, there is some doubt as to whether the coroner would have been able to investigate it. Under the new legislation, there is no doubt that he would be able to investigate it.

There is some irony here. In his introductory speech - as I recall, it was in June, certainly before the Royal Canberra Hospital implosion disaster occurred - Gary Humphries said:

An inquiry into a 'disaster' would be undertaken only at the request or with the consent of the Attorney-General.

It is not expected that this jurisdiction will be much used - we have few 'disasters' in the Territory - but, where it is used, the public investigation of such occurrences should benefit the administration of the Territory.

The irony of that sentence, I guess, is not to be missed. So, it is a timely approach, considering the circumstances that have occurred since this legislation was tabled. In conclusion, Mr Speaker, it is an important tidy-up. There are some extra powers for the coroner. I see them as positive. I congratulate the Attorney-General for dealing with this issue in this way.

MR HUMPHRIES (Attorney-General) (11.26), in reply: Mr Speaker, I want to thank Mr Wood and Mr Moore for their support for this Bill. I am glad that they are supportive of the Bill. It is the product of a very extensive process of public discussion and consultation, particularly with Canberra's ethnic community, to establish ways in which the coroner's jurisdiction can be made more relevant and more helpful for people in the severe trauma of the loss of a life, for example. The legislation was, I think, in some urgent need of reform. It was something like 40 years old. For that reason, the changes have been fairly extensive.

However, Mr Speaker, I think with the passage of these two Bills today we have quite comprehensive legislation that will ensure that those who are in need of the coroner's jurisdiction will find in that jurisdiction a contemporary and valuable source of assistance for problems that might arise. In particular, the capacity of the Coroners Court to quickly identify relevant issues and address those in the appropriate way is enhanced by the legislation. The capacity of the cultural sensitivities of families of those that have died to be taken into account in coronial proceedings is also enhanced by these amendments. I think that the community will notice that as they go about the use of these provisions.

Mr Speaker, I was asked by Mr Wood when he spoke to this Bill to indicate a timetable for the hospital implosion coronial inquiry. That inquiry, of course, is completely outside the hands of the Government. It is within the jurisdiction of the court. I cannot provide information about that; but I will attempt to obtain information from the court,

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for Mr Wood's benefit, and convey that to him. It is true that the jurisdiction of that court would not have applied in the case of the implosion disaster had there not been a death, whereas under the new provisions the injuries that were sustained by a number of individuals - albeit minor injuries - would probably have triggered the provisions of this legislation and allowed an inquiry to take place. In the circumstances, even with injuries, perhaps that is entirely appropriate. Mr Speaker, I think that the legislation will work effectively in clearing a number of problems that have beset this area of the law. I think that the careful work that has been done before today to achieve a balanced piece of legislation will see that that occurs. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CORONERS (CONSEQUENTIAL PROVISIONS) BILL 1997

Debate resumed from 26 June 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

(Quorum formed)

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1997

Debate resumed from 19 June 1997, on motion by **Mr Kaine**:

That this Bill be agreed to in principle.

MR WHITECROSS (11.31): Mr Speaker, the Labor Party will be supporting this legislation. We believe that there are some strategies embodied in this legislation which will help to improve the availability of convenient parking for people with disabilities who need to be able to park close to where they are going. They will be able to park in short-stay car parks, which, under the parking strategy that we have in place in Canberra, tend to be close to the preferred destinations of people.

Mr Speaker, I have indicated to the Minister, and I want to place it on the record here today, that some concern has been expressed to me that, in the light of these changes which will allow people with disabled parking status to park in short-stay car parks, there might be some reduction in the number of disabled car parking spaces. I have had assurances from the Minister and from his department, which I accept, that no such actions have been taken and that there are no plans along those lines to reduce or relocate disabled car parking spaces, other than as is required in the normal management of parking in the city. Mr Speaker, I am pleased by those reassurances. In the implementation of these arrangements we will certainly be monitoring the availability of disabled parking spaces to ensure that disabled parking spaces continue to be a feature of our parking strategy and that they continue to be available at at least the current level.

There are two reasons why we continue to need dedicated disabled parking spaces. One is that they provide some parking spaces which are not available to other members of the public. While it may be convenient on some occasions to be able to park in a metered parking space, disabled people will be competing with the rest of the community in parking in a metered parking space, whereas they will not be in relation to a disabled parking space. The other reason is that for some disabled drivers the additional space in a disabled parking space is necessary in order for them to effectively get in and out of their vehicle. So, Mr Speaker, I believe that the existing disabled parking is an essential part of an effective strategy for allowing people with disabilities in our community to move around the city and to take advantage of the same opportunities and same facilities in the city as the rest of us enjoy, but the strategies in this legislation provide some additional ways in which we can make the lives and the access of people with disabilities better. So, with those thoughts in mind, Mr Speaker, the Labor Party will be supporting the legislation.

MR MOORE (11.34): I rise to support this legislation. I think that the issues that we are dealing with are very important, and I congratulate the Minister for getting them on the table and dealing with them. I must say, as an aside, that the main reason why I stood to add my support was that the explanatory memorandum for this particular legislation was quite extensive and very easy to read. I think it is a good example of how explanatory memoranda should be dealt with. That was appreciated. It made the legislation easier to understand. I looked through it to see what else I could be critical of, but it just was not there.

MR KAINÉ (Minister for Urban Services) (11.35), in reply: Mr Speaker, I thank the Opposition and Mr Moore for their support for this Bill. I think it goes a long way to making life easier for those people amongst us who suffer from disabilities of one kind or another. Not only does it make additional parking spaces available for these people when the existing parking spaces are full, but the Bill extends to other classes of disabled people the facility to park in these spaces. That includes the visually impaired, who up until now have not had the right to park in such places. They now can, because the label will be given to the person and not to the vehicle. We are also extending it to include volunteers transporting people with disabilities. Again, since the label is being given to the person and not to the vehicle, those additional classes of people will have access to the parking spaces. I think that it is long overdue. It will make life easier for those amongst us who suffer from disabilities.

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To answer a question raised by Mr Whitecross, there is clearly no intention on the part of the Government to reduce the number of places specifically identified as handicapped parking for people who are disabled. The existing spaces are located where we think they are most convenient for people with disabilities. Of course, being specifically designated for that purpose, they are wider than the normal car parking space. We certainly have no intention of reducing the number of such spaces. They will still be required. What we are doing here is simply making additional provision so that people who find all of the existing designated places full can find a convenient parking place, hopefully reasonably close to where they want to go, and still enjoy the ability to park without being confined to those areas that are identified as disabled spaces. Mr Speaker, again I thank members for their support for this Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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

MR WOOD: I present Report No. 13 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

MR WOOD: Report No. 13 of 1997 contains the committee's comments on eight Bills and one piece of subordinate legislation and one Government response. I commend the report to the Assembly.

**LEGAL AFFAIRS - STANDING COMMITTEE
Report on Voluntary Codes of Practice for Liquor Licensees**

MR OSBORNE (11.38): Mr Speaker, I present Report No. 5 of the Standing Committee on Legal Affairs, entitled "Inquiry into the Voluntary Codes of Practice for Liquor Licensees", together with a copy of the extracts of the minutes of proceedings. I ask for leave to move a motion authorising the publication of the report.

Leave granted.

MR OSBORNE: I move:

That the Assembly authorises the publication of the report on the Standing Committee on Legal Affairs' inquiry into voluntary codes of practice for liquor licensees.

(Quorum formed)

Question resolved in the affirmative.

MR OSBORNE: Mr Speaker, I move:

That the report be noted.

The committee began this inquiry earlier this year, in February, essentially as a result of a small group of licensees who were frequently and, I would suggest, blatantly breaching the liquor codes of practice to which they were signatories. The codes were originally developed by the then Community Safety Committee in 1993, in consultation with the liquor industry, to deal with alcohol-related problems in Civic. A number of other States were also in the process of establishing codes of practice at that time as a means of providing for industry self-regulation to complement the work of the police. By going beyond the letter of the law, the codes sought to prevent many alcohol-related problems from occurring by promoting the responsible use and serving of alcohol in Civic and Manuka nightclubs and various other late-night trading premises. The former ACT Attorney-General, Terry Connolly, implemented the codes in August 1994, with the majority of Civic licensees as signatories.

After considering the submissions that came forward, it was clear to the committee that the codes of practice and the whole principle of industry self-regulation had not worked here in the ACT. While the licensees involved were initially enthusiastic about complying with the codes, the fact is that there were a number of rogue licensees - if I could use that term - who had been unwilling to face up to their responsibilities. Unfortunately, this small group has spoilt the commitment and the cooperation of the others. The committee has, therefore, recommended that key parts of the codes need to be legislated for in some way. As the most effective and flexible way to do this is through regulation by making changes to the industry standards manual, the committee has recommended that a representative group be established to advise the Government on what changes to the manual should be made. At present the standards manual focuses on the physical construction of licensed premises. However, the inclusion of material from the codes of practice would broaden the nature of the manual to one that dealt largely with the conduct and control of premises. As the standards manual is a disallowable instrument, any proposed amendments to it will come before the Assembly.

Mr Speaker, the committee has four recommendations relating to education for bar and security staff employed in the liquor industry, for consumers and for school students. Currently, there are no legal requirements for bar and security staff to have any formal training or to have a working knowledge of the Liquor Act. As a means of providing for these categories of staff to be both professional and accountable to the community,

the committee recommends that appropriate training and a licensing or accreditation scheme be put in place for security staff, become mandatory and be phased in over a one-year period. The committee also recommends that general consumer education and education programs in schools be reviewed, to place greater emphasis on the responsible consumption of alcohol.

The committee has also recommended that the Government undertake a number of reviews. These relate to the operation of the pubcard, the trading hours of off-licences and the overall effectiveness of the Liquor Act. The Liquor Act provides the framework for the administration of the five types of liquor licences currently available in the ACT. As at 30 June this year, there were 12 general licences, 276 on-licences, 155 off-licences, 77 club licences and 24 special licences; a total of 544. The Act, among other things, also establishes the Liquor Licensing Board, lays down the expected conduct of licensees and outlines general alcohol-related offences.

The committee, Mr Speaker, was very concerned to be given the impression through several submissions that the everyday application of the Act in some areas was largely unworkable. One senior policeman went so far as to say that, while in his opinion many licensees paid lip-service to the code of practice, they also paid only lip-service to the provisions of the Liquor Act as well - a very worrying assessment from that police officer. The chairperson of the ACT Liquor Licensing Board also highlighted a number of frustrations in dealing with licensees who break the law. Given these frustrations, the committee believes that the effectiveness of the Act should be formally reviewed as soon as possible.

The final major recommendation concerns the establishment of a liquor industry advisory council to act as a consultative group for the Attorney-General. This recommendation has come forward from suggestions made by various licensees and industry bodies as a way of formally bringing their views to the attention of the Government. The committee understands that the New South Wales Liquor Industry Advisory Council works very well, and we believe that the establishment of a similar body in the ACT could be very beneficial to the community, the Government and the industry. The effectiveness of such a council, however, will largely depend on the amount of effort put into it, especially by the licensees and industry groups represented on it.

The final two recommendations, Mr Speaker, relate to issues which came to the attention of the committee during the inquiry and which the committee would like to have pursued further but could not do so because they were unrelated to the codes of practice. However, the committee believes that each warrants further investigation by the Government. Two of these issues - namely, whether judicial notice should be given in the identification of alcohol for the offence of consumption of liquor in certain places, and whether special licences, at a premium, should be introduced for late-night traders - directly relate to two Bills currently before the Assembly. Unfortunately, these pieces of legislation will be considered by members without these two relevant suggestions having been included.

In the process of this inquiry, the committee wrote to every licensee in the Territory, a large number of industry and community bodies, and each State and Territory government. The chair, myself, also participated in a liquor summit organised by the Government. The summit was very helpful in the process of this inquiry, as it gave the opportunity to discuss issues on an informal basis with all sides of the liquor industry. I am pleased, as chair of the committee, to present to the Assembly a unanimous report on this issue. The responsible use of alcohol is, I believe, one of the greatest challenges faced by our community and communities all over Australia. Alcohol, potentially, is a killer and, as such, demands a high level of responsibility from those who are involved in its sale and its distribution.

I would like to thank the other members of the committee - Mr Wood and Mr Hird, who is not here - for their assistance; and, once again, a special mention to our secretary, Beth Irvin, who put in a great amount of time, sifting through all the submissions. I believe that this report makes a number of sensible recommendations on how the level of responsibility for alcohol consumption and sale can be assured, and I commend it to the Assembly.

MR WOOD (11.49): Mr Speaker, I was pleased to be able to play a part in bringing down this report on a subject that is going to demand more and more attention as time goes by. I think, in the past, governments and the community at large, in particular, though disturbed by the abuse of alcohol, have, nevertheless, paid too little attention to that subject and done too little to try to control or to moderate that abuse.

I might say it is an interesting exercise today - the report has just been tabled, and Mr Osborne, as chair of the committee, has spoken to it - because, before the report was tabled, we had a couple of Government responses to the report. In introducing the Liquor (Amendment) Bill just a short time ago, the Minister indicated that at least two of the recommendations in this report will be taken up. He has announced that there will be a liquor advisory group, not to replace, of course, the Liquor Licensing Board but to advise, in general terms, on matters relating to liquor; and I welcome that. He has also indicated that there will be a code of practice for bouncers; and that was also a recommendation of the committee. Mr Humphries has not gazumped the report. I think these are quite sensible suggestions, and I am pleased that there is action in these directions.

I want to raise one or two matters arising from the report that are of concern to me. Recommendation 9 of the committee says that the Government should "monitor Prohibition Evenings and include guidelines for them in the Standards Manual". I have great reservations about prohibition evenings. I see them as little more than training exercises to convince young, under-age people how great it is to go to nightclubs and consume alcohol. While prohibition evenings, as the name suggests, do not provide alcohol, they do say to young people that it is good to come to licensed premises and have fun. That fun usually means trying to talk in an atmosphere of very loud noise. I will not make a definitive statement today, but I think we should give consideration to prohibiting prohibition evenings. I think they are something that needs further investigations. I think the Government should do that and look to see whether they are at all justified.

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I remember the Blue Light discos. Although I never went to one, I knew of them. The Police and Citizens Youth Club used to run them. I understand that they are now finished, or there hardly ever is one, because young people prefer the so-called glamorous environment of a nightclub. When I have, on my investigations, as it were, gone to nightclubs, I have not found too much glamour about them. But young people seem to prefer that. The Blue Light discos and the school discos that still continue, I think, are a much better option. I have those grave concerns about encouraging people to think that going to a club is a natural and normal part of life. It may be, but I think there are other ways that young people can enjoy themselves.

Another recommendation, No. 5, calls on the Government to do more to “educate the consumer in the responsible consumption of alcohol”. That is a very difficult ask of the Government; I have to acknowledge that. I am sure the Government would want to do that, but it is very difficult to educate the consumer. We would be looking to bring about a culture change. As I reflect over my years, it seems to me that binge drinking and the representation in the media of having fun as requiring the flowing of a lot of alcohol have increased a great deal. Perhaps my memory is deficient - I think there are times when it is - but I do not recall in my younger days that there was quite so much visual representation of the joys of unlimited alcohol flowing out of bottles and glasses. It is very difficult to effect a culture change, and I think that is what we must do in respect of alcohol.

Look at what has happened with smoking. Has there not been a culture change with that, and a change that is still being worked through? The public attitude to smoking now is very different to what it was not so many years ago, and I believe that that change will continue. Look also at the change that is now proceeding in respect of firearms. I believe that the community attitude in many quarters, certainly not in all, on the ownership and the use of firearms is changing. I have met people - and other members have, too - who say, “I have this shotgun; I have this weapon. It was given to me by my father, and I intend to hand it on to my son”. There is that view, which I have never been part of, on firearms. But it is changing, and I hope it changes more in the future. Perhaps it is not too much to expect that we can bring about some change in the way the community views the use of alcohol - difficult as it is. I would never suggest that the Government would have an easy task in bringing about such a change, but it is something that must be attended to.

I know that in our schools, especially in primary schools, quite a degree of attention is paid to the dangers of alcohol. I would think, from my memory of my time as a teacher, that teachers have spent more time on the dangers of alcohol and of smoking than they have done in the past on hard drugs; and that is not surprising because, overall, they probably have a much greater impact. But we must move beyond schools in that difficult area of culture change. This report is perhaps just one very small approach towards making that change. I look forward to the Government’s response in due course, as I think this Assembly would unite in working together to diminish, as far as we can, the abuses of alcohol.

MS TUCKER (11.58): I would also like to say a few things about this report. Just having a quick look at the recommendations, a lot of it fits in very well with the work that I did when I was considering the 4.00 am closing issue. I can see that a lot of the issues that were raised at that summit, as Mr Osborne said, are evident in these recommendations. I am very pleased to see that. I notice the committee has a recommendation that a liquor industry advisory council be formed, which was one of the suggestions that came out of the community discussions as well. I would actually quite like to see on that board a population health person or someone with general expertise in health issues as well, but I am sure those sorts of things can be discussed a bit further along.

The basic concerns that have come out in the last few months mostly appear to be addressed here. I am hoping also that the Government looks at this report favourably, because I support what other members have said. The issues around alcohol abuse are having a very serious impact on our society. While we obviously cannot solve the problem entirely, we can certainly continue to look at why it happens and how we can minimise that impact and actually reduce the substance abuse, whether it is alcohol or any other kind of substance in the community. I look forward to the Government's response to this report.

MR HUMPHRIES (Attorney-General) (11.59): There is much that I would like to say at this stage, but I think it is best if I adjourn the debate. I move:

That the debate be adjourned.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE Inquiry into Community Consultation

MS TUCKER: Pursuant to standing order 246A, I make the following statement in relation to the Standing Committee on Social Policy's inquiry into community consultation on social policy issues: Community consultation has been an issue of great interest to the Social Policy Committee during this Assembly. It is also an issue which has been of great concern to many in the community and is an integral aspect of community development. Effective public consultation should be the norm rather than the exception. It is the committee's view that the consultation that does occur varies considerably in its effectiveness.

Members will be aware that on 25 May 1995 the Standing Committee on Social Policy resolved to conduct an inquiry into community consultation on social policy issues. The terms of reference were as follows:

Community consultation, in relation to social policy issues:

- (i) inquire into processes of community consultation for:
 - the development of legislation;
 - the development of policy; and
 - maximisation of community participation in Assembly processes; and
- (ii) identify and report to the Assembly on effective means of community consultation.

On 21 September 1995 the committee presented to the Assembly a discussion paper on the matter. The discussion paper identified the following key elements of good community consultation: The process is systemic and systematic; there is adequate time and resources for both government and community agencies; the process is transparent; meetings are well facilitated to ensure participants have the opportunity to state their views; the process ensures broad representation of all those who are interested or who will be affected; the process has the capacity to provide and obtain specific information; the process is appropriate for the target group - this may require innovative approaches; there is a shared understanding of the objectives and expected outcomes of the consultation; organisers and facilitators have a genuine commitment to the process; and, finally, there are monitoring and evaluation mechanisms in place. Further, the discussion paper pointed out that the use of a consultation protocol and trained facilitators greatly enhances the success of community consultations.

Based on the comments received on the discussion paper and comments received during its other inquiries, the committee notes that there is still much work to be done concerning community consultation processes on social policy issues. The committee's main findings were as follows: There are many avenues for community consultation in the ACT. In fact, some claim to be overconsulted. The committee found that information on government advisory committees and consultative committees or councils was not well publicised or easily available to the public. The committee requested this information in writing, which proved to be a time-consuming task for government agencies. Now that this information has been compiled, the committee suggests that the Government update it every six months and make it publicly available.

The committee found some evidence of duplication of consultation efforts among government agencies. For example, at one stage three agencies were doing separate consultations on the same piece of land. Duplication affects the community's enthusiasm to contribute and leads to cynicism about the process and should be avoided. The committee believes that the Government should require agencies or sections of agencies to research the consultation already undertaken on the subject before embarking on a new consultative process.

The representativeness of some views presented was questioned by many. Concerns were expressed about the composition of some advisory boards, consultative councils and committees. These concerns related particularly to the perceived limited range of people nominated, the fact that some are chosen for their expertise and are not required to be accountable to any sections of the community, and the failure at times to seek consumer input. The committee understands that the Government maintains a list of people interested in sitting on boards, councils and committees and also calls, from time to time, in the media, for expressions of interest for appointment to specific bodies. The committee would like to see a larger number and range of people participating in government advisory boards, committees and councils and calls on the Government to develop strategies to encourage wider representation. It must ensure that representative bodies are not discriminatory and include people from a diverse range of backgrounds, experiences and interests with relevance to the appointment. Further, strategies should be in place to offer practical assistance to facilitate participation, such as providing respite or child care for people with care responsibilities; reimbursing transport and other associated costs for people with limited financial resources; the provision of interpreters for people who do not speak English; accessibility of venue, such as wheelchair access; and group processes which are inclusive.

While the work done by community councils was seen as important and valuable, some members of the community did not perceive them as being representative. By providing a grant to community councils for the purpose of, among other things, enabling “the Councils to work to increase membership and the representative nature of that membership”, the Government has acknowledged their representativeness as an issue. This raises the question of evaluation. Have the grants resulted in increased membership and greater representation, or are there more fundamental issues which need addressing? The notion that representative views are obtained by consulting with peak groups was also challenged by some. The general opinion was that, as a minimum, consultation should proceed through the peak groups. However, often it will be necessary to consult more widely to ensure the views of consumers, minority groups and people with specific needs are considered.

Three main issues emerged concerning community views on consultation techniques, namely, the need to consider a range of techniques to ensure maximum input; the need for training for personnel conducting consultations; and the conduct of public meetings. Evidence received indicated that techniques employed are creating barriers to participation in some instances. For example, the requirement to provide comments in writing, the structure of meetings and failing to provide realistic avenues for community or consumer input can create barriers for some sectors of the community. For maximum effectiveness, the consultation techniques used need to relate to the consultation’s objectives.

