DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 September 1997

Thursday, 25 September 1997

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

STATUTORY APPOINTMENTS (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister) (10.31): Mr Speaker, I present the Statutory Appointments (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: Mr Speaker, I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 1.

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

INDEPENDENT PRICING AND REGULATORY COMMISSION BILL 1997

MRS CARNELL (Chief Minister and Treasurer) (10.32): I present the Independent Pricing and Regulatory Commission Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: Mr Speaker, I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 2.

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

INDEPENDENT PRICING AND REGULATORY COMMISSION (CONSEQUENTIAL PROVISIONS) BILL 1997

MRS CARNELL (Chief Minister and Treasurer) (10.33): I present the Independent Pricing and Regulatory Commission (Consequential Provisions) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 3.

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

FINANCIAL INSTITUTIONS (REMOVAL OF DISCRIMINATION) BILL 1997

MRS CARNELL (Chief Minister and Treasurer) (10.34): I present the Financial Institutions (Removal of Discrimination) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 4.

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

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.35): I present the Drugs of Dependence (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 5.

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

INTOXICATED PERSONS (CARE AND PROTECTION) (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.35): I present the Intoxicated Persons (Care and Protection) (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: Mr Speaker, I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 6.

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

CRIMES (AMENDMENT) BILL (NO. 4) 1997

MR HUMPHRIES (Attorney-General) (10.36): Mr Speaker, I present the Crimes (Amendment) Bill (No. 4) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this short Bill proposes two quite significant amendments to the sentencing principles contained in the Crimes Act 1900. Those principles were inserted into the Act in 1993 by legislation introduced by the previous Government. That legislation was influenced by a report on sentencing that was prepared by the Australian Law Reform Commission in 1988. A main aim of the legislation, as explained by the then Attorney-General in his presentation speech, was "to promote consistency in approach amongst sentences and to state clearly the principles upon which sentencing decisions are made". Until 1993 there were no statutory provisions dealing with the determination of a sentence in the ACT. When the courts made a decision about sentencing, they were bound by common law principles. When the 1993 Bill was debated I supported, with some qualification, the codification of this area of the common law. I said it would be helpful to have a clear statement of the principles to be taken into account in relation to sentencing.

Since the amendments came into effect two problems have become apparent, and the present Bill aims to overcome those problems. The problems have occurred because, in two areas, the 1993 statement of sentencing principles appears to have departed from the common law. The result is that courts may from time to time be required, depending on the particular circumstances of a case, to impose a more lenient sentence than if the common law continued to apply. The aim of the present amendments is to make it clear that the sentencing principles in the Crimes Act are a reflection of common law principles.

The first of the amendments is to subsection 429(2) of the Act. This provision deals with an offender's rehabilitation into society and the making of reparation to a victim. These are important factors to be taken into account in sentencing and would be taken into account under common law. However, this provision can be interpreted as requiring a court to give these factors greater importance than would be the case under the common law. Under the common law there are five fundamental purposes for which a sentence may be imposed. They are to punish the offender, to deter the offender or others from committing criminal acts, to rehabilitate the offender, to express the community's disapproval of the crime, and to protect the community from the offender. In determining a particular sentence, these factors provide the underlying framework for the court's decision. The importance of each factor varies according to the circumstances of each offender and the facts of each case. For instance, in the case of a young offender or a first-time offender, rehabilitation will be of particular importance and may outweigh the other factors. In other cases, such as where the crime is serious and the offender has previous convictions, punishment and community protection may be the dominant factors.

It has been argued that subsection 429(2) gives rehabilitation and reparation greater importance than the other sentencing factors. The Full Court of the Federal Court, which serves as the court of criminal appeal for the ACT, has not yet ruled on this issue but is expected to do that the next time it hears an appeal against sentence. Mr Speaker, the Government's view is that it would be unfortunate if this argument were to prevail. There is no doubt that the rehabilitation of an offender is a very important factor in sentencing and that offenders should be encouraged to make reparation to victims. However, these should not be elevated in importance above other sentencing factors.

