DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 September 1997

Wednesday, 24 September 1997

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The Assembly met at 10.30 am.

(Quorum formed)

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

AUTHORITY TO BROADCAST PROCEEDINGS
Paper

MR SPEAKER: For the information of members and pursuant to the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present an authorisation for the public broadcast of proceedings relating to the presentation of the following Bills: Crimes (Assisted Suicide) Bill 1997; Motor Traffic (Amendment) Bill (No. 5) 1997; and Freedom of Information (Amendment) Bill 1997.

PETITION

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

By **Mrs Littlewood**, from 35 residents, requesting that the Assembly gazette for the Queen's Birthday weekend one night only on which to celebrate with fireworks and restrict the sale of fireworks and legislate to restrict the noise of fireworks to that required for generating the visual effect and promulgate a code of conduct to ensure that neighbours advise each other of their intentions with respect to fireworks.

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

Fireworks

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 draws to the attention of the Assembly that the Queen's Birthday fireworks night runs over several days and is noisy and dangerous.
>
> Your petitioners therefore request the Assembly to:
>
> Gazette one night only on which to celebrate with fireworks the Queen's Birthday.
>
> Limit the sale of fireworks for the period commencing from the Friday of the weekend previous to the long weekend and cease with close of business on the evening of the day allocated for their use.
>
> Legislate that firework design be such that the noise that accompanies the exploding fireworks be limited to that necessary to generate the visual effect.
>
> Promulgate a 'code of conduct' to ensure that neighbours advise each other of their intentions with respect to fireworks.

Petition received.

CRIMES (ASSISTED SUICIDE) BILL 1997

MR MOORE (10.34): Mr Speaker, I present the Crimes (Assisted Suicide) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: Mr Speaker, I move:

> That this Bill be agreed to in principle.

At the time the Federal Parliament passed the Euthanasia Laws Act 1997, this Assembly was in the process of debating a Bill to amend the Medical Treatment Act 1994. That Bill, had it been enacted, would have provided for a legal regime where a medical practitioner would be able to assist somebody to die where the person was in great pain, was of sound mind and over the age of 18 years, was in a terminal phase of a terminal illness and was suffering severe pain or distress caused by illness which he or she regarded as intolerable. That amendment to the Medical Treatment Act was withdrawn after the Federal Parliament withdrew the power of this Assembly to pass such legislation.

Although this community, this Assembly and the parliament in the Northern Territory considered it appropriate that such decisions remain the prerogative of the Territories, the Federal Parliament was prepared to override the rights of the Territory Assemblies to make such decisions.

The Federal legislation not only prevented this Assembly from making it legal for a medical practitioner to assist somebody who was dying and in great pain, but also cast a shadow over the Medical Treatment Act 1994, which contains our law regarding passive euthanasia, in the form of the right to refuse life support treatment. In spite of requests to the Federal Government, the Prime Minister, in a letter to Mrs Carnell, has refused to help resolve these doubts. However, what the Federal legislation has done is give us time to stop and think what is the best way for us to deal with voluntary active euthanasia. It is quite clear from a wide range of polling that a huge majority of people within the ACT and within the Australian community believe that, where somebody is suffering great pain and distress and is given the opportunity for assistance by a medical practitioner under strictly regulated circumstances, that decision should not mean a long gaol sentence for the doctor. The great majority in our community believe that the decision of the dying person who is in great pain should be respected.

Not only is this position reflected in polling, but it has also become clearer and clearer through common law. Not only are directors of public prosecutions determining - in the public interest, which is, of course, their prerogative - not to launch prosecutions for people who have assisted in this way; but, indeed, when the rare cases do come before a court, they are being dismissed by the jury. Why is this the case? This is the case because, at the moment, the common law is a very blunt instrument that says that either somebody is guilty of assisting suicide or they are not, and the penalty for assisting suicide, in the most extreme, is a 10-year penalty. In the current legislation, there is no clear degree of difference between one form of assisted suicide and another. This situation does not reflect community values, and accordingly it deserves to be reformed.

The legislation I present today sets out different penalties for offences in different circumstances and, as such, it sets out a broader picture of community values. This legislation would not permit, nor is it intended to permit, voluntary active euthanasia. That outcome would be inconsistent with the Commonwealth legislation - the Euthanasia Laws Act 1997. What this legislation does do is provide, as closely as possible, for the application of community values to various possible circumstances where assisted suicide occurs. Underlying these altered penalties is the fact that the offence currently in subsection 17(1) of the Crimes Act remains in force. Only in specifically described circumstances will an equivalent offence with reduced penalties apply.

It should also be noted that subsection 17(2) of the Crimes Act - the offence of inciting or counselling another person to commit suicide - will be unaffected by this Bill. This offence has a penalty of 10 years' imprisonment. The existing Crimes Act offence would still apply, for example, to somebody who comes upon a depressed stranger who says, "I want to die", and the reply is, "Let me give you a hand. I have a rusty razor blade or a Swiss Army knife and I am happy to assist you on your way". Such conduct is clearly abhorrent. It is abhorrent to me, I presume that it is to the community at large,

and I am sure that it is in the minds of all 17 members of this Assembly. At the opposite extreme, though, is the action taken by Dr Philip Nitschke in the Northern Territory when he assisted Bob Dent and three other people to die, recognising their choice. It is important to understand that the Federal legislation no longer allows this choice to be made within the Territories. However, it is clear that such an offence is not considered by our community to be as serious as the offence set out in section 17 of the Crimes Act, the abhorrent offence that I have just described. That is why I have proposed a series of graded offences in this particular piece of legislation.

The legislation being presented today applies only to the suicides of people of sound mind who have attained 18 years of age, who are in a terminal phase of a terminal illness and who are suffering severe pain and distress caused by the illness which the person regards as intolerable. There are new penalties. Where a person fits into this category but has not made a request to commit suicide and somebody assists them, then the penalty would be six years' gaol. This is not a light penalty. If the person has actually made the request and they are given assistance, then there would be a penalty of four years' gaol, unless that person is a health professional, in which case the Bill provides a penalty of two years.

Mr Speaker, these penalties reflect the different circumstances in which people find themselves. Quite clearly, where there has been no request made, the nature of the action on the part of the offender may well be seen as humanitarian; but the reality is that this choice should be with the individual, and any person who takes over that most vital of freedoms deserves a very serious penalty. There are different pressures on different members of the community in these sorts of circumstances. Where a health professional is involved - who may well be a nurse who has been working with the person for a long time - where the request has been made and the nurse provides assistance to die, there must be a different level of penalty. It is still an offence. However, it is clearly more acceptable than if the person is not a health professional. Thus, where the person is not a health professional, a four-year penalty applies; where the person is a health professional, such as a nurse, it is a two-year penalty. Remember that this is provided that the person making the request is already dying, is suffering unbearably and meets the other required circumstances set out in the legislation.

Where assistance is provided by a medical practitioner and the medical practitioner meets a series of standards set by the community, then clearly the penalty should be much less. To be specific, where the medical practitioner has certified in writing that the person is terminally ill and that the illness is causing severe pain and distress and then has that view confirmed by a second medical practitioner, where 72 hours have elapsed since the request was made, where the medical practitioner supervises the administration of a substance by a person or the patient administers it themselves, then such an action should be viewed differently from the "rusty razor blade" scenario or a non-health professional or nurse taking the action. In reflecting such community views, this Bill provides that, where the person takes the action himself or herself, having met the conditions, the penalty is set at three months' imprisonment, but, in any other case, at six months' imprisonment. It is worth noting, of course, that the penalties that I describe here are maximum penalties, as is the case in all criminal legislation.

Now I will deal with offence notices. There is another important provision of this Bill. Under this Bill, where assistance to commit suicide appears to have been provided by a medical practitioner and the matter is investigated by the police, the medical practitioner may be served with an offence notice. The offence notice is described in clause 6 of the Bill. As with other infringement notice systems in ACT legislation, payment of the set penalty would result in no further proceedings. The offence notice penalties proposed in this Bill are: Firstly, where the person has administered the lethal dose themselves, in the same scenario that Dr Nitschke used in the Northern Territory, then the penalty in accordance with, as I perceive, those community standards should be 0.5 of a penalty unit, or in current terms $50. Secondly, where the medical practitioner has administered the substance themselves, the penalty should be three penalty units, or the equivalent in today's terms of $300.

The Bill also provides for protection of medical practitioners from other penalties associated with their action. Where they have acted within the framework described in this Bill, they cannot be found to be guilty of misconduct or unethical conduct by their peers or be disciplined or prevented from practising medicine. It has been suggested by some critics of this approach and of the Bill already tabled in the Northern Territory by Mr John Bailey, the Deputy Leader of the Opposition there, that offence notices go too far towards "having the effect of permitting" euthanasia, to use the words of the Commonwealth Act. I do not accept this criticism, and the weight of legal opinion on this question also seems to confirm my view.

The Northern Territory Attorney-General, Denis Burke, sought three legal opinions on the Bailey infringement notice proposal. Mr Speaker, I seek leave to table those opinions.

Leave granted.

MR MOORE: Thank you, members. The weight of opinion is that his approach operates within the legislation set down by the Federal Parliament. The legislation presented to you today is even more obviously within the powers left to the Assembly by the Euthanasia Laws Act 1997. In the circumstances described in this Bill, it is important to ensure, of course, that there is no possibility that somebody would gain financially, either directly or indirectly, from such actions. Under such circumstances, sections 4 and 5 of this Act would not apply, and the full weight of the current Crimes Act would apply in those circumstances, with the maximum penalty of 10 years. In other words, what this legislation does is set out to reflect community values, but it clarifies a position that is very unclear in current legislation and in common law.

In conclusion, Mr Speaker, it seems to me that, following the Euthanasia Laws Act passing through both houses of the Federal Parliament, we have a series of choices. The first choice we can make is that we can be a quitter; we can give up. There are those who are considering the possibility of simply quitting - no longer dealing with this issue - on the ground that the Federal Government has made a decision and there is nothing we can do about it. To such people I say, "Compare the issue to a major cut in workers' conditions or a major cut in wages". If such a cut were made by the Federal Parliament,

would we simply quit? Would we say, "They have made their decision. There is nothing we can do about it now."? Or would we attempt to marshal the forces and say, "This is not the time to give up. It is time for us to push on and explore alternative ways in which we can deal with these issues."? Secondly, we can choose to consider this as an opportunity to set a range of legal outcomes reflecting the community standards on the way we deal with voluntary active euthanasia.

Assisted suicide must be considered a serious issue, particularly where there is no medical practitioner involved and even more particularly when no request has been made by the patient. It will be a very different set of circumstances where a medical practitioner is involved, where a series of stringent conditions are met and where the person who has made the request is suffering great pain and distress. What I have presented here is a logical approach for this Assembly to consider. It is a Bill which, whilst not achieving the state of high principle I would want, improves our criminal law and better reflects community values. It is democratic, responsible and worthy of support.

Finally, Mr Speaker, there are a number of people who deserve thanks for the preparation of this legislation - the staff in my office, who have worked tirelessly in the preparation of the legislation, and Parliamentary Counsel, who have been willing to meet the demands we have placed on them. Mr Speaker, Angela Gowing, a Year 10 work experience student from St Francis Xavier High School, has typed the speech from my dictation. There is a myriad of other community members who have checked through the legislation, including people from the Voluntary Euthanasia Society, Mr John Bailey, MLA, from the Northern Territory, and others who have written to my office. To them I offer my sincere thanks. Mr Speaker, I commend this Bill to the Assembly.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1997

MS TUCKER (10.48): I present the Motor Traffic (Amendment) Bill (No. 5) 1997.

Title read by Clerk.

MS TUCKER: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Motor Traffic Act to reduce the general speed limit in Canberra from 60 kilometres per hour to 50 kilometres per hour. The Bill itself is very short and simple, but its implications for road safety and urban amenity in Canberra are huge. Let me explain how this Bill will work in practice. The Motor Traffic Act, as it stands, sets a general urban speed limit of 60 kilometres per hour but allows for higher speed limits on specific roads where signposted to this effect. So, if a road does not have speed signs on it, then you can assume that the speed limit is 60. However, arterial and other major roads in Canberra are signposted with higher speed limits of up to 100 kilometres per hour, depending on the type of road.

Our Bill simply lowers the general, or default, speed limit across the residential areas from 60 to 50 kilometres per hour. The Bill does not affect the higher speed limits that are already set on the main arterial roads; nor does it affect the ability of the Government in the future to set different speed limits on particular roads by signposting. The lower, 40 kilometres per hour, speed zones outside schools will still apply. The idea of lowering the speed limit on residential streets has been around for many years. The current debate in Australia could be said to have started when metrication was introduced in 1974. The old speed limit of 35 miles per hour was arbitrarily rounded up to 60 kilometres per hour, when it could have just as easily been rounded down to 50. The 60 kilometres per hour speed limit is not an absolute figure. Many other countries in the world, particularly in Europe, have a 50 kilometres per hour speed limit.

In recent years, Mr Speaker, there have been reports and submissions from a wide range of organisations in the transport sector that have come out in support of lowering the speed limit in residential areas, for safety and amenity reasons. Most recently, there was the Austroads report on urban speed management in Australia - Austroads is an organisation representing all State road authorities - and the New South Wales Parliament's Staysafe Committee report on a lower urban speed limit for New South Wales, both released last year. The Australian College of Road Safety, with membership across a range of motoring organisations, has also come out in support of a lower speed limit. Of particular note is that the NRMA and the Royal Automobile Club of Victoria have publicly supported the 50 kilometres per hour speed limit on residential streets.

The New South Wales Government has now initiated trials of the 50 kilometres per hour speed limit in 14 local government areas in New South Wales, including Queanbeyan. I understand that the Queensland Government has also recently announced that the speed limit in the south-eastern corner of Queensland will be reduced to 50 kilometres per hour from December 1998. Last February, the Greens called on the ACT Government to support national moves to lower the general speed limit in residential areas from 60 to 50 kilometres per hour. Disappointingly, the Government has not chosen to support this reduction so far and has made little effort to seriously consider the considerable advantages of a lower speed limit in residential areas. We have now amended the Motor Traffic Act ourselves, as we did not feel that it was appropriate to wait any longer for the Government to act. As with other national initiatives, one government has to take the lead, and we would like to see it be the ACT. Other States are now gradually proceeding to reduce their speed limits, and we see no reason at all why the ACT should not be leading this significant reform of the road rules.

The laws of physics regarding the forces of impact when cars hit other cars or pedestrians do not need to be trialled anymore. The road safety benefits of a lower speed limit have been proven over and over. Studies in various cities have shown that lowering the speed limit to 50 kilometres per hour would reduce accidents by 15 per cent, injuries by 20 per cent and fatalities by 25 per cent. Cars travelling at 50 kilometres per hour can stop 10 metres shorter than cars travelling at 60 kilometres per hour. If a person is 40 metres in front of a car travelling at 60 kilometres per hour, the car will hit that person

at a speed of 44 kilometres per hour. The same car travelling at 50 kilometres per hour would be able to stop. The probability of a person surviving a vehicle impact at 44 kilometres per hour can be as low as 30 per cent, as opposed to a 100 per cent survival rate if the vehicle had been travelling 10 kilometres per hour slower.

In Canberra most of our traffic accidents involve excessive speeding. A 1996 ABS survey found that 60 per cent of Canberra drivers regularly exceeded speed limits by over 10 kilometres per hour. It is also important to note, Mr Speaker, that over 40 per cent of traffic accidents in Canberra occur on residential streets. The statistics show that old people and young people are most at risk of injury or fatality. There is a general acknowledgment by road safety experts that lowering the speed limit will reduce the number and extent of road accidents, particularly those involving pedestrians and cyclists, and generally reduce the impacts of traffic on the safety and amenity of residential streets. It would also make on-road cycling more attractive as an alternative transport mode.

A reduction in the speed limit in residential areas is an ideal way to redress the imbalance between the interests of car drivers and those of other people who use roads and their surrounds; that is, people who live next to roads, children, pedestrians, cyclists and public transport users. We have to challenge the idea that roads are for cars only and everyone else should just get out of the way. Roads are part of our residential neighbourhoods. They are at present a dangerous part of our neighbourhood, and this Bill is attempting to reduce that danger. The drawbacks of a lower speed limit are minor. Studies have found that a lower speed limit hardly increases travel times, because most traffic delays are caused by traffic lights and busy arterial roads. There also could be marginal savings in fuel consumption.

Mr Speaker, it should be noted that there is already a significant level of community support for reduced speed limits. A Federal Office of Road Safety survey found that 62 per cent of Australians agree that the speed limit should be lowered. An NRMA survey found that 74 per cent of those polled supported a 50 kilometres per hour speed limit on local residential streets. Obviously, however, any reduction in the speed limit has to be accompanied by a broad educational campaign so that everyone is aware of the changes. It will require a shift in our driving culture. It will be necessary to have a campaign, not dissimilar to the drink-driving campaign, before drivers slow down in our residential areas. However, we believe that such a campaign must have legislative backing to be effective. Our Bill allows for an implementation period of up to six months before the new speed limit comes into effect, which would be sufficient time for such a campaign to be established.

The main issue in Australia now regarding reducing the speed limit seems to be one of generating the necessary political will to set a more appropriate traffic speed in residential areas. Unfortunately, up till now, most governments have been reluctant to confront the general public about this issue, even though the polling shows that there is a lot of support. We believe that this Assembly should show some leadership in this issue by passing this Bill. I commend it to the Assembly.

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

FREEDOM OF INFORMATION (AMENDMENT) BILL 1997

MR OSBORNE (10.58): I present the Freedom of Information (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill initially grew out of my experience here in the Assembly in continually being denied access to information which, as far as I could tell, had little or no reason for being withheld. As a new member in this Assembly, I found this practice one of the most frustrating things in trying to adapt to my role as an MLA. In considering this, I have come to believe firmly that information collected and held by the ACT Government is a community resource. Those who collect it do not do so for their own benefit; rather, they are only trustees of that information for the people of Canberra. Unfortunately, that is not always the attitude taken by the government of the day and its bureaucracy.

Our present Freedom of Information Act was copied from the Commonwealth legislation during the formation of self-government in 1989. I believe that the Act was not well adapted to the needs of the ACT at that time and has remained unnecessarily complicated ever since. Having a complex set of FOI laws is an asset for a government which wishes to avoid a high level of public scrutiny. Traditionally, Mr Speaker, around the world, FOI law starts out very simple and then over time is gradually made more complicated as successive governments bring forward amendments to suit themselves. I understand that this has certainly been the case in this country.

A legal right of access to government-held information was established in Australia only about 15 years ago, with the first comprehensive review of the Commonwealth Act being undertaken two years ago. As an Act which provides easy access to a wide range of government information, our present ACT FOI Act is a dismal failure. It is full of provisions which more readily apply to the affairs of a nation and a range of creative exemptions, including the favoured catch-all phrase that releasing a document would "not be in the public interest". Clearly, the time was well overdue for reforming the Act. The approach that I have taken in this task has not been one of slash and burn; rather, I have sought to find a sensible balance of keeping essential government-held information confidential while allowing easy access to the rest.

Over the past two years, the Attorney-General, Mr Humphries, has introduced two significant reforms in the everyday application of the Act, the first being to close down the central FOI office in Civic and to decentralise the whole FOI process to being handled completely within an individual government department or agency itself, and the second being the abolition of fees for personal documents and a reduction of other fees

in general. While I was highly critical in the Assembly last year regarding initial teething problems that closing the central office had caused, I still consider that both of these moves were a step in the right direction. However, as the Government itself freely admits, these two changes did not equate to a comprehensive review of the everyday application of the Act.

During 1995, the Australian Law Reform Commission and the Administrative Review Council conducted such a review and, in 1996, tabled their joint report in Federal Parliament. The commission and council recommended a wide range of changes to freedom of information law and policy in general to give full effect to the Australian people's right of access to government-held information. These recommendations included making the application process easier to use for both the public and the government agencies concerned; reducing the cost of requests; rationalising exemptions so that they applied only to information for which there was an overriding public interest in withholding it; changing the objects of the Act to promote an attitude of pro-disclosure; reducing the power of Ministers to veto disclosures; and, finally, increasing the awareness on both sides that members of the public have a legal right of access to government-held information.

Mr Moore: On a point of order, Mr Speaker: It amazes me that, in such a serious situation, the state of the house is as it is. So, I draw your attention to it. I can understand why both Labor and Liberal members would be embarrassed by Mr Osborne tabling this legislation.

Mr Berry: On a point of order, Mr Speaker: I think the member is limited to just drawing your attention to the state of the house.

MR SPEAKER: I uphold the point of order.

(Quorum formed)

MR OSBORNE: Mr Speaker, I thank Mr Moore for that. I know that, in that point of order, he probably should not have mentioned the attitude of both parties; but I certainly can in my speech, and I will.

All of these recommendations, Mr Speaker, along with a number of others, I have sought to include in this Bill. The president of the commission, Alan Rose, said at the time of tabling the report:

> The culture of secrecy that still pervades much of the Australian public sector must be dismantled if our government is to become truly transparent and accountable.