The committee found strong support for the need for government officials involved in conducting consultations to have adequate training in planning consultations, running meetings and facilitating discussion. The committee believes that the Government must take this matter seriously and ensure that officials involved in consultations are adequately trained for their role. Public meetings are not necessarily a consultative approach, as they often only inform. Workshops, on the other hand, do provide opportunities for true consultation. In defending its decision-making processes, we often hear the Government

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say that it provided plenty of opportunities for community consultation through public meetings but very few people attended. This shows a refusal to acknowledge that the structure of a consultation process needs to be individually tailored to suit the community being consulted. A flexible approach is essential.

Evidence gathered by the committee indicates that the community is still being faced with the problem of deciphering bureaucratic jargon both in its written form and in its oral form. The committee finds this unacceptable and asks that plain English be used in all government communications. Inadequate timeframes allowed for responses to government papers sent out for consultation are still a major problem from the community perspective. Government papers often take months to prepare; yet community groups are expected to consult with their members and prepare a response in a few weeks. This is most unsatisfactory and can actually be seen as tokenism.

The committee found that the credibility of some consultations in the ACT has been compromised by a number of factors, which include a predetermined agenda; lack of information on outcomes and proposed action plans; lack of feedback to participants; insufficient time allowed; and inadequate recognition of the work done by community groups. The committee recommends an approach that respects the participants and is committed to resourcing and explaining outcomes by involving the community only when there is real choice about outcomes; by a commitment by the Government to allocating a percentage of each program's budget to community consultation; by the inclusion of a ministerial report accompanying any consequent decisions that summarises community input and explains how that input was used in making the final decision; and by ensuring a reasonable period of time is given for community responses to government papers. At least three months is usually needed by community organisations to enable them to consult and prepare a response.

The committee found strong support for its proposal in the discussion paper that agencies use a consultation protocol to guide decisions during the consultation process. The committee believes that adherence to a well thought out consultation protocol will go a long way to overcoming some of the credibility issues associated with information, feedback and timeframes. However, the committee wishes to stress that protocols can lead to inflexible consultations and can deter good participation if the officials involved are not adequately trained and the process is not adequately resourced. There was very limited response to the issue in the discussion paper on a statutory requirement for the Government to engage in public consultation. This matter is the subject of an inquiry by the Standing Committee on Scrutiny of Bills, and the committee looks forward to the outcome.

The committee has noted some problems with the effectiveness of the Government's community consultation processes. Some of the more contentious consultations which have occurred include the poor consultation process undertaken in relation to the decision to close the School Without Walls in 1996; the consultation surrounding the review of the LAPACs and the determination of their new structure; the Ainslie redevelopment process; the Manuka shops development; the strategic plan document presented in 1996; the Ngunnawal preschool and child-care centre; and the consultation process on the Cultural Authority.

Further, earlier in 1997, 23 groups signed a letter to the Chief Minister outlining their concerns about the Government's lack of commitment to community input and their fear of intimidation if they spoke out. I seek leave to table a copy of this letter.

Leave granted.

MS TUCKER: While all is not well with community consultation in the ACT, the committee notes that the Government has taken considerable steps to improve the situation. On 20 February this year the Assembly required the Government to:

... develop protocols which will guide community reps and Ministers on their rights and responsibilities when serving, or overseeing, such boards and authorities; and

(4) ensure such protocols guide and protect community reps in their role of representing the views of their organisation in the wider community.

The committee also notes that during the debate on the matter of public importance about Government-community consultation, which resulted in this requirement, the Chief Minister acknowledged that there were problems with the Government's community consultation processes and that steps had been taken to address these problems through the establishment of the customer involvement unit. The committee is pleased to see that the Government is beginning to take seriously some of the complaints about consultation and is working towards improving the processes.

One such means is through the customer involvement unit in the Chief Minister's Department. The committee was briefed by the customer involvement unit. Many of the key elements of consultation described in the committee's discussion paper have been recognised in the work of the unit. For example, through a series of workshops involving community organisations and government agencies, the unit is coordinating the development of a consultation protocol and manual. The protocol, we were told, will set the guidelines for the strategies that government agencies will develop; the manual will reflect the protocol and will be a "how to" manual for government agencies. When finalised in October this year, all government agencies will work under the protocol. The customer involvement unit is at present assisting agencies with strategies for consultation.

The committee was also told that a register of consultations has been established to monitor the consultation occurring throughout the ACT. The committee is of the view that monitoring consultations is insufficient and that a coordinated approach to community consultation is required to ensure a consistent approach. The committee suggests that the customer involvement unit take on a coordinating role across government agencies. Its expanded responsibilities should include responsibility for instigating recommendations as to where community consultation should occur in overall government activity; ensuring duplication does not occur; acting as a resource for advice

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on consultation processes; the development of whole-of-government accountability measures; and evaluation of individual consultations as well as of its own coordinating function. If we want to see participatory democracy in place there must be focus and ongoing attention from the Government on mechanisms to ensure this participation. Community development requires that the community must be genuinely involved in decision-making processes. The committee looks forward to a further statement from the Chief Minister on her actions to progress the Assembly's requirement of 20 February this year.

MRS LITTLEWOOD: Mr Speaker, I seek leave to make a statement.

Leave granted.

MRS LITTLEWOOD: I rise today to express my disappointment at the statement on community consultation as presented by the Social Policy Committee. I am a member of that committee. The statement, as we have heard, had its origins in a discussion paper entitled "Community Consultation on Social Policy Issues" and goes back to September 1995. When I raised my concerns in committee I was informed that I did not know the difference between a statement and a report. What I do know, Mr Speaker, is that whether it be a statement or a report it should offer evidence to make its case. I do not believe this statement does that.

My concern also stems from the fact that there appears to be no attempt by the committee to revisit the original paper or to update it in any way. Therefore, the statement made today is mainly based on comments made by people at other hearings, and those comments have not been tested but have been taken as a statement of fact. I find hearsay evidence causes me some discomfort. While I am not suggesting that people have not portrayed things as they have perceived them to be, little else has been made of the comments in other hearings. Quite often, with the very best will in the world, people can see things a little differently than they really are, particularly if they have not had a win.

While I may be new to this Assembly, I am not so naive that I do not know that statements should be based on fact, should have been tested and should not be based on a whim or only to score political points. The statement made by the committee said that in many cases during consultation the agenda was predetermined. With respect, Mr Speaker, I suggest that what has happened with the committee's statement today is along the same lines. I am disappointed that no mention has been made of the 111 consultations that have taken place so far this year or of the customer involvement initiated by the Chief Minister. Instead, issues which are of particular interest to some of the committee members have been highlighted.

One hears a great deal about a bipartisan approach on committees, but I have not seen a great deal of those words in action. I am not suggesting that every single consultation went as we would have liked, but I am suggesting that the statement is untested and unbalanced; and, as a member of that committee, I wish to distance myself from it. For instance, the statement refers to the Government and the consultation process with SWOW. In discussion within the committee I was advised that it is in the Ombudsman's report. The fact of the matter is that it is not in that report. I quote from that Ombudsman's report:

The Minister did not decide that the relocation would take place until after the review and consultation that went with it. The Department also advised "It is clear that the Minister did reject some advice we provided to him insofar as the review process was concerned and sought additional advice from the department before being satisfied".

This simply shows that the Minister had not reached a view prior to the review. While the Minister's agreement was essential for the plan to go ahead, it was the department which had undertaken to consult, and such consultation was undertaken after it had already effectively decided internally that SWOW would be relocated to Dickson. That internal view was important, not only in terms of the final decision but also in terms of the advice it provided the Minister, even to the extent of misquoting the review recommendation.

I am not for a moment suggesting that the department should be blamed; but I think you will agree, Mr Speaker, that in this instance to blame the Government is a little misleading and really just making a political comment rather than presenting the matter in an accurate light. In conclusion, I wish to thank my committee colleagues for endeavouring to facilitate an agreed position on this statement; but, unfortunately, I am unable to support it, for the reasons I have stated.

MS REILLY: I seek leave to make a statement.

Leave granted.

MS REILLY: As a member of the Social Policy Committee, I feel that I need to also add to the previous words. I think it is unfortunate and very sad that I have to make such a statement today. Having been part of the development of the statement that is before the Assembly today, I understand the processes which went on, but I think it is also important that we look at some history relating to that. In the same way as Mrs Littlewood joined the committee at the beginning of 1997, I joined this committee in March 1996. As we both are quite well aware, this was part way through an Assembly and part way through the work of the Social Policy Committee and the other committees of the Assembly.

But I must admit that, when I joined the Social Policy Committee in March 1996, I had no expectation that the committee would go back and revisit every bit of work it had done previously, because I understand government processes and Assembly processes that allow for continuity of action. Everybody does not need to be present to be able to participate in the work of a committee; you do not have to be there on day one to be able to be part of a committee or to participate in its decision-making processes. As in the other Westminster processes that we have, ministerial responsibility continues no matter who the Minister is and the date of appointment. In the same way, committees have this continuing responsibility.

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I am sure that we all, as members of the Assembly, understand the continuation of responsibility for the work of the committee. We do not have to go back to the beginning to be able to look at a statement and see the evidence that was presented there. Obviously, there was other work of the committee that had happened before I joined in March 1996. I took part in the end stage of the violence in schools inquiry. I took the opportunity to read the transcripts to find out the discussions that had happened previously. I did not suggest to my colleagues that we start the whole inquiry again, because I understood and recognised the work of committees and the work of a sitting member.

In relation to the community consultation process, I read the previous material; I understood where the committee had reached when it put out its discussion paper in 1995. Possibly, I had further understanding about community consultation through the work I was doing within the community prior to coming to this Assembly. I knew about this inquiry previously because organisations I was involved with gave presentations to the committee. I understood what they were inquiring about. I also understood some of the issues around consultation in the ACT community because they predated this Government that was elected in 1995. There was a lot of discussion in the ACT community in 1994 and previously. This is an ongoing contentious issue that affects the ACT community and has affected it for quite a number of years. This is not something new that has popped out of nowhere.

As well as being aware of the activities within the ACT community at large, I also, I suppose, had the advantage of having many years of community consultation, often about difficult and complex issues and in cross-cultural settings. I could understand, from reading the work of the committee that was done prior to my starting on that committee in 1996. I was able to accept the work that had been done previously. I could accept the findings that had been reached in the development of the statement that has been put before you today.

There is one further matter that I want to comment on. Mrs Littlewood made the comment that one of the problems with the statement was that there was no corroborative evidence, and the particular consultation that she mentioned was with regard to SWOW. I find it amazing that the work of the Ombudsman of the ACT can be questioned in this way. The discussions about the consultation process that led to the decision about SWOW were found to be at fault in the Ombudsman's report. This was not something the committee found; it was actually confirmed by another body, the ACT Ombudsman, who is an independent body and has an independent role to play in the workings of the ACT. They found that there were defective consultative processes used in reaching the decision about closing SWOW. I find it amazing that any member here could question the work of the Ombudsman.

I would just like to recommend the statement to you. It was the result of quite a number of months - and years now in this case - of work by the ACT Standing Committee on Social Policy. The Social Policy Committee and other committees are an important part of the Assembly's workings, and I think it is important that we all work together on these committees and that we recognise, acknowledge and respect the work done in those committees.

MS TUCKER: I seek leave to make a further statement.

Leave granted.

MS TUCKER: I do feel I have to clarify a couple of issues, regarding the Ombudsman's report particularly. I have before me a media release from the Commonwealth Ombudsman's Office. Basically, the first two paragraphs say:

Commonwealth and ACT Ombudsman Philippa Smith has found that the ACT Government Department of Education and Training had misled the School Without Walls community.

The Ombudsman's findings are contained in an investigation report which examines the decision-making and consultative processes underlying the Department's decision to relocate the School Without Walls ...

I will not read out the whole release. I am quite happy to table it, though. I seek leave to table it.

Leave granted.

MS TUCKER: Thank you. I think it is important to get that clearly on the record. I am also concerned at the imputation that this report was not supported by evidence. It was. Mrs Littlewood has had the opportunity to look at the evidence that was presented to the committee before the earlier production of the discussion paper. I was interested in her response, because I think it is unnecessarily defensive. The Chief Minister has acknowledged that there have been problems. This was a recapping of what has happened since our initial discussion paper. We went through the issues as they occurred. The Chief Minister has acknowledged it. We have commended her, through her customer involvement unit, for picking up the issues that were raised in our discussion paper. As I made clear in the statement, it has been picked up by the Government. Of course, there are still some issues to be addressed, and I believe this statement is actually quite positive in coming up with not only the dangers where consultation does not work but also some very constructive suggestions about how to make the processes work better. I am sorry Mrs Littlewood feels so alarmed by this report, because it is actually not particularly negative at all; it is something that is quite encouraging to the Government, to continue improving their performance in this area.

MR HUMPHRIES (Attorney-General): Mr Speaker, I also seek leave to make a statement in relation to the statement made by Ms Tucker.

Leave granted.

MR HUMPHRIES: I thank members. Mr Speaker, I have had the chance only in the last few minutes to look at the statement that was made by Ms Tucker. I would have adjourned this debate, except that I am aware that we are going to have very little chance to come back to matters that are adjourned in this relatively late stage of the Assembly's life. I want to make a few brief comments about the statement.

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No-one would be foolish enough to pretend, here or in any other parliament in Australia or, indeed, the world, that community consultation processes are even remotely close to being perfect. I make no such claim on this occasion either. There is always the opportunity for improvement. But the disappointing thing about the statement that I have just read through here is that it provides no balance; it makes no acknowledgment of the very significant gains that have been made in respect of consultation in the last couple of years.

Ms Tucker: Yes, it does.

MR HUMPHRIES: I have read this only briefly, but I cannot see them. Mr Speaker, there have been quite significant changes in the structure of public consultation in some areas in the last few years and, as Mrs Littlewood pointed out, there are presently something like 111 separate consultation exercises which are going on in the ACT or which have gone on in the course of this year. They are on top of standing consultation arrangements like LAPACs, advisory committees and other processes of that kind.

Ms Tucker: It is not just the number of consultations; we are addressing the issues of coordination.

MR HUMPHRIES: I appreciate that. I appreciate that that is another factor as well, and I will come to that in a moment. But it is interesting that the very first comment that the committee makes under "Findings and Recommendations" is:

There are many avenues for community consultation in the ACT. In fact, some claim to be overconsulted.

I think that is true; not just that people claim to be overconsulted but in fact they often are overconsulted. The other day I spoke to some people from a youth centre who were rather annoyed by the fact that they were constantly being trawled by various agencies of government asking them for - - -

Ms Tucker: But we talk about duplication; we are asking that you coordinate it.

MR SPEAKER: Order! You have spoken twice already, Ms Tucker.

MR HUMPHRIES: Indeed, Mr Speaker. But the point is that there are numerous public consultation processes; they are elaborate; and they are also costly. That is a matter of incidental fact. What the rest of this report argues is for them to be more elaborate, more extensive and more expensive.

Ms Tucker: No; appropriate.

MR HUMPHRIES: No; it is not just a question of being more competent; it is a question of adding a whole series of other - - -

Ms Tucker: No; that is not what it says. We want to reduce duplication.

MR HUMPHRIES: Mr Speaker, I heard Ms Tucker in silence.

MR SPEAKER: Order! You have spoken twice already, Ms Tucker.

MR HUMPHRIES: For example, I note on page 4 - - -

Ms Reilly: Effective - that can be money saving too.

MR HUMPHRIES: Mr Speaker, I would argue that most of the things in here are money costing, not money saving. For example, reference is made to the fact that people have complained about inadequate - - -

Ms Reilly: You do it effectively once you save money?

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, this really is, if members look at it very closely, an inconsistent document in terms of that first conclusion and the rest of the conclusions. It is pointed out, for example, that there is not adequate opportunity for people appointed to advisory bodies to go back and engage in their own consultation exercises with those communities from which they come. That is necessarily a costly and expensive extension to the process of consultation that is added to or provided for by the sorts of arrangements already in place.

I am sorry that Ms Reilly looks so stunned by that; but, naturally, if you have to suspend a process of consultation while the stakeholders concerned go back and make further inquiries about the issues that are being debated, then you lose the advantage of having representative people on those sorts of bodies. Very often they are chosen to sit on such representative bodies or bodies providing advice to agencies of government in order to draw upon their experience in the areas and to be able to say, "This is what our sector or my constituency thinks about these sorts of issues". Sometimes there will be new proposals come forward that you have to go back and ask about; that is true. I emphasise again the incredible elaborateness of that process. It is extremely elaborate; and for Ms Reilly, in particular, to criticise, when they are now more far reaching and more extensive than they were under the former Labor Government, I think, is a bit rich.

I emphasise again that, although cost is not the only criterion, it is an important criterion. For example, I do not think anyone has done an estimate of the cost of consultation in the ACT community at the present time; but it runs, I have no doubt, into many millions of dollars - not hundreds of thousands - spent on public consultation in the ACT. I have no doubt that the ACT, per capita, engages in more consultation than any other jurisdiction in Australia, by a long shot.

Mr Speaker, you can overconsult. Members will recall in the last sitting we had a report by the Planning and Environment Committee on a draft variation to the Territory Plan relating to variations to development conditions in shopping centres. An additional round of public consultation had been engaged in at the suggestion of the P and E Committee because it was felt by the committee that people had not been adequately reached about proposed changes the Government was putting forward in the draft variation.

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There was an extra amount of public consultation that cost \$8,500 to undertake. It involved, I think, writing or delivering letters to every shopkeeper in every shopping centre in the ACT.

The result of that extra consultation was an additional seven written submissions received by the committee. I take it that some of them were from people who had already previously put in submissions anyway. That is a cost of over a thousand dollars per submission obtained by the ACT community. I am not begrudging them that; I am not attacking the committee for having asked for that. It was a reasonable request, perhaps, in the circumstances. Perhaps we were all disappointed by the response.

There are lots of consultation exercises in which the Government engages and for which there are relatively few responses. One of them, I think, is referred to in this statement - the motion of Ms McRae's which is on the notice paper at the moment and which had fairly few responses when put out by a committee of this place. The point I am making to the Assembly is that it is very easy to sit on the sidelines and say, "We should be doing this differently; we should be doing that differently; and we should be doing the other differently", but it is very difficult and onerous to actually construct the ideal consultation exercise.

Because Ms Tucker has raised this issue, I think it is worth while pointing out how difficult it is by illustrating an experience which relates to her party. This relates to something that happened last year. Last year in this place, after having sat through a week of criticism by members of the Assembly, particularly the Greens, about the consultation processes the Government engaged in, I went to my desk upstairs, feeling fairly weary and set upon. I had a meeting shortly after that with some people from the Australian Cycling Federation. They wanted to conduct a mountain bike race on Black Mountain. As soon as they left, I thought to myself, "Here is a perfect opportunity to find out how consultation should be conducted". I took all the papers that I had been given and went downstairs to the first floor to see Ms Horodny. I said to her, "Lucy, here is a proposal that has come in to the ACT Government. You have seen it only minutes after the ACT Government has first seen it. I want you to show me how we can consult about this properly. We have had lots of criticism about how we do things the wrong way every time. Tell me, from your point of view, how we should do this so as to effect a genuine process of public consultation. You tell me". She said, "Fine; leave it with me". I left the papers with her and went upstairs; and I waited.

I waited for one week, then two weeks and then three weeks. I reminded her that she was going to raise this issue with me, and she said, "Yes; I am getting around to that. Leave it with me". Four weeks went past. Five weeks later the story leaked into the media, as stories inevitably do after a period of time in this place; there are no such things as secrets. The story went to the media. Conservation groups got very upset about the fact that there was a proposal to race mountain bikes on Black Mountain. The Government had to go into damage control mode. The proposal had been in the Government's hands for over a month. Why had there been no consultation about it?

We were criticised on that score. I went back to Ms Horodny and said, "Time is really up, Lucy. What are you proposing to do?". She said, "Oh, I do not have any suggestions to make. I thought you were asking me to engage in consultation for you". I said, "No. I clearly wanted you to just suggest to me what I should do to follow the Greens means of achieving effective community consultation". She said, "Oh, that was not what I understood you were asking me to do".

Mr Speaker, I think it is worth noting that it is very easy for someone who sits on the crossbenches, who presumably - we do not know what will happen at the next election - will not be in government at any stage in the future, to say, "Whatever you do, Government, you get wrong". The list here seems to suggest that everything we have done as far as consultation is concerned we have got wrong. I would say to members of this place that it is much more difficult than they might think to construct an exercise in effective community consultation, particularly when we know there are going to be strong vested interests opposed to the outcome that is being suggested.

I want to make one more reference to another exercise in public consultation. The Ainslie redevelopment process is mentioned in this paper. Mr Speaker, when I came to office I was acutely aware of the problem with redevelopment of older suburbs in the city which resulted in fairly intensive proposals for medium- or high-density housing. Particularly I was told about Kingston, "Look at Kingston. All those flats and high-rises destroyed the suburb. Isn't it dreadful?". I said to PALM, "We need to think of a way of getting around these problems. How do we do that?". We sat down and very carefully worked through a very extensive process of considering how we would handle this differently in the future.

The model we developed we were going to trial in Ainslie. We were going to say to the residents of Ainslie, "Here is a way in which your suburb might be transformed over the next 20, 30, 50 years by proposals for high-density occupation. But, rather than have each application come in piecemeal, affecting each particular block separately, as individual developers come along wanting to propose things about individual blocks, let us develop now a master concept that will allow us to consider the way the entire concept would work, so that only developments that would fit in with that predetermined master plan can be proposed. You would know what the shape of the suburb would look like over a long period of time".

We developed that concept. We carefully canvassed it among some organisations. We then put it out in the public domain. It met with an understandably hostile reaction from some people, because they saw that their block was suddenly designated for high-rise and they reacted badly to that. There is no surprise in that. There is no way of breaking that kind of concept gently in the circumstances. There were members of the public out there getting agitated about it. What did the Greens do? They did not get out there and say, "Hang on! What the Government is doing here is a very sensible approach towards a longstanding or permanent problem on the ACT planning landscape". They got out there and said, "The Government is ignoring the residents of Ainslie. The Government has this all wrong. They have failed in their consultation exercise".