The present Bill addresses this by repealing section 429 and replacing it with a statement of the traditional common law purposes for which a sentence may be imposed. The five factors are those I mentioned earlier. The factors are in no particular order of importance. It is up to the court to assess the weight to be given to each factor in the light of the particular circumstances. The amendment to section 429 requires a small amount of tidying up to section 429A. Subsection 429A(1) contains a list of particular matters which a court takes into account in determining a sentence. At present it includes some, but not all, of the factors in the new section 429; that is, it is a bit of a jumble of the fundamental purposes of sentencing and of matters relevant to the particular circumstances of the offender and the offence. Clause 5 of the Bill does this tidying up. I would point out that, although reparation is not included in new section 429, it will continue to play an important role in the sentencing process. It is found in the list of matters to which a court must have regard in determining a sentence, at paragraph (f) of subsection 429A(1), and detailed provisions for the making of reparation orders are found in section 437 of the Act.

Mr Speaker, the second problem that has become apparent in the 1993 amendments is found in paragraph (e) of section 429B of the Act. This provision prevents a court, when it determines a sentence, from increasing the severity of the sentence because of the prevalence of the offence. This is another instance of the 1993 amendments departing from the common law. Under the common law there is plentiful authority for the proposition that a court may impose a longer sentence than it otherwise would because of the prevalence of the offence. For instance, in the High Court in 1992 the present Chief Justice of Australia said that "an offence may be prevalent in one locality and rare in another, and sentences in those localities may properly reflect those factors".

When the 1993 amendments were debated I expressed concern about this provision and predicted that it was going to cause problems. I moved an amendment that it be deleted, but that amendment was defeated. The provision has caused considerable unease within the judiciary. One judge has strongly criticised the provision for needlessly restricting the discretion of the court in sentencing. The Chief Justice and the Director of Public Prosecutions have also expressed concern. The way that prevalence is taken into account under the common law is shown in a case recently tried in the New South Wales District Court. An accused person pleaded guilty to conspiring to import heroin into Australia. The judge said that, owing to the prevalence of heroin in New South Wales, he was anxious to impose a sentence that would deter like-minded people from attempting the same crime. The judge sentenced him to 12 years' gaol, with a nine-year non-parole period.

Mr Speaker, it is of great concern that the law in the ACT could prevent courts from acting as forcefully as they might think appropriate in order to deter people from committing crimes that are particularly prevalent in our community. It is equally worrying that sentencing courts may, in all cases and regardless of particular circumstances, be required to give particular importance to two sentencing factors and downgrade the importance of others. The amendments to the sentencing principles proposed in this Bill are modelled on the approach taken in legislation in Victoria, Queensland and the Northern Territory. It appears that those jurisdictions were more successful in codifying the common law in this regard than was the ACT in 1993. I commend this Bill to the Assembly.

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

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL 1997

MR HUMPHRIES (Attorney-General) (10.44): Mr Speaker, I present the Births, Deaths and Marriages Registration Bill 1997, together with the explanatory memorandum to the Bill and to the Births, Deaths and Marriages Registration (Consequential Provisions) Bill 1997 and the Wills (Amendment) Bill 1997.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 7.

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

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (CONSEQUENTIAL PROVISIONS) BILL 1997

MR HUMPHRIES (Attorney-General) (10.45): Mr Speaker, I present the Births, Deaths and Marriages Registration (Consequential Provisions) Bill 1997.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 8.

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

WILLS (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (10.46): Mr Speaker, I present the Wills (Amendment) Bill 1997.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 9.

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

WATER RESOURCES BILL 1997

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.46): Mr Speaker, I present the Water Resources Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 10.

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

ELECTRICITY SUPPLY BILL 1997

MR KAINE (Minister for Urban Services) (10.47): Mr Speaker, I present the Electricity Supply Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: Mr Speaker, I move:

That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 11.

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

ELECTRICITY SUPPLY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1997

MR KAINE (Minister for Urban Services) (10.48): Mr Speaker, I present the Electricity Supply (Consequential and Transitional Provisions) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR KAINE: Mr Speaker, I move:

That this Bill be agreed to in principle.+

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

Leave granted.

Speech incorporated at Appendix 12.

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

CHILDREN'S SERVICES (AMENDMENT) BILL 1997

MR STEFANIAK (Minister for Education and Training) (10.48): Mr Speaker, I present the Children's Services (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: Mr Speaker, I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 13.

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

CRIMES (AMENDMENT) BILL (NO. 5) 1997

MR STEFANIAK (Minister for Education and Training) (10.49): Mr Speaker, I present the Crimes (Amendment) Bill (No. 5) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: Mr Speaker, I move:

> That this Bill be agreed to in principle.

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

Leave granted.

Speech incorporated at Appendix 14.