In other words, there are still too many secrets without there being a good reason. While this report and related comments were mainly directed towards the Commonwealth Public Service, they nonetheless apply just as much to the ACT.

In 1993, after our current FOI Act had been in effect for four years, it was clear that the ACT bureaucracy was gradually becoming more secretive and took longer to process FOI requests than its Federal counterpart. The situation has improved since then. However, there is still much room for further improvement. Generally speaking, freedom of information legislation originally grew out of public demand for more open and accountable government. It sounds familiar, does it not, Mr Speaker? As governments in general tend to want to avoid close scrutiny if at all possible, provisions for creative exemptions are gradually added to legislation and measures such as the 30-year rule have come into being.

When our present Attorney-General, Mr Humphries, was in opposition, he once stated in the Assembly that the true test of a good government is whether or not its record is able to be scrutinised.

Mr Berry: That was when he used to tell the truth.

MR OSBORNE: That was over the issue of VITAB, too, by the way, Mr Speaker. In other words, he was saying that there needed to be a high level of access to government-held information. I trust that he still holds that view, because this Bill provides for him and the Government of which he is the deputy leader to be scrutinised.

Generally speaking, this Bill sets out to achieve two major reforms: Firstly, to simplify the process of making a freedom of information application; and, secondly, to restrict access to official information only to the extent necessary to protect essential public interest, to protect commercial confidentiality and to preserve the privacy of individuals. In addition to this, full access is to be given to personal information held on an individual by the Government, including medical records, with obvious necessary safeguards in place.

The first of these reforms, concerning the process of making applications, has attempted to combine the best aspects of the former central office and the new decentralised system currently in operation. This new process incorporates the concept of having a designated records officer with an agency or department. However, the role of that records officer would be extended to include providing hands-on help for people who need assistance in making their application. The intention is to ensure that the resulting FOI application is tailored to the requirements of the applicant as much as possible.

Several minor changes to this part of the Act, which affect current practice, have been included. These include agencies having shorter time periods for compliance regarding their obligations under the Act and providing for a wider range of ways in which access to documents or information can be given to applicants. The parts of the Act relating to exempt documents and access to personal records have been completely replaced. The documents to which access is restricted would fall into two categories - documents which are fully exempt and with no time restrictions placed on them, and documents which are subject to public interest exceptions but only for a period of 12 months.

Full exemptions would apply to 11 categories of documents on the basis of public safety, privacy and legal professional privilege. Executive documents would also have a full exemption, except for those which have been prepared for consideration by the Executive and those recording decisions made by the Executive, which would be exempt only until the decision to which the document relates has been put into effect or made public. The reason for this qualification is to bring a balance between allowing the government enough privacy to make decisions in secret and allowing public scrutiny of the basis of that decision. On the face of it, I consider that this section of the Bill passes Mr Humphries's test for a good government.

There are eight categories of documents for public interest exceptions, with those exceptions being valid only for a period of up to 12 months. After this period of time, the restriction would be lifted and access would be given. I have included this provision as the informal practice of the past tends to have had successive governments interpreting what is in the public interest to mean really what is in the government's interest. Establishing a sunset clause for this category of exemptions would prevent an intentional hazing of the boundaries of where the public interest lies. I make no apology for attempting to deliberately establish in this legislation that the public interest lies in the disclosure of publicly-held information.

New sections have been added to the Act which clearly set out a person's right of access to personal information held on them by the government, including access to medical records. A number of necessary safeguards have been included where that information relates to such things as workplace evaluation material and documents of a medical or psychiatric nature where access to them would prejudice the wellbeing or mental health of the applicant. Other minor reforms include changes to the calculation of fees. Deposits on account would be required only for charges estimated to be over $250, and exemptions from paying fees would be provided for Assembly members. At present, fee exemptions exist for members if they can prove that their application is in the public interest. There it is again, Mr Speaker. However, as I consider that members should be given the benefit of the doubt that their work is automatically in the public interest, I think an exemption should apply.

The rest of the Bill is basically translating the current Act from legal rubbish into plain English. In this case, I think the drafter has done a great job. I guess, Mr Speaker, that my biggest disappointment with the Bill is that, while it has taken nearly two years to get to this stage, a parliamentary drafter has been working on it full time for only the last 4½ days. The result, I believe, is good, and I am grateful for the effort of that drafter, Mr James Graham. Because of the time constraint on being face to face with Mr Graham, the resulting Bill still uses the same basic structure of the current Act. Had there been more time - and one would have thought that two years was enough time, Mr Speaker - we could possibly have started completely from scratch. But that is something that I will continue to do.

I am still pleased with the Bill, however. I am realistic enough to accept that, under our present structure of parliamentary drafting, where the Government has the only say over the allocation of drafting resources, an Act such as this one is never going to receive the kind of attention that it needs to achieve significant reform. It has been, nonetheless, frustrating to have had to go quite often to the Minister, Mr Humphries, to get work done on this Bill. Freedom of information is not about keeping secrets. Rather, it should assist in the promotion of and informed participation in decision-making by the community. The sensitivity of a particular issue to the government of the day ought not to be the reason for depriving people of access to material that is critical to that level of participation.

Mr Speaker, where a legal right for members of the public exists on any issue, the Government's responsibility is to protect that right at great cost. If Mr Humphries is to be believed and the true test of a good government is whether or not its record is able to be scrutinised, I believe that this Bill delivers that level of scrutiny that he desired in opposition. Only time will tell whether he desires it in government. There has been a growing debate over the last couple of years regarding changes to the style of government in the Territory to one that is more inclusive of the elected members. I believe that the changes outlined in this Bill would be needed to complement any such changes in style.

Finally, Mr Speaker, I would like to take this opportunity to thank my staff for the many long hours they have put in over the last two years, or close to 2½ years. Obviously, David Moore has been very instrumental in the compiling of this Bill, as have Ian Jones and also Gay Davidson a couple of years ago. They have done a terrific job, Mr Speaker. Also, once again I would like to thank Mr Graham for his effort, especially over the last couple of weeks. His face-to-face meetings with my staff have been very worth while. Mr Speaker, while this Bill has been something of a marathon to put together, I am nevertheless pleased with the result. I look forward to hearing from both major parties on their view on openness. I will remind the present Government that being open was one of the platforms of their election. As I said, Mr Speaker, I am pleased with the result, and I commend the Bill to the Assembly.

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

LEAVE OF ABSENCE TO MEMBER

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

> That leave of absence for today, Wednesday, 24 September 1997, and tomorrow, 25 September 1997, be given to Ms Horodny.

HEALTH AND COMMUNITY CARE SERVICES (VALIDATION OF FEES AND CHARGES) BILL 1997
Detail Stage

Bill as a whole

Debate resumed from 25 June 1997.

MR SPEAKER: The question is: That Mr Humphries's amendments Nos 1, 2 and 3 be agreed to.

MR HUMPHRIES (Attorney-General) (11.15): Mr Speaker, members will recall that when the Bill was debated on the last occasion these amendments were moved by the Government. They broadened the scope of the Bill very substantially, to include a large number of other matters essentially of a health and community care services-related nature. They provided for the correction of earlier errors committed by governments of various persuasions and tidied up a large number of matters that were subject to earlier government decisions, in relation to the determining and levying of fees.

The Scrutiny of Bills Committee has examined these amendments in the period subsequent to the introduction of the amendments and has indicated, I believe, that it saw no reason to oppose these amendments. Obviously, from time to time the Scrutiny of Bills Committee does point out whether determinations of fees have a deficiency of one sort or another, and the approach that the Government takes in these matters is that these sorts of matters should be determined in that way by the Scrutiny of Bills Committee. It has done so on this occasion. The process of correcting legislation and regulations from time to time is not a new process at all. Occasionally, there is the need for action of that kind, which can be revealed independently of the committee's deliberations. I recall that in the life of the previous Government there were occasions when action along the lines of the Government amendments was considered necessary. For example, the Financial Institutions Duty (Validation) Bill 1994 addressed a deficiency in a determination that was not unlike matters dealt with in the Government amendments before the house today.

Mr Speaker, I have circulated an explanatory memorandum for the amendments, which members have had for some time. In fact, they have had since June to look at it. It explains the purpose of each of these amendments. Certainly, it addresses some problems, including, for example, the Motor Traffic Act regulations, dating back to 1994 and introduced by the former Government, as well as some problems with parking charges and the road rescue fee which was levied in last year's budget. I think it is important that we comprehensively tidy up these matters, and I believe it is appropriate to deal with them in this way. I repeat the thrust of comments in earlier debates that these matters can be subject either to legislation or to other corrective action. It was seen as appropriate by Mr Berry to do this by legislation; so be it. Let us deal with them all in that way, in that case. For that reason, these amendments have been moved.

MR BERRY (Leader of the Opposition) (11.18): Is it not a pity that, in the first place, when it was first raised, we did not have the humble approach that Mr Humphries has taken in relation to this matter. Last December I offered the Government the opportunity to come forward in this place with legislation to repair the situation which had been created by the bungle which had been discovered by the Scrutiny of Bills Committee. The Scrutiny of Bills Committee pointed out that this matter ought to be sorted out by way of legislation, but the Chief Minister strenuously resisted this course. I think she may have even described it as a media stunt or some sort of a publicity stunt in relation to the matter. This is a very serious issue. This is about whether or not the Executive can make retrospective decisions in relation to revenue. It is a very serious issue and one that ought not be treated lightly.

The Government stands shamed for the way that it has resisted the recommendations of the Scrutiny of Bills Committee throughout the period as we come to the situation we now find ourselves in. I welcome Mr Humphries's contribution to the debate because he has adopted the stance which ought to have been adopted in the first place. The Scrutiny of Bills Committee does not look at Government legislation and other legislation for the fun of it; it does so because it is an important instrument of this Assembly to ensure that legislation, particularly subordinate legislation, is properly made out and is a proper expression of legislation which has been introduced in this place.

Clearly, this was not the case in relation to the health fees matter which I brought before this place as a result of the Scrutiny of Bills Committee approach to it. There was a clash of legal opinions, in the first place, about this issue. On the one side, the Government was saying that its legal opinion was right; and the Scrutiny of Bills Committee were saying that their view was right. There is no question about it: If a committee of this Assembly says something in relation to matters in the Assembly it ought to be given proper respect. If that had been done from the outset we would not have been involved in this lengthy debate about an issue which ought to have been resolved very clearly.

Mr Humphries quite properly draws attention to a matter. I am sure that the records were scoured with a magnifying glass to see whether the Labor Party had in the past done anything of this order. After that investigation he has discovered that the Minister for Urban Services in a Labor government did something of a similar nature. I am glad he discovered it. If we had discovered it, we would have fixed it straightaway and there would have been no difficulty with the problem. I notice that when he has been scouring through the information he has come up with a couple of other important issues, including the Ambulance Service fees determination. There are a few people out there who would love to have known this earlier. They might not have paid the $15 road rescue fee for the period, and then we would have been in a hell of a spot trying to get it back again. Let there be no doubt about our position in relation to this matter. Whilst we have questioned the Ambulance Service fee in the past, it has been a budget matter which has been determined and implemented by the Government, upsetting many people in the community. Nevertheless, it has been implemented, and the amendment to my legislation to deal with the Ambulance Service fee will be supported.

The same applies, of course, in relation to the driving licence replacement fee determination and the parking charges determination validity. I hope that this entire exercise serves as a lesson to all Ministers in the Government that you cannot use your authority loosely in determining fees by way of subordinate legislation, because it will be uncovered. The Scrutiny of Bills Committee, well known for its eagle eye, will uncover these sorts of things. Because of the toing-and-froing in relation to this issue, I am sure that the Scrutiny of Bills Committee will be ever more vigilant in the future.

Mr Speaker, the Opposition will be supporting the amendments put forward by the Attorney-General, and we accept that the title of the Bill, in particular, ought to be changed to "determinations of fees and charges" because it has been widened to cover other fees and charges. The title amendment amends that which was previously proposed by replacing it with another form of words, which will be supported as well. I urge members to support this legislation. I hope that the passage of this legislation serves as a warning to the Government that, in future, they should not be so sensitive at being found out as having made what was a relatively minor mistake which has been elevated to prominent public status because of the resistance to a proper recommendation of the Scrutiny of Bills Committee - resistance that ought not to have occurred. I think it was quite arrogant of the Government to take the stand that it did. I hope that the amendments pass with the full support of members.

MR MOORE (11.24): Mr Speaker, in rising to support the amendments, I think it is most appropriate to reflect the support for this Bill because it has been with us for some time now. I recall that, when Mr Berry first mentioned this issue to me, I thought it important to clarify the whole issue of whether the fees were charged or were not charged. Leaving doubt over them seemed to be an entirely inappropriate way to go. I am delighted that the Attorney-General has introduced amendments to clarify even further the particular fees in, I think, a second situation as well as that which was originally looked at, so that there is absolutely no doubt. In many ways, I think it is a very minor piece of legislation; but Mr Berry is quite right in saying that it does send a clear message about the sort of care that needs to be taken with, firstly, the issues in the first place but, secondly, recommendations that come from the Scrutiny of Bills Committee or, in fact, any other committee of the Assembly.

MR HUMPHRIES (Attorney-General) (11.26): Mr Speaker, I thank members for supporting the Government amendments. Let me just clarify something which Mr Berry has said. He has implied that these amendments acknowledge the superior view of the Scrutiny of Bills Committee that these problems can be fixed only by legislation. Let me make it clear that that is not the case. The Government has had advice from its own officers which says that the problem that was in the original Bill of Mr Berry's could be addressed in another way. That remains the Government's advice. As I have said to other people who have urged me on other occasions to reject Government advice, there is very little point in retaining a small army of lawyers if I choose to reject it whenever someone puts another view. Professor Whalan, who was responsible, of course, for the original report, is a much-respected author and author of many Scrutiny of Bills Committee reports, and his views carry great weight with this Government, as they do,

I am sure, with all members of this place. But the Government remains in the position where it has two sets of advice - one from Professor Whalan; the other from its own advisers. In the interests of reaching a resolution, we have supported this Bill and added other amendments to it so that there is a raft of other things which are addressed in this way. But this Government and previous governments have addressed problems of this kind through amending regulations rather than through legislation.

Although governments from both sides of politics have, on occasions, rectified problems like this through legislation, they have also done it through regulation. With this view, we might be saying that in future all amendments must be done by legislation, not by regulation. If that is the case, there will be very many Bills before this house, because there are situations like this which arise fairly frequently.

Mr Berry: Not exactly the same, though.

MR HUMPHRIES: Perhaps not quite like this. I would like Mr Berry, perhaps, to define the circumstances where legislation is required rather than regulation. Perhaps he could do that by further rising on this matter and indicating. Certainly, similar matters have been met by regulation as well. I have the feeling that, if Mr Berry had been in my shoes and the Government Solicitor had said, "You can fix this by regulation", he would have preferred to do that, rather than do it by legislation. He points out that the eagle eye of the Scrutiny of Bills Committee has uncovered many mistakes. Well, it did not uncover some of the mistakes that are referred to in these Government amendments. They have had to be brought forward because the Government discovered them. Although it is a very valuable tool in finding these problems, it is not the only tool the Government has at its disposal to discover mistakes in legislation.

MR BERRY (Leader of the Opposition) (11.29): I am disappointed that Mr Humphries is not chastened as a result of this. He was humbled but not chastened. It is true that there were two advisings put, there was a competition between the two and somebody had to make a decision about them. The Assembly has made the decision and I think that should be regarded as the order of the day so far as dealing with this issue in the future is concerned.

Mr Humphries: What are the circumstances where we should do it by legislation?

MR BERRY: I am not sure. *(Quorum formed)* I do not know what instances Mr Humphries might have had in his head in relation to another course of action, but the point that I make is that there has been a view adopted by the Assembly and that ought to be the view that prevails from here on in. If there are other circumstances to which this course does not apply, then it would not hurt if you asked people or perhaps even asked the Scrutiny of Bills Committee how they feel about it.

Mr Moore said this is a minor piece of legislation. Certainly, in size it is; but, when it comes to the issues at large, I think it could have been of greater magnitude had people out there decided not to pay their health fees and charges, for example. I think we would have been in a far more difficult predicament because, if people had refused to pay their

fees and charges, how could we then ask them to pay fees and charges by way of some retrospective arrangement as is being provided here? I would be very reluctant to pursue this course if there were people out there who had taken this matter to court.

For example, if thousands had decided not to pay the increase in registration fees as a result of the Ambulance Service fees determination because it was an invalid instrument, I doubt that you would have the Labor Party's support to go after them by way of retrospective legislation. That would be, in my view, a doubtful course for us to take. It is an important piece of legislation because it clears the matter up. There is no evidence that anybody has pursued their right to challenge these fees and charges. If there was a large amount of evidence which suggested that many people had pursued their right to challenge these fees and charges, perhaps the debate would be a different one. I urge members to support the Bill.

Amendments agreed to.

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

Bill, as amended, agreed to.

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 3) 1997

Debate resumed from 25 June 1997, on motion by **Ms Tucker**:

> That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General) (11.33): Mr Speaker, the Bill which Ms Tucker has introduced into this place effects a number of amendments to the domestic violence legislation in the Territory and, in particular, seeks to implement selected recommendations of the Community Law Reform Committee's Report No. 11 on domestic violence. That report, which was tabled in the Assembly, contains some 62 recommendations. The recommendations deal with a range of issues of varying complexity, including the circumstances of the issuing of domestic violence orders, the nature and effect of those orders, the way in which support services operate to provide protection to people in the position of requiring such orders, and a range of other issues. The issues in some cases are quite complex and have been the subject of considerable Government work over the intervening period since they were originally tabled.

I just want to run through some of the issues canvassed in the report. They include the procedure for obtaining a protection order; the duration of protection orders; the grounds for orders being made; the relationship between orders made under the Domestic Violence Act and orders made by the Family Court in relation to custody and access; the scope of people who should be able to be protected under an order; assistance to applicants who are under a disability; procedures for the making of consent orders;

variation and revocation of orders; the rules regarding ex parte orders; the court's role in making recommendations to a respondent to undertake counselling; restrictions on publication of proceedings; appeals; procedure at hearings; the impact of an order on a person who is licensed to possess a firearm; coronial proceedings in cases of domestic homicide; and the structure of the legislation.

Mr Speaker, since the tabling of the report my department has sought the views of relevant agencies and organisations concerning the full range of the committee's recommendations. Those views have informed the Government in arriving at a position on the various recommendations. In the next sitting of the Assembly I will table a formal Government response to the CLRC report, specifically addressing each and every one of the committee's recommendations. I can indicate to the Assembly, however, that I will be supporting the vast majority of the committee's recommendations. Some, relating to cancellation and suspension of a firearms licence where a protection order is made, have already, of course, been implemented.

There are a small number of recommendations which I am not convinced there is a need to implement to give effect to the objectives of the committee, or which would not give effect to the committee's purposes, in fact, if enacted. For example, there is a recommendation dealing with coronial jurisdiction in cases of domestic homicide and a number of recommendations relating to the structure of the legislation. However, they are, as I have said, relatively minor matters relative to the entire scheme that the CLRC was putting forward and are matters which, I think, will not detract generally from the support that we can offer to the CLRC's report.

Ms Tucker's Bill proposes to implement eight of the 62 recommendations made by the committee, and the Government will support her Bill. It makes relatively straightforward amendments to the Domestic Violence Act which, I believe, will have a beneficial impact. I should indicate that I am inclined to the view that the implementation of recommendation 10, which the committee identified as an alternative to recommendations 6 and 7, may be preferable. Ms Tucker's view in her Bill is that we should implement recommendations 6 and 7. The committee, in a sense, posed two alternatives. The Government's preference is for recommendation 10. However, I still propose to support the content of Ms Tucker's Bill today and to put before the Assembly, when we develop legislation, the alternative that is embodied in recommendation 10 and suggest that at that point the whole Assembly can have a debate about which of those two courses of action is preferable. But putting in place now a response to one of those issues, I think, is appropriate, to ensure that people who require orders and protection are appropriately covered.

I can understand the eagerness of members to see some of the committee's recommendations implemented, and it is tempting for members to take some of the more straightforward, less technical, more uncontentious recommendations, give them to Parliamentary Counsel and quickly produce a private members Bill. I suppose it would have been better to deal with the entire matter as a package; nonetheless, I did indicate to Ms Tucker when she approached me about the legislation that, given the very complex

and time-consuming tasks the Government was going to have in bringing forward all those recommendations at the one time, I was not unhappy with her taking selected elements of the legislation and bringing them forward to this place. Ms Follett, when she was here, took a similar approach with legislation regarding stalking, and the Government also supported that legislation as a way of bringing forward more quickly than otherwise would be the case elements of the package which were urgent and would benefit, especially, women in those circumstances.

No-one, of course, has a monopoly on developing policy on issues such as domestic violence, and this Government does not purport to have one. It is important, though, that those who seek to implement policy by way of legislation do consider the impact and the value of the policy and consult with those who will have the responsibility of implementing the policy, to make sure it can be done in a workable way. There are a very large number of ACT government agencies that have responsibility in this area; not merely the Federal Police but a number of funded non-government agencies, people in Health, in community services and in other areas. The Government has done this formal consultation prior to forming its position on the recommendations.