I would defy Ms Tucker or anybody else to have handled that process better. There may have been things on the margins we could have done better. I understand that a public stall in the shops went up a few days later than it should have done; I regret that. We engaged in a very extensive, very careful pre-planning process. Since that proposal first went out, I understand many residents of Ainslie have moderated their views and the concern out there is not as powerful as it was before. But we were trying to deal with something which the former Government, in particular, did not do very well. If it was just another application for a Kingston development, they said, "Go right ahead; chuck another one in". In the case of the Kingston Women's Bowling Club they said, "Sure; go ahead with three storeys". Those sorts of proposals, those sorts of things, were happening piecemeal. We said, "No; let us try to plan a different exercise where we front-load the consultation; not when the application comes in, but in advance". We got criticised. The moral of the story is: It is very easy to criticise when you do not have to actually do it. But the exercise is much more difficult than members, particularly those sitting over there, might imagine.

Sitting suspended from 12.40 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Marketing and Promotion Campaign

MR BERRY: Mr Speaker, my question is to the Chief Minister. Chief Minister, can you explain why there was no open tender process for the contract awarded to J. Walter Thompson for the recently launched Feel the Power of Canberra campaign?

MRS CARNELL: Mr Speaker, all you can do is sigh at those opposite. The fact that we wanted to have the world's top person in the branding area means that those people opposite want to have a go at it. The Government recognised the need for a coordinated marketing and promotional campaign to be undertaken in order for the ACT to compete with other States for major business, tourism and events opportunities. I would have thought everybody in this place believed that not only did we need an advertising campaign but also we had to change the way people think and feel about the national capital. In that context, and given the experience of J. Walter Thompson in branding cities, such as Atlanta for the 1996 Olympics - we have seen their creative work, not just in Australia but right around the world - it was decided that they would be put on for at least some part of the contract.

A local firm, City Graphics, has been chosen by tender to assist the Government in implementing the campaign, and I understand that MA@D Communications - another local company - are doing a similar job for the Tourism and Events Corporation. We need this marketing and promotional approach to be the best that is possible, and that is what it will be with the, I think, good partnership of local companies and the world's best.

MR BERRY: I ask a supplementary question, Mr Speaker, again directed to the Chief Minister. Will the Chief Minister provide by the close of business today details as to the contract awarded to J. Walter Thompson for the Feel the Power of Canberra campaign? Can the Chief Minister confirm now that the value of the contract is between \$50,000 and \$80,000?

MRS CARNELL: Mr Speaker, again, I cannot believe those opposite. Their level of negativity is just stunning. Here we had a launch yesterday that had universal acclaim, at least at the event. We had coverage in quite a number of major national newspapers. We even had John Laws talking about it this morning, for better or for worse. We have Sydney radio stations talking about this. We have had everybody from the tourism industry through to business talking about this campaign. All that tends to indicate to me that we are achieving something here. Again, the likes of Peter Harvey, Carla Zampatti and Ita Buttrose coming on board for Canberra, for feeling the power of the national capital, I think, is exciting. Mr Speaker, \$50,000 was paid to J. Walter Thompson for its work in 1996-97. They have recently been re-engaged for 1997-98 for a similar amount of money to manage the project, the implementation of the campaign, working with local people.

Marketing and Promotion Campaign

MR CORBELL: Mr Speaker, my question is also to the Chief Minister. Chief Minister, can you confirm that the Feel the Power of Canberra television advertisement will be shown only in the ACT and surrounding region between now and the end of this year? Can you further explain why no interstate advertising space is planned, or has been placed, for the remainder of this year?

MRS CARNELL: Mainly because what Mr Corbell has said is wrong; but, then, that is not an unusual circumstance. Mr Speaker, the strategy that has been adopted for television advertising for the Feel the Power of Canberra campaign will see 30-second and 60-second ads run on Canberra and regional television for an initial two-week period. The cost of this element of the campaign is a big \$15,000. I am pleased to say that each of the stations involved has been keen to embrace the campaign and is giving significant air time to ads, at no cost to government or to the ACT.

The second phase of the campaign will be to see the advertisement run nationally, with a particular emphasis on the Sydney market. We would envisage this occurring within the next few weeks. As well, we already have two private sector companies on board. Those who were at the launch yesterday would have seen the mock-up of the Fujitsu ad. Fujitsu money is part of putting that ad in national business magazines, in-flight magazines - in other words, places where business people will see it. I think that is due to go to press in the next couple of weeks, so Mr Corbell is wrong again. The wine industry has also come on board on a fifty-fifty basis with the ACT Government to market and promote the ACT and region wines.

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MR CORBELL: I ask a supplementary question, Mr Speaker. I was referring to electronic advertising, not print advertising. What assurance can the Chief Minister provide that the Feel the Power of Canberra campaign is not being screened in the ACT and the surrounding region only as assistance to the political future of her Government in the lead-up to the next Legislative Assembly election campaign?

MRS CARNELL: Mr Speaker, I am sure that Annette Ellis has not been renowned for her support for the ACT Liberal Government, and she was up there yesterday on the podium with us. I understand that the head of the Department of Business, Annabelle Pegrum, is talking to Sydney television today with regard to the placement of ads. In fact, in my initial answer to the question - Mr Corbell obviously did not listen - I said that the second phase of the campaign will see the advertisement run nationally, with a particular emphasis on the Sydney market. Annabelle Pegrum is talking to Sydney television today. We would envisage this occurring in the next couple of weeks, to restate what I have already said. We had members of the sporting community there yesterday; we had Annette Ellis, a Labor member of the Federal Parliament. It is only those opposite who simply cannot accept that we have to be positive in this city if we are to get things back on track and if we are to achieve our maximum potential.

Natural Heritage Trust Agreement

MRS LITTLEWOOD: Mr Speaker, my question is to the Minister for the Environment, Land and Planning. Minister, could you explain to the house the significance of the recent signing of the Natural Heritage Trust agreement between the ACT and the Commonwealth?

MR HUMPHRIES: I thank Mrs Littlewood for that question. Members may be aware that it was only a couple of weeks ago, on 9 September, that I went to Parliament House to sign the Natural Heritage Trust agreement between the ACT and the Commonwealth. My cosignatories were the Federal Minister for the Environment, Robert Hill, and the Minister for Primary Industries, John Anderson.

This Government in the ACT has been quick to level criticism at the Federal Liberal Government when that criticism is warranted. Unlike our predecessors in office, we have not been afraid to criticise those of our own political persuasion where those colleagues have acted against the interests of the people of Canberra. It follows from that position that we should also be quick to offer praise where praise is due and, with respect to the Natural Heritage Trust, I think great praise is due for the efforts of the Federal Government. The fact is that the Federal Government has allocated \$1 billion from the impending sale of Telstra to protect Australia's biodiversity and to promote ecologically sustainable development. For all the environmental bluster of some on the hill, no other Commonwealth administration has ever allocated such a large sum for the protection of Australia's natural resources.

The Natural Heritage Trust agreement between the ACT and the Commonwealth sets the basis for the Commonwealth to contribute resources on top of the resources already committed by the ACT Government for our extensive environmental program.

Already, \$300,000 from the Natural Heritage Trust has been allocated for a new regional nature and cultural education centre at Tidbinbilla Nature Reserve. This will serve to enhance Tidbinbilla's role as a centre for the education of school children, tertiary students and community groups and will build on the current strengths of the reserve by providing huge new opportunities for environmental and cultural education. In other words, it will add value to the asset the ACT has at Tidbinbilla.

There are also other things that are presently being processed for approval by way of grants to the ACT from this enormous trust. The sorts of projects that have been submitted to the Commonwealth include improving the management of regional waterways, including the Queanbeyan and Molonglo rivers, Jerrabomberra Creek and Lake Burley Griffin; re-establishing habitat of native fish along the Murrumbidgee River; reducing the use of natural hardwoods for firewood, most of which comes from properties in surrounding New South Wales, by encouraging the planting and use by consumers of plantation firewood; and a series of other very important measures. If only a small proportion of those measures are funded in the ACT, it will have an enormous impact on the environment for the benefit of the citizens of both this Territory and surrounding New South Wales.

HelpShop Program

MS McRAE: My question is to the Minister for Planning, Mr Humphries. Minister, could you explain how the money that is going to be allocated for the helpShop program - I believe about \$500,000 - is going to be distributed? What criteria were used to decide which shopping centres would get money and which would not, and what criteria were used to determine the differing amounts of money they are going to get, varying, I understand, from about \$6,000 to \$60,000? What were the criteria used to determine which shopping centres got money and, then, how much money each of them got?

MR HUMPHRIES: Mr Speaker, I need to take at least some of Ms McRae's question on notice. I think that, when she talks about helpShop, she is also rolling in other measures that are related to helpShop, including the decision to provide betterment or change of use charges - - -

Ms McRae: No.

MR HUMPHRIES: That is the way in which differentiation is occurring between different centres in respect of that. There is money available in the helpShop program for centres of a direct kind. If she is referring only to that money, I can get information for her and table it as soon as I can. Essentially, the centres were determined by a fairly complex range of criteria, including the strength of their surrounding markets, the level of their age and the extent to which infrastructure at those centres had run down; and issues brought forward by the community, or a representation, were also taken into account in that process. However, I will give Ms McRae full information in the detailed answer.

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MS McRAE: Thank you, Mr Humphries. That is exactly the information I was seeking. By way of supplementary question, then, if you want to include the betterment aspect of it as well, yes; but I was specifically asking about the allocation of the \$500,000 for helpShop. What I was specifically after was the selection criteria, the list of things, which you did indicate. Is there a form that was used? What was the basis for those factors all being rolled in?

MRS CARNELL: I will take that question, Ms McRae, because I can answer that right now, to avoid having to answer it tomorrow.

Ms McRae: Can Mr Kaine have a go next?

MRS CARNELL: I thought you would be interested in the answer. Those opposite might not know about the way the helpShop program was put together because, although all members of the Assembly were asked to go out to have a look at the helpShop operation, I do not think anybody opposite actually took that opportunity. A caravan went around to every shopping centre in Canberra, set up for a period of time and spoke to all of the shopkeepers, all of the people involved in that shopping centre. They also were available to speak to members of the public who used the particular shopping centre. Lists were compiled of the sorts of things the people at a particular local shopping centre wanted or thought would be appropriate for their particular centre. Follow-up meetings occurred, with the helpShop people going back to those centres with the wish lists, basically. We then went through the approach of trying to work out exactly how you determine what things on that wish list would be funded.

At that stage, rather than try to dictate to local centres what they would or would not spend the money on, it was determined that we would give the money, based upon appropriate criteria and appropriate accountability, to the shopping centres themselves to spend on the sorts of things they believed were appropriate on their list. It is certainly true that we are not going to be able to fund everything in the first year, but this is the first year of a fairly innovative program. So the money will go to the shopping centres. I think mid-November is when the current process will be ready for the payments to be made to the local centres, and I am confident that the local centres will do very well with that money. How much each centre got was based upon the size of the centre, the age of the centre and whether the centre was on the list for precinct management. The centres that were going to get significant dollars were not put onto the list of smaller shopping centres. Basically, those were the criteria. This is an ongoing project, Mr Speaker. It is the sort of thing that I think over future years will be able to plug money into the smaller centres and give them an opportunity to upgrade their centres.

Service Station Sites

MS TUCKER: My question is to Mr Humphries. On 26 August there was an article in the *Chronicle* related to Woolworths Plus petrol stations in which you said:

I have told Woolworths that the Government is not prepared to accept their initial bid of thirteen service stations and that further releases will be considered when we consider the effects its entry is having on petrol prices and on existing Canberra businesses.

Last week, when the Greens called for it to be limited to four, you told WIN News that was silly and illegal. How does this statement sit with your claim in the *Chronicle* that you do have the power, if you chose to use it, to restrict it to four sites? What power do you actually have?

MR HUMPHRIES: Mr Speaker, that is a good question and I thank Ms Tucker for it. The Government decided that to refuse to grant sites under the process of application that Woolworths had made for petrol station sites for the Woolworths Plus outlets in the ACT would be a process that would certainly be subject to competition rules and the principles outlined in the national competition agreement. It was therefore felt that the process whereby the Government might, for example, decide to restrict sites to a certain number per township could arguably be said to be subject to some restriction under the national competition principles.

The important point to bear in mind, however, is that most of the sites that Woolworths is in the process of acquiring or has acquired for the purpose of selling petrol in the ACT are not sites acquired from the Government. They are sites acquired directly by negotiation with existing owners of existing sites. They have acquired a site at Tuggeranong Town Centre from Shell, or at least from someone who was renting previously to Shell; they have already purchased their own site at Conder at an open auction; and I understand that they are well advanced in negotiations with the Westfield centre, Belconnen Mall, for the purchase of a site there, again purchasing from an existing owner. The issue Ms Tucker raises, I believe, would be more pertinent if the Government were releasing all the sites itself.

What Ms Tucker has urged on me - that is, that we should restrict the additional release of sites in the future - is partly the Government's position already; that is, we have said that we want to release a minimum number of sites at this point in time and see how those sites produce further competition in the retail petrol market. However, and this is perhaps where we part company, I have indicated that where they demonstrate the capacity to deliver lower petrol prices we will consider releasing further sites. I take it that Ms Tucker has said that, even if that is the case, she wants there to be a restriction on the release of further sites, or no further release of sites from the minimum number released under this program. I accept that the position the Government has taken may face difficulty with the competition principles, but that is the view we take. We will cross the bridge when we come to it if further sites are required to be released.

Youth Health Service

MS REILLY: My question without notice is to the Minister for Health and Community Care. Minister, can you inform the Assembly what tender processes were followed with the awarding of the contract for the proposed youth health service which is about to be set up in the ACT? What was the date for the calling of tenders? How was the tender advertised? What was the closing date for the tender? How many organisations put in a tender proposal? What were the selection criteria for the selection of the successful tenderer and who was on the selection committee?

MRS CARNELL: Mr Speaker, I assume that - - -

MR SPEAKER: You are not announcing Executive policy, I trust?

MRS CARNELL: No; I am happy to answer this one. It has not actually been announced; but I think we can run with this one, because there has been so much consultation in this area. I think Ms Reilly is right about this. I assume, Ms Reilly, you are speaking about the Junction?

Ms Reilly: That is right.

MRS CARNELL: The Junction idea was put together by the Youth Coalition and, I suppose, me in the first instance. It came about as a result of consultations we had with a number of people in the youth area and the view that it would be very sad to see the old QEII building sitting idle for a couple of years, as the property market is not in a state where that building is overly saleable at this stage. Rather than let a building sit empty on a site in the centre of Civic for a minimum of two years, we looked for innovative proposals that might be able to be trialled or pilots that might be able to be run out of that particular entity.

We approached the Youth Coalition, which is the overarching youth body that represents youth groups in Canberra, and asked them what they would do with it, what they thought was an appropriate approach for this particular venue. They went out and spoke to various youth groups, various service providers in the youth area, and came back to the Government with a proposal for the temporary use of the QEII facility. I think that is a great approach. Instead of sitting on our hands, instead of letting a building sit there idle for a couple of years, we went out and looked for an innovative approach with the peak body representing youth. The proposal they have come back with is innovative and represents a number of interests in the youth area, and I am hopeful we will be able to reach agreement with them to use the old QEII building constructively.

MS REILLY: Chief Minister, as you have now told us that there was no tendering process for this service, can you let us know why you have not followed your Government's policies on competitive tendering for community services and also what advertising you did to allow all the community to put in ideas for use of the empty QEII building?

MRS CARNELL: Because, Mr Speaker, we are actually in the business of making decisions on this side of the house. There was no such thing as a service to be tendered for. It is that simple. We put to the youth community that we have a youth action plan for health out there in the marketplace; a number of things are occurring as part of that. There are obviously issues that need to be addressed in the youth area, not the least being such things as unemployment, homelessness, drug use - all those sorts of things.

We decided to take an innovative approach here: Not let the Government decide what services should be provided to young people in this city and then put them out to tender; but let us go to the peak body and say, "Okay, how would you innovatively use this site over the next couple of years, when it will not be needed for anything else?". They came back to us with an innovative approach, after speaking to a number of people in the youth area. I think they have come back with something that is really smart and innovative, the sort of approach I would have thought those opposite would have embraced. Mr Speaker, those opposite never can find anything good about anything. This is not a proposal that was put together by the Government; it is a proposal put together by the youth sector, on the basis of a challenge from us to come up with a smart approach. They have done it.

Olympic Soccer Matches

MR WHITECROSS: My question without notice is to the Chief Minister, Mrs Carnell. Chief Minister, in answer to a question at the last sitting, you informed the Assembly that your agreement with SOCOG "provided maximum revenue opportunities from ticket sales for the Territory" and that "SOCOG revenue represents only 60 per cent of ticket sales". However, in the same answer you stated that "SOCOG's ticket revenue targets of \$5.286m for the tournament in Canberra have been underwritten" - presumably by the ACT Government. Chief Minister, is it not the case that ticket sales will have to average 24,000 per match, that is, 60 per cent of the 40,000-seat capacity of Bruce Stadium, during the Olympic soccer events in order to meet the cost of your commitment to underwrite SOCOG's revenue, before the ACT starts to make any money from ticket sales? What evaluation has your Government done to establish that the ACT will get average attendances of 24,000 during the preliminary rounds, let alone the 40,000 we need to meet your revenue projections of \$3m for the Territory?

MRS CARNELL: Mr Speaker, we have had a really good question time so far. They have knocked the Feel the Power marketing campaign for Canberra. They have knocked the Youth Coalition's proposal to use QEII. Now they are knocking Olympic soccer. All of these things produce jobs in the ACT, produce dollars in Canberra. Mr Speaker, you would have to despair about those opposite. Is Mr Whitecross saying that Canberra should not be an Olympic city? Is he saying - - -

Ms McRae: Answer the question. You cannot answer the question.

MR SPEAKER: Order!

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Ms McRae: But she cannot answer the question, Mr Speaker.

MR SPEAKER: Mr Whitecross has asked a question; he deserves an answer.

Mr Berry: Why does she not answer it?

MR SPEAKER: He may not like the answer he gets; but he deserves an answer, and it will not be assisted by his Labor colleagues interjecting.

MRS CARNELL: If that is what Mr Whitecross is saying, I think he is underestimating the Olympic feel in Canberra and the fact that most Australians would love to have the opportunity to live in an Olympic city in the run-up to the year 2000. Mr Speaker, the stadium will have 40,000 seats for Olympic soccer. I have every faith that Canberra can fill those seats. Obviously, Mr Whitecross does not believe that. The final cost on what ticket sales will be at the time has not been finalised at this stage. There is no doubt that we will have to sell more than 60 per cent of the seats. If we could not guarantee that, we were not going to get Olympic soccer, quite simply.

The arguments against Canberra were very interesting when we were tendering against such places as Newcastle, Wollongong and other cities in Australia. The detractors, and obviously those opposite would have fallen into that camp, said that Canberra cannot produce the crowds. They said that Canberra simply cannot do it; we are too little, we are the national capital, we are just not in the race. We said we could do it, that we can fill the seats, and we were more than happy to underwrite the \$5m for the ticket sales because I know that Canberra and the surrounding regions and all the tourists we will get in for that event will fill the 40,000-seat stadium. I have faith in this city. Those opposite obviously do not.

MR WHITECROSS: I ask a supplementary question, Mr Speaker. Chief Minister, in agreeing to underwrite ticket revenue amounting to 24,000 people per match for the preliminary rounds, were you aware that the average attendance for preliminary soccer matches associated with the Atlanta Olympics was 21,000, that in Orlando, a city with three times the population of Canberra, they averaged 14,140, and that the average ticket sales for preliminary soccer games at the Barcelona Olympics - in a soccer playing nation on a soccer playing continent - they managed to average only 7,800 per game for the preliminary soccer games? Chief Minister, do you concede that the figures you are using - the 24,000 and, indeed, the 40,000 you just said we would get - are rubbery and that you are exposing the ACT to a huge liability if the projected crowd figures are not realised? Finally, Chief Minister, have you sought the agreement of SOCOG to table the agreement you signed with SOCOG, so that this Assembly can investigate the level of financial liability to which your Government has exposed the taxpayers of the ACT? If so, will you table it now?

MRS CARNELL: That was a very long supplementary question, Mr Speaker. Again, those opposite, and particularly Mr Whitecross - no wonder his polling results were what they were - are on the wrong bus when it comes to the Olympics. Revenue streams are not just ticket sales; they are quite broad. They are such things as corporate boxes, program sales, car parking, revenue from accommodation - all the things that go with an Olympic event. I believe very strongly that we can fill the seats.

We are only a few hours from Sydney. We will be marketing this city, even though those opposite obviously cannot accept that Canberra can do something very well. As we have heard, the potential ticket sales alone for Canberra are around \$3m, if we fill the seats, and we believe we can. The remaining revenue streams potentially bring an additional \$1m, and that is without all of the flow-ons from this. The underwriting of the tickets is something that is in all of the contracts, as I understand it, with all of the cities that have signed to have Olympic soccer.

I believe strongly that Canberra wants to be an Olympic city. Certainly, this side of the house believes that is important. This was part of the deal. I have faith that we can do that. The total exposure, as Mr Whitecross says, is \$5.286m if not one person turns up for ticket sales. Does Mr Whitecross think no-one is going to turn up? I believe strongly that we can fill more than 60 per cent of the seats for Olympic soccer in Canberra. The Brumbies matches this year had that many people, and even the finals of the soccer locally this year, I think, got somewhere between 4,000 and 5,000. You are starting to see some real interest in soccer in this city. If we took the approach that those opposite do, we would never aspire to anything. We would never go out after any deal. We would sit on our hands and vegetate. We will not do that. Obviously, those opposite would.