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

EMERITUS PROFESSOR DOUGLAS WHALAN, AM
Vote of Thanks

MR WOOD (10.50): Mr Speaker, I move:

> That the Assembly places on record its appreciation of the assistance given to its successive Standing Committees on Scrutiny of Bills and Subordinate Legislation by its independent legal adviser, Emeritus Professor Douglas Whalan, AM, and, on his retirement, records its thanks for the outstanding contribution he has made to the Assembly and the Territory.

Professor Douglas Whalan's current poor health has required him to retire as legal adviser to the Scrutiny of Bills and Subordinate Legislation Committee. Members will acknowledge his retirement with regret, as we all appreciate the outstanding work he has performed for the Assembly and thus for the Australian Capital Territory.

Professor Whalan accepted his position very early in the life of self-government, when we were all inexperienced and very much in need of his expert advice. We were fortunate to gain the services of such an outstanding adviser, acknowledged as perhaps the foremost in his field in the Commonwealth. He has checked an enormous volume of legislation and subordinate legislation and in the process has helped to protect the interests of the Territory and its citizens. He has also educated members of this Assembly and the officers who prepare legislation and subordinate legislation. I believe that the number of reports which provide critical comment will continue to diminish as a result of his role.

Many members have served on the Scrutiny of Bills Committee and would know that the technical and detailed nature of its proceedings would not normally be described as exciting, at least by us. Lawyers, I understand, have a different view. Professor Whalan's ever-present good humour and lively wit have made the meetings a pleasure to attend; and, from time to time, his reports and occasional informal appendages have been a delight to read.

Professor Whalan has been an outstanding servant of this Assembly and of the ACT. This motion places on record our appreciation of his efforts and of the quality of his work. I know that members wholeheartedly endorse the motion's sentiments as we all join in conveying our thanks to Professor Whalan and our best wishes for good health in the future. May he long keep "Rolling" on.

MR HUMPHRIES (Attorney-General) (10.53): Mr Speaker, I am very happy to rise to associate the Government with the motion that Mr Wood has moved. I was very sad to hear that Professor Whalan had retired from the Scrutiny of Bills Committee and, I assume, from his service to the Senate committee where he served a similar purpose. I have known Professor Whalan for quite a long time. My association with him began during my time at the Australian National University, where he served as chairman of the Board of the Faculties while I was president of the Students Association. I had a continuing association with him during that period and subsequently. I was delighted to find him return into my life as adviser to the Scrutiny of Bills Committee of the Assembly.

I have served on that committee from time to time. Meetings at which he was present were always a delight. He was a man who served in that role with urbanity, and his contribution will be sorely missed. He certainly has the most extraordinary mind and capacity to identify issues and determine inconsistencies or problems with legislation or regulations presented before the committee with a perceptiveness and a quality which, I suspect, would be very rare and hard to find in other people. I recall one occasion when I spotted an error in a piece of legislation that he had apparently overlooked. It felt like playing Pete Sampras and winning a game off him, such was his formidable capacity to identify those sorts of issues. Mr Wood made passing reference to the way in which Professor Whalan would bring his good humour to the process of preparing his reports for the Scrutiny of Bills Committee. I think that the secretariat to the committee would often have to edit some of Professor Whalan's witticisms out of reports before they were tabled in this place, rather to the detriment of the rest of the Assembly.

I wish Professor Douglas Whalan the very best of health in his retirement and hope that he will be around to bring good humour into our lives for some time to come. He has made an enormous contribution during the early important years of ACT self-government, in a way which very few members of the public would see but which nonetheless is extremely important. From this side of the chamber, I am very happy to support the motion Mr Wood has moved.

MR OSBORNE (10.56): I, too, rise to support the motion of Mr Wood's. For a brief time, for about 12 months, I was chair of the Scrutiny of Bills Committee. I have to be honest and say that in all of the jobs I have had I have always felt that I earned the money, but in this one it was certainly the easiest money I ever earned. Professor Whalan is an extraordinary person. I would put him in the genius category. There were times when he picked up things which went well and truly above my head. I really enjoyed the time with Professor Whalan. The thing that struck me most about him was that he had a good heart. He was a tremendous fellow. He always laughed at my jokes, no matter how bad they were. He will certainly be missed by all of us. I hope that he battles his illness with the same amount of desire and will with which he tackled his job with the Assembly. I certainly will miss him and I wish him all the best.