The Government is also acutely aware of other developments taking place in relation to the development of model domestic violence legislation as part of the process leading up to the domestic violence summit later this year. It may be that any model developed for consideration by the States and Territories will lead to further review of our legislation, notwithstanding the already extensive efforts by the CLRC in this regard. As experience suggests that the development of model legislation can be a very long process, the Government will not be delaying implementation of the CLRC's recommendations pending that model Bill being available. We will, therefore, be bringing forward legislation to implement those of the committee's recommendations with which we agree and which have not been implemented in the meantime by Ms Tucker's Bill. Mr Speaker, the Government commends Ms Tucker's Bill to the Assembly.

MR MOORE (11.41): Mr Speaker, whenever we deal with domestic violence, the Domestic Violence Act and amendments to it, my mind gets drawn back to a particular public meeting I attended some time ago with the Lone Fathers Association and other associations. In fact, it was prior to the last election. I was asked the question then, "Will you make moves to ensure that fathers who are disadvantaged by this legislation will be able to be protected by the legislation, because there are some situations in this area of conflict where the more vulnerable parent, for some reason or other, is the male?".

My reply at the time, and it still stands, was that, if there was a way that I could find to protect males who are disadvantaged by this sort of legislation - usually it is males; sometimes it is women - I would be supportive of it. But I have not found a way, nor has anybody presented me with a way, nor were the 150 or 200 people who were at that public meeting able to present me with a way of dealing with that. Therefore, I drew the conclusion that what we have to do with our legislation is to take whatever action is necessary to protect the most vulnerable in this situation; and the most vulnerable in this situation, in 95 per cent of the cases, are women and children.

There are disadvantages, clearly - and I think most of us would be conscious of this - because there are some odd circumstances where, with the transfer of power, which this legislation provides and which Ms Tucker's amendment enhances, away from the males to the women and children, there is a problem created for some men. Interestingly enough, from my own perception, the reason why a problem is created there is that the relationship is invariably one that is about power in the first place; it is about who should be boss and who should be saying what somebody else should be doing, rather than a relationship that is based on understanding, tolerance and the things that make the vast majority of relationships in our community work extremely well.

Mr Speaker, therefore, it is with pleasure that I support the legislation that Ms Tucker has brought to this Assembly to enhance the Domestic Violence Act 1986. I am very pleased to hear that the Attorney-General is also supporting the legislation. It is interesting that, in dealing with the matters that need to be taken into account for a protection order, Ms Tucker has chosen to provide that the court should take other matters into account. I think it is important that we understand that already paragraph 10(1)(f) of the Act allows to be taken into account any other matters that, in the circumstances of the case, the court considers relevant. The court actually has the power to take such matters into account already. But there is an important issue here that Ms Tucker has brought to a head, and that is that there are certain matters the court should take into account. That is the import of what she has done by her clause 6.

If the respondent has previously engaged in conduct that constitutes a domestic violence offence, an actual offence, then the court should take that into account. I think we can all see the rationale behind that. If a protection order has been made in relation to the respondent at any time, particulars of that order can be taken into account. If the respondent has contravened a protection order made in relation to him or her, particulars of the way it was contravened and the need to ensure that property is protected from damage can be taken into account.

Importantly, those first three matters that Ms Tucker deals with are, I think, fundamental to issues that the court really must take into account. If you are giving a brand-new protection order and the respondent in this particular case has ignored orders before, or the orders have been made in a very strict way, then I think the court should understand that and should know that; otherwise, those who are most vulnerable in this situation, usually the women and children, are potentially at greater risk. It seems to me, Mr Speaker, that the most fundamental issue that is dealt with in all this amending legislation that Ms Tucker has put up is the further protection, the appropriate protection, of women and children. Occasionally, the protection will apply to men. But it is only occasionally and it is only the one case in 20 - perhaps the one case in 30 - where the shoe is on the other foot.

Mr Speaker, I must say that there have been many reports on violence in Australia that attempt to come to grips with how we can go about changing the sorts of situations we have with domestic violence. In the good old days - and we know many people look back on the good old days when these things were not an issue, and there was no legislation

of this sort in this Territory before 1986 - the power was almost completely within the hands of the male in such relationships. It is interesting to me that so many people look back with nostalgia on what they perceive to be the good old days of the 1950s, 1960s and so on, when there was better discipline and there were a whole series of other things in place.

I do not look back on them in that way at all. I look back on the fact that this sort of legislation did not exist and that, in those circumstances, it was probably a very good situation for white males who were earning a good salary and who were kind people. It was also good for their spouse and children. But in a huge undercurrent in that society at the time there were very difficult circumstances for people who were very vulnerable and who were not protected. It is this sort of legislation that enhances that protection. That is why I wanted to take the time to congratulate Ms Tucker for bringing this forward. I hope that, as an Assembly, we will continue to work on issues like this where we can protect the most vulnerable in our society.

MS REILLY (11.49): I think it is really important that we have strong legislation in relation to domestic violence, because I think you have only to look at the statistics to realise that this abhorrent practice is continuing and continues in a number of homes. It is so easy for people like John Fahey and others to look at Canberra and say, "This is obviously a nice quiet society", because they see only the outsides of houses. But there is a failure to recognise some of the conditions in which people within this community live, much to our shame. As legislators, if we can do something to address that through having strong legislation, we should do so. I think it is an indication of how important this issue is and how it cuts across all of our community, particularly all women, when you realise that even magazines like the *Women's Weekly*, which you would not think would touch it, have recently had a questionnaire issued about domestic violence. It looked at the extent of the violence and at some of the things that women and children have had to suffer.

Without a doubt, our community and our society still do not recognise the equality of all members of our communities. That is what leads to the imbalance of power within personal relationships. That is one of the major factors in domestic violence. If we still have a situation in which the vast majority of men consider that women are beneath them and that women are their chattels, we will continue to have problems with domestic violence. We must work hard to counter that problem. We must ensure that the community goes beyond just having legislation. We must ensure that the legislation, once introduced, is implemented and that we do not have legislation that sits on a shelf and fails to be implemented in a strong way. Through being members of the Legislative Assembly, we have the opportunity to show leadership in the community. We can do it partly by passing legislation, but the other important point is to show our support for legislation such as this. We should ensure that it is used in the most effective manner possible. Without a doubt, the problems that are facing the ACT community at this time will continue to exacerbate problems within families; they will continue to exacerbate issues around women and their right to be full participants in our community.

One of the issues that a number of families are facing at the moment is the lack of jobs. For both the male and the female partners in a family, this can be access to jobs; in other words, access also to economic independence. A number of women who decided to take up the Government's offer of a package last year are finding problems in living in a one-income family - the problems associated with losing that economic independence and not being an equal economic partner in a relationship. It is easy for families that have worked out this situation to survive. But, for those who have problems in trying to adjust to changes in economic and social circumstances, it can cause difficulties. We should be aware of those issues and look to programs to support that aspect of family life as well.

The other aim is to ensure that there is sufficient support for people who have suffered domestic violence, by looking at the number of beds that are available in refuges, the support services attached to those and the exit points from refuges so that women and their children have the opportunity to re-establish their lives and move on. At this stage in Canberra there is a considerable shortage of refuge beds. If you look at the turn-away figures last year for the refuges that are funded under SAAP, they are growing. The other issue is the fact that women have great difficulty in being able to go and find other accommodation. There is a shortage of affordable accommodation in the ACT. The slowdown in the construction of public housing is creating problems for these women. The opportunity to move on and re-establish their lives is being lost. That is why it is important that we go beyond just having this legislation; that we show leadership in the community, through having other services and other support systems; and that we show that we fully support the resolving of this problem.

The other important group that is often overlooked in relation to domestic violence is children. The impact of domestic violence on children is just being recognised. There was an interesting seminar held during Child Protection Week recently that focused exactly on that issue. For many years the focus was on the woman who was leaving the violent relationship, and the children were just part of that process. Now, thank heavens, they are looking at the impact of violence on children. One of the ways, apart from settling the children and working out the issues and the problems they have to face, is recognising that those children have to learn other ways of managing relationships and other ways of managing anger and dispute. If they have seen only one form of doing this, it is very hard to get any role models to look at in another way. This is apart from acknowledging that the suffering these children would have had as part of violent relationships also needs to be recognised. I think we can do good for the whole of the ACT community only if we look at services for children, particularly those who have left or have been in violent relationships.

I commend the legislation and Ms Tucker for introducing it. But we must remember that we have to continue beyond legislation; that we have to look at the services and supports for people who have left violent relationships; that we have also to ensure services so that people have the opportunity to develop other ways of developing relationships, of growing families, so that we do not perpetuate this into the future; and that we have to say, "Stop. This is enough. We want to have a society where all members are equal and where we can work together in harmony".

MS TUCKER (11.56), in reply: I thank members for their support of this important legislation. As members have pointed out, it is an issue of great concern to the community; it is an issue which has huge financial costs to the community; it is an issue which has huge social costs to the community. While we do not have clear data on exactly how much of this sort of violence is still occurring in our society - and that is one of the issues that we have to actually see addressed as well - we know that there can be between $10m and $29m in direct costs to government in the ACT as a result of domestic violence.

I was interested in Mr Humphries's suggestion that he might prefer to see serious consideration given to recommendation 10 of the Community Law Reform Committee's Report No. 11. It does actually raise an interesting issue because it is saying that consideration should be given to amending section 4 by replacing the existing grounds for a protection order with the single ground that the respondent has engaged in conduct in respect of the aggrieved person which constitutes domestic violence under this Act. Careful reading of this report shows that it is an issue of how we define domestic violence. The Greens did not feel they had the resources to take on actually looking at that definition, because it is very critical and it would have to be definitely looked at if you wanted to pick up recommendation 10. I am certainly interested in being involved in that discussion in the future. But what we have proposed here is basic recommendations which will, I believe, increase the protection of people who are in a situation where they are victims of violence - whether they be men or women.

I note Mr Moore's point about some men in our community feeling threatened by this. I received a number of calls to my office after I tabled this. Probably those calls were coming from men who did have these feelings of concern. Women are mostly victims of domestic violence. I recognise that some men are. In fact, recently I did receive a call from one man who was a victim of violence in a domestic situation, actually not from a woman but from his father. There are all sorts of situations where this can be going on.

I think the fundamental issue here is that we seem to still have a view in our community that if violence occurs within a relationship it is seen as somehow different from other violence. The violence in the domestic situation is explained as problems of individuals and, therefore, justified to some degree. This attitude is still apparent at all levels of society, including the judiciary and many governments. I am really pleased that this parliament and this Government are saying very clearly that this is not the case, that violence within a domestic situation, within a relationship, is just as unacceptable as violence outside. It has a very important symbolic value, I believe, that we are unanimous in supporting these changes.

I also want to acknowledge the work of the Community Law Reform Committee in the area of domestic violence, because they have come up with two very important and significant reports. I do hope to see government pursue further the implementation of these reports. I have heard what Mr Humphries has said. He has some reservations, but we can debate those in detail. Once again, I thank members for their support for this very important legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SOCIAL AND COMMUNITY SERVICE WORKERS - COMMON RULE AWARD
Motion

MR BERRY (Leader of the Opposition) (12.00): I move:

(1) That this Assembly supports the introduction of a common rule award for all social and community service workers in the ACT;

(2) Further, this Assembly believes that organisations should not be penalised by the implementation of a common rule award for these workers and that the government should supplement organisations to enable them to meet their award obligations.

Mr Speaker, this motion is fairly self-explanatory. The motion indicates to the workers in the community services sector that the ACT Legislative Assembly supports their campaign to secure decent, industry-wide working conditions; and calls on the Government to financially assist community organisations to meet their award obligations. The union for workers in the community services sector, the Australian Services Union, secured a consent award with eight employers back in 1995. The union is now moving to have that award made a common rule award to cover all workers in the industry. I think that is a fair and proper way to go in the community services sector.

The previous Labor Government cooperated with the Australian Services Union's campaign to secure decent conditions for community service workers. The current common rule application is not being supported by the present Liberal Government. I think it is a disturbing feature of the arrangement, but it is consistent with the Liberals' approach to industrial relations in the community; that is, they are prepared to see workers exploited and not provided with standard wages and working conditions to which they should be entitled. The Government's silence supports the active opposition by Confact, the Confederation of ACT Industry, and some large employers in the industry who have a history of dubious and unfair industrial relations practices.

Mr Speaker, this motion is about remedying that situation. It has to be remembered that workers in the community services sector are often lowly paid, with working conditions varying from employer to employer. They are also often poor advocates of their own interests, and for very good reason - because of their dedication to the job and to their clients overshadowing their own personal wellbeing in many circumstances.

That is downright unfair and should not be tolerated. It is an unfair situation and preys upon the goodwill of workers in the community services sector. They are entitled, as is anybody else, to decent, secure, industry-wide working conditions. Why should they not have them? Is there any reason that they should not have these sorts of industry-wide working conditions?

The reason at this point is that the Liberal Government in the ACT, performing in much the same way as its Federal counterpart, is being silent on the issue of support for this move by the Australian Services Union. This motion calls on the Government to actively support the move for a common rule award for this industry in the ACT. It remedies a very serious situation for those workers who, as I have described earlier, often put their clients and their job's interests before their own entitlements. They are not an industrially active group of workers; in fact, they are quite the contrary because of the person-to-person circumstances in which they work. I think it is improper not to recognise their right to industry-wide working conditions.

Community and charitable organisations struggle to operate under very tight budgets and limited government funding, and working conditions are often peeled back to the minimum. Quite often, too, governments are inclined to offer certain formal public functions to community organisations in the hope that the community organisations will perform those functions cheaper; they offer them the job but not the money. Quite often the community organisations want to address the circumstances of their clients in the community and too often organisations, in effect, coerce their employees to work for unreasonable wages and under unreasonable working conditions. It is not that the community and charitable organisations are an evil group or anything like that; it is just that they have this overriding concern about their clients and the role they play in the community. As a result, workers end up working for less wages and under poorer conditions than they would if they were, for example, employed in the private sector delivering a service or indeed employed in the government sector working for government wages and under government working conditions. It is unfair that they should find themselves in this position.

The Liberal Government here has declined to be involved in the application. What I say to the Government is that it should be involved in the application and should support it. The issue for the Government will arise if community organisations are penalised by increased award obligations. The community organisations do not have many options in front of them. They have to pay the award obligations; they have a given budget; so, it means shedding staff and, of course, shedding services. That brings me to the point that the Government has to commit itself to the provision of funds to supplement those organisations in order that they can pay the appropriate award rate to these people who work very hard in the community.

My motion today will indicate the Assembly's support for the introduction of a common rule award for all social and community service workers in the ACT. That is the key. There is no way that members in this place cannot support the introduction of a common rule award for all social and community service workers in the ACT. It would be improper for us to turn our back on the right of those people to get decent wages and

working conditions. These are people who put their clients and their job before their own interests on many occasions, and it would be quite unfair of us if we were to turn our back on them so far as that particular proposition is concerned. The proposition I talk about is that this Assembly supports the introduction of a common rule award for all social and community service workers in the ACT. I do not think there is any other course for us to take. There is certainly no fair course for us to take, other than that one.

Further, the motion calls on the Government to ensure that organisations are not penalised by the implementation of a common rule award for these workers and to supplement organisations to enable them to meet their award obligations. The Government could say, "You can say to us that they should not be penalised and that the Government should supplement organisations, but we can tell you to go away if we like". Well, be that on the Government's head, if that is the course they decide upon. The fact of the matter is that this is a motion that means business. Certainly, Labor means that the Government should take it seriously and support the common rule award for these workers and supplement organisations to enable them to meet their award obligations.

The fear of many workers in the community is that the Liberals' new regime of competitive tendering for scarce government funding will force agencies to cut back on employee entitlements, to bring in tenders at a lower price. That is the competitive nature of the Liberals' approach to industrial relations; that is what they want to do; that is the way they want to approach it. They want to squeeze costs down. They do not care if workers in the community services sector are being screwed down as well to provide these services, because Mrs Carnell could come out and say, "It is not my fault. I am having nothing to do with it. We gave them a budget and said they have to work within it. How they manage their own affairs is their own problem, not mine". Well, this is one area where we have a role to play, and that is that the Government is in a position where it can commit itself to the common rule award and it should do so.

For the ultimate advocates of level playing fields, like the Liberals, this is their chance. We will create the level playing field for all workers in the Territory; that is, we will support the introduction of a common rule award for all social and community service workers. That is most appropriate and should be supported. The industry-wide award will, at least, create that level playing field I spoke of. All agencies will be forced to compete then on award rates. They are not going to compete on the basis of how hard they can work their employees or how little they have to pay them. That is an inappropriate basis upon which to compete. This motion calls on the Government to financially assist community organisations to meet their award obligations. A refusal by the Government to increase funding to cover any increased award costs will see many ACT community service workers lose their jobs in their attempt to secure decent working conditions; that is, if they do not support both proposals which I put in the motion which is before this Assembly today for your consideration. I urge members to support this very fair and humane motion.

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (12.11): Mr Speaker, as is often the case with motions put forward by Mr Berry, one really has to wonder what is behind it. The only inference that one can draw from the fact that Mr Berry has put this motion on the table is that somehow the Government is trying to do a nasty to certain employees in the private sector. The fact is that nothing is further from the truth. Therefore, one has to ask: Why is he putting this motion forward? The interesting thing is that the second part of his motion talks about employees in the community sector being penalised. This Government is not doing anything to impose penalties on such people. I am just confounded as to what it is that Mr Berry seeks to achieve.

I think he needs to be very careful, Mr Speaker, because I am not sure that he understands what he is committing himself to potentially, on the basis that, after February, it is possible that Mr Berry might have to live with the consequences of his own motion. I will explain what I mean. But let me make it quite clear that the Government does not oppose the implementation of a common rule for the social and community services award. That is fact one. But, in considering our position, we have to be, since we are in government, cognisant of the public interest here; and it is significant. What we have an obligation to do, I think, is to make sure that people, and the Opposition, understand that if the SACS workers are covered by the making of a common rule the costs will be substantial and may be beyond the capacity of either the organisations or the Government to fund easily. We are not talking about a few dollars here.

Mr Speaker, the history is that the matter was heard in the Australian Industrial Relations Commission on 9 September and that hearing was adjourned until 15 October - next month - when an officer of the Chief Minister's Department, on behalf of the Government, will present a full submission to the AIRC. In the hearing on 9 September the union provided evidence that in the past the Government has provided top-up funding for organisations where there has been a budget shortfall. The problem is that there may be some assumption flowing from that evidence that governments have an obligation and will automatically continue to do so every time there is a change that imposes additional costs on these community organisations. I think that is an untenable position and an untenable inference to draw.

Mr Speaker, a number of service organisations that will be affected by this have already been logged, and these organisations were given support to contribute to the additional costs, in part because they were locked into triennial agreements which are not over yet. Support was provided to those particular organisations on the understanding that it was a one-off funding arrangement - no permanent commitment, no unlimited and infinite commitment. We stated in the AIRC that the Government neither supports nor opposes the Australian Services Union's application. The Government is seeking to assist the AIRC by providing information relating to the financial impact of the implementation of the award and the possible effect of that on the community services concerned. It is intended that the AIRC and other parties be made aware of the major cost implications associated with the declaration of a common rule, should the application be granted, and that government funding for this increase in costs may not be available. We are talking about an increase in the vicinity of 10 to 12 per cent or in the order of $4m. It is in excess of $4m.

Mr Berry quoted Confact as being opposed. My department has been informed that Confact is no longer opposing the declaration of the common rule, in fact, and is simply seeking to negotiate respondency to a streamlined award. There is nowhere that I know of where there is any significant opposition to what Mr Berry is proposing, but it is up to the AIRC to hear the case and make a determination. We are prepared to accept that determination.

Mr Berry would know, of course - and I think he referred to it - that community service organisations in the ACT have been aware since October 1995, nearly two years ago, of the possibility of this common rule being introduced. Since that time government funding agencies have encouraged those service organisations that are concerned to position themselves for the introduction by implementing efficiency measures such as reviewing staffing and operational structures, making significant attempts to achieve efficiencies, undertaking robust negotiations in terms of staff management and completing a reasonable translation of each position to the appropriate level in the award. We have been actively seeking to have the organisations concerned prepare themselves for the possible impact of the imposition of such a rule. Our objective is to maintain the quality service provision for the community that exists today, and we have encouraged agencies to provide these services as closely as possible to the current funding base. The simple fact is that it is going to be difficult to find $4m, whether we provide it or whether the organisations themselves have to.

I understand that many service providers have demonstrated that they are moving towards paying SACS-level salaries within their current funding by making structural efficiencies. That is what we have been seeking to have them all do. We know that some will succeed and others may not; but those that are unable to do this because of special circumstances, such as penalty rates and crisis work, will have to make application for assistance on a case-by-case basis after demonstrating implementation of efficiencies and reasonable translation. That is not unreasonable, Mr Speaker; it is not a penalty; it is simply saying to the organisations, "If you have done everything within your power and you cannot meet the increased costs, we will look at each case on its merits". That is the best that any government can do. You cannot give a carte blanche approval that every time there is a change in the cost structure of such an organisation the Government will automatically pick up the tab, regardless of what it is or regardless of the circumstances. The extent of ultimate need for funding at this moment simply is not clear.