Teachers - Information Technology Training

MR MOORE: Mr Speaker, my question is to Mr Stefaniak, as Minister for Education. Minister, I refer to a questionnaire conducted by the Australian Education Union with reference to information technology. I presume that you do not share the opinion of your colleague, the other Liberal member for Ginninderra, who seems to think that schools have plenty of computers. I would be interested to hear whether you do. More importantly, question 7 of their survey asks, "Approximately how many hours of training in the use of information technology has your employer provided you with in the past year?". The results were: None, 48 per cent; one to five hours, another 39 per cent; and then some small figures. Minister, do you consider that this level of training in information technology provided for teachers in your service is adequate and, if not, what are you going to do about it?

MR STEFANIAK: I thank Mr Moore for the question. As Mr Moore is aware, we are coming up to an election. Parties are formulating policies, and you will probably hear a little bit more from us in relation to this when that is done. Perhaps, though, in relation to training - - -

Mr Moore: I want to know what you as Minister are doing.

MR STEFANIAK: Might I tell you what has occurred and the improvements that have been made - and will continue to be made - over the last 18 months? There have been some significant improvements since 1993 in this area. Specifically, over the last 18 months, in excess of 1,600 staff have undertaken information technology training.

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You would be aware that we have about 3,500 government teachers, and that in excess of 1,600 staff trained in the last 18 months, I think, is very significant. Certainly, it is quite crucial in ensuring that staff do have adequate skills in this computer age. In regard to information technology, I refer you to the answer I gave Mr Osborne on what this Government has been doing about putting computers and information technology into schools generally over the last couple of years. Rather than going through that again, I think you can check it - - -

MR MOORE: No, I have not said that. By way of a supplementary question, Mr Speaker: I am surprised that the Minister did not give me more detail on training, because training is the factor I was interested in. Yes, you have provided in 18 months some training to almost half the staff in schools. That coordinates nicely with the figures the survey found. Do you consider that adequate training for teachers in this area and, if not, what are you going to do about it?

MR STEFANIAK: Mr Moore, I think you can see that we have already done a lot in the last 18 months and we will continue to do so. Certainly, this Government realises, I think far more than anyone else who has been in this place, the importance of information technology. We also realise the rapid changes that occur, and that is why we are looking at such things as upgrading some of our systems on a regular basis without the need for new computers. We are constantly looking at new approaches to ensure that we can have the best of training, the best of equipment, in our schools. That is something that is ongoing with this Government, and we are looking to develop further policies in relation to that.

As to training, I again stress what we have done in the last 18 months. There will be continued and improved emphasis on that. Might I also note that one of the recent great innovations, which a bunch of teachers and also some people in the Education Department central office were involved in, led to a national award. It relates to training students in the use of computers, using computers as a tool for education, and assisting classroom teachers, who may not have a huge knowledge of the computers themselves, in how to use information technology as a useful educational tool. It is those sorts of things that we will continue to develop. We will continue to develop new ideas and innovations, because information technology, as you are well aware, is a constantly changing field.

Mr Moore: We have not heard from Mr Hird. He got it right, did he?

MR SPEAKER: Order! That is not within the purview of the Minister's portfolio responsibilities.

Bruce Stadium Redevelopment

MR OSBORNE: Mr Speaker, I suppose I am going to ask this question regarding the redevelopment of Bruce Stadium of the Chief Minister. Are you the one who wants to answer the question?

Mrs Carnell: Yes, that is my department.

MR OSBORNE: Chief Minister, on Friday I received a telephone call from Mr Davy, director of Canturf, a local lawn company based in Bungendore but very much part of the ACT region economy. He was disappointed to learn that it appears his company is to miss out on the job to resurface Bruce Stadium, due to a minor specification technicality regarding the size of the rolls of lawn to be used. The size of Canturf's rolls is smaller than that required by R.A. Young, the consultants. However, I have been informed by Mr Davy today that he has four independent experts prepared to say that this has no impact on the finished product. I have also been informed, Mrs Carnell, that the price Canturf put in to resurface Bruce Stadium is \$72,602.50, more than \$20,000 cheaper than the Victorian-based company which is allegedly the favourite because it is able to supply the bigger cuts of lawn. Chief Minister, given that Canturf is a locally-based company and given also that their tender is over \$20,000 cheaper, will you write to R.A. Young and Associates and ask them to reconsider their stance on the issue of the specification on the size of the rolls required to resurface Bruce Stadium?

MRS CARNELL: I thank the member for the question. Mr Speaker, it would appear that the gentleman from Canturf did not indicate that, on receipt of the same letter that I suspect you got, I immediately asked the department to get in touch with him. They are to have a meeting; it might even be this afternoon. As a result of that, I certainly sought more information on this issue.

Mr Speaker, I understand that no contract for the supply of turf at Bruce Stadium has been awarded as yet. The supply and installation of turf is part of stage 1A of the redevelopment. Haskins Contractors, local contractors, are the construction contractors for this stage. Turfing of the playing surface will be subcontracted by Haskins. Tender documents are prepared by CRI Project Management Pty Ltd in conjunction with the leading civil engineering company, R.A. Young and Associates - both part of the project team for the Bruce Stadium redevelopment. The tender documents specify a number of performance criteria for supply and installation of turf that a prospective supplier would need to adhere to. I also point out that R.A. Young and Associates are the civil engineering consultants who have been engaged. Again, R.A. Young and Associates are a local company, but they have been engaged by SOCOG to evaluate and monitor the playing surfaces for all Olympic football venues.

During the tender period of stage 1A, the Canberra company Canturf contacted both CRI and R.A. Young about their eligibility to supply material. They were advised that, as long as they could meet the specifications laid out in the tender, the opportunity would be available for them to provide a price to the contractor. Haskins is the head contractor and has the responsibility for selecting the supplier of turf. Haskins has confirmed that no decision has yet been made on this supplier, and any company wishing to supply turf will need to convince both Haskins and R.A. Young that they are able to meet the strict

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specifications that are required for an A1 surface at Bruce Stadium. As I am sure everybody realises, the playing surface for the stadium is our lifeblood - certainly the lifeblood of the stadium. It is important that it is as perfect as possible, and our project manager, consultant and contractor will need to ensure that that is achieved.

As to Mr Osborne's comment that somehow I should interfere in a tender process, that would be extremely inappropriate. Tender processes are supposed to happen without the Minister directing who should or should not get the tender. But, wherever possible, we will do all in our power to help local companies.

MR OSBORNE: I ask a supplementary question, Mr Speaker. I did not ask you to go in to bat for Canturf, Chief Minister. All I did was ask whether or not you had approached R.A. Young to see whether they could reconsider this one specification, which is the size of the roll. Would you go in to bat for a locally-based company against a Victorian one or not? That is what I want to know. I am not asking you to go in and say, "Canturf should get the job".

MRS CARNELL: Mr Speaker, that is the reason one of the officers of my department is meeting with the company this afternoon. I got the letter last Friday and immediately took action.

Police Officers - Redeployment

MR WOOD: Mr Speaker, my question is to the Minister for Police, Mr Humphries. Minister, you will recall that on 2 September you announced that 17 police officers would be redeployed from AFP national headquarters to the ACT Region for operational duties within three weeks - one of several initiatives designed to overcome the shortfall that existed in the policing services provided by the AFP. Minister, can you confirm whether 17 officers have now been redeployed, and particularly I am interested in the way they were chosen? Can you inform the Assembly of the criteria that were used to judge their suitability for operational service in the ACT police service?

MR HUMPHRIES: To take the latter part of Mr Wood's question first, no, I cannot give any advice about the judging of their suitability. One assumes that the Australian Federal Police employ as police only people who are suited to be police. If they were not suited to be police, presumably they would not be in the AFP. I suppose each organisation might develop people who are not that good at sprinting 100 metres to chase a person who has just snatched a handbag from a little old lady; but, then again, not all police have that capacity anyway, even in an operations-based organisation like the ACT Region of the AFP. There are some police who are good at other things and they accordingly do focus on those things. I could not say whether the police have transferred 17 lethargic potbellied men with bandy legs into the ACT Region, rather than 17 strapping young constables; but I am sure that we have been adequately brought up to strength under this exercise and I am certain that the AFP have employed policemen of capacity to carry out this job in the ACT. I believe I gave advice in the last sitting of the Assembly on the expected timeframe for the implementation of that decision.

Mr Wood: Three weeks.

MR HUMPHRIES: That would be less than three weeks ago, so I am not sure whether or not that would have been fulfilled by now. I will take that on notice and advise Mr Wood in due course.

MR WOOD: By way of a supplementary question, can I add to what the Minister will bring back to the Assembly on notice? The concern arises from comments I have had that police who have been out of operational duties for some time may be called out. Could you check with the Police Commissioner to assess what experience they have had at ACT operational level? Given that the ACT continues to experience an historically high incidence of armed robberies - two again yesterday, or was it three? - will the officers be offered retraining before their redeployment to operational service? I might add, Mr Speaker, that I think all the officers who will come over will be fine, and they will be fitter than the Minister or I would be. I do not agree with the description the Minister gave in his answer.

MR HUMPHRIES: I will challenge you to an arm wrestle in the lobby afterwards, Mr Wood, to test that proposition. Obviously, all the officers who are serving in the AFP anywhere in Australia at the moment have had some experience in operational policing. I think by that you mean community-based policing such as driving around in the squad cars, interviewing suspects, and things of that kind, whether they did it in the ACT or perhaps as a result of being transferred from other policing operations in other States. Maybe they were New South Wales policepersons before they became AFP officers. They would all have had experience of that kind at some point in their careers. I think what you are getting at is that some of them might not have had that experience recently and might need some refreshment in contemporary community policing techniques. That is an issue I will raise with the AFP and see whether that is the case.

I again emphasise that it is not necessary that every one of the 17 police we take on be police who are fit and ready to get into a squad car. In fact, arguably, they would not be of that category. Arguably, the sorts of officers we get might be officers skilled in other areas, areas in which the national operation of the AFP is better equipped - things such as forensic science, research and so on. However, they can play a role somewhere in the ACT Region and free up officers who can then go out onto the road. So, as I said before, it does not matter if all 17 are potbellied, bandy-legged, middle-aged men, because their arrival can free up some desk jobs to put other people into squad cars. However, I will check the matters Mr Wood has raised.

Mrs Carnell: I ask that all further questions be placed on the notice paper.

Olympic Soccer Matches

MRS CARNELL: Mr Speaker, one matter I did not cover in question time - I forgot because it was such a long supplementary question - was the tabling of the SOCOG agreement. SOCOG have indicated to all States that they are unwilling to have the documents tabled and they wish to retain them as commercial-in-confidence.

Health Complaints Investigation

MRS CARNELL: Mr Speaker, on 27 August, Ms McRae asked me a question about the progress of investigations by the ACT Medical Board and the Health Complaints Commissioner into the allegations concerning a surgeon working in Canberra's public hospital system. While I am obviously limited in what I can say, I do want to provide some further information about these matters so that members might think twice before making any uninformed comments.

In relation to the Medical Board, I can advise that a hearing date has been set down for the middle of next month to deal with certain matters pertaining to professional conduct. In relation to the commissioner's inquiries, I can tell the Assembly that he anticipates providing me with a final report early in 1998. Members should appreciate that the commissioner is currently examining 14 cases where health services were provided by the doctor in question. This has necessitated a careful, lengthy inquiry. To quote from a recent letter sent to me by the commissioner, he said:

I would like to assure you that, while the investigation process has been lengthy, to date it has been extremely thorough, with the collection of a very considerable amount of evidence. I am convinced that if the matter is hastily concluded then it is likely to result in an indeterminate result.

Mr Speaker, I come to a comment made by Mr Moore and subsequently by Ms McRae in the Assembly which was along the lines of, "How many people have to be put at risk while a slow, laborious investigation continues?". In response to this remark, the commissioner has advised that at this time he does not believe there is sufficient evidence to indicate that the doctor's continued practice represents a danger to the public; nor is there sufficient evidence at this time to warrant immediate referral of matters to the Medical Board.

I would appreciate, as I am sure the Commissioner for Health Complaints would appreciate, members of this Assembly allowing what is a large, complex and time-consuming inquiry to run its course and for those involved not to be prejudged before there is an outcome. What this also indicates is that, contrary to claims by the Opposition, the Government has made every effort over recent months to ensure that these matters are followed up, and they are being followed up, Mr Speaker. Indeed, I am the person who caused the investigation to be launched in the first place.

Acton Peninsula - Demolition of Buildings

MR HUMPHRIES: Mr Speaker, during the last sittings I agreed to take on notice a question to the Chief Minister from Mr Corbell in relation to extra costs incurred by the Emergency Services Bureau following the implosion of the old Royal Canberra Hospital. I am advised that the extra costs incurred on the day itself totalled \$303.70. This was made up of \$86.28 overtime charges for two ambulance superintendents, \$69.42 for transport costs, and \$148 overtime for two fire brigade district officers. In addition, a further \$1,174 in costs was incurred by the ACT Ambulance Service in the relocation of patients from the Canberra Hospice to Calvary Hospital on 18 July 1997 and returning patients on 1 September. Those costs were made up of \$854.04 overtime and \$319.96 transport and operational costs. In relation to the costs of the AFP, as I told Mr Corbell in the Assembly last sitting week, I cannot provide any detailed information on those costs until all the investigations are complete and I am briefed by police accordingly.

PERSONAL EXPLANATION

MR CORBELL: Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes, proceed.

MR CORBELL: Mr Speaker, earlier in question time today the Chief Minister suggested that I and other members of the Labor Party were not supportive of the Feel the Power of Canberra campaign. I want to make it very clear that I and other members of the Labor Party support the Government's efforts to promote Canberra; but we do retain the right and, indeed, believe we have a responsibility to make sure that the way the Government runs that campaign is appropriate and in the best interests of the Territory, and that was the reason for our questions today. I want to state very clearly that we in no way are attacking the campaign itself.

ENVIRONMENTAL ACCOUNTING STATUS PAPER Paper

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present the Government's Environmental Accounting Status Paper, which forms part of the Government's response to Report No. 22 of the Standing Committee on Planning and Environment on environmental accounting for the ACT Government. The Government formally responded to the report on 10 April 1997.

Mr Speaker, I have much pleasure in presenting to members this status paper on environmental accounting, which has been prepared by the Government. The Government's goal is to develop a formal budgeting and reporting framework which takes account of social and environmental issues in addition to the present

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financial format. Hence we envisage that, eventually, budgets and annual reports will contain information on environmental assets and liabilities and how they are being managed. Budgets in the future will also contain a set of environmental indicators which demonstrate the environmental performance of the Government.

As with any form of accounting, environmental accounting is essentially about the generation, analysis and presentation of useful information. Such useful information is not limited to monetary expressions but also incorporates physical and qualitative measures. Hence it would include reports on soil and water quality, air purity, health of the population and so on. However, environmental accounting is not an end in itself but is a means to an end. The end, or the purpose of the Government, is the enhanced wellbeing of the community, supported by quality environmental outcomes. In other words, environmental accounting is worth while only if it makes us all better off in the long haul. That is why the information must have a practical use.

A significant problem with the existing once-off methods of project assessments, including environmental impact statements, is that they do not have the benefits of a comprehensive and consistent reporting system. As a result, the information presented is frequently unreliable. Similarly, it is unfortunately the case that at present some of the environmental concepts being taken for granted, such as “sustainability” and the “precautionary principle”, are neither consistently defined nor scientifically based. These concepts would be more valid if, for example, useful information about them could be developed which took into account the impact of changing technologies on the availability of and demand for resources. It is of little use to be advised that a particular rate of resource use is “unsustainable” under assumptions of fixed demand and fixed technology, when we all know how quickly demand and technology can change, especially in response to significant movements in prices.

Essentially, I hope that the project on environmental accounting will bring much more scientific and intellectual rigour than we have seen up till now in understanding the relationship between the environment and people’s living standards. Provided that environmental accounting is based on consistent, testable scientific principles, and not merely assertions, it will improve community awareness of the state of the environment, help to improve both environmental and financial performance and help to inform decision-makers on policies to improve community wellbeing on an enduring basis.

This status paper is a beginning. It explores the meaning and the state of environmental accounting and canvasses the questions which need to be resolved. Its purpose is to be a basis for consultation with all stakeholders in public sector decision-making. I hope that all members will study it carefully and come back to the Government with comments and suggestions which can be incorporated early in the present conceptual stage of the environmental accounting project.

The next stage of the project is the development of an options paper, which will take into account the comments received and propose some possible environmental accounting models for the ACT. The options paper will form the basis of much wider community consultation. There will, of course, be no instant answers. However, this paper represents a very important step towards better stewardship of our resources.

I believe that it will also ultimately place the ACT on the world map as a jurisdiction with the most advanced and responsible environmental management. I commend the status paper to members and look forward to their feedback. I move:

That the Assembly takes note of the paper.

MS TUCKER (3.32): I would like to say a few things on this. I am very pleased that the Government has taken this issue on board. We look forward to reading the status paper and making sure that real changes are implemented in the ACT. We actually raised this issue initially when the Government was introducing its financial management reforms. At the time, our proposals for environmental accounting and broadening the role of the Auditor-General received a very lukewarm response. In fact, I have here a little article that was in the *Sydney Morning Herald*, where Mrs Carnell was actually quoted as saying that the whole idea was quite loopy. So, I am delighted to see how we have progressed the idea - it has gone to the Planning and Environment Committee, this status paper has been developed and we have recognition in this place that it is absolutely critical that we develop our concepts of measuring how we are working as a society.

Better accounting for our environmental assets is not a luxury; it is a necessity. The economic indicators we currently use are not an adequate reflection of human welfare or the state of the environment. While there is no doubt that economic growth rates have been useful in the past in documenting the rapid increase in material welfare, they are unable to measure economic and social realities. They cannot, for example, account for the value of untraded assets such as clean rivers, forests and clean air. They cannot acknowledge the value of items that are not traded, such as household production and voluntary work. They also say nothing about the level of equality in our society and the growing costs of unemployment and overwork.

Mr Speaker, it is indeed time for new indicators and new economic models which reflect contemporary realities. While, materially, our society may be offering better outcomes for some people in our community - more than ever before, in fact - there are very real social, economic and environmental costs from a continued narrow focus on economic growth as the sole measure of our progress as a society. Recent research by the Australia Institute aimed at developing an alternative measure to gross domestic product in Australia has found that continued economic growth in Australia is relying ever more heavily on the run-down of our stocks of built, social and natural capital.

According to a new measure of national wellbeing, the genuine progress indicator, since about 1980 the living conditions of Australians have not been improving and we are borrowing from the future to prevent our living standards from falling further. It highlighted the urgent need for a new accounting framework if we are to measure the true impact of public policies on national wellbeing, one that not only measures economic activity but also gives due attention to changes in social and environmental conditions that affect people's lives now and also into the future.

In recent years, fortunately, people have become more aware of the intricate relationship between the environment and economics and the need for integration as a means to achieve environmentally and socially sustainable developments. Sure, the environment receives greater attention than it did previously and we now have many more institutions

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attempting to protect the environment. The approach is still, however, to view the environment as an add-on. So, we often look at fixing up environmental problems once economic priorities are implemented. We certainly see that in the Federal sphere at the moment with John Howard's discussions on greenhouse. On the other hand, ecologically sustainable development requires the integration of the environment and economic development at the outset of decision-making processes.

To achieve progress with this, we urgently need to restructure our current economic decision-making models. We hear a lot of rhetoric about whole-of-government approaches to incorporating social, environmental and economic factors in decision-making and policy implementation, but we see very few practical examples of how this can be implemented. When we debated the Greens' amendments aimed at incorporating environmental accounting, I outlined some current Australian and international developments in this area. I also argued that we cannot wait until we have the perfect model. We never will. Just as the Government has embarked on what it views as groundbreaking changes to financial management and acknowledges that there is continual finetuning that needs to be made along the way, we have argued that we must give new, innovative and relevant economic models a go. I look forward to the ACT leading the way in developing new models.

Environmental accounting must go hand in hand with other reforms. As members are aware, I have on the notice paper a Bill to broaden the role of the Auditor-General. So, when we debate that, I am looking forward to a response from all members of this place which indicates that indeed they now have a greater understanding of the critical importance of addressing these broader issues which, until quite recently, have been regarded as external to the whole system. They are not. They must be seen as part of it. I congratulate the Government on getting this status paper up, and I look forward to reading it.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations.

The schedule read as follows:

Adoption Act - Adoption Regulations - Determination of fees - No. 207 of 1997 (S265, dated 9 September 1997).

Associations Incorporation Act - Determination of fees - No. 203 of 1997 (S265, dated 9 September 1997).

Business Names Act - Determination of fees - No. 204 of 1997 (S265, dated 9 September 1997).

Instruments Act - Determination of fees - No. 205 of 1997 (S265, dated 9 September 1997).

Land Titles Act - Determination of fees - No. 202 of 1997 (S265, dated 9 September 1997).

Legislative Assembly (Members' Staff) Act -

Arrangements for employment of staff of office holders pursuant to subsection 5(2) being Determination No. 3/1997 - No. 195 of 1997 (16 August 1997) (S260, dated 4 September 1997).

Terms and conditions of employment for staff of office holders pursuant to subsection 6(2) being Determination No. 4/1997 - No. 196 of 1997 (16 August 1997) (S260, dated 4 September 1997).

Arrangements for employment of staff of non-Executive Members pursuant to subsection 10(2) being Determination No. 3/1997 - No. 197 of 1997 (16 August 1997) (S260, dated 4 September 1997).

Terms and conditions of employment for staff of non-Executive Members pursuant to subsection 11(2) being Determination No. 4/1997 - No. 198 of 1997 (16 August 1997) (S260, dated 4 September 1997).

Arrangements for employment of staff of non-Executive Members pursuant to subsection 10(2) being Determination No. 4/1997 - No. 199 of 1997 (21 August 1997) (S260, dated 4 September 1997).

Public Place Names Act - Determinations of street nomenclatures in the Divisions of -

Conder - No. 201 of 1997 (S262, dated 4 September 1997).

Ngunnawal - No. 158 of 1997 (S212, dated 4 July 1997).

Registration of Deeds Act - Determination of fees - No. 206 of 1997 (S265, dated 9 September 1997).