MR WHITECROSS (10.57): Mr Speaker, I want to add my acknowledgment of Professor Douglas Whalan's contribution to the work of this Assembly and the work of the Scrutiny of Bills Committee. As Mr Osborne did, I had a period as chair of the Scrutiny of Bills Committee. In what can be a very dry committee where it is sometimes difficult to stimulate a vigorous debate, Professor Whalan was always happy to engage in discussion about the issues that were before the committee, to stimulate our thoughts and to respond positively to ideas on specific Bills and on how the committee as a whole should operate.

I have enjoyed many very interesting, intellectually stimulating and rewarding conversations with Professor Whalan in the course of the committee's work, including at interparliamentary meetings of subordinate legislation committees. Professor Whalan added to the work of the Assembly because he brought with him the experience of the

work he was doing for the Senate committee on subordinate legislation. That helped to give the work of the Assembly committee some perspective and stimulate our consideration of issues based on the kinds of issues that were being considered in the Senate. That was a valuable contribution.

It will be something of a challenge for the committee to replace Professor Whalan and to ensure that the Assembly continues to have the same level of service from the Standing Committee on Scrutiny of Bills and Subordinate Legislation that we have enjoyed in the past with the assistance of Professor Whalan. I am sure that my colleague Mr Wood is up to the task, but I am sure he appreciates, too, the nature of the challenge. I wish Professor Whalan all the best. I am sure that he will miss the work of the committee. I hope that he fares well in the future.

MR STEFANIAK (Minister for Education and Training) (11.00): Mr Speaker, I was on the Scrutiny of Bills Committee from when it started until the end of the First Assembly. I can remember when Doug Whalan took us all to the Senate to see how their subordinate legislation committee worked. Like Gary Humphries, I have known Professor Whalan since I was at university. In fact, we go back to the early 1970s, when he was one of my law lecturers. It was an honour and a pleasure to work with Doug Whalan on the Scrutiny of Bills Committee. As Mr Osborne has said, he certainly made the work of that committee very easy.

I was constantly amazed and highly impressed by the way complex legislation would be introduced into this place one day and the following day the committee would meet and Doug Whalan would give most learned, critical and detailed advice to the committee on what was wrong with parts of the legislation and suggestions on what we should do. He certainly had a fine mind. I think "genius" is probably not too high a term to accord to him. He was a highly intelligent man. He had good humour. It was a delight serving on the committee with him. He had an excellent wit. I always found Doug Whalan to be an absolutely thorough gentleman to deal with, in the true sense of the word.

I wish him well in his retirement. I hope he gets over his illness soon. I wish him a long and happy retirement. I congratulate him on many years of devoted public service not only to the Assembly and to assisting us in our formative stages, which he did so well, but also to the Australian National University and to the very many people whose lives he touched there, and touched for the better.

MR MOORE (11.02): Mr Speaker, the Scrutiny of Bills Committee is one of the few committees that I have not served on in this Assembly since 1989, but I did have the benefit on many occasions of the wisdom of Professor Whalan. His comments always improved legislation. He drew to our attention a range of issues about legislation that had been prepared by either the government or others in this Assembly and the previous two Assemblies.

For me, and I imagine for all members who have come through this Assembly, there was an educative process involved in the way that Professor Whalan would draw our attention to things. His suggestions about legislation or about whether we should be dealing with legislation that in some way was retrospective helped members learn very early that there are very important issues of principle behind legislation. It has been Professor Whalan

drawing these issues to the attention of the members of the committee and the committee in turn drawing them to the attention of the Assembly that has made for far better legislation in our community than we would have had had we not had Professor Whalan to assist us.

I have enjoyed meeting Professor Whalan at various functions and certainly agree with my colleague Mr Osborne and others about Professor Whalan's sense of humour, which always came to the fore. Like other members of the Assembly, I wish him well in his retirement and wish him good health.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Printing, Circulation and Publication of Reports

MR WHITECROSS (11.04): I ask for leave to amend my motion as circulated, by inserting words before "before 4 November 1997" - rather than after.

Leave granted.

MR WHITECROSS: Mr Speaker, I move:

That:

(1) if the Assembly is not sitting and the Standing Committee on Public Accounts completes its inquiry into any Auditor-General's report and/or any matter referred to it by the Assembly and the Committee's report on its inquiry into the lease/leaseback of the Magistrates Court Building and the Dame Patti Menzies Building before 4 November 1997, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

This motion seeks the Assembly's agreement to the Speaker authorising the printing, circulation and publishing of any report completed by the Standing Committee on Public Accounts on its current inquiries if the report is completed before the Assembly sits again. The Public Accounts Committee has a number of inquiries before it, many of which are nearing completion but were not completed prior to this sitting, due to the circumstances of some members of the committee. In the interests of serving members of the Assembly, and given the long break until the Assembly sits again, I believe it would be appropriate when we have completed reports to have them printed, circulated and published, subject to the Speaker's authorisation. I seek the support of the Assembly for this motion.