Reference has been made to a KPMG report commissioned by the Government which provides evidence of significant increases in salary - in some cases, up to 12 per cent; and, in some cases, up to 24 per cent. As I have said, the additional cost for services is potentially of the order of $4.2m. Non-government service providers have been aware of these implications since October 1995 and have been advised that the onus was on them to consider efficiency measures within existing funding levels should they need to meet additional costs associated with the award.

It is no surprise to anybody, except maybe to Mr Berry, that if these costs are not absorbed other services somewhere else will be affected. I suppose one could reasonably ask the question, using Mr Berry's own words, "Why penalise other services instead of requiring efficiencies to be achieved?". It is an interesting question. Mr Berry talked about unfairness. There is no question of unfairness. People will be paid whatever the

determination requires that they be paid. The only question is: How is it funded? I repeat: Mr Berry may well find himself having somehow to produce an extra $4m next year and hoist with his own petard. It will be interesting to see what he does if that eventuates.

Mr Speaker, the Government will, of course, assist where any organisation has exhausted all available possibilities for increased efficiency and for cost reduction. Then we will look and see how we can help. We simply will not say, "We have done it already". We simply will not say that to a service organisation, which, incidentally, is funded by government, because we value the work that they do. That is why they are funded in the first place. We are not going to pull the rug out from under them, but we will expect a reasonable performance on their part before we increase their funding. I think it is simply untenable to take a position requiring government to simply pick up the tab, without limit, for increased costs to organisations that are essentially private organisations. That is what Mr Berry's motion, on the face of it, seeks to do. I do not think it is an expectation that anybody can reasonably have of government - whether it be this one or whether it be Mr Berry's at some time in the future.

Debate interrupted.

Sitting suspended from 12.21 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Marketing and Promotion Campaign

MR BERRY: My question to the Chief Minister is in relation to the Feel the Power of Canberra campaign. Chief Minister, on what grounds did the Government decide that J. Walter Thompson was the best company to design the Feel the Power of Canberra campaign, without going to an open tender process for a valuable $100,000 contract?

MRS CARNELL: Mr Speaker, I am fairly confident that I answered that question yesterday, but I am happy to answer it again today. The Government recognises the need for a coordinated marketing and promotion campaign to be undertaken in order for the ACT to be able to compete with other States for major business, tourism and events opportunities. I would be very surprised if everybody in this house did not agree with that. In this context, and given the experience of J. Walter Thompson in branding such cities as Atlanta in the 1996 Olympics, that firm was asked to develop the creative work that would underpin a major campaign.

Members will recall that the Government made $500,000 available in this year's budget for such a marketing and promotion campaign. Underneath that overarching work that J. Walter Thompson did, a local firm, City Graphics, has been chosen by tender to assist the Government in implementing the campaign. As I have said in the past, MA@D Communications are doing similar work for the Tourism and Events Corporation. So, Mr Speaker, the situation is that last financial year J. Walter Thompson was paid $50,000 for its conceptual work. When that conceptual work was accepted by

CanTrade it was determined that J. Walter Thompson would be re-engaged for another $50,000 in 1997-98 to project manage the implementation of the campaign. The interesting part there, Mr Speaker, is that, because the contracts are $50,000 or under, under the rules that currently exist there is actually no need to go to tender even if we had decided to do so.

It is interesting to note that the managing director of City Graphics was quoted in the *Canberra Times* this morning as having said:

> The bottom line is that the ACT needed someone to give it an outsider's view and offer advice accordingly. J. Walter Thompson did that.

City Graphics, a local company, went on to say:

> One of the things they found was that many Canberrans are affected by negative outside impressions of the national capital, and are ashamed to stand up for it. So the campaign has to be directed at them as much as outsiders.
>
> No matter how good we think we are, -

again, a local business was saying that -

> no company from within the ACT could have produced that kind of information as effectively.

Really interestingly, that came not from the ACT Government but from a local business in this field, City Graphics. They are doing work to turn the J. Walter Thompson branding concept into reality. So we have a great mix - an international company that is regarded as the best in its field at this sort of branding approach and a local business working hand in hand. I think the outcome is great.

MR SPEAKER: Incidentally, the question was in order. Yesterday's discussion was about the tender process, I think, Chief Minister.

MR BERRY: Indeed, Mr Speaker.

MR SPEAKER: Do you have a supplementary question which is not about the tender process?

MR BERRY: Indeed. Why did the Chief Minister refuse to allow Canberra firms to tender for this contract when there are Canberra firms who have the capacity to undertake this work, including at least one firm which has 250 offices in 76 countries, which has been a brand character advertiser for over a decade and which has handled jobs for overseas governments as well as for the 2000 Olympic Games? Is not this just an indication of the Government's failure to support local businesses?

MRS CARNELL: Mr Speaker, it shows that those opposite cannot handle going to a new supplementary question when I have answered the question to start with. The reason we went to J. Walter Thompson is that they are the world leader in this area. Also, J. Walter Thompson were very pleased and very happy to work with other local businesses. We wanted the best product we could get for the fairly meagre resources the ACT can afford in this sort of major branding approach.

Mr Speaker, I think the words of the managing director of City Graphics really said it all. We did need an outside perspective of the ACT. We did need a perspective that got rid of the chip on our shoulder that we have all tended to have, but we could work with outside expertise and internal local companies and achieve an outcome that is great. The funny thing is that those opposite have said that they actually support this approach. They have said they support the J. Walter Thompson concept. They said they liked it when they were at the launch on Monday. They said they thought it was good. If the outcome - - -

Mr Berry: I was not there.

MRS CARNELL: Mr Corbell was there and he said he supported it.

Mr Corbell: Do you have the quote, Chief Minister?

MR SPEAKER: Order!

MRS CARNELL: Do you mean you do not support it?

Mr Corbell: Do you have the quote? Why are you misquoting me?

MRS CARNELL: Mr Speaker, it is interesting - - -

Mr Whitecross: Do you have the quote or not?

MR SPEAKER: Order! The house will come to order.

MRS CARNELL: Mr Speaker, Mr Corbell got up in this place, I seem to remember - I think it was yesterday - and suggested that any indication that he did not support this approach was simply wrong. Maybe there is something that we do not remember. The other person who obviously supported it was Annette Ellis - a well-known Liberal sympathiser, Mr Speaker! - who got up with me to launch something that she believed strongly was important for Canberra, as we do.

Coms21 Ltd

MRS LITTLEWOOD: My question without notice is to the Chief Minister in her capacity as Minister for Business and Employment. I refer to the recent announcement that a Canberra company, Coms21 Ltd, had won a contract to provide so-called smart card systems to a major Chinese corporation. Can the Minister advise whether Coms21 has been assisted by the ACT Government to expand its operations here in Canberra?

MRS CARNELL: I thank the member for the question. Mr Speaker, Coms21 Ltd represents yet another example of how this Government's policies are working to create new jobs and new opportunities for Canberra's local businesses. Coms21 was established here in Canberra back in 1992 to commercialise smart card or stored information technology. Since that time it has grown to the point where it currently employs 42 people here in Canberra and has offices in Sydney and Beijing.

Last year Coms21 came to the ACT Government and sought assistance to relocate to larger premises in Canberra due to the fact that its business was expanding so rapidly. The Government was able to assist the company under our innovative business incentive scheme because the panel which assessed the Coms21 application saw the potential of this company as becoming a major employer in the ACT. Coms21 now plans to more than triple its work force over the next three years from 42 to 150 people. That is more than 100 new jobs, Mr Speaker, and we did not hear those opposite make one comment about it. They are the first to make comments if one of our business incentive companies does not achieve its job projections as quickly as it thought it would, but do you see them hopping up in this place and waxing lyrical about what a great scheme it is when companies like Coms21 and others have done even better than anybody could have expected?

Why is Coms21 growing so quickly in the field of technology? The company has established two subsidiary operations - one in Sydney, which is involved in the supply of interactive television games, and one in Beijing, where it is marketing its smart card technology. This Government, through its interest in helping ACT firms to get a foothold in China, has been working closely with Coms21. Following our visit to Beijing in January this year, where I met with the Coms21 officers who were working there, the firm also agreed to participate in the recent CanTrade delegation to China in June.

So, what outcomes have been achieved for Coms21? What contracts have actually been signed with China? The result has been that Coms21 not only has won a $7m contract for the supply of drivers licence cards and card readers, but has recently secured an even larger deal. It has now entered into an agreement with the Peoples Insurance Company of China, and - wait for this - the Peoples Insurance Company of China has 242 million policy holders and assets worth some $5 billion. There is a big company for you. The initial deal is to trial smart cards in one province. This is worth some $12m in business to Coms21. Mr Speaker, if all goes well, I am advised that the final agreement will be worth in excess of $1 billion - $1 billion for a local Canberra company. That is not a bad effort for a home-grown firm that began operations only some five years ago.

I am sure that most members of the Assembly - you can never talk about those opposite - would join me in congratulating Coms21 for its successes and for its commitment to making Canberra its headquarters. If it was up to those opposite, off they would have gone because there would have been no help. I heard Mr Berry last week telling Canberrans that this Government had done nothing to help local businesses grow or expand their operations. Last time I checked, Mr Speaker, of the 26 business incentive scheme agreements that so far have been approved, 18 were with local companies.

Mr Speaker, that is seven out of 10. These agreements will mean almost 2,000 new jobs over the next three years and a direct investment of $50m by these companies in Canberra. That is a clear demonstration of the faith that this Government has in local businesses and is a reflection of how our determination to get out there and have a go is helping Canberra to end its reliance on the Public Service for economic and employment growth.

Mr Speaker, if we took the attitude of those opposite to this, we would never do anything. There would never be a business incentive scheme deal signed. There would be no Olympics in this city. All of our major sporting teams, or at least our major football teams, would have left because they did not have a decent stadium to play in. As well as that, we would not have a marketing approach for Canberra. That is the approach that those opposite would take. Mr Speaker, people do not take Mr Berry and his sidekick Tonto - I mean Mr Corbell - seriously when Labor tries to talk about business. They do not even have a shadow Business Minister. I do not imagine they will ever have a shadow Business Minister because no-one would take them seriously. When one thinks of what life would be like if we had a Labor government dealing with business in Canberra, I am reminded of that famous catchcry that was used to describe the science fiction movie *Aliens*: "Be afraid; be very, very afraid".

Marketing and Promotion Campaign

MR CORBELL: Mr Speaker, my question is to the Chief Minister and is in relation to the Feel the Power of Canberra campaign. Chief Minister, how much television advertising for the Feel the Power of Canberra campaign has been placed for screening in the interstate capital cities so far? How much will this cost and when will it be screened? If you cannot provide these details now, will you undertake to provide them to the Assembly by the close of business today?

MRS CARNELL: Mr Speaker, again, I think I answered a lot of that yesterday. I indicated that there are two phases of the campaign. In fact, there are more than two phases; there are lots of phases. The strategy being adopted for television advertising for Feel the Power of Canberra will see both 30-second and 60-second ads run initially on Canberra and regional television for an initial two-week period. The cost of that is $15,000. It is already booked and in place. I also told the Assembly yesterday that the second phase of the campaign will see advertisements run interstate, with a particular emphasis on Sydney. I indicated that they would occur during the next few weeks. I indicated, too, that Annabelle Pegrum - I am sure I indicated this, but if I did not I will do it now - the head of the Business Department, is currently negotiating those deals with the various television networks. It would be very hard to table agreements that have not been signed. Mr Speaker, I do not want to pre-empt how much money we are willing to spend, because it is a really good deal.

Mr Wood: You do not know yet.

Mr Corbell: You have no idea.

MR SPEAKER: Order!

MRS CARNELL: Actually, Mr Speaker, there is half a million dollars for this campaign. That goes without saying. Mr Speaker, if those opposite believe in going into negotiations and saying, "Here is the amount of money we are going to spend up front", then no wonder they do not have a shadow Business Minister.

MR CORBELL: Mr Speaker, I would have thought that advertising companies were the people who negotiated time and space, not the chief executive of the Department of Business.

MR SPEAKER: I would have thought you would ask a supplementary question without a preamble.

MR CORBELL: Mr Speaker, my supplementary question - - -

Mr Humphries: Mr Speaker, I raise a point of order before the next question, and no doubt interjections by those opposite. Members on that side have been very vocal during the Chief Minister's answers today. I think it is appropriate that they be able to hear the answers to the questions that they are asking. I would ask that they be brought into line as far as the standing orders are concerned.

MR SPEAKER: Mr Humphries, I am noticing this. I would caution everybody. I would also suggest that the Government not provoke the Opposition. At the same time, interjections after you have asked your question are certainly out of order, and if I have to deal with them I will. Mr Corbell, ask your supplementary question with no preamble.

MR CORBELL: Yes, I have a supplementary question. Chief Minister, why has the Government launched the advertising campaign Feel the Power of Canberra without having arranged for any - I repeat any - interstate advertising of the campaign prior to its launch? Surely this is an indication of the Government's failure to focus its efforts on getting this advertisement into interstate markets. Surely this demonstrates that the real reason for this campaign so far is to boost the Chief Minister's re-election chances with the Canberra community.

MRS CARNELL: Mr Speaker, again you see what happens when
Mr Corbell or those opposite try to get involved in anything that has anything at all to do with business. I also said yesterday that other ads have been booked already. Those are the Fujitsu ads in national business magazines and in in-flight - - -

Mr Corbell: TV advertising.

MRS CARNELL: You said any advertising at all.

Mr Corbell: TV advertising.

MR SPEAKER: Order!

MRS CARNELL: You said any advertising at all - your words.

Mr Corbell: No, I did not.

MRS CARNELL: You did. Have a look in *Hansard*.

Mr Corbell: Any television advertising at all. How much television advertising?

MR SPEAKER: I warn you, Mr Corbell.

Ms McRae: I wonder which parliament on earth has no interjections.

MR SPEAKER: Constant interjections.

Mr Berry: Mr Speaker, would you remind the Assembly of the standing order which permits you to give warnings?

MR SPEAKER: Standing order 202?

Mr Berry: Would you like to read the parts?

MR SPEAKER: It says:

> If any Member has:
>
> (a) persistently and wilfully obstructed the business of the Assembly -

one could interpret that as a warning, as the Chief Minister is trying to answer the question -

> (b) been guilty of disorderly conduct -

paragraph (c) does not relate to this -

> (d) persistently and wilfully refused to conform to any standing order -

one of which is to maintain some silence -

> or
>
> (e) persistently and wilfully disregarded the authority of the Chair -
>
> that Member may be named by the Speaker.

I have just issued a warning to Mr Corbell.

Ms McRae: You call, "Order!". Then we listen to your order.

MR SPEAKER: Be careful, Ms McRae.

MRS CARNELL: Mr Speaker, they are all a bit precious today, and I can fully understand why. I have made it clear in the past. To answer the last part of Mr Corbell's fairly silly supplementary question with regard to this being an election ploy for the Liberal Party, we started speaking to J. Walter Thompson last year. They have done almost a full year's work now on this concept. We made it very clear quite a long time ago that we were putting half a million dollars aside for a marketing and promotion campaign for Canberra - something that Mr Corbell could not understand, if you remember at the time, because he could not understand the difference between a branding exercise and an advertising campaign. This supplementary question is showing that.

This is not an advertising campaign alone, Mr Speaker. It is not about tourism alone. This is about changing the attitude of Australians to the national capital. This is about getting Canberra on the list when businesses talk about or think about where they will expand or where they will set up their headquarters. This is a quite wide-ranging approach, not an advertising campaign in itself. That is part of it, but it is certainly not the only part. We believe strongly, and we have made this clear for a very long time, that this is what Canberra needs not just for tourism but to become the technology centre that we believe it can be - of course, Mr Speaker, those opposite do not - and to create jobs in Canberra.

Redevelopment of ROCKS Area

MS TUCKER: My question is to the Chief Minister and concerns the possible redevelopment of the old buildings and car park bounded by Childers and Kingsley Streets and Barry Drive in Civic, commonly referred to as the ROCKS area. This area is currently tenanted by a range of community groups, such as the Environment Centre, PhotoAccess and the Canberra Pensioners Social and Recreation Club. Could you please tell us what discussions have occurred between your Government and developers regarding the redevelopment of the site into offices and associated uses, what provisions will be made for community group accommodation in this redevelopment, and what opportunities the existing community group tenants will have of influencing the proposal?

MR HUMPHRIES: Mr Speaker, I will take that question as Minister for Planning. I can fairly well assure the Assembly that there have been no discussions between developers and members of the Government as such about any proposal to redevelop the ROCKS site. Proposals to redevelop that site have been in concept on the table for quite some time, for many years. One only needs to visit the site to realise that the buildings are extremely run-down. The location is very eminent and it has the potential to complement the development which has gone on at the other end of Childers Street for the creation or enhancement of the School of Art, the School of Music and now the other Street Theatre, to create something of a cultural precinct along Childers Street and, at the same time, hopefully provide better accommodation for some of the community groups that presently occupy the ROCKS site.

A number of proposals have been discussed at various stages at a level below government, and on each occasion the Government has indicated very clearly that it wishes to involve those on the site already as occupants of buildings there with any proposals that might come forward. I am aware that my department has had some approach from a company, the name of which I cannot recall at the moment, for development of that site. At the very first instance we directed that company to discuss the proposal with the tenants at the ROCKS site. There is a committee, I think, representing all the tenants there and that, I think, has been approached to discuss the proposal. In fact, that has occurred before any discussions occur with Ministers, in order to try to head off the inevitable criticism - no doubt the Greens will be responsible for some of it - of us handling the whole process in the wrong way. We have put it at arm's length to let the developer talk to the ROCKS people about it. No doubt when they have educated themselves with that view from the ROCKS tenants they will come back and talk to the Government directly about that kind of thing.

It may come to nothing. I must say that most of these proposals do come to nothing. We hear far more proposals which end up going nowhere than we hear ones that ultimately result in developments. However, while they are being talked about they will be a cause of concern to some people. That is why we have directed them to talk to the people who will be most concerned at the very first stage. I cannot answer any of the other questions that have been posed, because the idea is no more than that - an idea - at this stage.

MS TUCKER: I have a supplementary question, Mr Speaker. Still staying with the ROCKS, can you confirm that the Ethnic Communities Council and the Migrant Resource Centre, who are presently located at the Griffin Centre, have been offered some place in the ROCKS area by your Government?

MR HUMPHRIES: No, I do not think I can. I know that there has also been some talk at various stages about a redevelopment of the Griffin Centre site. Again, that is one of those ideas that come forward about every 18 months for where at least the MRC is at the moment. I am sure that there will be a proposal like that for some time to come. It may or may not result in something that will be worth while. I can assure members of this place, and the Greens, in particular, that we will handle the process very carefully. We will attempt to consult everybody we possibly can before any decisions are made. When someone comes forward and - - -

Mr Moore: Ask them how to go about it.

MR HUMPHRIES: Indeed. Mr Speaker, this is the opportunity. I would invite Ms Tucker to come forward and tell us how a Greens government would handle this kind of proposal.

Marketing and Promotion Campaign

MS McRAE: My question is to the Chief Minister and it is in relation to the Feel the Power of Canberra campaign. Chief Minister, why has the control and ownership of the campaign been allowed to be retained by J. Walter Thompson?

MRS CARNELL: Thank you very much for the question. Mr Speaker, a licence fee of something like 5 per cent will be paid to J. Walter Thompson as a result of this ongoing approach or the business approach that we have taken on this, with the branding exercise. The Government, as we have already said, recognised the need for a coordinated marketing approach. We brought on the best in the world, J. Walter Thompson. In an arrangement that has minimised the outlay for the Government, J. Walter Thompson will retain the intellectual property rights for Feel the Power of Canberra for three years, at which time it will revert to the Territory at no cost.

In the meantime, a licence fee of 5 per cent will be payable for the use of the brand vision through City Graphics, the company selected to implement the campaign. The reason why this was done in this way, quite simply, was to minimise the cost to the Territory and to make sure that we could have the campaign, get it out there and spend all the money that we possibly could on getting poster campaigns and television advertising, and getting the message out there to the business community, to the tourist community and to Australia generally. This approach really has minimised the up-front cost to the ACT Government, and, as such, I believe was a good business deal.

MS McRAE: I have a supplementary question. Chief Minister, is it not highly unusual for the ACT Government, which has paid at least $100,000 for a key marketing and advertising campaign, to allow a private advertising firm to retain the ownership and intellectual property, instead of the Government? Can you indicate whether any other ACT Government advertising contracts have allowed individual advertising firms to own the campaign? If so, which?

MRS CARNELL: Mr Speaker, I do not know how often I have to say that it is not an advertising campaign. This is the brand vision. They do not own the advertising campaign; they own the brand vision. Those opposite would have to look a long way to find another situation where a worldwide company like J. Walter Thompson would put a brand vision together for a city like Canberra for $50,000. The cost of putting the brand vision together was $50,000 in the first year. In the second year it is $50,000 to manage the use of that brand vision.