PAPERS

MR HUMPHRIES (Attorney-General): Pursuant to section 14 of the Annual Reports (Government Agencies) Act 1995, I present annual reports in accordance with the circulated list.

The list read as follows:

Annual Reports (Government Agencies) Act -

Chief Executives, pursuant to section 7 -

Chief Minister's Department - Report and financial statements, including the Auditor-General's report for 1996-97, together with a report, financial statements, including the Auditor-General's report for the ACT Casino Surveillance Authority, together with financial statements and Auditor-General's report for 1996-97 for:

Accommodation and Property Services

ACT Executive

ACT Superannuation Provision Unit

Central Financing Unit - Departmental Account

Central Financing Unit - Territorial Account

and, as annexes, the 1996-97 reports for:

Commissioner for ACT Revenue

Commissioner for Public Administration

Department of Education and Training and Children's, Youth and Family Services Bureau - Report and financial statements, including the Auditor-General's report for 1995-96.

Public Authorities, pursuant to section 8 -

ACT Construction Industry Long Service Leave Board - Report and financial statements, including the Auditor-General's report for 1996-97.

Canberra Theatre Trust - Report and financial statements, including the Auditor-General's report for 1996-97.

Commissioner for the Environment - Report for 1996-97.

Gungahlin Development Authority - Report and financial statements, including the Auditor-General's report for 1996-97.

Registrar of Financial Institutions - Report and financial statements, including the Auditor-General's report for 1996-97.

MR HUMPHRIES: Finally, Mr Speaker, pursuant to standing order 83A, I present an out-of-order petition, lodged by Mr Hird, from 22 citizens, relating to the sale and use of fireworks.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on ACT Emergency Services - Proposed Restructuring -
Government Response

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (3.38): Mr Speaker, for the information of members, I present the Government's response to Report No. 4 of the Standing Committee on Legal Affairs, entitled "Inquiry into the Proposed Restructuring of the ACT Emergency Services", which was presented to the Assembly on 19 June. I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased to table that Government response. The restructuring and the co-location of the volunteer units of the Emergency Service and Bushfire Service involved evolutionary change to achieve service delivery that reflects national directions in emergency management, improves operational capability, and provides for greater sustainability and greater opportunities for the volunteers. Despite some early misgivings by some volunteers, I can report to the Assembly that the integration is working well, and I note that the committee broadly endorses the Government's restructure of the Emergency Service and the Bushfire Service.

The Government witnesses who appeared before the committee acknowledged that there was considerable concern by volunteers over the lack of consultation processes in the restructuring. I am pleased to report that there have been a number of options explored between management and the volunteers to improve consultation, and it appears that the option preferred by the volunteers is to seek their input through the Volunteer Brigade Association. That association is in the process of amending its constitution to cater for the ACTES membership. I would be happy to make a brief statement to the Assembly at a later date when the revised process is finalised.

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Although the committee made reference to the concept of a “lead combat agency”, this is not a term that is used in legislation for the other emergency services or the police; nor is it contained in the Territory disaster plan, Displan. It should be understood by members that there are considerable differences in terms of infrastructure, levels of government, geographic spread and emergency agencies’ structure between the ACT and the other States. There already exists a significant level of coordination in response to emergencies by the very structure of the agencies in the Emergency Services Bureau and the joint communications centre at Curtin that is not paralleled in other States. This was evidenced most recently when the ACT sent a multi-agency task force to Thredbo, which was on scene within approximately five hours of the request for assistance.

For these reasons, the Government does not consider it appropriate to import the term “lead combat agency” for one emergency service in the ACT. However, roles and responsibilities for the Emergency Service, including functions in relation to storm damage and flooding response, will be included in the proposed Emergency Management Act and the emergency services operations manual. This will clarify the role of Emergency Service volunteers, which is what the committee sought to address.

The Government agrees to the establishment of an ACT Emergency Service food preparation unit utilising the existing kitchen facilities in Belconnen. A proposal is currently with the Emergency Service commanders and the ACT Volunteer Brigade Association for consideration. The Government has implemented the recommendation in relation to a review of the types of vehicles held by Emergency Service units. An ES working group has investigated a number of options and recommended that each unit have either a four-wheel-drive landcruiser or a four-wheel-drive twin-cab utility. As vehicles are replaced, new vehicles that meet the specified requirements will be acquired, in consultation with the relevant brigade. In addition, the co-location has provided access to more vehicles for the Emergency Service, which addresses the matter of reconnaissance in, for example, major storm events. The proposed emergency management legislation will also make provision for giving legal protection and compensation for volunteers undertaking bona fide, approved ACTES activities.

The Government agrees with the need to establish a system of recognising volunteer service. In addition to the National Medal, the national review of honours and awards has included a suggestion for the award of an Emergency Service Medal. However, the Government agrees that volunteerism for even five years is a considerable commitment, and it has taken steps to implement a system recognising five and 10 years’ service. The system would be applicable to volunteers in both the Emergency Service and the ACT Bushfire Service. It is anticipated that the system will be in place before the end of 1997.

Finally, I would like to reiterate the Government’s commitment to volunteers in any of the emergency services and to recognise the considerable contribution these volunteers make to assisting the community in times of crisis. I also appreciate the time and effort of those individuals who made submissions to the committee and appeared at the public meetings.

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

SOCIAL POLICY - STANDING COMMITTEE
Report on Skateboards and In-line Skates - Government Response

MR KAINE (Minister for Urban Services) (3.44): For the information of members, I present the Government's response to Report No. 5 of the Standing Committee on Social Policy, entitled "Inquiry into the Use of Skateboards and In-line Skates near Shops", which was presented to the Assembly on 8 May 1997. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

CANTRADE BUSINESS DELEGATION TO CHINA
Ministerial Statement and Paper

MRS CARNELL (Chief Minister and Minister for Business and Employment): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the CanTrade business delegation to China.

Leave granted.

MRS CARNELL: Members will recall that in January this year I led a delegation of ACT business representatives to China to investigate a range of trade and investment opportunities. With the assistance of the local Chinese community and the Chinese Embassy, some very exciting opportunities arose from that visit. Perhaps most exciting was the invitation extended by the Mayor of Yangzhou and the Vice-Mayor of Beijing for the ACT to return for a second delegation, focusing on the ACT's business strengths. The chairman of CanTrade, Jim Murphy, took up this invitation, and, in line with CanTrade's role of promoting export opportunities, arrangements were made for 27 private sector, government and Chinese community representatives to take part in the delegation. On 17 June, the delegation left Canberra, and for 2½ weeks held trade shows and business negotiations in Shanghai, Yangzhou, Beijing and Guangzhou. In addition to CanTrade and ACT Government representatives, the delegation comprised delegates from a range of corporations and private sector companies. These included the Canberra Tourism and Events Corporation, the Australian National University, ACTEW, Telstra, the Australian International Hotel School, Evermore Express, Praxa, Technik, and Select Computers.

The focus of the CanTrade business delegation was to showcase a range of ACT and regional industry sectors and products considered to be compatible with the Chinese market. These ran the gamut from high technology; environmental management, education and training; engineering; and primary produce from the Australian capital region. The purpose of the delegation was twofold: First, to explore the opportunities for mutually beneficial government-to-government contact, particularly in areas such as tourism, education, hotel management, and fire and emergency services. Secondly, the delegation was designed in such a way as to maximise the opportunity for participating firms to explore the Chinese market and to pursue potential opportunities and joint venture arrangements.

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With the assistance of the Beijing and Yangzhou governments, arrangements were made for trade exhibitions to be hosted in those cities and for invitations to be extended to relevant government and private sector representatives and potential joint venture partners. In addition to the trade exhibitions, a range of seminars were conducted by delegates, promoting specific industries as well as Canberra as a tourism, business and investment destination. The success of the trade exhibitions was reflected in the large number of participants - some 3,000 in Yangzhou and 2,000 in Beijing - and the level of interest shown in the participating firms.

In addition to this interest, a number of memorandums and agreements were signed, both at the government level and between Canberra and Chinese firms. I will shortly table the delegation report, containing copies of the government-to-government agreements, along with a detailed outline of the delegation's itinerary and the outcomes of the visit. It is worth noting, however, the potential significance of some of these agreements. From an ACT Government perspective, agreements signed with the central government relating to tourism are crucial, particularly in light of the potential for Australia to gain preferred destination status in the immediate future. These agreements include initiatives such as personnel exchanges; the airing on prime time Beijing television of a 20-minute promotional video on Canberra; and the ACT Government acting as the coordinating agent in relation to arranging inbound delegations from China on behalf of the Ministry for Trade and Economic Cooperation. An agreement with China Southern Airlines to progress up to 10 charter flights a year into Canberra will also provide a great boost to Canberra's tourism industry.

In addition to progressing tourism issues, agreements were signed in a number of other areas, including environmental management, hotel management, education, and fire and emergency services. But perhaps even more encouraging were the significant opportunities identified by the business representatives who took part in the CanTrade delegation. A number of local firms have entered into quite detailed agreements with Chinese partners that have the potential to deliver significant and positive impacts on our local economy. Many of these businesses are already planning return visits to China to finalise these arrangements.

I am pleased to announce that CanTrade is also in the process of planning a second business delegation for later this month, focusing on the southern China markets of Hong Kong and Guangzhou and the northern market of Beijing. In a country where business is built around personal contact and developing strong relationships, the priority given to China by CanTrade is, in fact, the only way to do business. I am confident that it is an approach that will reap some very significant and very exciting benefits for the Canberra community in the long run and one that should be commended. I am pleased to table, for members' information, a copy of a report on the CanTrade business delegation to China. I move:

That the Assembly takes note of the paper.

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

MENTAL HEALTH SERVICES
Ministerial Statement

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on mental health services in the Australian Capital Territory.

Leave granted.

MRS CARNELL: Mr Speaker, members will recall that in February this year I provided the Assembly with an update on the developments in the reform of mental health services in the ACT. This update was in line with my undertaking in November 1996 when I released the Government's mental health strategy, entitled *Moving Ahead*. Much has happened since February; so, I am very pleased to provide a second update.

The ACT Mental Health Service has prepared a comprehensive service development plan. I launched the plan on 11 April. A formal consultation period was provided, with comments closing on 9 May. Many organisations and individuals took the opportunity to comment, and, in addition to the support for the overall direction of the plan, I understand that people were very pleased with the inclusive process that has been used. The plan has now been revised in light of the comments received, and it will be revisited as circumstances dictate.

A new structure is being implemented in the ACT Mental Health Service. One of the key changes that go to make up the new structure is that the community-based service will have skilled, multidisciplinary staff who will respond clinically by providing a 24-hour-a-day service consisting of support and interventions which relieve the need for hospitalisation. Also, key principles have been put in place that will guide the planning and the delivery of services, providing accountability of service providers; a preferred point of entry for users of the service; equity of access for users of the service; prioritised service provision; case management; mobility; coordination and integration of services; strong linkages with other services; health promotion; and, importantly, consumer participation in planning and development.

Senior positions were widely advertised on Saturday, 28 June. Interviews have been held, and offers of appointment will be made shortly. I anticipate that, once the new management team is in place, the principles I have just outlined will rapidly translate into high-quality practice. Of particular importance, the crisis assessment and treatment team has been revamped to provide a substantially improved service. In particular, it now has eight additional positions; a designated team leader; a community-based treatment focus; an improved computer tracking system; and a multidisciplinary team. Mr Speaker, our activities have not been confined to the service delivery of ACT mental health services. Last financial year we provided an additional \$150,000 to the non-government sector for the provision of community-based residential support. The successful organisations were Centacare and Richmond Fellowship, who are able to support an additional 20 places with the funding that they have received. Barnardos also received one-off funding to provide respite care for children with mental health problems or for children whose parents have mental health problems.

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Both Centacare and Richmond Fellowship have developed cooperative working relationships with the ACT Mental Health Service that are supported by memoranda of understanding. These agreements make clear that the ACT Mental Health Service will provide the clinical support that is required as an integral part of the residential support. This financial year we have allocated a further \$250,000 for community-based residential support. These funds will be used to again increase the number of available places and residential options for people with mental illness. The sound working relationships that Centacare and Richmond Fellowship have developed with the ACT Mental Health Service will act as a model to guide this further allocation. Calvary Hospital plans to open a private psychiatric facility in January 1998. This will provide a range of acute and medium-term services, including residential, day program and outpatient services, and enhance the choices that are open to people when they need these types of services.

On 26 March, I launched for public comment an issues paper on the review of the Mental Health (Treatment and Care) Act 1994. The consultation period ran until 26 May. Two public meetings were held on 22 April, with over 100 people attending, and a total of 48 written submissions were received. The report on the review of the Mental Health Act is close to completion. The report will be publicly released shortly, with distribution to stakeholders, including those who attended public meetings and those who made written or oral submissions.

The Government is considering its position on the review recommendations. The Interdepartmental Standing Committee on Mental Health has met three times since I last addressed the Assembly. In addition to the extensive work they have done on the legislative review, two subcommittees have been formed and have met twice since my last statement. The subcommittees are examining models of secure care as they relate to the needs of the ACT and reviewing the memorandum of understanding between the Australian Federal Police and the Mental Health Service. Changes to the memorandum of understanding will be guided by the coroner's findings in relation to the death of Mr Warren I'Anson. A memorandum of understanding has also been developed between ACT Housing and the ACT Mental Health Service. The memorandum is proving to be very useful in furthering a cooperative working relationship between these two agencies. This can only be to the benefit of our consumers.

A weekly meeting to review detainee status has been implemented at the Belconnen Remand Centre. The participants include the superintendent of the BRC, the chief custodial officer, a representative of the forensic unit of the Mental Health Service, the general practitioner for the BRC, the psychiatric nurse employed at the BRC and the BRC welfare officer. Meetings with the Office of the Community Advocate since September 1996 have also resulted in a closer working relationship with ACT Corrective Services. From October 1996, an officer from the Office of the Community Advocate has visited the Remand Centre on a weekly basis and spoken with any new detainees who are identified as being mentally ill. A protocol has been developed which ensures that the Office of the Community Advocate will know about detainees who have mental dysfunction or about whom custodial officers have concerns.

In addition to these specific developments in mental health services, the Department of Health and Community Care has been successful in attracting funds under the national youth suicide prevention strategy. Funds have been provided to all States and Territories to assist in collating information regarding youth suicide prevention activities. The ACT will receive \$14,000, with payments to be made in three instalments up to March 1999. Nationally, the information gathered in the stocktake will provide a valuable resource to service providers for future service development, and in the ACT it will assist us in planning for the future. Funds have been provided for the development of suicide prevention training for professionals, including general practitioners, teachers, police and community workers. The ACT will receive \$100,000, with payments again to be made in three staged instalments up to March 1999. Tenders have been sought for this project, and I am confident that it will provide a significant contribution to the health of young people.

As well as participating in these national initiatives, we have also recently announced the formation of the ACT youth suicide prevention task force. The task force will work with the Department of Health and Community Care on the formulation of a youth suicide prevention strategy for the ACT, which is expected to be in place before the end of the year. Members of the task force will be drawn from a wide range of fields, both government and non-government. Members will be chosen for their particular expertise and the contribution they can make to the strategy. I expect that the task force will have its first meeting before the end of the month and that, soon after that, it will begin its consultations on the development of the strategy.

I am also happy to report to the Assembly that we are tabling the report of Mental Health Services in the ACT for the period 1 July 1996 to 30 June 1997. The report will provide detail of the reforms that I have briefly described today; advise on some of the key strategic issues for the future; describe the services provided for people with mental illness; and provide some key statistics such as the Mental Health Tribunal workload statistics. The production of the first report of Mental Health Services is an important step in ensuring accountability. I am pleased that, in keeping with the undertaking I made in *Moving Ahead*, it will be distributed to members in the very near future. Mr Speaker, it has been my pleasure to report to the Assembly on the range of advances that have been made in this important area of service provision, and I look forward to reporting again in the future. I present the following paper:

Mental health services in the Australian Capital Territory - ministerial statement,
23 September 1997.

I move:

That the Assembly takes note of the paper.

MR BERRY (Leader of the Opposition) (4.02): It is more in sorrow than in anger, Mr Speaker, that I rise again to comment on a statement from this Health Minister in relation to mental health services in the ACT, which has in many ways highlighted the inaction within that area. The first thing I would like to say is that I think this statement was designed to pre-empt the report of an inquiry into mental health services that is being

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conducted by the Social Policy Committee, which is, as I understand it, about to be released. I think that would probably be regarded by most committee members as pretty rude, but not surprising. Mr Speaker, the appropriate action for the Government is to consider the recommendations of committees and respond, not to try to pre-empt them. It is quite rude to pre-empt them.

Mrs Carnell: Do not be silly.

MR BERRY: Mrs Carnell interjects, "Do not be silly".

Mrs Carnell: I make regular statements on mental health and on disabilities.

MR BERRY: Mrs Carnell says, "I make regular statements". She says, "Do not be silly. I make regular statements". When are you going to make a statement about the appointment of the Director of Mental Health Services? How would you like to make a little statement about that? Or would you rather tell us that we are still on the merry-go-round - one a month? They run out in September, as I understand it. When are we going to be advised of the next six directors of mental health services? When are we going to be advised why the Government is ignoring the Mental Health (Treatment and Care) Act in so far as it requires the appointment of not half-a-dozen directors of mental health services but one? That is what it requires. When are we going to be told how the Government is going to fix that?

When are we going to be told, for example, whether or not we are going to have a professorial chair at the clinical school?

Mrs Carnell: It is the same position. You know that.

MR BERRY: Mrs Carnell interjects, "It is the same position". It is not necessarily the same position, Mrs Carnell. The professorial chair is not required under the Mental Health Act. The Director of Mental Health Services - - -

Mrs Carnell: But it is required that the person be a psychiatrist.

MR SPEAKER: Order!

MR BERRY: The Director of Mental Health Services is required to be. You should read the legislation so that you better understand those issues.

Mr Speaker, we have a situation in the ACT where the person accountable to this Assembly for the treatment and care of people with mental illness has not been appointed and this Government has been unable to deliver the goods in that respect. We all remember the squabble the Government had with the then Acting Director of Mental Health Services and the subsequent - I think "sacking" would be too strong a word - putting down of the Acting Director of Mental Health Services when windows around this place were broken by a person who was a client of the service. What a reaction! We have an incident involving somebody who uses our services, and all of a sudden the Acting Director of Mental Health Services loses his job.

Mrs Carnell: Mr Speaker, on a point of order: This has absolutely nothing to do with the statement that I made.

MR SPEAKER: I uphold the point of order on relevance, Mr Berry.

MR BERRY: Mr Speaker, this is about the things this Minister has not done.

Mrs Carnell: What?

MR SPEAKER: The statement is about what the Minister has done.

MR BERRY: Mrs Carnell says, "What?". I will repeat it for you. You have not appointed a Director of Mental Health Services; you have not appointed a Professor of Psychiatric Services in the hospital system; you have not told us whether there is going to be a Professor of Psychiatric Services or whether it is going to be downgraded to associate professor level. You have not told us any of those things. You merely come up with a statement of some of the ideas that the Government is developing in the context of its new plans for mental health; but those key positions, Mrs Carnell, are being ignored. They are key positions to the development of mental health services. How on earth can you convince the community out there that the Government ought to be developing mental health services without the key positions being filled - that is, the Director of Mental Health Services and the Professor of Psychiatric Services? How can you proceed down that path? You can proceed down that path only if you are arrogant and unable to manage the portfolio.

Mrs Carnell: What is Richard Clarke?

MR BERRY: Mrs Carnell interjects, "What is Richard Clarke?". He is in neither of those positions because he is not qualified to be in either of those positions. He is not a psychiatrist. He is an administrator who has been appointed in the management stream. He does not qualify for the position of Director of Mental Health Services. That is no reflection on Mr Clarke. The reflection ought to be on the Chief Minister for her inability to properly recruit those very senior people before going down the path of developing the service.

What will happen in due course when the Director of Mental Health Services is appointed under the legislation - and it may be that the position of Professor of Psychiatric Services or associate Professor of Psychiatric Services, whatever it turns out to be, and the position of Director of Mental Health Services are one and the same? What if the new Director of Mental Health Services/professor/associate professor decides that he does not want to go down the path that the Government has resolved because it is not appropriate, because he is a psychiatrist and he knows a bit more about these things than does Mrs Carnell - or Mr Clarke, for that matter?

Mrs Carnell: Do you like doctors now?

MR BERRY: Mrs Carnell says, "Do you like doctors now?". I have the greatest respect for the medical profession. But unlike you, Mrs Carnell, I am not frightened of them.

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MR SPEAKER: Order! This is not a dialogue.

MR BERRY: Mr Speaker, here we have a paper which goes to a whole range of issues concerning mental health services in the ACT, but not the important ones - not the key ones such as the appointment of the Director of Mental Health Services, something that Mrs Carnell has not been able to manage for yonks.

I also notice that there is no mention in this document of available beds within the hospital framework. Does that mean that there are fewer or more - - -

Mrs Carnell: The same.

MR BERRY: The same? So, there is no advance on the need to provide more services to the community by way of critical care beds. Mrs Carnell will argue that we are trying to refocus the mental health services and do it in a different way; but, at the end of the day, critical care beds are very important in that context. Mrs Carnell, in her report, does mention that there will be private beds provided by Calvary Hospital, not by the Government - at no cost to the Government, I suspect - at the Calvary site. The difficulty with that is that that is not where the waiting lists are. The waiting lists and the struggle to gain access to beds within our hospital system are within the public system. It is all right to boast about somebody else providing a private service; but I would much rather see in here a boast about how Mrs Carnell had delivered part of her promise - one or two or three or four or more of those 50 beds in our public hospital system she promised at the last election. In this paper there is not one mention of them. Those are the issues which concern people out there in the community.

Mr Speaker, I see mentioned in here that on 26 March the Chief Minister launched for comment an issues paper on the review of the Mental Health (Treatment and Care) Act. She could not even get that right. It is late and well and truly overdue, Mr Speaker. These are important issues that need to be addressed with care. But they need to be addressed on time and with a bit of expertise; otherwise people out there who are concerned about the quality of mental health services in the Territory become quite agitated, and rightfully so.