MR MOORE (11.06): Mr Speaker, a very interesting precedent would be set by this motion enabling the committee to report at any time it likes. I will be supporting the motion. But I think we are saying to committees that it is not their prime role to report to the Assembly; that they may report to the community and then report to the Assembly. There is a slight variation in the way things are done. With this precedent, this can happen all the time, whereas in the past specific committees have had the permission of the Assembly to report out of session. In the end, I think it would be much more convenient and would allow us to get more work done if we allowed committees to report out of session, with the Speaker's approval. I think it is worth thinking about whether in the next Assembly we should change our standing orders to allow this method to apply to all committees or whether it should be contained to the last six months or so of the Assembly to allow reporting that would otherwise be difficult.

MR HUMPHRIES (Attorney-General) (11.08): Mr Speaker, I must admit that I had assumed that the motion Mr Whitecross was moving to bring forward a reporting date was, in effect, a response to some earlier timetable that had been set but could not be met and so was being modified to achieve the original intention of the Assembly. I am grateful to Mr Moore for drawing to my attention what has been proposed, which is, in effect, that the report be available to the general community before it is presented to the Assembly. I must say that I express a little bit of concern about that process. It is, of course, the Assembly which sets up the committees in the first place, which generally commissions the reports that the committees work on and which is to receive the reports at the appropriate time. I do not intend to oppose the motion, but I am indicating that I think that this should not be seen as a precedent for committees generally to report whenever they wish, rather than to report to the Assembly. Mr Speaker, I just want to put those comments on the record in speaking to this motion.

MR WHITECROSS (11.09), in reply: Mr Speaker, I take on board the comments made by Mr Moore and Mr Humphries, and I look forward to having some further discussions in or out of this place about the wider ramifications. I should say that most of the reports we are talking about are on Auditor-General's reports and come under our standing reference. We are not actually changing reporting dates per se. We are talking about how we deal with standing references. I think there are perhaps one or two exceptions, but the vast majority are standing references.

In relation to the one inquiry for which we have been given a reporting date by the Assembly, I do not expect that the report will be completed before the proposed reporting date, which is 2 December - certainly not before 4 November, which is the date referred to in this motion. That is the business incentive scheme inquiry. I cannot see that this issue will arise with that report, but Public Accounts Committee reports on Auditor-General's reports are in a slightly different situation. It is not a dissimilar situation to the circumstances of reporting on variations to leases and some other things. I thank the Assembly for agreeing to support the motion. I am happy to discuss the principles behind it further with other members in due course.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Reference - Curtin Shopping Precinct

Debate resumed from 28 August 1997, on motion by **Ms Reilly**:

> That the petition on the Curtin Shopping Precinct be referred to the Standing Committee on Planning and Environment.

MR MOORE (11.11): This motion to refer a petition to a committee is also a precedent. It seems to be a morning for precedents. It is a matter that the Standing Committee on Planning and Environment has discussed in its meeting, and we feel very comfortable with the idea. In fact, I would say that it is an interesting precedent that Ms Reilly has put to the Assembly. Petitions could be dealt with in a positive way not just by Ministers but by a committee. Petitions do have a way of disappearing in the Assembly. We need to improve our processes for petitions, and I thank Ms Reilly for highlighting that for us. In the normal course of events, petitions ought to go, first and foremost, to the Minister; but the Minister ought to come back to the Assembly and tell us how he has handled them. Mr Speaker, the Standing Committee on Planning and Environment will take this matter seriously. If it is the will of the Assembly to support Ms Reilly's motion and refer this matter to the committee, the committee will be happy to report back to the Assembly on the actions taken.

MS REILLY (11.13), in reply: I thank Mr Moore and the other members of the Planning and Environment Committee and congratulate them on taking up this petition and the matters that I raised through the petition. I think it is very important for the people who signed the petition and other people who use and live in the Curtin area to know that some action will now be taken in relation to the Curtin shops. I think it is a very sad and sorry tale if we look at some of the issues. Last week we had a lot of discussion in this place about consultation processes. I think we can see a consultation process that is not working at all.