Mr Speaker, I am told that, of a half a million dollar marketing and promotion fund, the commission payable to J. Walter Thompson would be an absolute maximum of $25,000. That is not an awful lot out of half a million dollars. It has saved the ACT Government significantly up front. I do not think anyone would doubt that one of the problems we have is that the money we have available is not the sort of money that Atlanta has or Coke has when they want a new branding vision. We had to do it on a budget. This is a way that we can get that marketing campaign, that brand vision, the advertising campaign, all of the bits of this whole approach, out there in the market for the dollars that we can afford. At the end of three years, Mr Speaker, the brand vision reverts to the ACT Government at no cost.

Ms McRae: Mr Speaker, I take a point of order. I desisted from interrupting the Chief Minister. We have followed strictly your instructions about not interjecting. The Chief Minister's response was entirely irrelevant. I do call to your attention the standing orders that do require a Chief Minister to answer a question. My question was whether any other advertising company or campaign has been treated in the same way. I want to bring to your attention, Mr Speaker, that there is a standing order in relation to relevance.

MR SPEAKER: Thank you.

Mrs Carnell: I take a point of order again, Mr Speaker. I started to answer the question by saying this was not an advertising campaign. It was a brand vision, Mr Speaker. To my knowledge, no government in the ACT has ever gone down this path before, so how could there be a precedent?

Very Fast Train Project

MR MOORE: Mr Speaker, my question is also to the Chief Minister. No doubt, Chief Minister, you are aware of Prime Minister Howard's recent promise of $100m to be allocated for a train link between Adelaide and Darwin. The announcement was made during the Northern Territory election campaign. Can you advise when the ACT will be receiving its $100m allocation for the very fast train link between Sydney and Canberra? Will it be soon, or have you asked Mr Howard to wait until, say, the second or third week in February?

MR SPEAKER: Or is this a hypothetical question, Mr Moore?

MRS CARNELL: Mr Speaker, I can guarantee that if Mr Howard offers us $100m tomorrow I will take it. I think everybody else would take it, too, very quickly. Yes, Mr Speaker, we are lobbying the Prime Minister to treat the ACT on the same sort of footing as he treated South Australia, the Northern Territory and Newcastle. The Prime Minister has indicated support for the very fast train project. He has indicated that he believes very strongly that the train project should go ahead. We have suggested to the Prime Minister that such things as tax breaks on the project should be announced sooner rather than later. We would certainly be very keen to have $100m for the project; but the Prime Minister has already announced $133m for the National Museum, to be spent over the next few years, and that comes out of the same fund, as I understand it. Certainly, $133m for the National Museum is something I think everyone in this place wanted, but another $100m would be good.

MR MOORE: I have a supplementary question, Mr Speaker. I think we are talking about a different fund. I am talking about the pork-barrelling fund. I wonder, Chief Minister, whether this will be an interesting test to see who has more influence on the Prime Minister, Shane Stone or you.

MRS CARNELL: I can absolutely guarantee, Mr Speaker, that it will not be me.

MR SPEAKER: There was an imputation in that, Mr Moore, about pork barrels.

Mr Moore: Mr Speaker, I withdraw any imputation on any member of this Assembly.

MR SPEAKER: I have no doubt.

Marketing and Promotion Campaign

MR WOOD: Were you anticipating my question, Mr Speaker? "Pork-barrelling" is a very relevant term. Mr Speaker, my question is to the Chief Minister. It is in relation to the Feel the Power of Canberra campaign. Can the Chief Minister explain why tenderers in the second stage of the campaign were required to provide the ACT Government with 120 days' credit? Is this because the Government cannot afford to pay them on normal terms of 30 days? How does the Chief Minister reconcile this position with trying to support local small and medium sized businesses who are struggling to survive in difficult economic circumstances? Does the Chief Minister believe it is appropriate to make firms interested in bidding for these contracts provide the Government with four months' credit?

MRS CARNELL: Mr Speaker, I might just requote the winning tenderer, who made it very clear that he believed that the tender process was appropriate.

Mr Corbell: I raise a point of order, Mr Speaker. We did not ask for the winning tenderer's opinion. We asked for the Chief Minister's.

MR SPEAKER: Just wait for the answer.

MRS CARNELL: Mr Speaker, fairly obviously, I thought it was all right. The tender documentation relating to the implementation of the campaign was developed by the Department of Business, the Arts, Sport and Tourism. It was done in close consultation with the contracts and tenders area of the Department of Urban Services and with the Attorney-General's Department. Notwithstanding the sorts of concerns that some of the companies who chose not to tender have put forward, a number of companies did tender. The tender was well responded to and subsequently it was won by a local company. I think that says it all.

MR SPEAKER: Do you have a supplementary question, Mr Wood?

MR WOOD: I confess that it is not a supplementary question. It is the same question again, Mr Speaker, which was: Why was 120 days' credit demanded?

MRS CARNELL: Mr Speaker, again I say that the tender documents were put together by the department, by the contracts and tenders area - the people who do these sorts of things all the time - and by the Attorney-General's Department. The tender was well responded to. If it was well responded to - - -

Mr Wood: Why?

Mr Corbell: I take a point of order. Mr Speaker, the Chief Minister is not answering the question. We asked her why. If she does not know, can she take it on notice and get back to us?

MR SPEAKER: Order! There is no point of order, Mr Corbell. The Chief Minister is answering the question.

Mr Wood: No, she is not. You are wrong.

Mr Corbell: She is not.

MR SPEAKER: The Chief Minister, in fact, has answered the question.

MRS CARNELL: Mr Speaker, I have. I have indicated who put the tender documents together. The fact that a good percentage - - -

Mr Wood: No; I did not ask that.

MRS CARNELL: A number of people, a number of companies, responded to the tender. In fact, the tender document was responded to well, and it subsequently was won by a Canberra company. Those things indicate that those companies that did tender believe that the approach that was taken in the tender document was appropriate.

Mr Wood: Why are you avoiding that question?

MRS CARNELL: I am not.

Marketing and Promotion Campaign

MS REILLY: My question is to the Chief Minister and it is in relation to the Feel the Power of Canberra campaign. I hope you are listening so that you can answer this question. What market testing has been done to test the concept of the message "Feel the Power of Canberra" with interstate audiences? Has there been market testing or focus group testing of this message to test its acceptance in the crucial interstate market? If so, where, and who did the testing?

MRS CARNELL: Mr Speaker, as part of the development of the branding campaign, market research was undertaken by Susan Bell Research in conjunction with J. Walter Thompson. Two separate groups were researched. They were non-Canberrans and they were people who had no strong opinions of Canberra as a city. The purpose of the research was to determine whether the proposed campaign would communicate key strategic messages to the proposed audience and whether there were any spontaneous positive or negative reactions to the proposed campaign.

Key findings of the research included that respondents agreed that Canberra is a powerful city and that this power is more than simply political; that there was a particularly strong and positive response to the images of Lone Pine at the War Memorial and the AIS swimmer; and that the proposed campaign "opens your mind to Canberra". On the strength of these extremely positive findings, the Government chose to implement the campaign. I think it is fair to say, judging from the response of Canberrans and others to date, Mr Speaker, that the market research undertaken will turn out to be particularly accurate.

MR SPEAKER: Do you have a supplementary question, Ms Reilly?

MS REILLY: Yes. Part of my question that the Chief Minister did not answer was where this market testing was done.

MRS CARNELL: Mr Speaker, I indicated that the people who were market tested were non-Canberrans. They were people, I understand, who were visiting Canberra. They were people from outside Canberra. This was done by a reputable market researcher. Mr Speaker, I think that really says it all. I am sorry; it was done in Sydney, I am told.

Parliament House Riots - Police Compensation Claims

MR OSBORNE: My question is to the Attorney-General, Mr Humphries, and is about compensation for those police officers who were injured in the riots at Parliament House last year. Minister, I noticed in recent news articles that you are expecting the compensation claim to exceed $200,000. At present I understand that this cost will be completely borne by the Territory. Given that the riots were essentially about Federal matters and took place in the Federal parliamentary precinct, why is the ACT liable to pay this compensation? Have you taken any steps to see whether or not the Federal Government would reimburse us for that money?

MR HUMPHRIES: I thank Mr Osborne for that question. I was troubled by many of the implications of the riots at Parliament House in August of last year. I was particularly concerned that ACT taxpayers not be forced to bear a disproportionate burden of the entire exercise that went on there. Mr Speaker, I have spoken before about the many costs that the ACT has had to bear from that. One of those costs was the claims for criminal injuries compensation made by a number of people, particularly by police, who were injured in the course of that demonstration. I think something like 100 police sustained injuries of various sorts in the riots.

I wrote to the Federal Attorney-General, putting it to him that the ACT taxpayers ought not to be bearing the whole cost of those claims when, in fact, all those police were injured in the course of a demonstration against a Federal Government budget. Many of the demonstrators were, in fact, from outside the ACT, and it would be unfair to ask the ACT taxpayers to meet those costs. I have received a response from the Federal Attorney-General. In the course of his response he says:

> The provision of police services in the Parliament House precinct is the responsibility of the ACT Region of the AFP ... Any claims made by members of the AFP under the CIC Act are the responsibility of the Australian Capital Territory Government.

He feels he is unable to give the undertaking that I sought from him - that the Commonwealth would share that cost, if not pay it altogether.

Mr Speaker, I have to say that I am disappointed by that response. To be frank, we are going to have to include issues like that in negotiations about the future of the policing agreement with the Commonwealth. It is another cost we have to bear by having the AFP provide services to this community. Apart from having been short-changed by the Commonwealth over a number of years, we are now being asked, in effect, to pay for the luxury of putting our police - the police we pay for - up onto the hill to get beaten up in demonstrations outside Federal Parliament relating to Federal parliamentary decisions or Federal Government decisions. That all seems extremely unsatisfactory.

MR OSBORNE: I have a supplementary question. What is the situation currently with your conversations with Mr Williams in regard to the appointment of an ACT Police Commissioner?

MR HUMPHRIES: Essentially, that issue also has met with resistance from the Federal Government. I have to say that I am no more confident of being able to advance that issue in the present climate than I am of being able to advance the issue of the Commonwealth meeting the cost of CIC payments for police injured in situations like the Parliament House riots. The Commonwealth Government indicated very clearly, I think last year, through both the Prime Minister and the Attorney-General, that they did not support the statutory appointment of an ACT commissioner as recommended by the Legal Affairs Committee of this place. They rejected the proposal, based on a claimed potential for disruption in the command structures - that there would be two potential sources of authority to individual police officers in the ACT.

I think that again highlights the inappropriateness of an arrangement whereby we pay $52m for a service over which we have an unsatisfactory degree of control. I know this has been raised in a different context. I think Mr Wood might even have been quoted in the media as saying he favoured consideration of an ACT police force.

Mr Wood: No; control of ACT police was my theme.

MR HUMPHRIES: We all favour that. I have to say that I am tending more to the view that the arrangement we have now with the AFP is not the only way in which we should consider, in the future, how we police the Territory.

MR SPEAKER: The supplementary question was very broad, Mr Osborne, but I allowed it.

Bruce Stadium - Agreement with Canberra Raiders

MR WHITECROSS: You get only six out of 10 for that supplementary question, Paul. Do better next time. Mr Speaker, my question without notice is to the Chief Minister, Mrs Carnell. Chief Minister, in a question on ABC radio 2CN this morning you were asked about the deal the Raiders have struck with your Government to play at Bruce Stadium. When asked by the host, Cathy Van Extel, whether the Government was guaranteeing minimum returns to the Raiders, you replied:

> No. We're not at all. The Raiders will get more money if they get more people to their games. We've made it quite clear, and I think the Raiders have as well, the Raiders will have to get crowds to achieve returns.

When asked whether, if they get the same crowd figures next year as they did this year, they will be better off financially, you stated:

> No, they won't be better off financially; they will be about the same. But they will get better crowds, I believe.

Of course, we all expect that they will get better crowds. Chief Minister, while your statement that if the Raiders get the same crowd figures next year they will be about the same financially is transparently true, because the new agreement does not come in until 1999, can you confirm that if the Raiders get the same crowd figures in 1999 as they achieved in 1997, which were historically low, the Raiders will be about $2.3m better off than they are under the current arrangements? Can you also confirm, Chief Minister, that the deal you have struck with the Raiders will see the Raiders get paid $2.2m even if they get a total crowd of 22,000 people for the whole season - that is, an average of 2,000 people per match? Can you confirm that this equates to $100 per person per game?

MRS CARNELL: Mr Speaker, I am pleased that Mr Whitecross does realise that the contract does not come in for a couple of years yet. Mr Whitecross probably needs a bit of a briefing, shall we say, on the contract, because the things that - - -

Mr Whitecross: I have been asking for it for weeks.

MRS CARNELL: We are very happy to give you a briefing. I am very happy to give a briefing on the arrangements that have been put in place, Mr Speaker, because the comments that Mr Whitecross makes are wrong. It is that simple. There is no guaranteed income payable by the stadium to the Raiders regardless of how many patrons they attract to their home games.

Mr Whitecross: That was not the question.

MRS CARNELL: That is, basically, the question, Mr Speaker. There is no guaranteed income payable. The Raiders, as a hirer, will receive the greater percentage of revenue from ticket sales, but this is not predicated on any minimum or maximum crowd figure. Logically, if the Raiders attract 25,000 people to a home game, they will generate more revenue than if they get only 5,000 paying patrons. This is exactly the same as is the case

under current arrangements. The Raiders will receive a share of income generated from the sale of naming rights, something that is not the case at the moment; advertising signage; the sale of corporate suites that will be of a significantly higher standard than the existing corporate boxes; and food and beverage sales. So you cannot compare the current situation with the basis for revenue projections in the future. However, obviously, if no advertising or corporate suites are sold there will be no revenue to share. Everyone will get nothing. A share of zero, the last time I checked, is zero.

The Government has not offered the Raiders incentives amounting to $2m spread over 10 years, as I have heard some people say, to prevent the team from relocating to Seiffert Oval. What Mr Whitecross is saying is simply untrue. It is really that simple, Mr Speaker. There is no guaranteed minimum or maximum. This is a businesslike arrangement. I think it is probably worth, at this stage, reading a bit from a letter from Kevin Neil of the Raiders.

Mr Whitecross: A bit?

MRS CARNELL: I am happy to table the letter, if you like. That is not a problem. Mr Neil was referring to an article in the *Chronicle*, I think, last week, and he said this:

> To suggest somehow that either party has achieved a "deal of the decade" is ridiculous. The newspaper article claimed, in effect, that the Raiders would get the same amount of money from ticket sales regardless of what size crowd they attracted. This is wrong. Our share of revenue depends upon our ability to attract paying patrons. The more patrons, the more revenue we achieve.
>
> The Raiders are excited and supportive of the opportunities available to us from the redeveloped Stadium. The Raiders certainly needed a venue to a standard which your Government is committed to constructing to be successful in the rugby league business. If this redevelopment did not occur, other venues around Australia would have needed to be considered. Like you, we are committed to Canberra and its future and this has been reflected in our decision to play all our home games at Bruce Stadium for the next 10 years.

Mr Speaker, again, I am happy to table this letter. The Raiders make it clear that there is no guaranteed amount of money regardless of how many people they get. It is based upon crowd numbers. Also, they say that they would have had to look outside Canberra if we had not done this.

MR WHITECROSS: I have a supplementary question, Mr Speaker. First of all, Chief Minister, in answering my question you said you could not compare the new deal with the old deal. Why did you sign a new deal when you have no basis for comparing it with the previous arrangement to tell whether it is better or worse? How can you say that it is not better than the previous arrangement if you cannot compare them, as you said? Is your failure to answer either of my questions an admission that both of the ideas in my questions were true, or would you like a second opportunity to answer the questions?

One question was: Can you confirm that, if the Raiders get the same crowd figures in 1999 that they achieved in 1997, the Raiders will be about $2.3m better off than under the current arrangements? My other question was: Can you also confirm that the deal you have struck with the Raiders will see the Raiders get paid $2.2m even if they get a total crowd for the season of only 22,000, that is, an average of 2,000 per match? Finally, Chief Minister, you have stated that you have also signed a deal with the Cosmos. If the Cosmos, with their new coach Branko Culina and their new signings, can achieve an average crowd of 2,000 per game, will you be giving them the same $2.2m or $100 a head deal?

MR SPEAKER: There are three questions there, and one expression of opinion, which you will ignore.

MRS CARNELL: One of them is hypothetical. I will ignore that one. Mr Speaker, I did answer the question first off. The answer was no. Unfortunately, the illustration that Mr Whitecross is using is simply untrue, as I said the first time. The illustration that he was using, the $2.2m, results from the interrelationship of assumptions regarding various levels of Raiders sales compared with the assumed sales levels for other hirers in the business plan that was put together. In other words, there is no $2.2m guaranteed to the Raiders. End of deal. It is that simple.

Mr Whitecross: That is not the question I asked.

MRS CARNELL: I am sorry; you did. You said, "Will they get $2.2m more?". The answer is no, not necessarily, but there are a number of other revenue sources, Mr Speaker, that the Raiders will be able to access under the new deal - such things as better corporate facilities, as I said earlier, and better advertising operations. There are a number of other ways that the Raiders and other hirers can get revenue. Mr Speaker, obviously, I did not sign these contracts.

Mr Berry: Oh, no - "It is not my fault".

Mr Whitecross: No, it is someone else's fault.

MRS CARNELL: No, no. Mr Speaker, Mr Whitecross did indicate that I had signed the contracts. Obviously, I do not sign these sorts of contracts. I think it is very important that Mr - - -

Mr Corbell: But you approve them.

MRS CARNELL: Yes, I do agree with it. I think the capacity for the ACT to have Olympic soccer is something that those opposite obviously do not appreciate, Mr Speaker. One of the things that have come out of the line of questioning over the last two days indicates that Mr - - -

Mr Whitecross: Did the Cosmos get the same deal?

MR SPEAKER: Order, Mr Whitecross!

MRS CARNELL: Mr Speaker, the line of questioning indicates quite definitely that if those opposite are elected next February we will not have Olympic soccer. We will not be an Olympic city. We will not be in the race, Mr Speaker, because the sorts of things that those opposite are questioning with regard to the upgrade of Bruce Stadium are a basis for our being able to host Olympic soccer. They are also, as Mr Neil said, the basis of our being able to keep in Canberra some of our high-profile sporting teams. Obviously, those opposite do not want Olympic soccer. If they are elected, I am sure they will rip up the contract.

Mr Berry: Mr Speaker, there is a standing order related to relevance. I do not remember Mr Whitecross asking a question about Olympic soccer at all. In fact, he asked about the Cosmos deal, and Mrs Carnell has yet to answer that.

MR SPEAKER: I cannot say that the answer to the question was entirely concise, because there was a lot to it. It was certainly confined to the subject matter, however. I believe that the Chief Minister has finished. Have you finished?

MRS CARNELL: Mr Speaker, I can guarantee that the basis for negotiations with all three codes is the same.

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

Kingston Bowling Club Site

MR HUMPHRIES: Mr Speaker, on 19 June last year I answered a question from Mr Moore concerning the Kingston Women's Bowling Club site. I indicated in the Assembly late last week that I would revisit this issue following advice I gave to the Assembly. I have examined the answer I gave in June 1996 and compared it with statements made in the Auditor-General's report tabled earlier this month. The development was approved in May 1994, and change of use charge of an amount of $252,800 was paid in August 1994. Following a submission of the then separate design and siting application form, appeals were lodged with the Land and Planning Appeals Board. The board's decision was not made until October 1995, and consequently a new lease could not be granted by the delegate until November 1995.

The Auditor-General takes the view that there may have been discrepancies in the original approval process under the previous Government and as a result some revenues forgone to the Territory. However, based on legal advice I sought after this report was presented, there is no room for me or this Government to seek recovery of forgone revenue. The Auditor-General states that the then Department of the Environment, Land and Planning applied an incorrect remission rate to the charge for Kingston, the betterment for Kingston, because of the age of the application. Officers in the former DELP had accepted a letter of application from the bowling club in 1989 as initiating the variation. Therefore, their remission dated from 1989 and a 50 per cent remission applied.

Conversely, the Auditor-General considers the 1989 letter a general inquiry which may not necessarily constitute an application. As a result the application is, for the purposes of the Auditor-General's findings, dated from 1993 as applied under the Land Act. If this were the case, a 10 per cent remission would have applied at the time.

Prior to the Land (Planning and Environment) Act 1991 there were three avenues by which a lease could be changed and the status of an application varied. Appendix 1 of the Auditor-General's report acknowledges these three avenues: First, section 11A of the City Area Leases Act; second, section 72A of the Real Property Act; and, third, surrender and regrant. The report notes at page 43 that section 11A of the CALA was the only section which prescribed a form of application and that this was only for purposive changes. The report acknowledges:

> Forms relevant to the various types of applications ... have been administratively determined.

If the question is "Do I find this a satisfactory way of doing business?", the answer is no. But in 1991 the Assembly passed laws which required an application form to be approved.