Another thing I find interesting about this ministerial statement on mental health services in the Australian Capital Territory is that there is absolutely no mention of discussion with the Mental Health Advisory Council. I cannot see it mentioned anywhere. Did it play a part in this?

Mrs Carnell: Of course they did. They organised the launch.

MR BERRY: What did they do?

Mrs Carnell: They were at the launch. They organised the launch.

MR BERRY: They were invited along to the launch, Mrs Carnell said. Is that not good! Invite the Mental Health Advisory Council along to the launch. So, everything is decided, and then, when you have it all sewn up, without the assistance of the Director of Mental Health Services/Professor of Psychiatric Services/Associate Professor

of Psychiatric Services, whichever it turns out to be, you get all these things together and then invite the chief advisory body, the Mental Health Advisory Council, along to the launch. You say, "Thank you, everybody, for coming along today. I am so pleased to see you. I am so happy to make this announcement - - -

MR SPEAKER: Relevance!

MR BERRY: "My special thanks go to the Mental Health Advisory Council, who have not had a chance to advise me on any of these matters because I did not tell them that it was going to happen". That is the sort of behaviour that upsets the community of carers and people dependent on these services out there in the community. Mr Speaker, it is clear that this Government had no intention of living up to its promise to be open and consultative on these issues. It is clear that Mrs Carnell has not been competent in the management of the provision of psychiatric services in the ACT. I think her inability to deal with psychiatrists who work within our public system has demonstrated to the community that she should have nothing to do with the provision of these sorts of services. It must be more than a year since Mrs Carnell put us on the merry-go-round of one director of mental health services a month. What a joke!

MR SPEAKER: Relevance!

MR BERRY: It is pretty relevant. We get a new director of mental health services every month. We will have 12 by the time she has finished. Mr Speaker, I think this statement is a shallow move by a Chief Minister distressed about what an inquiry might report, probably this week, in relation to mental health services in the ACT. But what it does do, Mr Speaker, is expose this Chief Minister for what she is when it comes to the provision of services. Mr Speaker, I have outlined some very important areas of mental health services. They are the key personnel who have not been appointed; the arrogance of the Government so far as its consultation with the community is concerned and in particular with the Mental Health Advisory Council; and the overdue nature of the review of the Mental Health (Treatment and Care) Act. There are many things wrong in mental health services in the Territory that Mrs Carnell has not dared to touch on because they are so embarrassing. I repeat my earlier comments in relation to this particular statement: I think it was intended to pre-empt what the committee of inquiry is about to announce and I think it was a rude and calculated move.

MS TUCKER (4.15): I do not really want to respond to this statement at this point, because I think I would be pre-empting the report that I will be tabling on Thursday.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.16), in reply: Mr Speaker, Mr Berry continues to amaze me on these issues. He believes that the statutory position of Director of Mental Health Services is somehow a treatment position, somebody who actually treats patients or provides services. The position does not do any of those things as a statutory position. Mr Speaker, we do have a Director of Mental Health Services. It is Richard Clarke. Yes, he is a psychologist; but he is also an extremely competent person, who I believe has done a very good job in the *Moving Ahead* statement. He came from New South Wales. He was a very capable director of a mental health region there.

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Mr Speaker, yes, it is very difficult to get a professor of mental health; but Mr Berry was wrong again. If he knew anything, he would know that we do not actually appoint to the professorial positions. That is done by Sydney University, part of our clinical school. It is not done by the Government at all, Mr Speaker. The decision on who gets the job is not one that comes anywhere near my office, because it is done by the board of the University of Sydney. Again, if Mr Berry knew anything - - -

Mr Berry: And the Government has nothing to do with that? It is not even consulted?

MRS CARNELL: No, it is not even consulted. It is not even consulted about the people that are on the list. It is done by the board. You actually signed the agreements on the clinical school, so you should know how it is done. Mr Speaker, I understand that where they are up to with that particular position is that they have now gone to a head-hunter in the area to look around Australia and overseas for someone to fill the professorial position in this area. There are simply very few people in Australia who are qualified to be professors of psychiatry at a clinical school such as the ACT's. I am sure that nobody would want Sydney University to accept just anybody. I am sure that they are looking for somebody who is very good, Mr Speaker.

I come back to the work that Richard Clarke has done in areas such as the 24-hour crisis service. When we came to government, Mr Speaker, there were eight or nine fewer positions there. It was a crisis service operating without any computerisation - on a card system. So, there was no capacity for the system to actually access out-of-hours information about the patients. The people in our Mental Health Service should be congratulated for the moves they have made in this area and a number of other areas. They should be congratulated, Mr Speaker, not put down, as Mr Berry just did, as if they had done nothing. I think they have made an enormous change over the last 18 months or so. You can ask anybody who is operating in that area about the enormous step forward in such things as the improved range of residential options for people with mental health problems and the capacity to maintain people in their own homes rather than having to access critical care beds - all sorts of areas such as those. Mr Speaker, we are in no way saying that we have finished the implementation of *Moving Ahead*. We have not, but we are well on the way. I think Richard Clarke and his team should be congratulated.

MR BERRY (Leader of the Opposition): Pursuant to standing order 47, I seek to be heard again.

Mrs Carnell: Only if it is a personal explanation.

MR SPEAKER: Is it a personal explanation?

MR BERRY: No. I might explain standing order 47 to you.

MR SPEAKER: Standing order 47 states, in part, that a member "may again be heard to explain where some material part of that Member's speech has been misquoted or misunderstood". That refers to your speaking, Mr Berry.

MR BERRY: Indeed. Mr Speaker, the first thing that Mrs Carnell said was that I had put down staff in the Mental Health Service.

Mrs Carnell: Mr Speaker, on a point of order: Mr Berry can explain himself, but he cannot explain me.

MR SPEAKER: That is correct.

MR BERRY: Mr Speaker, Mrs Carnell has misinterpreted what I said in relation to staff in the Mental Health Service.

MR SPEAKER: Go on.

MR BERRY: Her interpretation describes me as putting down staff in the Mental Health Service, which, of course, is completely untrue. I have not put staff down.

Mrs Carnell: You said that there was no Director of Mental Health Services. There is. It is Richard Clarke.

MR BERRY: Mrs Carnell interjects as I speak. She said that I said that there was no Director of Mental Health Services and she said, "There is. It is Richard Clarke". The fact of the matter is that that is incorrect.

Mrs Carnell: It is not incorrect.

MR BERRY: It is incorrect, because Mr Clarke is not the Director of Mental - - -

Mrs Carnell: Of Mental Health Services; he is.

MR BERRY: He is not the Director of Mental Health Services. The Director of Mental Health - - -

Mrs Carnell: No, I did not say that.

MR BERRY: Mrs Carnell said that the Director of Mental Health Services does not provide treatment.

MR SPEAKER: Mr Berry, we are not interested in what Mrs Carnell said, under standing order 47. You have to quote where you have been misquoted or misunderstood. Do not push your luck.

MR BERRY: Mr Speaker, let me read to you the function of the Director of Mental Health Services.

Mrs Carnell: Mr Speaker, on a point of order: That has nothing to do with any explanation. Mr Berry has to quote the areas where he was misquoted or misunderstood.

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MR SPEAKER: You have the opportunity to explain where you have been misquoted or misunderstood. I repeat: Do not push your luck.

MR BERRY: Mr Speaker, Mrs Carnell said that there was a Director of Mental Health Services and was referring to the speech that I made. The Mental Health (Treatment and Care) Act makes it clear that there has to be a Director of Mental Health Services appointed by the Government and that the person must be a psychiatrist.

Mr Kaine: On a point of order, Mr Speaker: Mr Berry is out of order.

MR SPEAKER: I uphold the point of order. Mr Berry, I think, is now finished with his explanation.

Question resolved in the affirmative.

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence for today, Tuesday, 23 September 1997, be given to Ms Horodny.

SERVICES AND FUNDING FOR OLDER PEOPLE **Discussion of Matter of Public Importance**

MR SPEAKER: I have received a letter from Ms Reilly proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The importance of maintaining services and funding for all older people in the ACT community.

MS REILLY (4.23): Mr Speaker, I thought it important that we discuss services and funding for older people today because today is the national day of action for older Australians. People have come from all over Australia to go to the Federal Parliament to talk about funding. I think it is important that we recognise and acknowledge the important role played by older Australians and the contribution that they make to our community.

We need to go beyond the platitudes about respecting older people in our community and make sure that our words are matched by actions. Older people are more than a statistic to be used to indicate how many there are and how old they are, and they are more than just a photo opportunity as often happens in Seniors Week, which is next week in the ACT. Older people are not all just sick and frail and using lots of our money, which seems to be the attitude at times, and they do not always need our sympathy,

because some older people are important, active, contributing members of our community. In some cases they may have reduced incomes that can cause problems, and some of them may need different and appropriate services to assist them to live valuable and active lives in our community.

The problem at the moment is that government policies are not acknowledging the diversity and needs of older people in our community. The impacts of conservative policies from the ACT and national governments are eroding the lifestyles, the incomes and the conditions of older people in our community. As I mentioned earlier today, older Australians were forced to take direct action by coming to Canberra by bus - they had to come by bus; they cannot afford to fly in and fly out, like some of our politicians - to bring to the attention of the Federal Government the cuts to the Australian Pensioners and Superannuants Federation. We are talking about an amount of \$290,000. This would be less than the cost of upkeep for John Howard's empty Lodge in Canberra, but these funds have been cut.

The APSF has been an important advocate and lobbying organisation for older people throughout Australia. It has been particularly important in helping those on low incomes to get their message across. These are some of the impacts of the changes in government policy. Pensioners with little or no extra income have been hit by higher medicine costs, reduced rent assistance for sharers and the removal of public dental services, and older unemployed have been hit by the inclusion of superannuation assets held by those on income support and over 55 but under the pension age. The new nursing home rules will also mean less choice for older Australians with fewer resources.

The APSF has been important in bringing out the impacts on people on lower incomes. One can only ask: Has its funding been cut because the Federal Government has been concerned about how effective it has been in getting its message across? It has been highlighting all the losses being experienced by older Australians across the country, including the ACT. The APSF has mentioned quite a number of changes - things like the changes to the social security deeming rate, the introduction of the nursing home accommodation bond, higher fees for nursing homes and hostel residents, higher fees for home and community care services such as Meals on Wheels, cuts to public housing, the cost of pensioner prescriptions, and the abolition of the Commonwealth's dental health program - one we know about here. The bonus for those who defer taking up their pension does not help people on lower incomes. These are a number of the impacts that have affected older Australians in the ACT and in the rest of Australia.

You cannot dismiss these things by just merely saying these are the Federal Government's cuts, because these affect income here and affect access to services here in the same way as in the rest of Australia. The ACT has more than 22,000 people who are over the age of 65 years. This group is growing as the ACT is becoming an ageing population, similar to other communities in Australia. It also has an increasing group of people who are over the age of 80. Why are these people now being forced to worry about their future?

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They are worrying about whether there will be health services, and whether there will be health services they can afford. They are worrying about whether they will be able to afford to stay on in their own homes. They are looking at their rates bills that are coming out now and worrying about how to pay their rates and to pay their heating bills. Heating is an important aspect of life for ACT people. For older people who are home more, the cost of heating bills is an issue that is coming up more and more at this time of the year.

Older people are wondering whether the support services will keep pace with their need. In an election promise in 1995 this Liberal Government said they would adequately resource home-based support services for Canberra's ageing by maintaining HACC funding in real terms. What an easy cop-out - to talk about maintaining HACC funding in real terms. They have no idea how much HACC services are needed. It is impossible to talk about meeting the needs of people requiring assistance at home when there has been no needs assessment undertaken to quantify the outstanding need in our community. There is no point in merely talking about dollars; you must look at what need there is. Talk to any service providing HACC services at the moment and they will tell you they are getting more and more requests for services, but the Government still maintains a dollar basis for looking at that.

Further, in the election promises set out in the Liberal Party's documents in 1995 they stated that they would help the Handyhelp program by restoring indexation to their funding. I would have thought an increase in 1996 of 0.68 per cent was lower than the CPI. This also does not take into account increasing costs across the board or the increasing number of requests. If you talk to the people of Handyhelp they will tell you how busy they have been. It is a wonderful service. A possibly unintended consequence for this organisation and for many other older people in the community was the introduction of tip fees. It put up the cost of this organisation's work and the fees charged by many rubbish removal companies. Costs continue to rise, but there has been no increase in income support and no additional assistance. Services are not being maintained and people are being left in distress, wondering what can happen to them. It is hard to believe that services are being maintained at a needs level when people who received housekeeping services previously have told me that their hours have been cut.

Another thing that is causing great distress in the ACT community at this time is the changes in the Aged Care Act. I remind you of an election promise by those opposite in 1995. They were going to construct two new nursing homes, each of 80-bed capacity, in partnership with the not for profit sector, at Belconnen and Tuggeranong. These facilities were to be funded by the sale of Jindalee Nursing Home at Narrabundah. People are wondering how they can access nursing home services in the ACT. They are wondering whether they can afford them. They are wondering what the impact is going to be if they have to sell their home. They are wondering whether they will be able to afford the additional cost put into place by the Federal Liberals, with no protest from the ACT Liberals. No beds have been provided, as promised. There will be 60 beds opening in Belconnen soon, but I cannot believe that they have been funded by selling off Upper Jindalee. Upper Jindalee was sold at rock-bottom prices. For \$250,000, all of those beds were sold. How did you get a new home in Belconnen for \$250,000?

I am sure that many people would be interested in how you could put up a new nursing home for that price. There was no way that that was being covered. There is no way that the construction of a new home in Belconnen has been covered by the sale of Upper Jindalee. It was basically given away. People wanting nursing home beds found that the nursing home beds that were here in the ACT were sold for rock-bottom prices, with the company not being required to do the work that was supposed to be undertaken by them. Because of the delays with that project and the delay in providing additional beds for younger people with a disability, more people in the ACT were kept out of nursing homes.

Also, more people were kept out of getting access to appropriate and affordable housing. That was one of the issues that were being taken up by this new Liberal Government. Again, all the people have been ignored. The waiting lists for APUs across the Canberra area have continued to grow, even in the six months from June 1996 to January 1997. In one area the waiting time went from 43 months to 49 months. In the next area it went from 48 months to 55 months. In another area it went from 36 months to 45 months. In another area it went from 75 months to 86 months. All of these people wanting to get into affordable aged persons units are waiting for more than four years. I am talking about people who are older, people who are over the age of 60, who wish to settle in housing in which they can feel secure and safe. They have to wait for that length of time.

In some cases these people are in ACT Housing and have felt pressure to move. Some of those will find that they can afford the housing they are in. But a number of people are living in rented accommodation and are in considerable housing stress, waiting while this Government dithers around about deciding whether it will construct any more APUs. I am sure they will tell us about what they are going to do this year, but this is a considerable lag for those people waiting on the lists and for those people living in rented accommodation and wondering how they can afford to live, to eat and to heat their homes. It is too little too late. I know one woman who lived in an unheated garage last year because she could not afford any other accommodation. The Government was going to solve the planning problem and construct more APUs, but it took more money out of the budget for the construction of new housing in the ACT. Also, it has done nothing to resolve the issues around planning in order to ensure that you can build a number of units on any particular site. The APU policy, as it is, is excellent; but when no-one does anything to build more APUs people suffer because they live in considerable discomfort, stress and emotional upset.

A whole range of other issues affect older people living in the ACT. I am sure a number of home owners thought they were safe. They owned their own homes. But they have found, particularly those on low incomes or on fixed incomes - this is a particular issue in the ACT, considering the number of self-funded retirees we have - that they also have been under attack by this Liberal Government in the Territory because the concessions on rates have changed quite radically. They found that their new rates had increased quite considerably and they also found that the concessions have been cut. Now there is a flat rate of \$250 for those coming onto this scheme. A number of people who are working

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and who are over the age of 60 are wondering where they are going to live in the future because the rates bill is going to ensure that they will have to move out of the home where they have brought up their children, move away from their support networks and friends in areas where some have lived for many, many years. Is this the way to treat people who have made a valuable contribution to our community?

Of course, if you are an older person and you need to use the bus service, the Liberals promised a number of wonderful changes. They talked about introducing a new type of bus. We are still waiting for it. But, even if they introduce the new buses so that it is easier for older people to get on and off, the cuts to the bus routes mean that most old people have considerable difficulty in being able to use the bus transport system to get around and to participate in a number of community activities. This is causing a number of difficulties for people across the suburbs. I am sure we have all had constituents coming to us asking whether the bus service can be improved. The older people out at Belconnen asked for the bus service to be improved so that they could get to the shops, so that they could bring their shopping home and so that they could attend some social activities. It was quite heart-rending. There are stories of older women trying to take their shopping home and being in tears because they could not carry it to their home from where the bus stop had moved to. These are the issues that need to be thought about. There is no point in having brand-new buses if people cannot use them. We need to listen to the older people in the ACT.

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): Order! The member's time has expired.

MS REILLY: I seek an extension of time.

Mr Kaine: No. This is a matter of public importance.

MR TEMPORARY DEPUTY SPEAKER: We had this debate last week. Leave has been refused.

Leave not granted.

MS REILLY: Can we have a vote on whether I can have an extension of time, Mr Temporary Deputy Speaker?

MR TEMPORARY DEPUTY SPEAKER: You can move that you be granted an extension of time.

MS REILLY: I move:

That Ms Reilly be granted an extension of time.

Question resolved in the affirmative.

MR TEMPORARY DEPUTY SPEAKER: I think the indulgence of the Assembly is based on the fact that there is not a long list of speakers lined up today.

MS REILLY: I will finish up quickly. I appreciate the indulgence of those across the way.

I think it is important that we listen to older people in the ACT community. There have been shameful acts in recent times by both of the Federal and Territory Liberal governments. To attack the quality of life for older Australians is disgraceful and outrageous. We are talking of people who have contributed mightily to both the Territory community and the Australian community. Some of these people are veterans of World War II or supporters of veterans of World War II, people who went through the Great Depression, people who often had no opportunity to accumulate large sums of money in superannuation - this is particularly true for women - so that they would be able to live in comfort when they were older. I am sure a number of them thought that, considering the contributions they had already made to the community, they would be looked after when they were older. Instead, they have been left uncertain as they have grown older. They have been left wondering whether they will get services so that they can live with some quality of life in our community and continue to contribute in a whole range of ways.

Previously, people were talking about what volunteers provide to our community. A number of organisations across the board would not be able to manage without the contribution of older volunteers to the work of those organisations. With respect to that work, and with respect to those people, we should be ensuring that there are services for those people at the times that they need them. People should not have to be begging or having to come to Canberra to ensure that they can get the services they need so that they can live in comfort and with some quality of life. I think it is disgraceful that we have cut the services to older people, and we need to look at what we are doing.

MR KAINE (Minister for Urban Services) (4.41): Mr Temporary Deputy Speaker, the Government totally supports the intent of this matter of public importance. We agree wholeheartedly about the importance of maintaining services and funding for older people in the ACT community. (*Quorum formed*) As I said, the Government totally supports the import of this matter of public importance and agrees wholeheartedly that the maintenance of services and funding for all older people in the ACT is of major importance. The Government is quite firm in its belief that older citizens are a rich community resource and is taking positive steps to ensure that we have the infrastructure in place to cater for the needs of those older people. We are committed to ensuring that appropriate services are developed to meet their needs.

We do not have to be reminded that in less than 10 years one in 12 Canberrans will be over the age of 65, or that by the year 2020 the proportion of the ACT's population over 65 will have increased to one in eight. We do what we can for the ageing who live in the ACT, just as we do for everybody else who lives here, and in connection with the ageing what we can do is quite considerable. I will deal first with health and community care. There is no doubt that for older people the need for good health care becomes an issue of increasing importance. The ACT and Commonwealth governments and the Division of General Practitioners are working together on the coordinated care trial project to test ways of improving health outcomes. From the data collected so far

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it appears that the majority of the participants on the trial will be aged people. Home and community care funding of \$300,000 was allocated in 1996-97 to support the initial phase of that coordinated care trial in the ACT, and the purpose of that trial is to improve coordination and enhance health outcomes for those involved in the trial.

In 1996-97 total funds available for the ACT home and community care program exceeded \$9m. In 1997-98 the funding has been increased by just over \$1m to \$10.012m - an increase of over 10 per cent, which I believe is evidence of our commitment. HACC initiatives in 1996-97 included funding of \$87,000 to expand the role of the Health Complaints Commissioner to enable investigation of complaints concerning providers of services to the aged and the disabled; funding of \$100,000 to expand management services for high need clients; funding of \$267,959 to expand the range of in-home support services available through the HACC program; funding of \$25,000 to review special care transport services and the ACT taxi subsidy scheme; and funding of \$30,000 to develop a quality assurance framework for the HACC program in the ACT.

The Government has focused its attention on the safety and wellbeing of the frail aged and members of our community who live alone. We funded the Australian Red Cross for about \$100,000 to establish a personal alert system which is available on loan to eligible households at a nominal rental. This system of voice activated personal alarms provides very accessible contact 24 hours a day, 365 days a year. We have provided funding of \$6,000 for heating for a senior citizens club centre, and we have provided \$3,000 to print a directory of services for aged people to facilitate access to all of the services that are available to them.

The Government is also aware that appropriate services need to be developed for potentially marginalised groups within the elderly community, particularly the elderly of culturally and linguistically diverse backgrounds. Mindful of this, the Government provided for the following services in the last HACC funding allocation: The Australian-Finnish rest home has received HACC funding of \$12,000 to complete the support services for older frail people from the Finnish community; the Canberra Institute of Technology has received funding for an ethnic liaison officer who will consult with all HACC services to determine the number of non-English-speaking clients accessing services; and the Migrant Resource Centre has received HACC funding to work with agencies implementing access and equity guidelines and protocols which will, of course, apply to ageing people.