Earlier this year, out of sheer frustration, the Curtin Traders Association wrote to the responsible Minister about the conditions around the Curtin shops. They drew the Minister's attention to the need for upgrading and to the use of tables and chairs in the square at the Curtin shops. The Minister went out and talked with these people in April, but the matter seems to have fallen into a black hole. Nothing else has happened. The Curtin traders were assured that their concerns would be considered and possibly included in the 1997-98 budget. In fact, they were given the impression that that was going to happen. The budget came out, and Curtin was not mentioned. It seems to have fallen off the program entirely. The people at Curtin have not been able to get any action to take the matter further. Therefore, they have taken other action.

The responsible Minister made outrageous allegations of collusion between one of the shopowners in the Curtin precinct and a member of this place to get Curtin to jump ahead on the program. There was never any suggestion that Curtin wanted to jump ahead. They just want to be included in the program. They do not want to continue to be ignored, as they have been for so many years. The accusations about collusion against a very busy, very important business person in Curtin are outrageous. He has been

working hard in this community for a number of years, for the benefit of both his local community and the ACT community. Once he has the temerity to talk to a member of this Assembly, he has to face this sort of accusation. It is quite outrageous. I thought we had a democratic process in the ACT that allowed people to call on Assembly members to represent them and to advocate for them. They should not have to be faced with accusations of collusion. They want to get some action. They want to get a response from the Government and be included in the upgrading plan. This seems to have been the problem.

Mr Kaine put out a press release in which he listed the number of times DUS officers have supposedly visited Curtin. I think a number of people in the Curtin shops were quite surprised to find that officers had been there so often. Maybe this was the litter patrol, rather than someone looking at what can be done to upgrade those shops. There was also a suggestion that there was a response from government officers after we launched the petition on 1 July. There was a phone call from the Canberra Places people and then again the dead silence that seems to have characterised this matter all the way through. They get a response and some media, and then nothing else happens. There is total silence and they are left in limbo, wondering whether they will get any action at all.

We had a similar situation following the presentation of the petition in this place in August. Suddenly DUS people visited, put a bit of concrete in and replaced a few pavers. This is supposed to be paying attention to Curtin. This is not what we are talking about. We are talking about looking at the total fabric of the place because of its age. I have continued to receive complaints about the shopping centre. I visit there regularly because it is part of my local area, and people stop me to tell me that they have had problems, that they have fallen over or that they really love this centre and want to know why it is being ignored. The area needs to have an extensive upgrade. We need to look at the paving, the way stormwater is handled, the toilets, the parking, the signage, the lighting and equipment for children. It is not a matter of shoving in a bit of concrete and replacing a few pavers. The area needs extensive refurbishment.

The sole traders who make up the shopping centre at Curtin are business people working hard for the Canberra community and their local area. Those opposite, this Liberal Government, claim that they support business. They claim that they are looking after the business interests in this town and Labor is not, but as soon as business asks for something the Liberals treat them with total disrespect. If you visited Curtin, you would see that some of the traders have spent quite extensive quantities of money on upgrading their shops and ensuring that they are providing good services to the people who use them. Even ACTTAB is doing up the betting shop in Curtin. They think it is important enough to improve the way it looks and to provide a better service to their customers. If ACTTAB can do it, why can we not have other government bodies looking at improving the Curtin shopping centre? It provides a wide variety of services to a large area in the Woden Valley. It is one of the group centres that still have banks. It has a large supermarket chain that would love to extend if there was room; but this Government does not want to play its part, come to the party and go into partnership to get a good-quality shopping centre. You wonder who is supported in this situation.

The other thing that I think we need to remember is that over 1,300 people signed the petition. That is how many people in that area are concerned. Do these people not have a say? Do they not deserve to be listened to? You wonder about the consultation processes that this Government concerns itself with. Maybe these people we are talking about are not exciting, and they are not a multinational company; but they are people who live and work and spend in the ACT, and they deserve to be listened to.

I am extremely pleased that the Planning and Environment Committee is prepared to take on the work of looking at the upgrading of the Curtin shopping centre. At least there is one part of the government process that is listening to the people in that area. I congratulate them and I look forward to their report.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Inquiry into the Efficacy of Surveillance Cameras

Debate resumed from 25 September 1996, on motion by **Mr Osborne**:

> That the report be noted.

MR HUMPHRIES (Attorney-General) (11.21): Mr Speaker, I have already tabled the Government's response to this report of the Legal Affairs Committee. I have to emphasise again the concern the Government has about a couple of elements of the report. I emphasise that the Government is prepared to work within the framework set by the committee. Most of the elements are entirely reasonable, and the Government expects to be able to deliver on those elements, if it has not already, in the near future, if the use of closed-circuit television cameras is to proceed.