In the absence of any statutory provisions for what constitutes an application under the Real Property Act and the surrender and regrant process, officers of the then department administratively determined what an application was by using common law principles. Therefore, in this instance an application was deemed to be a request. I advised the Assembly on 16 June 1996, based on advice from my department, that in 1989 the letter was deemed to constitute an application. To assist members, I table a copy of the possible Assembly question brief provided to me by the department.

As acknowledged in the report, the Land Act and the new procedures of the Planning and Land Management Group in my department will safeguard against the recurrence of such uncertainty. In essence, section 184 of the Land (Planning and Environment) Act does not create a debt due to the Territory, and there is no provision in the legislation for the Minister or the Executive to make an amended assessment and recover revenue. Additionally, the legal advice provided to me presents no option to recover the revenue that has been forgone. Mr Dunstone, please take note. If recovery action was pursued for Kingston, it is likely that the courts would hold that the Executive could be estopped from taking action. If the courts did not stop such moves, the Land Titles Act may allow lessees to take action against the Executive.

Manuka Car Park Development

MR HUMPHRIES: Mr Speaker, I took on notice part of a question from Mr Wood on 2 September. It was about the proposed development of section 41 at Manuka. He asked me whether it was open for me to withdraw the conditional offer of lease and not proceed or, indeed, make another offer, presumably to somebody else. It is not open to me to withdraw the conditional offer of lease until a mandatory preliminary assessment has been prepared and circulated for comment and any subsequent investigations that may arise from the PA have been completed.

Morris Consolidated has paid a substantial deposit and is undertaking a preliminary assessment. The Territory is also committed to completing its part of the process. As I alluded to when I responded to Mr Wood, the question of compensation is an issue. It appears that Morris Consolidated would have grounds to claim compensation should the offer be withdrawn before that process is completed. The proponent is in the process of finalising the PA. The PA will provide further information on the impacts of the development. The community and the Assembly need this information to determine for themselves what impacts the development might have. I am advised that the PA should be with my department shortly. It will then be released for public comment.

PERSONAL EXPLANATION

MR BERRY (Leader of the Opposition): Mr Speaker, I seek leave to make a personal statement pursuant to standing order 46.

MR SPEAKER: Proceed.

MR BERRY: During question time Mrs Carnell created the impression that I would in some way renege on contracts that were agreed to in relation to Olympic soccer, the Raiders and other football codes at the Bruce Stadium. This is quite untrue. We will be bound by those contracts; but we want to find out what the community is being let in for, and we will continue to pursue our course until we do find out.

PAPERS

MR HUMPHRIES (Attorney-General): For the information of members, I present the following papers:

Calvary Hospital - Information Bulletin - Patient Activity Data - July 1997.

The Canberra Hospital - Information Bulletin - Patient Activity Data - July 1997.

Calvary Hospital ACT Incorporated - Financial statements 1996-97.

Annual Reports (Government Agencies) Act, pursuant to section 14 -

Chief Executives, pursuant to section 7 -

Department of Urban Services - Report (3 volumes) and financial statements, including the Auditor-General's report for 1996-97, together with reports for:

ACT Gas Authority

ACT Land and Planning Appeals Board

ACT Planning Authority

Animal Welfare Authority

Architects Board of the Australian Capital Territory

Canberra Public Cemeteries, including financial statements and Auditor-General's report

Conservator of Flora and Fauna

Electrical Licensing Board of the Australian Capital Territory

Essential Services Review Committee

Office of Planning and Land Statutory Decision Maker

Plumbers, Drainers and Gasfitters Board of the Australian Capital Territory

Pollution Control Authority

Registrar of Pesticides

Surveyors Board of the Australian Capital Territory

and audited financial statements for:

ACT Forests

ACT Housing

ACTION

InTACT

Public Authorities, pursuant to section 8 -

Financial Management Act - Milk Authority of the Australian Capital Territory - Report and financial statements, including the Auditor-General's report for 1996-97

Health Complaints Act - Commissioner for Health Complaints - Report for 1996-97

Mental Health (Treatment and Care) Act - Director of Mental Health Services - Report for 1996-97.

CANBERRA TOURISM AND EVENTS CORPORATION - BUSINESS PLAN 1997-2000
Paper

MR KAINE (Minister for Urban Services and Minister for Tourism) (3.32): For the information of members and pursuant to section 23 of the Canberra Tourism and Events Corporation Act 1997, I present the Canberra Tourism and Events Corporation business plan 1997-2000. I move:

That the Assembly takes note of the paper.

The Canberra Tourism and Events Corporation - created, as members will recall, on 1 July this year in a Bill put forward by this Government - was created in the interests of the local tourism industry and all Canberrans. The establishment of the corporation ensures that the ACT tourism sector is partnered by an agency which is commercially focused and which has the strategic approach to match the industry's dynamic nature.

The business plan that I have tabled reflects the commercial orientation of the corporation. It is a visionary document with strategies and key initiatives that provide an appropriate foundation for the corporation's future direction. The plan's performance measures are relevant, the targets are realistic, and the plan provides the flexibility needed to adapt to changing market forces. The corporation's commercial objectives outlined in the plan are designed to underpin the sustainable development of the local and regional tourism sectors and incorporate the tourism objectives of the ACT Government. The plan is about forming effective partnerships with the local and regional tourism industry to increase the yield and as such the profitability and job creation potential of that sector. To maximise industry input, the plan was put before the industry for comment in its conceptual stage, with the document's final seal of approval given at two industry forums.

The business plan sets out a totally integrated marketing approach, with the advertising and public relations activities of the corporation linked directly to packages offered by the new central reservation service which in turn are linked to an events calendar. Domestic and international marketing programs will continue to expand their partnership opportunities, ensuring the widest possible coverage of the ACT in markets across Australia and around the world. There is no doubt that the Canberra Tourism and Events Corporation has hit the ground running, and its very existence is a clear demonstration of this Government's honest commitment to action. A healthy local tourism industry is of direct and measurable benefit to the local economy. Most importantly, it provides jobs for young Canberrans. Mr Speaker, this plan goes a long way to achieving the Government's commitment to sustainable tourism development, a commitment that is in the interest of all Canberrans.

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

SOCIAL AND COMMUNITY SERVICE WORKERS - COMMON RULE AWARD
Motion

Debate resumed.

MR MOORE (3.36): Mr Speaker, I rise to support this motion to the maximum extent I can. It is a very positive motion and I certainly believe that the sentiment expressed by Mr Berry in it deserves support. However, I do have a problem with this motion, and that is my commitment to allow the government to have its budget. When we have a motion in the Assembly that requires expenditure, as Mr Kaine put it, of $4.2m, that leaves me in a position of conflict. I went to the electorate with the very clear and concise position that the government would be able to have its budget. I have discussed this issue with the Chief Minister, and I hope that an amendment will come forward shortly to assist us in finding an appropriate way to deal with the issues in front of us. It is quite clear that a common rule award is appropriate for social and community service workers in the ACT. It has been quite clear for quite a number of years, including the time when Wayne Berry was in government. It has been quite clear that this approach was going to be an important approach.

The irony of Wayne Berry raising this now, when we have known for a long time that it has been coming, is not to be missed. He may wish to respond to that. It is not that I disagree with the action now; but there is a question as to why he and the Labor Government did not put this in place, why they did not establish a common rule award for all social and community service workers in the ACT, while they were in government. Had they done that while in government, then they would have been able to pay for it. It is very easy from the Opposition benches to say, "We should do this. Let us force it on the Government by putting up a motion, because the Government is not going to put up the money". Yet there was no money available for exactly the same process when Labor were in government. I am sure that Mr Berry, in his speech in reply, will deal with that issue.

There is no doubt that organisations ought not to be penalised by the implementation of a common rule award for these workers. Whether the Government should supplement organisations to enable them to meet their award obligations is another question. I believe they should, but it was not part of the budget that went through this Assembly. I was not asked to support this while Labor were in government, so it is with some surprise that I see it now. I would be much more interested in Mr Berry going to the electorate and saying, "We will spend $4.2m implementing this when we are in government, and this is how we will afford it. This is where the money will come from". A budget is about setting priorities. It is not just about spending money. We can all spend money. I teach this to my children. The easy part always is spending the money. That does not take much training. The difficult part is getting the money in the first place and making sure you have enough of it to go round. That is exactly the context this motion falls into. Let us do it but tell us where you are going to get the money.

I have stood here on many occasions and said that I have a way of getting money. It is a bed tax. I like a bed tax. The AHA gives me a very hard time about it, and the Government gives me a hard time about it. I have not yet heard Labor say that they will support a bed tax. That is just one method of raising money. This is the sort of thing we can do if we have access to the money to do it. When the Leader of the Opposition puts up a motion like this that is going to cost $4.2m, he has to say where he is going to get the money from. That is the rational way to deal with it. That is the issue on which I feel that I am put out, because I have allowed the Government to have its budget. I think it is a matter of high principle that a government should have its budget; but at the same time I think the sentiment expressed in this motion is a positive sentiment, a strong sentiment, and entirely appropriate.

I would like to support it, and I would love to support it when Mr Berry is Chief Minister in six months' time. I may have that wrong. It might be a bit more than six months; but whenever it is that he is Chief Minister, in seven or eight months - - -

Ms McRae: We could do it before. It could be two or three.

MR MOORE: Ms McRae says that it could be two or three months. Heaven knows, it could be tomorrow. No, we need a week. We have to know where the money is coming from. I think that is critical to this style of motion.

MR BERRY (Leader of the Opposition) (3.42): Mr Speaker, I seek leave to move the amendment which I have circulated.

Leave granted.

MR BERRY: I move:

> Paragraph (1), add the following words: "and urges the Government to support the application before the Industrial Relations Commission".

It is a straightforward amendment. I think it is self-explanatory. I do not need to say anything further.

MS REILLY (3.42): What we are talking about here is a matter of principle. We are talking about what conditions and what salary levels people working in the community sector should have. Any government committed to having a strong community sector and ensuring that we have workers who are recognised and valued would support this principle of a common rule award. That is the issue before us today. This is an issue that has been discussed a number of times in various guises since I arrived in the Assembly last year. I consider it quite shocking that we are still discussing it now and we do not seem to have moved very far forward.

The Government, by allowing the matter to continue without making a decision, without showing support in any way, is de facto supporting poor working conditions for people working in the community sector. They are supporting people's work not being valued and people being paid as they are for the work they do. With no award, there is a variety of ways in which people's salary levels are reached. A number of organisations have

put up objections and barriers when they have appeared before the Industrial Relations Commission. By allowing this matter to drag on for all this time, the Government is devaluing the workers in the community services field. They are devaluing these people by saying that they are not important enough to have organised working conditions thought through and delivered.

We are talking about workers in a diverse group of areas. We are talking also about a number of different employers. You can end up with people working under quite different conditions in different organisations. This puts a lot of pressure on the workers in the area and it also puts pressure on management boards in this area of work. By allowing this matter to drag on in the way that it has, by not organising the working conditions of people in the community sector, you are also devaluing members of the community who use these services. This surely is against any social justice and social equity principles. You are saying to the people who use these services that the workers in this area are not important enough and valued enough to get decent working conditions and decent salaries and remuneration.

The other implication in all of this is that it suggests a lack of professionalism amongst the workers in the community sector. We are failing to recognise the work that these people have done in this area over a number of years. If you look at the training that has been set up and the training that people have done, this is a sector that has become more professional and more expert as time has gone on. We have definitely moved well away from some sort of lady bountiful system that was working in the nineteenth century. In this sector there are a number of very experienced and expert workers. There are people who have worked hard to ensure that they get qualifications and get the necessary experience, but we will not follow through and play our part by ensuring that they get decent working conditions and have award rates of pay that recognise the work that is done and the expertise and professionalism in this field.

It must also be recognised that the nature of the work attracts many women into the area. Often, women are industrially weaker and paid at a lower rate. This is an appalling situation and should be rectified. This motion is one way in which the Government can show its support for, and recognition of, the work done in the community sector. These people are often very dedicated and committed and are working in this area deliberately because of the satisfaction that can be obtained from working there. We are exploiting this commitment by failing to pay decent wages and by failing to recognise conditions of work. We are exploiting these people's dedication and commitment. It is appalling that we should continue to allow this to happen in the ACT community.

It has been suggested, at times, before the Industrial Relations Commission, that these people get satisfaction out of their work; that they are happy if people say, "Thank you. Job well done". How pathetic! Does saying "thank you" pay your mortgage? Are these people not the same as the rest of us, with mortgages to pay, families to bring up, food to buy and shoes to buy for the kids? By not giving proper recompense for the work done, we are devaluing the workers and not allowing them to enjoy some of the benefits of this community the rest of us do because we have an organised award system.

The community sector is an important part of the economy. One indicator of the health of a community is how we look after the most vulnerable people in the community. It is how they are enabled to participate in the community and enjoy a good quality of life. If we continue to devalue the community sector, if we continue not to give award wages and proper working conditions to the workers in the area, we are saying that we do not care about the most vulnerable in our community. I think we need to look at what we are saying in ignoring award wages in this area.

The Government, by not supporting the changes - Mr Kaine suggested that they have not actually opposed them straight out - by default are cutting community services because they are forcing community organisations not to pay fair wages, although those who recognise the skill and expertise of workers pay proper wages. Where do they find the cuts? Do they cut back on service? That is what happens. When they say they have to introduce efficiencies, what happens to the fixed costs of any organisation? What efficiencies can you get with rent? What efficiencies can you get with insurance costs? Are insurance companies offering efficiencies as well? It is a failure to recognise the way the whole industry works to suggest that if you introduce efficiencies all will be resolved and there will be tons of money all around the place. That is not the reality. The reality is that fixed costs have continued to go up and have left community organisations in the dilemma of working out how they can fairly pay their workers in recognition of their skills and the type of work they do.

There seems to be a failure on the part of this Government to understand that crises and other problems do not always happen between nine and five; that consideration has to be given to the work that is done out of the normal nine to five working hours. There were many disparaging comments from the Government about Streetlink because they were not working out of hours, but there has to be recognition of how much additional effort has to be made and how much stress is put on workers in this area by the nature of the work they do and the hours they are expected to work. They talk about increases in salary of up to 10 or 20 per cent. Maybe this is an indication that already the salary levels in this area are below what they should be.

We need to support this motion. It is important for those within the community sector. It recognises the vulnerable within our community, the recipients of services. We are not talking just about salary. We are talking about whether we have a fair and just society.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (3.52): This is an unusual motion, particularly as I understand it was placed on the notice paper yesterday at about lunchtime. As previous speakers have said, this is a bit unusual, taking into account that the SACS issue has been debated in this place before. It has been on the agenda for a couple of years now. Nothing new or unusual has happened, as far as I know. In fact, when we first saw the motion, we thought, "What has happened that we do not know about? What has changed over the last 24 hours to make Mr Berry, all of a sudden, believe that this is a matter of absolute urgency to put on the notice paper for debate today?". We went to our departments that are dealing with matters in this area and said, "What has happened? What earth-shattering new position has somebody taken that makes this a matter of urgency?". The message that came back, as Mr Kaine said, was, "Nothing has changed. The situation is the same. The Government's position is the same as it has been for a number of years now".

The position we have taken is that we do not support or oppose the Australian Services Union application. The reason we do not support it or oppose it is that we are not the employer in this case. We may be a funding arm, but we are not the only funding arm. A lot of our community organisations gain a lot of their money from fundraising and from other sources; but we are a major player, an interested party. We have never opposed the SACS award. In fact, we have supplemented organisations that have had the SACS award applied to their particular areas. Mr Kaine ran through that very appropriately. The approach that we have taken is innovative and appropriate.

I indicate now that at the appropriate time I will move two amendments that have been circulated. Those two amendments are in line with the approach that Mr Kaine spoke about, the approach that the Government has taken up to now to work with organisations. We have had KPMG on board. We have spent lots of time with various organisations working through the implications of the SACS award for them and helping them determine how best to implement the award in an area that has been without awards in the past. We have found that some of them have no structure whatsoever upon which to determine at what level to pay various people. Not only are you dealing with just a new pay rate, but frequently the people who will fall under the SACS award have had no experience in how to deal with people at various levels in their organisation being able to access an award in different ways. It is very important that we work with organisations, so that they do not have to employ consultants to help them implement the new award and so that the cost of the new award is minimised as much as possible.

I am going to suggest to the Assembly that the approach that we should take is to suggest that the Government should take all reasonable steps to ensure that organisations are not unduly disadvantaged. Of course we will do that. We have done it all the way through up until now. We will continue to do it. We have made some money available in our various budgets to handle the implementation of the SACS award, but I have to say that there is not $4.2m in any budget. Some budgets such as the HACC budget are closed budgets because there is money from the Federal Government and money from the ACT Government. We need to ensure that they work properly, that we do not end up with people getting services from community-based organisations being the ones who pay a price.

From an ACT Government perspective, we believe strongly that there should be no disadvantage for people working in the non-government or community sector. We believe strongly that they do a great job for the community; that they should not be underpaid; that their conditions should be appropriate. All of those things go without saying. Our record in this area shows that we have taken a very caring and constructive approach to the organisations that have already been part of, or subject to, the SACS award. We will continue to do that.

We have to stick within a budget. This Assembly passed the budget. All of a sudden, it is being implied that $4.2m, or something leading up to that, can somehow be plucked out of the air. Mr Berry is probably going to say that not all of that would be this year. Some of it would be, though, and it is not budgeted for. The ACT Government is subject to decreasing revenue from the Commonwealth. Since self-government, funding to the ACT has been reduced by 50 per cent in real terms. Those opposite have opposed things

like the BAD tax. They have opposed a number of the approaches that the Government has taken to raising extra revenue. They have not put up one new idea on how they would raise revenue. They said that they would not go down the path of a BAD tax, a tax which produced millions of dollars extra for the ACT. They said that they would not go down the path of bringing pensioner rebates in line with those of other States. They have gone down a shopping list of extra things like this that they would spend money on, but so far they have not told us one area they would get more money from.

If they cannot get more money, the Commonwealth is giving us less and we are already taxing at the same rates as other States, I think Mr Moore's question is a very valid one. Where would you get the money from, Mr Berry? Where would the $4.2m in a full year actually come from? Would it be from a bed tax? Maybe it would be. Maybe those opposite will implement a bed tax. We certainly will not. We do not believe that that is possible, but those opposite have yet to say that they will not do that. Mr Moore has put a good argument on the table. If those opposite can come up with a way that they would raise $4.2m in extra revenue from taxpayers - it does not come from anywhere else - maybe then we can look at it a little bit more sensibly; but they have not done that. They have told us a lot of areas where they would not raise as much revenue as the ACT Government is raising. They have told us lots of areas they would spend more money in, but nowhere that they would get extra dollars from.

The approach that the Government has already taken with regard to the implementation of the SACS award balances our budgetary situation in Canberra with fairness and equity and ensures, as we say in the amendment that I will move at the appropriate time, that no organisation will be unduly disadvantaged. It is an appropriate approach under the circumstances. It is about balance. It would be lovely to have a money tree. It would be lovely just to run out there and say, "Whatever you would like is fine". Some organisations have a significantly higher need than others. Our approach makes sure that those with significantly higher needs are treated in a fairer way than those with needs that might be significantly less.

If we end up with an agreement in this place that the Government will come in and supplement, with no questions asked, any increase in costs that a non-government organisation has, then I think we are putting ourselves into an extremely invidious situation. I do not believe any government or any Assembly can sign off something that is uncapped. The approach we are taking is capped, is fair and is appropriate.

MS TUCKER (4.01): The Greens will be supporting this motion, although we will be supporting one of the amendments to be moved by Mrs Carnell.

Mr Berry: You have not heard my argument yet. I thought you would listen to my argument.

MS TUCKER: Mr Berry interjects that I have not listened to his argument. I will listen to his argument, but at this point this is how I feel. We have been concerned about the Government's failure to come up with a strategy for funding the SACS award in the ACT for over two years now, ever since the first budget.

This motion is essentially about two things. The first is supporting decent wages and conditions for workers in the community sector. The second issue is making sure that we at the very least maintain services in the community sector. The Greens support this award, as it goes some way to improving conditions for workers. Organisations already operating on very tight budgets cannot be expected to foot the bill without assistance from government. That is one of the points that need to be made clear in the amendment Mrs Carnell is suggesting to add the words "where appropriate". Some organisations will suffer with the introduction of this award and others will be able to cope with it quite well.

When I was researching this issue, I found a media release of ours from February 1996 urging the Government to develop a strategy to fund the community sector award. There seems to have not been a really clear strategy. It almost seems as if it has been ignored for too long. In the Estimates Committee in 1995, when we questioned the Government about the SACS award, Family Services indicated that organisations may have to restructure services in order to operate within existing funding levels and that this would mean that essential community services from child care to respite facilities and assistance to vulnerable people in their homes could be cut.

The ACT is the only jurisdiction that does not have a social and community sector award. We often hear from this Government how highly it values the community sector and how if you pay peanuts you get monkeys. We are prepared to pay executives big salaries, but at the same time we cannot afford to pay community sector workers a decent wage. Community sector workers often have very stressful working conditions and a great deal of responsibility. Wages are not, in my opinion, commensurate with the level of responsibility of workers in this sector or demands on them.