Mr Temporary Deputy Speaker, members will be aware that a convalescent ward is to be established by this coming Christmas-New Year period at the Canberra Hospital to improve post-operative care and discharge planning. A significant number of the patients of this ward are expected to be older people. The refurbished aged care unit at the Canberra Hospital has been upgraded, at a cost of \$1.32m, to a 22-bed ward which has an innovative design capable of delivering state-of-the-art acute medical care for the elderly, geriatric rehabilitation, and a unit specifically designed for the management of dementia and difficult behaviour in the elderly.

Apart from these activities on the local scene, the ACT has been strongly represented at a series of Health Ministers forums where we welcome the opportunity to shape and drive reforms at a national level. We have participated in a review of a discussion paper titled "Bridging the Gap - Towards more Integrated Aged Care". This will lead to opportunities to negotiate specific reforms with the Commonwealth. We have been involved in consideration of a report of the Healthy Ageing Task Force, which was established in October 1996 to develop a national healthy ageing strategy as well as to develop a coordinated approach to the celebration of the International Year of Older Persons in 1999 and oversee the activities of the Australian seniors tourism scheme.

We have given consideration to the framework for the renegotiation of the new Australian health care agreement to replace the Medicare agreements after they expire in the middle of next year. The ACT also joined with other States and Territories to express concerns regarding the Commonwealth's Aged Care Bill 1997. This Act will impose significant changes to the aged care system and there is considerable concern that these changes will not have reference to the impact on related parts of the system, including community care, hospitals, housing and guardianship. Health Ministers resolved that States and Territories should be involved in a proposed Commonwealth review of the Act. It was agreed that this review should, in addition to Commonwealth requirements, monitor and review the impact of this Act on all States' and Territories' services.

In the area of education, while it is clear that considerable attention has been paid to ensuring the health of older people, it is also important that we focus upon their other needs, including welfare, education and recreational needs. In the field of general relief for older people, I think our record is a good one. The Government has maintained the level of concessions available to older people in the ACT community in receipt of a government pension or benefit in the 1997-98 budget. There is concessional bus travel on all ACTION buses and on Deane's Buslines. There is a subsidy for spectacles or contact lenses of \$20 per prescription. There is a concession on motor vehicle registration - a 50 per cent concession available on the registration of one motor vehicle. There is a concession on motor vehicle drivers licences - a 50 per cent concession on the cost of that licence. There are concessions on water and sewerage rates - a rebate up to a maximum of 65 per cent each year. There is a rebate on electricity charges to a maximum of \$133.70 per year. There is a rebate on electricity charges relating to a life support system to a maximum of \$94.16 a year, and there is a general rates rebate of 50 per cent for existing pensioners and \$250 or 50 per cent, whichever is the less, for new pensioners from 1 July 1997. Mr Temporary Deputy Speaker, these are quite considerable in their total.

The community services grants program funds two services which directly support the needs of aged people in the ACT. They are the ACT Council on the Ageing, which receives a \$10,000 grant, and the Canberra Pensioners Social and Recreation Club, which receives an operational assistance grant of \$1,500. In addition, the program funds a wide range of services which meet the needs of older people in the ACT. The seven regional community centres provide a range of programs, facilities and services, such as volunteer assistance programs, friendship and activity groups, home visiting programs, meeting facilities and education courses. Ten ethnic organisations have received funding in 1997-98, with a specific focus on communicating to members of ethnic communities,

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including aged people, the range of community services available in the ACT and how these can be accessed. The Volunteer Centre is funded for a volunteer training and education program, and such groups as the Smith Family, the Society of St Vincent de Paul and the Salvation Army receive funding to support their emergency welfare assistance programs which are accessed by older ageing people.

In the area of adult and community education, the lifelong learning needs of older people are addressed in the policy on adult and community education which the Government released on 1 September this year. Older people are among the designated groups which the policy specifically targets. In addition, older people have ready access to vocational education and training opportunities at the Institute of Technology, and 5 per cent of all enrolments in 1996 were of people aged over 50. Older people are also represented on the ACT Advisory Council on Adult and Community Education which the Government established in December 1996. The Government receives advice through the advisory council on the learning needs of older people and other designated groups. It has also developed productive links with the University of the Third Age, the organisation which is most prominent in meeting the learning needs of older citizens and which has a representative on the advisory council.

The Government also runs Adult Learners Week, in which older people play a prominent part. For example, during ALW this year, from 1 to 6 September, the University of the Third Age was a member of the ALW Coalition which organised the week's events. U3A also participated in the ALW conference and made a presentation on its activities during the Canberra Adult Learning Programs seminar. The Government is currently considering proposals developed by the advisory council that have increased the vocational educational and training funds earmarked for the adult and community education sector, and such funds will be directed towards programs targeting the priority designated groups, among whom older people are prominent.

The Department of Education and Training has a range of government-owned community facilities within the ACT which provide a variety of services and opportunities for activities for the aged. Such facilities include the Hughes Community Centre, McGregor Hall, and regional community centres such as the Tuggeranong, Weston Creek and Belconnen community centres. There is also opportunity, as required, for older community members to access space in school facilities. Older people play an important role in our schools, particularly at the primary school level. Many schools have programs that enable older members of the community to participate in the education of our children. They help students in reading and they share with them special interest areas such as music, crafts and history. (*Extension of time granted*) I thank members. Some schools have grandparents days and they are invited to participate in the school's activities. The benefits of this are twofold: The students are enriched by the knowledge of the older people and, most importantly, both parties develop a rapport and understanding of each other's world. This helps in understanding the value of all roles in the community.

Older citizens are important clients of the ACT Library Service. While older people make up less than 10 per cent of the libraries' membership, they are among the heaviest users of the service, accounting for a fifth of all loans. In addition to the regular library collection, the ACT Library Service has an impressive collection of large print books and a growing

collection of audio books. These special collections are important for older citizens who, our statistics show, are enthusiastic users. A mobile library service operates throughout Canberra to provide good service to those older citizens who find it difficult or impossible to visit the libraries. The mobile library visits hostels and retirement villages once every fortnight.

In terms of public transport, in June of this year I tabled in the Assembly the Graham report on the review of ACTION services. Among other things, the Graham report recommended that a second tier of services be introduced to suit older citizens and other customers who require minimum walking distances to and from the bus, perhaps due to a physical disability that makes walking difficult, extra time to get on and off the bus, and services that take them close to regularly frequented destinations, including shopping centres, medical centres, public libraries, senior citizens centres and clubs. The Government has accepted the recommendations of that report and work is under way to implement its major recommendations.

I am pleased to report that a number of community routes of the style described above are already in operation. Ms Reilly might listen to this. In Belconnen, routes 414 and 415 provide services between the retirement villages in Page and the Florey Medical Centre and the Belconnen Town Centre. Route 416 provides a service between Charnwood, Fraser, Macgregor and the Kippax centre. ACTION also operates route 306 between the city bus interchange and the Turner Senior Citizens Centre, and route 206 between the Woden bus interchange and the Woden Senior Citizens Centre. Perhaps this is all news to Ms Reilly.

The Government recognises that older citizens have special needs when using bus services. The Government has agreed to a bus replacement program that will see the progressive replacement of older style buses with a new low floor fully accessible fleet. ACTION already has 10 low floor buses in service and another seven being prepared for service. These buses comply with the draft disability standards for accessible public transport and will assist many in the community, including the aged and those with limited mobility.

In addition, every ACTION bus has priority seating for seniors close to the front of the bus. The Government recognises that older passengers using public transport must not only be safe, they must feel safe. That is the reason why the Government has taken up the comments of the Graham report in relation to interchanges. ACTION is now considering the future arrangements for interchanges and favours on-street locations like the city interchange, where nearby shops and businesses generate pedestrian traffic and make passengers feel safer.

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER: Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

Mrs Carnell: I require the question to be put forthwith without debate.

Question resolved in the negative.

SERVICES AND FUNDING FOR OLDER PEOPLE Discussion of Matter of Public Importance

Debate resumed.

MR KAINE: In terms of other transport, the Government has agreed to a two-year trial of high occupancy maxi taxis provided by Aerial Taxis. This increases the flexibility of the overall taxi fleet, and it has the potential to provide groups of older citizens with an alternative form of door-to-door transport at a very competitive fare. Legislation passed by this Assembly only this morning enhanced parking arrangements for persons with disabilities, and this includes many of the ageing. This legislation formalises existing parking practices that provide real benefits to many older citizens.

In housing - this is a point that Ms Reilly made much of - since March 1993, out of the 461 new housing units provided by ACT Housing, 46 have been aged persons units. APUs now amount to about one-tenth of the total public housing portfolio. In its provisions of APUs the aim of ACT Housing has been to meet the changing needs of older Canberrans. They provide purpose designed units in various parts of Canberra. Units are designed for the safety and amenity of tenants. They are located at a maximum distance of 400 metres from shopping and service facilities. So it simply is not true to say that the Government is not doing something to satisfy this need. As part of the 1997-98 budget ACT Housing is providing \$50,000 to assist the Council on the Ageing with the appointment of a housing options adviser. The adviser will be responsible for collecting and distributing housing information to older persons, advising older people of the range of housing options available to them and letting them know of the broad financial options and specific financial advice available to them, and providing advocacy services to older citizens.

Mr Temporary Deputy Speaker, a recent joint initiative between government agencies and the Council on the Ageing is a community liaison advisory program known by its acronym of CLASP. A survey of the elderly conducted by the Council on the Ageing in 1996 indicated that the elderly had some concerns about their personal safety in and around their homes. In conjunction with the ACT Fire Brigade, the Australian Federal Police and the ACT Ambulance Service, a program was developed and directed towards identifying

the problems and helping older people reduce the risks around their homes. The program still has six months to run before completion of the 12 months' trial. The success of the program to date would seem to indicate an ongoing need for it to continue with the emergency services involved.

Mr Temporary Deputy Speaker, the challenge for me in speaking to you this afternoon has been to select from the wide range of services which this Government funds and maintains for older people in the ACT community. The Government has welcomed the opportunity that this matter of public importance has provided to remind the Assembly of just some of them. I am sure that members will appreciate the range of initiatives that we have taken, which we are in the process of taking, and which we have supported in conjunction with the Commonwealth. The resounding message is that this Government holds older people in our community in the highest esteem. We are committed to maintaining services and funding for this important group of older people who have the capacity to make major contributions to the wellbeing of society at all levels, not only today but every day. I reiterate that the Government sees the older community as being an important part of our community, one that has unique needs and one on which we spend a great deal of time and money attempting to identify and to provide the facilities that are required. It is simply untrue to even suggest that the Government places a low priority on the needs of these people.

MS TUCKER (5.05): Mr Temporary Deputy Speaker, I am delighted to talk on this matter of public importance, "The importance of maintaining services and funding for all older people in the ACT community". There are over 22,000 people over the age of 65 in Canberra today. By 2010 there will be about 38,500, or 11 per cent of the population, and this will double to 22 per cent by 2040. Ageing of the population, and increasing numbers of older people requiring assistance, is accompanied by a shrinking revenue base available through the taxation system, so we do have an issue that we need to be thinking about.

It would be a great tragedy in a way if, as a community, we were not able to address the needs of our older citizens. It is a time when people can become very vulnerable. It is a very bad indication of how civilised a society is, I believe, if it is leaving its older people to manage under difficult circumstances without giving them support. Surely at this time of life people do deserve to be supported. I am not quite sure what the definition of "aged people" is or "older people" is in this matter of public importance. Mr Moore was saying before that he thought there was a definition about that if you are over 55 you are getting aged. I guess that could be possible for some 55-year-olds, but I have a sense that we are talking here about people older than that. The majority of people over 75, I understand, do rely on age pensions for income security, so there is a real issue about how we maintain that income security, particularly with the increasing prevalence of the user pays principle in the provision of aged care services. What we are seeing more and more is that you do have to pay for what you need. I think this is quite worrying if the pension is not keeping up with the costs of these things.

Eligibility criteria for welfare services are also becoming more stringent. Many older people who have been able to access services in the past are now excluded and forced to either do without or purchase a privately provided service at a high cost. This can place an enormous financial burden on older people. Also, older members of the community

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can suffer degenerative diseases such as dementia, and in that situation they are particularly needy. We do not necessarily see those needs being met at the moment. As I said, when you look at the way the number of people in our community who are older is increasing, that is also a matter of concern. It does need to be addressed and solutions need to be found to support these people in our community. Older people with a disability, other than just through old age, of course, are also very vulnerable. People with mental illness as they get older are extremely vulnerable, and that has been made quite clear to the Social Policy Committee in its work in looking at services related to mental illness.

I will not repeat what other members have said. I acknowledge what Mr Kaine has said about what the Government is doing on this issue, but I also acknowledge what Ms Reilly has said about services not meeting the need. I think it is something that is going to be requiring ongoing attention from governments in this place and from the community as a whole as well, because governments cannot do everything. I guess we, as a community, need to address how we accept and include older people amongst us, and we must continue to value the contribution that they make. Some of the political groupings that are forming now around older people, such as grey power and others - I do not know the names of them - are making that point very clearly. They have a lot to contribute in discussions about our community and the directions in which we should go. I would always want to see that those opinions are valued and that older people are included in the participative forums that we put together as members of the parliament and also more generally in the community. I would always want to see an open and welcoming approach to older people.

MR BERRY (Leader of the Opposition) (5.10): The first point I want to make in this debate about the importance of maintaining services and funding for all older people in the ACT community relates to a comment that was reported from Mrs Carnell in relation to the Prime Minister, Mr Howard. Mrs Carnell is on the public record on 28 August 1997 as saying she solidly supported his economic policies - that is, the policies of the Prime Minister, Mr Howard. There is no question about it that older Canberrans are doing it tough under the Liberals. I think the elderly deserve our respect, not the treatment that is being handed out to them. The decisions that John Howard has made negatively impact on elderly Canberrans, and I will list a few of them. Mr Howard introduced entry fees for nursing homes. Do you solidly support that economic policy?

Mrs Carnell: Mr Temporary Deputy Speaker, I would like Mr Berry to actually quote the - - -

MR TEMPORARY DEPUTY SPEAKER: Do you have a point of order?

Mrs Carnell: Yes, I do. I would like him to quote the second part of the sentence.

MR BERRY: That is not a point of order. Do you support that economic policy? He introduced entry fees for nursing homes. There is now no limit on what can be charged for entry into a nursing home. People needing a bed in a nursing home could be forced to pay more than \$88,000. Most people will have to sell their home.

Does Mrs Carnell solidly support that economic policy? Mr Howard imposed new income-tested daily fees for nursing homes on top of existing daily fees. This means that a resident on \$15,000 will have to pay an additional \$8.50 a day for nursing care. Does Mrs Carnell solidly support that economic policy? There are increased prescription charges. Four million concession card holders now pay 50c more for each prescription or \$3.20 per script.

Mrs Carnell: I do not like that one. That is a really bad one.

MR BERRY: Do you solidly support that economic policy?

Mrs Carnell: No; I hate that one. That one is especially bad.

MR BERRY: Mrs Carnell interjects, "That is a really bad one". It is a really bad one for poorer old people. It might not be too bad for people like you who are well off, Mrs Carnell, and it might not be bad for people like you who sell this stuff, but - - -

Mrs Carnell: No, no; it actually makes it worse for pharmacists. They actually lose lots of money out of that. That is why we think it is really bad.

MR BERRY: This is really bad, Mrs Carnell. It is really bad for the poor, old people who have to pay for it. The Howard Government cut spending on Australian Hearing Services. Now 30,000 Commonwealth seniors card holders are no longer eligible for free hearing aids. Mr Temporary Deputy Speaker, is this a solidly supported economic policy? Mr Howard slashed spending on home and community care services. Now older people who rely on Meals on Wheels, Home Help, or other home and community care have to pay for these essential services. Do you solidly support this economic policy, Mrs Carnell?

Mrs Carnell: It is a social policy.

MR BERRY: Mrs Carnell says that it is a social policy. So it is not a spending policy if you cut it and affect social policies; it is a social policy. It is a little bit like core promises and other promises, is it not? We change the complexion of them to suit the needs of the day. The fact of the matter is that this is an economic rationalist approach to social services. You say you support his economic policy, so you have to wear it. Mr Temporary Deputy Speaker, there are changed deeming amounts. Pensioners lose up to \$2 a fortnight now that the first \$2,000 in cash or deposits for a single person, or \$4,000 for a couple, is deemed. Is that an economic policy that you support, Mrs Carnell?

The decisions that Kate Carnell has made negatively impact on elderly Canberrans. There is a new debit tax on all bank withdrawals. That is a solid gift to the aged in the ACT, is it not? Of course that - - -

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Mrs Carnell: There is also a rebate. Are you going to talk about the rebate?

MR BERRY: Mrs Carnell talks about the rebate at the end of the year. You can get a rebate at the end of the year provided that you fill in all the paperwork and are able to access the service. Of course, Mrs Carnell does not want to talk about that. What a great idea! Hit them with a tax and teach them how they can get it back. "Hopefully, some will forget", says Mrs Carnell. The Liberals have introduced a tax on all withdrawals from a bank account with cheque facilities. This is despite a promise not to introduce any new taxes. Low-income people will be worse off with this new tax and older people will, of course, be affected adversely.

There is a rates hike for pensioners. Not only has the Liberals' rates mess seen many older Canberrans living in Canberra's inner suburbs pay a hike in rates this year; the Liberals have also cut the 50 per cent pensioner rates concession to \$250 for all new pensioners from 1 July 1997. What a great deal for pensioners!

Mrs Carnell: The first person to announce that was Rosemary Follett.

Mrs Littlewood: Yes. Spot on!

MR BERRY: Hang your head in shame, both of you. This extra cost may force many older Canberrans living in inner suburbs out of their family home.

Mrs Carnell: If they are pensioners they get - - -

MR BERRY: The free dental scheme was abolished. The Carnell Liberal Government forced - - -

MR TEMPORARY DEPUTY SPEAKER: Order! I understand that the Government is trying to reduce the number of interjections.

MR BERRY: Mr Temporary Deputy Speaker, the Carnell Liberal Government joined their Federal counterparts in their refusal to assist elderly low-income people with their dental needs. They abolished the free dental scheme that pensioners have enjoyed for many years in the ACT. Now the elderly will have to pay up-front fees. Is that a fair deal for pensioners, Mrs Carnell?

Mrs Carnell: Yes. It is better than doing nothing.

MR BERRY: I think not. Is that a fair deal for pensioners, Mrs Littlewood? I think not. Hang your heads in shame. The free spectacle scheme was abolished. Is this a good idea, Mrs Carnell? Kate Carnell has also abolished the ACT spectacle scheme which gave pensioners a free pair of spectacles each year. Now pensioners have to find the money for spectacles out of their small pension.

These are the actions of an ACT Liberal government in support of John Howard and his attacks on older Canberrans as well. There have been electricity, water and sewerage price changes. ACTEW has changed its pricing structure, which has seen many pensioners pay more for their electricity and water. This makes winter bitterly cold.

Does that make you feel good, Mrs Carnell? It certainly does not make the pensioners feel good. Vehicle registration fees have risen for pensioners. The Liberals have cut the pensioner concession on vehicle registration. Under Labor, pensioners received concessions on the registration of a vehicle, trailer and caravan. Under the Liberals, the concession has been cut to one item only.

Mrs Carnell: One car.

MR BERRY: One item only. Pensioners will now have to pay the same as everyone else for their trailer and caravan. To top this off, third-party premiums have also risen by 20 per cent. Mrs Carnell interjects, "One car". Before, they could get one car, one trailer, and one caravan; but under the Liberals they lose the concession. Is that something that demonstrates a government that cares about the services which go to our older community and that shows respect for the older people in our community? I think not, Mr Temporary Deputy Speaker. There are cuts to ACT libraries. Older Canberrans rely on their local library. Not only have mobile libraries been cut, but budget cuts to the ACT Library Service have seen purchasing fall and overdue fines increased.

Mr Temporary Deputy Speaker, the situation is very clear when you have a look at the record. John Howard introduced entry fees for nursing homes, John Howard imposed new income-tested daily fees for nursing homes on top of existing daily fees, John Howard increased prescription charges, John Howard cut spending on Australian Hearing Services, John Howard slashed spending on home and community services, John Howard changed deeming accounts, and Mrs Carnell solidly supported his economic policies. Mrs Carnell introduced the new debit tax on all bank withdrawals, hit pensioners with a rates hike, abolished the free dental scheme, abolished the free spectacles scheme, put up electricity, water and sewerage prices, put up vehicle registrations for pensioners and made cuts to ACT libraries. Mr Temporary Deputy Speaker, the Liberals should not even rise in this debate. They should be ashamed.

MRS CARNELL (Chief Minister) (5.20): Mr Temporary Deputy Speaker, it is very unfortunate that Mr Berry always feels a need to make comments in this house that may not strictly be the truth. The comment that I made about Mr Howard's economic policy is true. I do not believe we should spend money we do not have. The second part of that - - -

Mr Berry: Mr Temporary Deputy Speaker, I think Mrs Carnell imputed that I may have misled the house, and I would ask her to withdraw that.

MRS CARNELL: If there was any indication of that, of course I withdraw it. That is not what I said, and it is certainly not what I meant. Mr Temporary Deputy Speaker, the second part of that sentence was, "but Mr Howard and I have very definite disagreements in areas of social policy", and we do. I think a number of the things the Howard Government has done in the social policy area are totally unacceptable. But, again, this side of the house does not believe that any government should run up a huge debt that we should leave to our children.

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In terms of the ageing in our community, of course the ageing in our community are enormously important, Mr Temporary Deputy Speaker. Mr Kaine made very clear all the areas that we have addressed. We have addressed the issues brought to us by COTA. In fact, the debits tax that Mr Berry was raving on about was discussed at length with COTA and they were very pleased that we had decided to bring in a rebate system, unlike any other State apart from Tasmania.

Mr Berry: They would rather not have the tax.

MRS CARNELL: It is interesting that Mr Berry says that. The debits tax was put to us by ACTCOSS because they believed that it was important to broaden the tax base in the ACT if we were to have an equitable society. In fact, the Greens have regularly made that comment too, as have others who are willing to be at least a little bit fair about the ACT - that a broader tax base in the ACT is absolutely essential.