There are two matters which I have to say again the Government most emphatically believes are unnecessary at this point. These two matters were subject to a motion in the Assembly on the last occasion this matter was before the house. The first relates to recommendation 3. Recommendation 3 says:

> The Committee recommends that the Government enact Privacy legislation incorporating penalties for breaches which will cover video surveillance before commencing any trial of CCTV systems in public places in the ACT.

That recommendation would be understandable if it were the proposal of the Government to trial surveillance cameras using a system which involved non-ACT public servants, indeed involving people other than Australian Federal Police; but that is not the case.

The Government's proposal was - I use the past tense because I am not sure that I can say any longer that the Government has a proposal to trial CCTV cameras - to have the Australian Federal Police act as the monitors of the cameras and to use them as a tool in assessing the effectiveness of cameras in the ACT, particularly in Civic. Given that under

that proposal the only people who will be making use of the cameras - except, of course, for courts once material has been videotaped - are the police and given that the police are already fully subject to the provisions of the Commonwealth Privacy Act, then it is nonsense to suggest that the ACT requires further, separate privacy legislation which would cover what could be a relatively short trial of these cameras in Civic for a period of perhaps four or five months.

Members have complained repeatedly about the enormous pressure on drafting time in this place. Members have complained to me about not having resources available. Mr Osborne will know what I am talking about - the enormous pressure on getting drafting resources available to do important things. It is, then, quite extraordinary to see an Assembly committee come forward and tell me to draft a piece of legislation which, to all intents and purposes, the ACT already has. The Commonwealth privacy legislation has provisions which, as far as I can tell, are completely comprehensive when it comes to considering the operation of those cameras, if we take it that the cameras will operate only in respect of Civic and be operated only by police officers.

The privacy legislation already in place in the ACT covers the use of material from those cameras. That might not be so if the cameras were to be operated by, say, a private security firm such as Wormald or Chubb. In that case I could see an argument for separate privacy legislation. But that was not the Government's proposal. The proposal ought to have been allowed to proceed using the offer we had of cameras from a particular company and using the services of the Australian Federal Police to find out whether the effort and work involved in having a permanent use of those cameras in this way would be required. Members have obviously worked on the assumption that the legislation is necessary for the cameras to be covered by privacy legislation. That assumption is false. It is not required for that purpose.

The other recommendation, recommendation 4, states:

> The Committee recommends that the Government, before commencing any trial of CCTV, establish an independent auditor/ombudsman with powers to audit the system, both random and specified periodic audits, and investigate complaints.

Once again, the ACT already has such a provision in place. The ACT has an ombudsman. The Commonwealth Ombudsman provides services to the ACT. The Ombudsman would be able to audit the system, given that it is a tool being used by ACT officers, namely, Australian Federal Police officers. I cannot conceive of any additional power which a special camera ombudsman would have but the present Ombudsman does not have in relation to the trial as proposed by the ACT Government. I look forward to someone in this debate enlightening me as to what those additional powers might be.

The Government, quite justifiably, in my view, baulked at the suggestion that we should spend what I am advised would be in excess of $100,000 establishing superfluous privacy legislation and a superfluous independent auditor/ombudsman to oversee a trial of maybe a few months, when it already had those devices in place and they are tried and tested.

The Ombudsman is only this week presenting a report to this place which comprehensively overviews the work of the Australian Federal Police, some might even say too comprehensively. We already have an Auditor-General who is very effective at being able to oversee other elements of the ACT government service, and we have privacy legislation which is regularly invoked by individuals in the ACT for their protection and would be available for the same purposes in a trial.

I therefore have to express my extreme disappointment that the Assembly does not see fit to allow the Government to proceed with this trial. I make it perfectly clear in this place that we will not be spending over $100,000 of fairly hard-pressed taxpayers' resources to duplicate what we already have. I also have to record that I am not particularly sure that we are in the position to be able to do that any longer anyway, whether Wormald are prepared to provide the cameras for the trial any longer. Bear in mind that it was over a year ago that Wormald offered these resources free to the ACT for a trial. That opportunity may have passed; but, even if it has not, there is a separate question of having lost the opportunity to use some Commonwealth funding to trial those cameras.