That is why I am happy to support the first part of this motion, namely, that the Assembly support the introduction of a common rule award for all social and community service workers in the ACT. We will also support the amendment of Mr Berry's asking that the Government support the application before the Industrial Relations Commission. I understand that the commission is considering this matter in a few weeks' time. Obviously, it is not the role of this parliament to pre-empt the outcome, but I am happy to say that I support the introduction of a common rule award.

If a common rule award is introduced, we just cannot ignore this issue. As I mentioned earlier, in 1996 we urged the Government to put together a coordinated strategy to assist the community sector with funding the social and community sector award. The reason we did this is that organisations will be forced to reduce services unless supplementary funding is provided. Finding the money to implement the new award conditions without cutting services is one of the most serious issues facing the community sector, especially if the ACT Government is trying to save money by cost shifting or contracting out services to the non-government sector.

The Greens are very supportive of the community sector delivering services in many areas, but we also recognise that workers in this sector have conditions and wages greatly lower than in private enterprise or the government sector. Government is responsible for making sure these services are properly funded. It is not good enough just to say that the lowest bid wins. Government has recently completed the review of service purchasing

arrangements and has promised to implement those recommendations. I commend them for taking this course of action. What they need to do now, though, is to make a public commitment to supporting adequate industry standards for the community sector and making sure that services and people working in the services are not exploited. It is not fair that community agencies are caught between a rock and a hard place. They too often have to choose between services and wages for workers. They should be able to deliver services properly, without stress to workers or threats to the quality or quantity of services.

MR STEFANIAK (Minister for Education and Training) (4.06): Mr Speaker, I rise because some of this motion relates to my areas of responsibility. Something like one-sixth or a little bit less relates to areas I fund. The Chief Minister has come up with a balanced approach. Even Ms Tucker sees the sense of the second amendment the Chief Minister proposes. I ask Mr Berry: Where on earth is the Government going to get this extra $3.5m?

Mr Berry: It was $4.2m a minute ago.

MR STEFANIAK: You wanted $4.2m; but what you are asking for, Mr Berry, I understand, would cost $3.5m more than we have actually allocated in the budget for this eventuality.

Mr Berry: Over how long?

MR STEFANIAK: Over 12 months. Where are you going to get it? Are you going to take up Mr Moore's option of a bed tax? Whilst we do not agree with it, at least he is coming up with suggestions. Are you going to introduce a bed tax to pay for this, Mr Berry? The difference between your Opposition and our Opposition in 1994 is that we put on the table an alternative budget. We listed where savings could be made and where money could be found to fund things.

The Chief Minister has indicated, quite correctly, that since self-government the ACT has had its Federal grants dropped by about 50 per cent. In 1989, we got $500m in untied grants. That is down to about $280m - a drop of about 50 per cent in real terms. There is not a money tree. It is all very well to sit there and say that we need this and that we should spend this and spend that, when there simply is not money there for it. This Government has made money available in its budget. That, Mr Berry, is the limit to which we can spend money. Where is the money coming from over and above that? I ask you to come up with some suggestions, as we did three years ago, as to where you would find the additional money needed for this or any other calls you might make on this Government to fund things. Put your ideas where your mouth is. Come up with some ideas for funding. If we could do it three years ago as an alternative government, surely if you want to get any creditability you lot can do it now. We have not seen anything.

Mr Moore is quite right when he talks about a government bringing down its budget. The Chief Minister alluded to a convention which would be breached if Mr Berry's motion were passed in full, because it would be calling upon the Government to put in moneys over and above what has been allocated. There is a very strong convention in relation to that, and Mr Moore is quite correct. Mr Berry, if you have some bright ideas about how we are to fund this, let us see them. Put them on the table.

Amendment agreed to.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.10): Mr Speaker, I move:

> Paragraph (2), omit "organisations should not be penalised", substitute "the Government should take all reasonable steps to ensure that organisations are not unduly disadvantaged".

I will move my amendments separately, as I understand Ms Tucker wants to support one but not the other. I think I made clear before the reason for the approach that we are taking here. I would just like to answer a point that Ms Tucker put forward in her speech. Ms Tucker indicated that we did not have a strategy in place for the implementation of the SACS award. Quite the contrary. We do have a very definite strategy in place. It started with employing KPMG to do a consultancy in the whole area to determine the best way to implement the SACS award, and we have put that in place.

The basis of that implementation was to ensure that there was money in the budget for implementation, which there has been for both of the last two years, and to put in place a plan to work with organisations to help them implement the SACS award from the perspective of how to operate efficiently under an award to minimise the extra cost of an award and, where necessary, supplement them. It is a very definite, very directional, very on-the-ground sort of strategy. I very firmly say that we do have a strategy. It might not be the one that Ms Tucker would like us to have, but it is achieving quite good outcomes for organisations that have been through it.

MR BERRY (Leader of the Opposition) (4.11): In speaking to the amendment, I raise some points which were first raised by Mr Kaine. Mr Kaine referred to paragraph (2) of the motion and talked about employees being penalised. That was never the text of the motion. The motion clearly reads:

> Further, this Assembly believes that organisations should not be penalised by the implementation of a common rule award ...

Mrs Carnell: We could not understand what "penalised" meant, whether it meant there was some sort of legal penalty.

MR BERRY: Mrs Carnell asks, "What does that mean?". It means, essentially, that the implementation of a common rule award should not be a penalty on the funds of the organisations. It says that they should not be penalised by the implementation of a common rule award.

You really have to divide this second part of the motion. One part is an expression of a belief by this Assembly, and the other is a call for action by this Assembly. You have to separate it in those terms. What Mrs Carnell sets out to do with her amendment is to change the expression of belief by this Assembly to a softened expression of action by the Assembly - that is to say, the Government should take all reasonable steps to ensure the organisation is not unduly disadvantaged. I do not think you should amend it in that way, because I think it makes it - - -

Mr Moore: Paragraph (1) is the expression of belief. Paragraph (2) is the action. She is amending paragraph (2).

MR BERRY: No. Paragraph (2), Mr Moore, has two parts to it. One is an expression of belief by the Assembly. The second part states:

> ... the government should supplement organisations to enable them to meet their award obligations.

The Government is going to have to make decisions in relation to that, and it is going to be held responsible for it. That is the role of government. It is not an overarching direction to the Government that they shall do it for all organisations for everything. The Government is going to have to take a view about funding levels and services. It is as simple as that. But they should supplement organisations to enable them to meet their award obligations.

Mrs Carnell: In all circumstances and totally?

MR BERRY: That is a question for government. The amendment that Mrs Carnell has moved in place of the expression of belief by this Assembly merely allows the Government, as she says, to "take all reasonable steps" - reasonable, in the Government's view - "to ensure that organisations are not unduly disadvantaged". I oppose that because I think it changes the meaning of the motion somewhat. I do not want to go on and on about it. In my closing remarks I will come back to some of the issues which have been raised. I think that the amendment by the Government should be opposed. I think the expression of belief by this Assembly is an important part of the motion.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.15), by leave: Mr Berry, in his opposition to my amendment, said in one breath that it is the role of government to determine how we implement this. The motion states:

> ... this Assembly believes that organisations should not be penalised by the implementation of a common rule law ...

Mr Berry, does that mean that they should never be penalised or that we should supplement all organisations in all situations? Mr Berry said, "That is up to government". Yes, I agree that it is up to government. If that is the case, how can Mr Berry then oppose a situation where the Government will take all reasonable steps to ensure that nobody is unduly disadvantaged?

Mr Berry is arguing against himself. In one breath he is saying that it is the role of government to determine whether you get the money, whom you are talking about and what organisations are involved. In the next breath he is saying that the Government should not be able to determine what reasonable steps are. That just does not make sense. We are trying to come up with a motion that does make sense, that can be implemented and that sends a very strong message to organisations that we will supplement where it is appropriate, where we have worked with those organisations and where reasonable steps have been taken. I think that is a very strong message. Mr Berry said that it is the role of government to determine how this is done.

MR BERRY (Leader of the Opposition) (4.17): I seek leave to respond to Mrs Carnell. She has jumped the gun and got it wrong.

Leave granted.

MR BERRY: In many ways this might be described as a play on words, but the fact of the matter is that what you have attempted to do with your amendment is to change the expression of view by this Assembly, that is:

> ... this Assembly believes that organisations should not be penalised by the implementation of a common rule award for these workers ...

The Chief Minister is changing that to say:

> ... the Government should take all reasonable steps to ensure that organisations are not unduly disadvantaged ...

The second part of the second paragraph contains these words:

> ... the government should supplement organisations to enable them to meet their award obligations.

If I wanted to express that in terms which required the Government to do everything in accordance with a great deal of detail, I would have expressed it in that way. What I am saying to you is that you have your hands on the levers. We express a view that you should supplement organisations to enable them to meet their award obligations. In circumstances where you do not and it comes to our attention that you have mucked it up again, we will give you the business over it. It is as simple as that. We are saying to you that you should supplement them generally. If you do not, you are going to have to explain yourself. I oppose the amendment. I think it tries to cover up an expression of view from this Assembly which ought not to be covered up.

Question put:

That the amendment (**Mrs Carnell's**) be agreed to.

The Assembly voted -

AYES, 7	*NOES, 6*
Mrs Carnell	Mr Berry
Mr Cornwell	Ms McRae
Mr Humphries	Ms Reilly
Mr Kaine	Ms Tucker
Mrs Littlewood	Mr Whitecross
Mr Moore	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.22): Mr Speaker, I seek leave to move my second amendment.

Leave granted.

MRS CARNELL: I move:

Paragraph (2), after "supplement", insert "where appropriate".

The reason for this amendment is quite obvious. There will be organisations that should be supplemented, potentially at a very high level, because they are operating efficiently and doing a great job out there in the community. There will be other organisations that are significantly bigger, possibly have inefficiencies and may not need to be supplemented to the same sort of level or at all. It just makes sure that the money that the ACT Government or taxpayers are putting forward is used for those organisations that need it most.

MR BERRY (Leader of the Opposition) (4.24): Mr Speaker, I would be very hesitant to arm the Government with the words "where appropriate" in any motion that I move, because I worry about those organisations that might criticise the Government and might not then be appropriately funded. I would rather leave my proposal as it stands than include those words. I think "where appropriate" opens things up a little too wide for the Government.

Question put:

That the amendment (**Mrs Carnell's**) be agreed to.

The Assembly voted -

AYES, 8	*NOES, 5*
Mrs Carnell	Mr Berry
Mr Cornwell	Ms McRae
Mr Humphries	Ms Reilly
Mr Kaine	Mr Whitecross
Mrs Littlewood	Mr Wood
Mr Moore	
Mr Stefaniak	
Ms Tucker	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

LITERACY - DISCUSSION PAPER
Motion

MS McRAE (4.26): Mr Speaker, I seek leave to amend my motion by inserting, after the word "parents" in line 4, "and the needs of children whose home circumstances may make the acquisition of literacy skills difficult".

Leave granted.

MS McRAE: I now move:

> That this Assembly urge the Minister for Education and Training to add a further Chapter to the discussion paper on literacy currently being distributed for comment; and that this extra material be written so that the needs of children who do not live with their parents and the needs of children whose home circumstances may make the acquisition of literacy skills difficult are also considered and dealt with by way of assistance and policy.

I thank members for allowing me to amend the motion. It is just by way of trying to differentiate a little what I am going to talk about today. The purpose of this motion is simply to bring to members' attention something that at one level may seem quite trivial but at another level leads to some quite complex difficulties with the proposal of the Government in the way that it is dealing with literacy and the whole issue of literacy acquisition within our schools.

Members will remember that the paper from the Department of Education came out at about the same time as the paper from the P and C Council on home-school partnership in literacy development came out. Both of these papers appeared in pretty much the same week as the first figures emerged from the literacy testing that has been undertaken in both the ACT and the whole of Australia. What the literacy testing showed was pretty much what we expected - that the ACT in general does extremely well, but that, both Australia-wide and locally, we have a small but significant problem with children's capacity to acquire literacy skills.

When I first read the paper *Literacy, Preschool-Year 10: A Discussion Paper* - and this was the first paper that I read when they both came out - I was a little horrified by that one very simple but very glaring error, in that the paper, all the way through, referred to children and their parents. For many people, this might seem just a little trivial; but the mere fact that quite a few children do not live with their parents but live with a foster carer or a relative, or live in different circumstances from the ones that are expected, is of extreme importance. As we have seen from the debates, as we have seen from the P and C paper and as we have learnt from experience with literacy and literacy teaching around Australia, it is that connection between the home circumstances and the efforts being made in the school that most frequently leads to success in terms of the acquisition of literacy skills.

I thought it was fairly important also to make my amendment, because I do not want to imply in any way that, if children live with carers, with a guardian or in circumstances different from those of children who live with parents, they are naturally in the category of not being able to acquire literacy skills. I do not want to imply in any way that any carers other than parents are a problem for children. What is the problem is the language that is being used to describe the home-community-school-based relationship and the assumptions that underlie it. So, that is my first point, and that is why it is so important to look at the definition of parents and expand it to always include guardians and/or carers and then separate that out from the whole body of children who are probably of most interest to us - those who fit into the category where the home circumstances make it difficult for children to acquire literacy skills.

What we see in the literacy paper is all the efforts that the teachers actually make and that the department makes and the strategies that they have beyond the school for children to actually acquire literacy skills, for our students to actually learn to read and write. What we do not see in the *Literacy, Preschool-Year 10* paper is what is done for that home-school dissonance that can create problems, that is discussed in the P and C paper and that does show just where the problems start to emerge. There is a myriad of reasons why these problems emerge. Just having a fully literate and supporting household does not always lead to good literacy as well.

So, there is a range of complex problems. I do not want to belittle what the department is doing. I do not want to belittle what the ACT is doing. I just want to raise, by way of this debate, some of the very serious issues that should be considered and that, I think, are not present in the discussion paper and should be added to the discussion paper to further amplify the debate. So, my first point is that the language that is used is

not comforting, in that one is not sure that teachers are always treating the students before them as potentially not fitting the mould of having two loving parents and a good, literate home. They may or may not live in those circumstances, and the mere use of such language gives rise for concern.

The second issue is what the department does when the circumstances are such that the home background does not support the effort of the school. This is of extreme importance. What we see discussed in the P and C paper and what we hear from the debate around the whole issue of literacy testing is that it is that link that seems to be the crucial factor. But that is fraught with difficulty. If we start to say that only a good home background will produce literacy results, then we are in a situation where we are blaming the victim. Is it the child's fault that they live in a house where perhaps literacy is not valued? Is it the child's fault that they come from a low socioeconomic background? Is it the child's fault that their parents actually speak and read and write a completely different language and are not supportive? We do not see any sensitive coverage of that within the Government's paper.

We see some reference to Koori children, we see some reference to the extra assistance that may be needed, but we do not see what responsibility the school takes when it is quite clear that the home background, for whatever reason, does not fit a mainstream idea of what a good literacy background is. It could fall into the situation of abrogation of responsibility by the department and some form of blaming the victim that in some way stigmatises the child if the expectation always is that the child takes home material to read with mummy and daddy, to read to mummy and daddy, and that the child lives in a situation where the parents are there to actually listen and participate in the literacy program. Those are the assumptions that seem to be inherent in successful literacy outcomes, according to the literacy paper. We know that it is not correct. We know that there is no sensitivity to that variation being shown in the Government's paper. I think warning bells are ringing. We need to know, we need to be assured, that those children who will not be getting the support at home are dealt with appropriately within the school.

When we look at how the Government paper actually deals with it and what are the actual strategies, we find that they do very good things within the school. It then talks about learning assistance and consideration of distribution of learning assistance money, all within the school. Then in point 7 it talks about parent tutor programs. They are excellent programs. There is not a problem. But what about the child whose parent is unable to participate; what about the child whose parent may speak a different language; what about the child whose carers, guardians or family simply cannot avail themselves of that program? That is when the warning bells start to ring and you say, "What is going on here? Have we just a standard expectation of how children learn, of who supports their learning and of what our outcomes are going to be?". Point 8 is that the P and C is to be funded to do a suitable publication. Again, that strategy includes the word "parents", not the home-community link, and in no way takes into account the sensitivities that the P and C paper is much more thorough about.

This is an extremely useful paper, both because it offers a very thorough summary of the types of programs that are currently in place to try to deal with literacy and because it is so honest about the difficulties of what I am talking about - the complexities of those connections. That is why I think that really the Government paper ought to be revisited and some further material added. To give you an example of what I am talking about, it says on page 19:

> To date, the majority of programs focus on providing parents or community members with the means to assist children in developing school literacy practices without recognising the disjuncture that often exists between school and home literacy. Too often they fail to build on family literacy traditions or to recognise the difficulty some parents have in providing support for their children's literacy learning. This failure can exacerbate educational disadvantage.

That is at the heart of the problem of what is missing from the Government's paper. The P and C paper goes on to say:

> Schools operating successful parent involvement programs can place the most disadvantaged children, who are left out by non-participation by parents, in an even worse position relative to their peers participating in the program. Typically, teachers only work with those parents who come into the school to talk to teacher and find out how they can help their children at home.

Then there is a quote:

> Generally speaking the teachers preferred to work with enthusiastic parents who willingly entered the school and also were confident in their educational role. Those parents tended to give very positive feedback to the teachers who thus were encouraged to continue the program, even though it did little for the low-contact parents.

The paper goes on:

> Even within parent populations in lower socio-economic areas major differences can emerge. Those parents who are more confident in their dealings with the school are more likely to respond to invitations from the school to participate in parent involvement programs.
>
> School programs for parental involvement in literacy make substantial demands on parents to use literacy skills to support their children's literacy and educational development. They take for granted the ability of parents to read to their children. However, parents with ill-developed literacy skills find it difficult to provide the support parent involvement programs generally assume will be available in the home.

By the way, I have written to the P and C Council and objected to the simple use of the word "parent" all the way through, as they have done here. They slip more into parent, home-community and generalities. I am not just having a go at the department for the specific use of that word. I am sure that it can be amended by way of a definition. I am not upset just about that. The picture I am trying to paint is that, unless we have some idea of how schools deal with the parents who do not fit the mould of supporting in a clear-cut way what the school wants, then we are condemned to continue to have a small, but significant, problem with children who do not acquire literacy skills.

What we need to see from the department is how it deals with that myriad of complex problems that arise when you have homes where literacy is perhaps not valued or where literacy skills are quite different from those that are needed in the school, where a different language is spoken, where there are stressed families - a whole range of things where you cannot rely on the home to provide that support. When that starts to happen, then we know that those children are not going to succeed to the same level as our other children are. I am not assured that those issues are taken up with sufficient seriousness in the Government's paper.

The home-school partnership in literacy development paper begins to tackle some of those things, but it is absolutely crucial that we do further work on how schools deal with those non-participating parents. We cannot leave children in the situation - this is the "blame the victim" syndrome - where, if they have a problem with home, that problem continues in school and no-one is there to pick them up and say, "No matter what your background is, it is none of our business. You are here to learn, and we will do everything we can to ensure that you learn to read and write". That is what I would like to see. It is sensitive and complex, I understand. But I think, without it, we cannot be assured that our children in greatest need will be dealt with.

MR STEFANIAK (Minister for Education and Training) (4.41): Mr Temporary Deputy Speaker, I certainly would not disagree with what Ms McRae is aiming to tap into, or aiming to improve, and I think that is something that this paper and the whole debate about literacy will actually do. It is something which the testing we have done at Years 3 and 5 now will enable us to do, which in some instances we were not able to do before; that is, pick up kids who otherwise would have fallen through the gaps and develop appropriate teaching methods, strategies and programs to assist them, which were not necessarily there before.

I should say, to start with, that, in developing this discussion paper, the department sought wide-ranging specialist and expert advice. I am a little bit amazed in terms of just how Ms McRae interpreted parts of it, saying there were parts lacking. I do not necessarily think that is so. We did seek wide-ranging specialist and expert advice. In fact, the person who designed it was referred to us by the teachers who specialise in literacy. It was their association which proposed the person who designed the paper. It is a substantial statement on literacy programs and practices in ACT schools. This paper covers the years from preschool to Year 10.

It is also a paper circulated for community consultation. We are providing a significant amount of time for that consultation, with comments invited up to 31 October of this year. Mr Temporary Deputy Speaker, before I go into what the paper actually proposes - and I think some of that actually takes up Ms McRae's point - I would refer her to the foreword by Fran Hinton, the chief executive, which says in paragraph 2:

> The Paper's purpose is to seek wide community response on literacy teaching and learning; particularly on the eight strategies to enable government, the school system and individual schools to plan for the future.

Let me read the list of people to whom the paper is being circulated. It is being circulated through schools, school boards, the school board forum, parents and citizens associations, the ACT Council of Parents and Citizens Associations, the community via schools, the Primary Principals Association, the High School Principals Association, the Australian Education Union, the Catholic Education Office, the Association of Independent Schools, the Board of Senior Secondary Studies, the Chair of the Vocational Education and Training Authority, several universities and also the professional literacy associations.