The fact is that Mr Berry forgot to make the comment that the FID tax was reduced by 40 per cent, and then we introduced a BAD tax at the same rate as New South Wales. This was done, as those in this Assembly who are in any way interested would know, to avoid a number of things, one of the major ones being, shall we say, a misuse of our taxes in this area - in other words, companies, particularly large companies, withdrawing in the ACT and depositing in other States. In other words, we needed to ensure that the revenue base for the ACT was protected so that we could spend it on social services.

MR TEMPORARY DEPUTY SPEAKER: Order! The time for the discussion has now expired.

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1997

Debate resumed from 28 August 1997, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (5.23): Labor will be supporting this Bill. Fundamentally, it provides for a concessional rate of stamp duty on asset transfers following the breakdown of domestic relationships or where superannuation funds and pooled superannuation trusts are required to comply with Commonwealth legislation which requires them to broaden investment portfolios to reduce the risk from inadequate diversification.

I think there are some interesting points that need to be made in this debate. The Stamp Duties and Taxes Act describes "spouse" as follows:

"spouse", in relation to a person, includes a person who lives with the first-mentioned person as his or her spouse, although not legally married to him or her, on a bona fide domestic basis, and has so lived for a continuous period of not less than 2 years;

A range of domestic relationships may not meet that definition, and the Stamp Duties and Taxes (Amendment) Bill properly draws attention to the following definition of “domestic relationship” in the Domestic Relationships Act:

“domestic relationship” means a personal relationship (other than a legal marriage) between 2 adults in which 1 provides personal or financial commitment and support of a domestic nature for the material benefit of the other, and includes a de facto marriage;

By including in Schedule 1 of the Stamp Duties and Taxes Act a reference to the Domestic Relationships Act, the Bill quite appropriately widens the definition of domestic relationships so that people in other types of domestic relationships can properly qualify for tax relief on asset transfers which result from a breakdown of such relationships.

The Stamp Duties and Taxes (Amendment) Bill sets out to amend Schedule 1 of the principal Act so as to ensure that those wider domestic relationships are recognised in the original legislation. Let me paint a little picture of what Schedule 1 describes. Schedule 1 deals with conveyances attracting the prescribed stamp duty. I should explain that the prescribed stamp duty is described in the principal Act as follows:

Stamp duty of \$20 is payable on an instrument in respect of a conveyance of a kind specified in Schedule 1.

Schedule 1 lists a range of conveyances which attract the prescribed duty and do not therefore attract the larger duty that might well be payable for a range of other commercial transfers. I will just paint a small picture of those, rather than quote all of them. Schedule 1 states:

A conveyance:

- (a) of a Crown lease to the Territory or the Commonwealth;
- (b) by which an estate or interest in land is transferred:
 - (i) by way of mortgage (otherwise than under the *Real Property Act 1925*) where an instrument constituting or evidencing the mortgage has been duly stamped, or where no stamp duty is payable on such an instrument;
 - (ii) by way of discharge of mortgage; or
 - (iii) consequent on the death, bankruptcy or insolvency of the holder of the estate or interest;
- (c) of land on a sale by the Defence Service Homes Corporation pursuant to the *Defence Service Homes Act 1918* of the Commonwealth;

It also talks about this issue of a spouse, among many other areas where relief is provided for. I will go to that issue. The Schedule states:

... by a person to his or her spouse of an interest in property that is, at the date of the conveyance, used as their principal place of residence, if the conveyance results in the interest in the property being held by the spouses as -

That takes me back to the issue that I raised earlier. The definition of a spouse in a domestic relationship has been appropriately widened by the legislation.

I will now briefly deal with the issue of superannuation funds. It is appropriate that the legislation provides relief in respect of the transfer of assets from superannuation funds and pooled superannuation trusts which are required to comply with Commonwealth legislation. The legislation prescribes a fee of \$200, as I recall, in respect of such transfers. That is a quite appropriate course for the legislation to take. I repeat that the Opposition will be supporting the Bill.

MR MOORE (5.30): In rising to support this Bill, I would like to make three points. First of all, it is a budget Bill, a Bill to do with money; so I will ensure that the Government has the opportunity to deal with it. More important is the second point, namely, how this Bill deals with domestic relationships. I think it is important to understand that the legislation, as it currently stands, is a disincentive to settlement. I am certainly conscious of people who are trying to work out a property settlement but who would lose large sums of money in fees on a transfer of assets that clearly society would not look at as a normal transfer. I am pleased that the Bill does something in that area. The third point is that the Federal Government requires the superannuation industry to invest in a given way. That is to protect ordinary people who are paying superannuation. There ought not be a double bind involved in that. Apart from supporting the Bill because it is a budget Bill, I think there are very good reasons to support the Bill on its merit, particularly in relation to these matters.

MRS CARNELL (Chief Minister and Treasurer) (5.32), in reply: To assist small superannuation funds to diversify their investment portfolios to comply with Commonwealth legislation, the Stamp Duties and Taxes (Amendment) Bill 1997 provides for stamp duty concessions where ACT assets are transferred from small superannuation funds to large pooled superannuation trusts and between pooled superannuation trusts. These concessions will bring the ACT into line with New South Wales, Victoria and South Australia. Similar concessions are also being considered by the other States.

The Bill also provides for an extension of the stamp duty concessions currently available to married couples and de facto partners to include persons in domestic relationships. Stamp duty concessions will apply in respect of certain transfers of the domestic house as relationships are formed or break down. Pending amendments to legislation, concessions currently provided to people in domestic relationships are in the form of waivers.

The explanatory memorandum reported that two waivers totalling \$3,342 were provided in 1996-97. A further waiver of \$975 occurred late in the financial year, bringing the total amount waived for domestic relationship purposes in the 1996-97 financial year to \$4,317. I provide a corrigendum to the explanatory memorandum to take account of this change.

In conclusion, the measures contained in this Bill further demonstrate the Government's commitment to assist ACT businesses and to implement the principles of the Domestic Relationships Act 1994 and the Discrimination Act 1991. The ACT is leading Australia in these areas. I am very proud of that, and I know some other members of the Assembly are too.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MEDIATION BILL 1997 [NO. 2]

Debate resumed from 4 September 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (5.34): Mr Speaker, the Opposition will be supporting this very sensible legislation. In his introductory speech, the Minister indicated the importance of developing alternative means of providing justice, to overcome, if possible, the escalating cost of justice. I think the Minister should also attend to other means of doing that. For many in the community, justice is difficult to obtain because of the cost of appearing in court. Certainly, governments must play their part and, if possible, provide alternatives such as this.

The Bill has been widely canvassed. It has been out and about and has received generally good support from the community. It provides for the registration and the scrutiny of mediators - a very necessary step, given the importance of this measure. It also allows for confidentiality of proceedings. People appearing in mediation sessions need to be assured that nothing that they say in those sessions, nothing that is admitted, can subsequently be used as evidence in a court of law. It is an essential aspect of the whole process. The Bill also provides for immunity from civil action for mediators - assuming, of course, that they act in good faith. These measures, I believe, will ensure a high calibre of mediator. I think they will develop over time a system that is respected by those who come before it.

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I think it is important that the mediators, those who are responsible for organising the sessions, tell the people who are appearing very clearly what mediation is about. It is a fairly new process. Many people are already confused by the legal system, and there is potential for further confusion about the mediation process. They should be told - I am sure they will be, but the point does need to be emphasised - exactly what it is about, what the prospects are and very specifically what the limitations are and what options are out there. This is very much the case for all people, but especially for that very large section of the community who appear in courts and who know very little about their options and how they may proceed in those courts. It is a very important thing that ought to be done in the general administration of this system. I am confident that that will happen; but we must take every measure to ensure that it does, just as one further step to develop confidence in the system. It would be unfortunate if, after appearing in a mediation session, people did not realise exactly the scope and the limitations of the system.

MR MOORE (5.38): In rising to support the Mediation Bill, I must say that I am very pleased with the response of Mr Humphries on some of the issues that I raised with him. He has drawn up the amendments taking into account issues that were raised with me, between us and with other members of the community. This is an important new step forward in mediation and the way we conduct our business, particularly the business of conflict. For so long the outcome of conflict as dealt with by the legal system has been about winners and losers. Mediation, in fact, can have an outcome like that; but generally it is about looking for a way through, so that people who are involved in the process are not put into that sort of black-and-white category. There is no doubt that the legal system has sometimes been able to find a way to provide that sort of outcome, but it has been in the unusual case. This Bill facilitates a more important process. I hope that it assists in leading towards a less litigious society and a society in which there is less conflict.

MR HUMPHRIES (Attorney-General) (5.40), in reply: I thank members for their support for this Bill. As with the Coroners Bill that was before us this morning, it ought to be supported because it is the product of very extensive discussion with those interested in this area. Although the number of people who have an interest in this area is relatively small, the interest is quite intense. The desire by many in the community to see effective mediation mechanisms established is quite significant, and I think it holds enormous promise for the improvement of the operation of our system of resolving conflict within the community. Mr Wood made quite apposite comments about access to justice being denied where cost was an issue. I have no doubt that if mediation is developed, both independently and as an adjunct to access to justice through the courts, we will see a considerable improvement in people's access to timely and inexpensive justice through the alternative of mediation.

I attended a conference here in Canberra a few months ago that was attended by people from around Australia. They talked about the success and the development of court-annexed mediation. In all jurisdictions there was considerable progress made towards getting people not just to think, "Here is our case, here is how we initiate the process of bringing this before the court and here are the steps we go through to lead to a decision by a court at some point". Usually, that point is quite distant from the point

at which you start. Instead, they are starting to think, "Here is the course of usual court adjudication on issues, but here is the alternative. Here is mediation. Here is a way of factoring that in at an early stage of proceedings to identify and crystallise issues and to get people to consider alternatives to litigation".

Of course, the great strength of that process is not simply that people have an alternative forum in which to have a dispute resolved. It is that they are involved in a process where they themselves control the movement towards resolution. They are not asking somebody sitting up on a bench to tell them who is right and who is wrong. They are able to say to themselves, "Here is my case; hear the case of the other side", and, through the process of give-and-take and understanding, work out between them a solution which is acceptable.

I think it is very difficult to overstate the importance of mediation in the future of our legal system. I sincerely hope that we can increasingly ratchet up the position it occupies in the legal hierarchy. This step today, the passage of this Bill, is to establish a process of accrediting mediators. If you use a mediator who is accredited, you will know that it is a person with certain qualifications and training to be able to do an effective job of helping two parties mediate a dispute. The Bill also offers protection to mediators for the work they do within a mediation. The next step will be to attach the mediation process in certain guises to the court process, so that it becomes an intrinsic part of the process towards getting a judgment through a court. You will have to have mediation. That may well divert many people from having to appear in courts. That itself will be a tremendous improvement.

I hope that the process does produce those results. Certainly, the ACT can be proud of the steps it has taken so far. The accreditation protocols which are being used in the ACT for accrediting mediators are so well regarded that they have actually been picked up and used in a number of legal centres in New South Wales for their accreditation process. The enthusiasm of those who are steering mediation through the ACT community is commendable and it has produced some quite exciting results. I thank members for their support, and I commend the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (5.44): Mr Speaker, I seek leave to move together amendments 1 to 3 circulated in my name.

Leave granted.

MR HUMPHRIES: I move:

Page 2, line 20, clause 5, subclause (1), omit "A", substitute "Subject to subsection (6), a".

Page 3, line 7, clause 5, subclause (6), omit the subclause, substitute the following subclause:

“(6) A person -

(a) who has made an application under subsection (1) that has been refused;
or

(b) whose registration has been cancelled under section 8;

is not eligible to make another application under subsection (1) to any approved agency within 6 months of the refusal or cancellation, as the case requires.”.

Page 5, line 11, clause 13, proposed subclause (2), add the following subclause:

“(2) The regulations may prescribe -

(a) requirements to be complied with by an approved agency; and

(b) penalties not exceeding 10 penalty units for failure to comply with a requirement.”.

Mr Speaker, I table the supplementary explanatory memorandum for these amendments. I apologise that they have come quite late to the house, but one of the parties who were consulted about the process suggested these amendments and the letter arrived only yesterday; so the amendments were prepared at some speed so that I could bring them forward for the debate today. Very simply, the amendments do not affect the general thrust of the Bill. They provide a greater flexibility and, therefore, fairness in the process of registering a mediator and greater access by the public to the names of registered mediators.

I indicated when I introduced the Bill that the Bill reflects comments I had received from various agencies, and at that time I expressed my appreciation for the work that they had done in providing their comments. These amendments reflect further comments that I have received. The first amendment alters subclause 5(6) in order to provide that only a person who has been refused registration as a mediator or whose registration has been cancelled has to wait the six months before making a further application for registration.

What that means is that somebody who has registered with one agency can move on to register with a second, third or subsequent agency without having to wait for a full period of six months. Obviously, some people will wish to register with a number of agencies that can accredit. Obviously, the applicant will have to satisfy the agency that she or he is eligible to apply for registration by informing the agency whether he or she has been refused registration by another agency or has had his or her registration cancelled.

The second amendment deals with providing the public with access to registers of mediators kept by approved agencies. The regulations will contain lists of approved agencies. It will be incumbent upon the approved agency to comply with certain requirements for the disclosure of those lists and to keep that register in a place accessible to the public. There will be a penalty not exceeding \$1,000 for failing to comply with those requirements. Also, my department will keep a consolidated register of mediators in the Territory, which obviously members of the public can get access to.

Amendments agreed to.

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

Bill, as amended, agreed to.

BUILDING (AMENDMENT) BILL 1997

Debate resumed from 28 August 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS McRAE (5.48): This Bill is very straightforward and, as was pointed out to us, provides a solution to some cumbersome arrangements that presently exist for implementing changes to the refund policy for application fees. As we know, the current legislation requires the building regulations to be amended on a regular basis to facilitate changes in refund policy. This Bill will streamline that process so that the refund of application fees will become an administrative process in line with the approach followed under other legislation and provide a more flexible and timely method of implementing refund policy. Of course, it will improve services for clients of building, electrical and plumbing services. There is no reason at all for the Opposition to oppose the Bill. We will be supporting this Bill, and I commend it to the house.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.49), in reply: Mr Speaker, I thank Ms McRae for her support, and I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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ROADS AND PUBLIC PLACES (AMENDMENT) BILL 1997

Debate resumed from 28 August 1997, on motion by **Mr Kaine**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Pairs

MR CORBELL (5.50): Mr Speaker, I raise an issue that has caused me some concern. I communicated to the Manager of Government Business, Mr Humphries, late last week that the Labor Party had made a decision in relation to pairing and how we assist the Government and the Government assists us when members are absent from this chamber. As you are aware, Mr Speaker, the Government and the Opposition cooperate by pairing members so that a member from one side does not take part in divisions if a member from the other side is absent for some bona fide reason. I communicated to the Manager of Government Business late last week that the Labor Party room had made a decision not to honour pairs for the purposes of procedural votes; that is, votes in the chamber where an absolute majority - nine votes - is required.

I made it very clear to Mr Humphries that this in no way meant that existing pairs were being dishonoured or that we would not honour pairs on deliberative votes in this chamber - votes on Bills, votes on matters of no confidence and the like. We would, of course, honour pairs on deliberative votes. Our decision related to votes where an absolute majority is required. I am sure members can recall that about two months ago a majority of groups in this Assembly decided that they wanted to bring business on contrary to the will of the Government. A motion to that effect fell one vote short of being carried, because a pair was in operation, even though a clear majority of the Assembly wished to bring that business on. I also indicated to Mr Humphries that, if he had any concerns and wished to discuss this matter further with me, he could do so. I did not hear anything from Mr Humphries - not a word. I presumed that when the communication was delivered to his office last Thursday he understood the party's position and would take it into account in his planning for this sitting week.

I hear second-hand that Mr Humphries made some comments on 2CN this morning in which he suggested that we were being dishonourable; that we were not honouring pairs; that we had broken a convention of the parliament; and that we were being downright rotten scoundrels and so on. Quite frankly, I would have thought that the Manager of Government Business would have checked his facts before making such comments. If he had checked with me first, he would have understood, for instance, that we are honouring the pair that is currently in operation while Mr Hird is away on Commonwealth Parliamentary Association business. Before Mr Hird and I agreed on the pair, I did indicate to Mr Hird what the new arrangements would be. I said that we would honour the pair but no longer honour pairs in relation to procedural votes, as that was a decision of my party room. Mr Hird accepted that. Mr Hird had no problem with that and said, "Yes, that is fine, Simon. Just put it in writing". I subsequently did that. As Mr Hird was absent, I sent it to Mr Humphries and I gave a copy to Mr Hird's office and to my own leader.

I find it distressing that the Manager of Government Business is not prepared to communicate with parties on this side of the house before he goes public on this sort of matter. If he had checked the facts, he would not have been caught deliberately misleading the community. He is very big about checking facts when it comes to having a go at this side of the house; but he does not really practise what he preaches, and he did not on this occasion. I am extremely dismayed that he took this step. I hope that he is able to reconsider his position on this matter.

Business Planning Award

MRS LITTLEWOOD (5.55): I rise this evening to advise the Assembly of the achievements of a remarkable and talented young man. To me, this young man represents the best of what Canberra is and what Canberra has to offer. Todd Wright of Kambah, a student of Lake Tuggeranong College, won the National 1997 Plan for Your Own Business/Enterprise Plan of the Year Award. The award was presented to him in Coffs Harbour yesterday by the National Small Enterprise Association of Australia and New Zealand. Todd is a product of the public school system and is one of the most motivated and capable young men I have ever met. I congratulate Todd on his win and I wish him every success in what I believe will be a very bright future. He is an exceptional young person. Todd is what I believe is the power of Canberra.

Legal Profession - Discipline

MR OSBORNE (5.56): Mr Speaker, you will recall that last sitting week I spoke about an unnamed solicitor. I said that this person would be well advised to come and speak to me and tell me why I should not name him. This person took up that offer. Very late on Friday he rang my office and came in this morning at 9.30. We had a very lengthy meeting. The issue was basically about some advice that he had given to the executor of a will who potentially was going to lose \$20,000.

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The defence put up by this person was that he had done nothing wilfully; that, if anything, it was an oversight on his part; and that basically he had stuffed up. I do not particularly wish to say that this fellow lied to me. I did go through all the issues with him. He brought in all his paperwork. I suppose that I am prepared to give him the benefit of the doubt. The fact is that the reason why he was not named by the Law Society was that the Act is deficient, which left me in a situation of whether I should play the man or play the ball.

In fairness to this fellow, I have decided that I will not name him and that I will give him the benefit of the doubt. However, it has strengthened my resolve about the whole issue of the Law Society and the Legal Practitioners Act. The Minister this morning tabled a couple of Bills which I will be looking at and perhaps amending in regard to this issue. I still believe that it is not fair that solicitors cannot be named, when any other member of the community, if they are in this situation - whether it is a stuff-up, whether it is wilful deceit or whatever - certainly would have their name splashed across the paper. As I said, it is not this fellow's fault that the Act is in place, so I am prepared to give him the benefit of the doubt and not name him. I just thought it important that I finalise the issue with you, Mr Speaker.

Pairs

MR BERRY (Leader of the Opposition) (5.59): Mr Speaker, you can put a cross on the wall. I rise to defend Mr Humphries. In the course of today's proceedings I have had the opportunity to have a verbal exchange with Mr Humphries about pairing arrangements which might apply in this chamber. During that exchange we were giving each other various versions of history about pairing arrangements in this place. Pairs are an important feature of a parliament like this one and they are things we take seriously.

My colleague Mr Corbell has been reduced to a shivering mess by the unwarranted and outrageous attack on public radio today. I am sure that he will recover quickly when I let him know that Mr Humphries called me this afternoon, informed me that he had been in touch with the Government Whip and that the Government Whip had informed him that he had in fact agreed to the arrangements that we had proposed, and Mr Humphries fulsomely apologised. Mr Corbell, you need worry no longer about the intentions of Mr Humphries. I trust that those of us in the Assembly who happened to be listening to the radio this morning and heard Mr Humphries unfairly berating the Labor Party in relation to this matter will now not be misled as to the discussions and occurrences in relation to pairing in this Assembly.

Pairs

MR HUMPHRIES (Attorney-General) (6.01), in reply: Mr Speaker - - -

Mr Moore: Go on; defend Mr Hird, Gary.

MR HUMPHRIES: No, I am sorry; that is going a little far. Mr Speaker, to contribute to this edifying debate which no doubt nobody reading the *Hansard* will be the least bit interested in but we are all vitally concerned about here - - -

Mr Moore: I would not say “all”. I would say “just the Labor and Liberal parties”.

MR HUMPHRIES: Perhaps that is so. Mr Speaker, it is indeed the case that I have been critical of the Labor Party for entering into an arrangement with respect to their view of the pairing arrangement between Mr Hird and Mr Berry or someone on the Labor Party side, because I believed that this was based on a unilateral interpretation of the pairing arrangement which the Labor Party had adopted. Indeed, I did have strong words with Mr Berry this morning about that arrangement and, as I saw it, lack of good faith on the part of the Labor Party about that matter. I have had my office check with Mr Hird, who is in the Indian Ocean somewhere at the moment - - -

MR SPEAKER: I do hope he is swimming, Mr Humphries.

MR HUMPHRIES: I do not know whether he is in the ocean literally, Mr Speaker. It appears that the arrangement on the part of the Labor Party that I so decried was indeed the arrangement that was agreed to by Mr Hird. I am not sure that I am convinced that Mr Corbell was ever a quivering mess on hearing the radio this morning, but I have a feeling that Mr Hird will be a quivering mess when he returns to the ACT. He certainly will be after I speak to him about this arrangement he has entered into. I repeat my sincere and profound regret that I doubted the bona fides of the Labor Party on this matter.

Mr Berry: Or Mr Berry.

MR HUMPHRIES: Or Mr Berry. There will be many opportunities to doubt the bona fides of the Labor Party on other scores, but on this particular occasion they are as innocent as the driven snow.

Question resolved in the affirmative.

Assembly adjourned at 6.03 pm