Also included in the foreword, in the fourth paragraph, is this statement:

> Included with the Discussion Paper is a tear out response sheet which members of the public may wish to use. Respondents may, however, choose to use a different format and write to the address on the response sheet. Alternatively they may wish to phone through comments on 2059358.

Then it goes on to say what will happen after the comments are received. It goes on to restate the department's commitment to effective consultation and the department's very real interest in what people have to say. So, it has certainly gone out to all the relevant players, and also it makes it quite clear that people can use the response sheet at the back. Even that response sheet says, "If required please add additional sheets". People can use that, or they might want to make additional comments, other comments, or comments in some other form. I do not really think you can get much more general than that to cover all aspects.

I would agree with Ms McRae in terms of the children she is talking about and those particular problems, especially the circumstances where the home is not necessarily conducive to developing literacy skills. That is something which, I think, this paper is picking up. That is something which the debate is picking up. That is something which, I think, all organisations and all key stakeholders in the education field are well aware of. It is commonsense. It is something the experts have been commenting on for some time. It is something that, obviously, we will need to address better. It is something that, quite clearly, will be addressed in this debate. I wonder whether the way Ms McRae is suggesting we go about it is really necessary.

As can be seen, Mr Temporary Deputy Speaker, this paper has eight proposed - and I stress the word "proposed" - strategies for policy development and delivery in literacy teaching and learning in our schools. For the enlightenment of members here, those strategies are, firstly, all schools developing a literacy plan which is available to the community as an integral part of the school development plan. It goes on to suggest that the plan will have certain characteristics. I will not go through all of them, but included there is the use of " ... teaching strategies" which are inclusive of all social and cultural groups.

The second strategy is identifying senior teaching positions to be available to work with schools to design, implement and monitor the literacy learning outcomes of the school's literacy plan. The third is identifying someone to oversight the school's literacy program and assist with strategies to be developed at the classroom level. The fourth is setting a specific period of time for key skill development in literacy. The fifth is quarantining some learning assistance resources to allow an extra resource person to work within each cluster of schools to monitor the implementation and modelling of effective practice in the classroom. This strategy will use data obtained from the ACT literacy assessment program. The sixth strategy is a review of learning assistance resource distribution to take place; and the seventh is providing parent tutor training programs. For "parent" read whoever is looking after the child at home. Finally, Mr Temporary Deputy Speaker, the paper proposes that the ACT Council of P and C Associations be funded to develop a publication for parents - again read people who are caring for the children at home - that will provide advice to assist in developing the child's literacy skills at home.

Ms McRae has urged that a new chapter be added to this current discussion paper to include, effectively, the needs of children who do not live with their natural parents. I had a quick discussion about this with Ms McRae last week or the last time we were sitting, and I accept that that could have been better written. It could have said "parents, guardians and carers". I know that a lot of notes that go home from school usually say "parents and guardians"; but anyone reading that should quite clearly understand that "parent" means, in the wider sense, whoever is responsible for looking after the child at home, whether it be a guardian or a carer, or whether the child is living with an uncle, aunt or grandma. The child might be living with some friends, if it is an older student, or with an older brother or sister. Also, the very name "P and C" surely does not mean only parents. It means parents and whoever is really caring for the child. Perhaps that is being a little too pedantic and not giving people credit for using their intelligence and their appreciation of the fact that, obviously, "parent" means whoever is looking after the child. I wonder whether we really need a new chapter to stress that.

I would refer Ms McRae to chapter 6, which relates to the involvement of parents and the community - it does say that -and which highlights the need for parents, schools and the community to work closely together. When we say "parents", we refer to anyone responsible for children. I would have thought that that was clear. Ms McRae wrote a good article last week for the education supplement, which I have responded to. I stressed the point that, if there is any confusion, "parent" means just that - it has to be read as carer, guardian or really anyone responsible for children. I understand that will be in next week's education supplement in the *Canberra Times*.

In particular, in chapter 6 the influence of the home environment in the development of literacy learning is stressed. No attempt has been made to define what a home is. The widest possible interpretation of this term should be used when studying the paper. I think we need to come back to the fact that not only has this been professionally produced but it is a discussion paper. It is a document that seeks input and ideas to create the best possible learning outcomes for all of our students, and especially those students Ms McRae mentions. I am sure that those students in that situation will figure very prominently in the discussion that goes on in terms of the ideas being generated by this paper and the working out of strategies which we can take forward.

I have already mentioned the response sheet. There is the suggestion in the paper of writing your own comments. No doubt, they will be forthcoming, especially from organisations like the P and C, the AEU, the principals associations and the school board forums and, I imagine, from individual parents too. I am sure that all the sorts of comments which Ms McRae would want to elicit will be forthcoming, because those are very real concerns. Those are things that we are addressing; but, obviously, we hope to address them better and improve them. That is the whole idea of this emphasis on improvement in terms of literacy.

Certainly, as a government, we are interested in and committed to taking action on literacy. We are working actively at the local level and participating actively also in the national debate on literacy. At the local level, I think there is a move of very real value to ACT students. This Government has just implemented its very first literacy assessment in ACT primary schools. That is a very successful step, I think, in the sequential implementation of system-wide literacy and numeracy assessments into four years of compulsory schooling. It is a long overdue program and it is a major education achievement of this Government in improving literacy learning outcomes for our students. But it is just one of a range of initiatives that we have taken to ensure that the literacy achievements in our schools are of an excellent standard.

Data from the assessment show that, in general, the literacy levels of the majority of our Years 3 and 5 students are good to very good. The performance of the majority of these students in both year groups falls within the appropriate national English profile levels. Some students are performing at levels above what is expected and, of course, there are some who are performing below standard; that is, there is a wide range of achievement in every year's level. The purpose of identifying the students who need assistance is to target resources to ensure that student learning progresses. The information the schools have already received about the performance of their Year 3 and Year 5 students will be invaluable in modifying our programs and curriculums to meet our individual students' literacy learning needs.

The ability to identify areas of strength and weakness in our government school programs is beneficial and will give clear direction for the system in indicating professional development needs at the system level. The indications of strengths and weaknesses in literacy that the assessment data have provided will also be used to inform the debate

arising from this particular paper. Ultimately, this paper will lead to the establishment of a literacy policy, which will further enhance our drive towards better literacy levels for all our students. I think in the ACT we have been particularly successful in implementing a more extensive and effective literacy assessment program than that of any other State or Territory.

One could perhaps say that Ms McRae's motion, while certainly well-intentioned, is really nitpicking. It ignores the very real benefit to ACT students of the vital groundwork done through our assessment program. We will continue to work towards better literacy outcomes for our students. Mr Temporary Deputy Speaker, we will also continue to work with our State and Federal colleagues - sometimes that can be a little bit difficult - to develop acceptable national standards, and we will report against those standards using our own rigorous assessment regimes.

Mr Temporary Deputy Speaker, rather than going into that now, I would just say a few other things in relation to Ms McRae's motion. Quite clearly, the types of things she is interested in and the problems she raises in relation to some of these students are very real. It is very obvious that coming from a home that does not have any books available or even a home where parents do not read newspapers or magazines but simply watch television and where there is no written material puts that child behind the eight ball, much more so than coming from a home where books are read and where that is part of the tradition in the home. Those are very real problems that need addressing. I think they are addressed in this paper.

There is one further aspect. In terms of the actual motion, she calls for a further chapter to be added to this discussion paper. I would say to members, firstly, that I think there is ample flexibility in this very wide discussion paper for the very points Ms McRae makes to be made as responses in the context of this discussion paper or by people or bodies making comments - whether they do it by way of filling in the response sheet or by providing additional comments. I am sure that those comments will be forthcoming. I know that they will be. I think people in the department will raise it. I am sure that the P and C will, I am sure that the AEU will, I am sure that principals will, and I am sure that school boards will.

In terms of the point in relation to parents, I think I have said enough on that. By adding a further chapter I hope she does not mean redoing this entire discussion paper. I feel that there is enough there for the very points she makes to be responded to. Not only has she raised this issue in this Assembly, but she has put an article into the education supplement, which I have responded to, and I have certainly stressed that the word "parent" should be read in the broadest possible terms. I wonder whether we need to go to any further extent or whether we would be just duplicating effort and perhaps wasting resources by adding a further chapter to this document, which has already gone out to all those people.

This document has gone out. People have it already. I suppose that, if members were of such a mind, I could add a short note to all the people to whom this paper has gone out, stressing that these points are additional things that need to be taken into account. I suppose that is something that could occur. I would like to hear members' views on that before I do that. I simply think - and I hope that members have had a chance to read this document - that this document in itself and the responses it will evoke will cover

everything that Ms McRae has mentioned. But, if members are not of that view, I am certainly quite happy to indicate to the department that they should prepare a note, listing the points she raised, to be sent out to those bodies to whom this paper has been sent. I do not feel that that is necessary, but I will do that if members are so inclined.

MS TUCKER (4.56): I, too, was disappointed by the language in this discussion paper. I can see also that it could be rectified by saying "parents, carers and guardians", instead of just saying "parents" everywhere. I was alarmed to see that there was not this consciousness in the writing of this discussion paper. Right now, I am reading submissions to the Social Policy Committee's inquiry into children at risk, and there is evidence coming before the committee which is certainly stating concerns about the chronic problem in relation to early school leaving. Those students not completing Year 10 and disadvantaged children, particularly those who spend extended periods in the substitute care system, are seen to suffer large gaps in their education and often have severe learning difficulties.

Early school leavers are a particular at-risk group in our community. The inadequacy of programs or discussion papers such as this, which restrict themselves to traditional family structures, is neglectful of young people who do not live with their parents and, therefore, could be seen to be a contributor to the problem. Those children who do not fit with the ideal model for whom these programs have been developed could experience a form of social closure and become distanced even further from the school system.

It is interesting to note in the comments on page 14 that "the teacher, when programming, needs to be sensitive to the social and cultural backgrounds of the students". How curious it is that the authors recognise the necessity for teachers to take into consideration the social and cultural factors impacting on the child's literacy development, yet they themselves have disregarded this critical aspect in the design and wording of their own publication. I would not argue about whether it has to be a chapter. Ms McRae's motion says that it has to be a chapter, whatever a chapter is. It could be a page or two pages. I think it is important that you acknowledge this oversight in some way. I am happy to support Ms McRae's motion, because I think that within that there is room to do it as you see appropriate, as long as you do acknowledge that it was an oversight.

I actually think that in this publication, the discussion paper, there is room for further discussion about the issues of this particular group of young people in our community. I think there could be benefit in that. I would actually encourage you to do a good job on this and provide something of substance, because I think it is an issue that teachers need to be alerted to more than they are. I am just thinking as I am going along here. I was saying that I did not think it needed to be such a substantial document. I think, actually, it should be, because I know from some of the stories I have been hearing recently about what is happening in schools that there really is not enough consciousness. I am not blaming teachers for this, because I know that they are already extremely stressed and stretched in many ways. But there is something missing sometimes in their understanding of what is actually happening in the home and how it is

impacting on the students. In fact, sometimes I get the feeling that there is some kind of a blaming approach. If a child is in a home environment which is not supportive, it is not of much use, and it is not constructive, for teachers to think that that student is coming from this loser of a mother or father.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

LITERACY - DISCUSSION PAPER
Motion

Debate resumed.

MS TUCKER: If anything is going to encourage teachers, and school boards as well, who are also constantly having to address these social issues in their schools, to consider ways of addressing the particular needs of these types of students, that can only be good for the community as a whole in the long term, as well as for those individual students. So, I support Ms McRae's motion today. I think what she has raised is really important. I would like to see the Government acknowledge this oversight in a way that is meaningful and that will help progress the discussion on literacy in this particular area, because I think it is very important.

MR MOORE (5.02): Mr Temporary Deputy Speaker, I think this motion by Ms McRae, as amended, raises some very important issues, but I also think it is an interesting way to do it. I am of the mind that, if a discussion paper is put out, it is a great opportunity for people to raise the issues within the discussion paper and then to give it back to the Government. Ms McRae has put a slightly different tone on it. She is saying that the Government did not do a good enough job and they should use their resources in order to deal with this particular issue; but I think you can do that in response to a discussion paper. You can say, "When you prepare the final paper, can you not see that you have left this big gaping hole?", and I think the Minister would concede that there is a hole there. That is why we have discussion papers.

I am uneasy in the sense that, as a committee, we sometimes put out discussion papers, and if somebody came back to the committee I was chairing and said, "You put out a discussion paper, but you left something out. Why do you not add a new chapter?", then as chair of that committee I would say, "I am very interested in your opinion. Tell us where we are inadequate". If we are inadequate and we are given an outline of what the inadequacy is, as Ms McRae has appropriately identified, we may rewrite the thing or we may determine to put out a second version of the discussion paper.

I am interested in how Ms McRae responds to that. She has certainly raised the issue, and I am sure that the Minister and his department will take into account the fact that there is this gap that does need to be filled; but I would expect, when it is so clearly identified, that Ms McRae would have raised the important issues that she now deals with. She has got it on the record. She will only have to take it out of *Hansard* and hand it over to the Minister. I am really dubious about saying to somebody that their discussion paper needs to have another chapter added, rather than accepting it as a discussion paper and saying, "It has a gaping hole in it. When you do your final, make sure you include this", or "This is the gaping hole. Show us what you are thinking before you do the final". I would assume that that would go out to key personnel or to people who had responded. So, whilst I agree with the sentiment put in the motion, I am waiting to hear Ms McRae because I am dubious about supporting her, on that particular ground.

MS McRAE (5.05), in reply: I suppose I now have to put forward my own amendment. As far as I am concerned, a chapter can be a page, 10 pages, another rewrite of this, or even a letter; I really do not care. But I do not think you can just take a commonsense attitude to the issue of parents. I am looking at it from the perspective of a child who is learning to read, not from the perspective of an adult reading this paper. If you are a six-year-old and fronting at the school and the teacher says, "Take that home to mummy and daddy", there is instantly a step back and a response of, "I do not have a mummy and daddy. I have a foster parent. I have a carer. I have a guardian". You are already building up an assumption.

All educators know that kids are most adept at hiding their differences. The whole process of learning is a process of socialisation, of learning how to belong and how to fit in. If the message you are getting from the school is that you are different and you do not belong, the inevitable reaction is that you try to hide that. That is why - shock, horror! - so often kids get up to Year 5 or Year 6 and suddenly their illiteracy is discovered. Teachers or anybody who has had anything to do with children knows that those children can slip through for an awfully long time and nobody detects their lack of literacy skills. One of the things that contribute to that is children retreating from a stereotype of how they should live. That is why the word "family" is so critical. It might be trivial and it might be understood by those in the know, but from the perspective of the children we are talking about it is of the utmost importance. If we let it slip through here, it means that we let it slip through everywhere and we build this model that to become literate you need this set of circumstances.

If we look at the chapter headed "Involvement of Parents and Community", it is there that I would seek the modifications, apart from the general theme. That chapter does not have anything that says what the school does when these circumstances are not met.

There is a summary of the understandings and skills that children are supposed to come to school with if they have been living in the "supposedly" correct sort of home for preparation for literacy. You have 90 per cent of your kids coming through with these skills and 10 per cent not. What are we doing about those children?

I do not find it sufficient to say that people will comment on this. This is a specialist area. The general person reading this will think, "Fantastic! Look what our schools are doing. Look at the programs they have. Yes, yes, yes; all this sounds fine", because 90 per cent of us are in family relationships, have children, and these are our circumstances. We do not come from backgrounds where literacy is not valued or another language is spoken at home all the time or there is not time for the children - a range of cultural, social, class things that do not fit what the vast majority come with. What do you do with the children who come to school and do not have the home influence on literacy development? That is what is missing from this paper. The paper says:

> Parents have an important role to play in the education of their children. Significant research suggests that when parents are encouraged to value their own efforts as influential teachers and continue in this role throughout the children's school experience there is a positive effect on students' attitudes, learning, and behaviour. All schools should continue to provide parent training programs as many schools currently do. Parents as Tutors programs could also be inclusive of pre-school parents.

But remember what I said before in the quote from the P and C paper: Those very programs can then end up being counterproductive because all they do is overlay an image of the right sort of parent and exclude those who are not. The paper continues:

> Schools within clusters could combine for the presentation of parent programs ...

Why cannot schools in clusters combine to assist the children who are missing out on this, instead of this constant "blame the victim" syndrome developing? That is what is missing. That is what is not there. I accept that maybe it will come up in comment; but it is an area of profound importance, the obverse of what happens, and, without even mentioning it, 90 per cent of people will read this paper and think it is fine. Who will say, "Hang on a minute. What about the kid who does not come from here? Why does the school not have responsibility? What does the school do when these kids come through without any of this support? Where are the school support programs for these kids"? Even if the schools are labelling everybody as having parents already, who will say that this is not quite right?

I do not accept that its exclusion leads to inevitable comment on it. I think it ought to be explored as an area. I do not take the Minister's line that the testing has produced these results. Everybody in this room has watched *Sesame Street*. Where did *Sesame Street* begin? It began with the Headstart program. What was it there for?

It was a compensatory program. This is not a new debate. That is why this paper is even more depressing. For 30 years in education circles we have been grappling with how to deal with home-school dissonance. I think the schools have a responsibility to pick up that area and to compensate within the school, without this constant pressure to put it back on parents and assume that parents can do it.

One area that has to be considered is what the school's role is when it is absolutely clear that the home is not offering what seems to be the right sort of support, and I did not find it anywhere in this paper. The constant theme in this paper is how to establish that home-school link. It is not even a constant thing. Where it is mentioned it is acknowledged that good parent support will lead to a good literacy outcome. Okay; but what if the good parent support is not there? What if the child wants to hide the home circumstances? What if they do not want to take their book home to read to their aunty; they have to live with aunty because mummy and daddy are terribly sick, and aunty is too busy, and the school is putting all this pressure on the home to provide the background?

It is that element that is missing from the paper and, without some further thought in that area about what role educators have in dealing with those deficiencies, all we are doing is maintaining a model that says that only kids with the right sorts of homes are going to have the right sorts of outcomes. It perpetuates a particular notion of literacy, a particular notion of the home-school partnership, a particular set of outcomes for children, built on an expectation of how everything should work. We know that for 90 per cent that is right, but I am very worried about what the schools do for those 10 per cent where it is not. Is it their fault that they are living in home circumstances that do not support them? Is it their fault that they cannot take anything home for anybody to read to them? Is it their fault that nobody cares? No. Where does this paper say anything about that?

The P and C forum gave us some good insight as to what needs to be done and how delicately that needs to be dealt with. What do we get on how to deal with the P and C? Give them some money to write a publication. Well, heaven help us! How is a publication going to help with an illiterate home, to begin with? How is a publication going to deal with the 40 or so different languages that are spoken at home? How is a publication going to help with the parents who are reluctant to come into the school? Even that element of this discussion paper does not take seriously the complexity of that home-school partnership, and it does not take into account at all the fact that in some cases, no matter what anybody does - look at *Sesame Street*, which has been operating for 30 years - the majority model does not apply to every child.

I think it is important that in this paper there should be some sort of indication, some better outline, some discussion, of the Education Department's responsibility to ensure that children learn to read and write, whatever goes on at home. It is none of the department's business if the home is not working. What is absolutely crucial is that, no matter what circumstances the home background offers, every effort is made to make a proper link with them but, if that fails, that the child is not made to feel that somehow

their home circumstances absolve them from the need to learn to read and write, or are an excuse, or are in some way involved. Every child should have an equal opportunity to learn to read and write at school, and I do not think there is any evidence in this paper that those kids who are failing, and our tests are showing that they are, are being treated with the sort of respect they need.

MR STEFANIAK (Minister for Education and Training): I seek leave to make a couple of points, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: You have already spoken, Mr Stefaniak. Do you wish to use standing order 47?

MR STEFANIAK: Yes, Mr Temporary Deputy Speaker, in relation to a couple of points Ms McRae raised. She made a comment about aunty not wanting to read it. Ms McRae is right in saying that there are homes where there is no incentive for kids to read, and that is difficult; but to say that that is where there are not parents is probably doing a great disservice to the uncles, aunts, carers and guardians who might be looking after kids. I think that is inappropriate. Obviously, there are some difficult homes, and that is often where there are one or two parents there.

MR TEMPORARY DEPUTY SPEAKER: Order! We are not continuing the debate. The question is: That the motion be agreed to.

A vote having been called for and the bells being rung -

Mr Stefaniak: I seek leave to withdraw my call for a vote.

Leave granted.

Question resolved in the affirmative.

Ms McRae: On a point of order, Mr Temporary Deputy Speaker: May I make it absolutely clear that this Assembly agrees that the definition of "chapter" in this instance includes a letter, a page, perhaps two pages, and it does not have to be part of the paper.

Mr Stefaniak: For the record, I note what Ms McRae says and accept it.

EUTHANASIA REFERENDUM BILL 1997

Debate resumed from 18 June 1997, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

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

ADJOURNMENT

Motion (by **Mr Humphries**) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 5.18 pm