Members will recall that when this matter was last debated in the Assembly, I think in June, there was the possibility of using money made available by the Commonwealth for prevention of crime. Special project money was made available to the ACT. That money was available at that time, but we needed to indicate quickly whether the Government was prepared to take up the offer of that money for this purpose and to make that bid to the Commonwealth. That opportunity has now passed. If we were to conduct a properly evaluated trial of the kind referred to in this report, we would have to find the money from within ACT resources, and it has not been budgeted for. It would be expensive; I suspect, if done properly, in the order of $100,000.

I say once more that I think that the Assembly has missed an important opportunity. It is unfortunate that this issue remains up in the air. My party will certainly take this issue to the next ACT election and we will push hard at that election for the capacity - - -

Mr Wood: Just do what you have been told to do. You have no problem.

MR HUMPHRIES: We have already done what we were told to do, Mr Wood.

Mr Wood: No, you have not.

MR HUMPHRIES: We have privacy legislation and we have an ombudsman. We have both of those things already. *(Extension of time granted)* I think you have to explain to this place why an additional requirement needs to be put in place to provide for those issues to be covered. They are already covered comprehensively by existing mechanisms. They would not have been if we were not proposing to use the Australian Federal Police for the trial, but we were.

I say very sincerely to this place that I have no desire to make law and order an issue at the next election.

Mr Wood: Yes, you do.

MR HUMPHRIES: You may think that, Mr Wood, but I do not. If the Assembly does not block these measures - and I am including other things such as the legislation I have tabled today amending the Crimes Act - but puts these things in place so that we can sensibly balance the requirements for safety in the community against civil liberties, then there will not be a law and order auction at the next election. But, if these things are blocked in this place, then there will be just that auction.

MR WOOD (11.33): The approach that I took, with Opposition support, in my role as shadow spokesman on law and order, was not to go out with a lot of hype and raise issues as the current Minister did when he was shadow Minister. Mr Humphries would pore over the statistics on crime, pick out the best bits to suit his purpose and run with them. He did that persistently. That is not something that I have done. I have religiously refrained from doing so. But it is now quite clear that this Minister wants to run a law and order campaign. If he wants to get into it, he has the options here.

The committee whose report we are debating and the Assembly itself have laid down the rules for him to follow. He does not want to do that. He wants to hype up the issue. He wants to make something out of it ahead of the election. He has made his intentions quite clear. There is no question about that. The report says what needs to be done. The Assembly has endorsed that. I had expected today that the Minister would stand up and give a progress report - - -

MR SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77. The resumption of the debate will be made an order of the day for the next sitting.

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

MR WOOD: Mr Speaker, I present Report No. 14 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on that report.

Leave granted.

MR WOOD: Mr Speaker, this report relates most particularly to the Public Health (Miscellaneous Provisions) Bill 1997. I would urge the Government to give immediate attention to this report, because in it the committee expresses its disquiet at some of the measures that have been proposed. The Bill introduces a new criminal offence of being likely to cause disease or injury. I can understand the background to the legislation, but the committee is concerned that it is not at all clear how this is to be implemented with due protection to individuals and with a proper concern for justice. This Bill is to be debated later in the day. It is one the Government has indicated it wants to get through in this session - - -

Mr Humphries: No; only in principle.

MR WOOD: I did not hear the Minister's interjection, but I take it from his interjection that he will have a careful look and pass it rapidly to the Health Minister so that the concerns expressed by the committee can be attended to. It may be that there is an answer that has escaped the committee. This is one of the more serious reports that the committee has brought to the Assembly.

PETROL PRICING - SELECT COMMITTEE
Report

MR WOOD (11.37): Mr Speaker, I present the report of the Select Committee on Petrol Pricing, together with a copy of the minutes of proceedings, and I move:

> That the report be noted.

Mr Speaker, this report is presented at a time when the price of petrol in the ACT is the lowest it has been for many years. This is because the move to increase competition which the former Government began is now having its effect as more independents come into the market. The price of petrol has long been a contentious issue. The former Prices Justification Tribunal maintained control over petrol pricing at a national level from 1973 - a role assumed by the Prices Surveillance Authority in 1993 and further assumed by the Australian Competition and Consumer Commission when it subsumed the PSA in 1995. During those years there were innumerable inquiries into petrol prices. This report I have brought down today is not the first in the ACT.

Elsewhere governments have been active in seeking to unravel the complexities of the petrol market. Again, at the national level there were inquiries by the former Industries Assistance Commission, by its successor, the Industry Commission, and by the Bureau of Transport Economics. There was an inquiry into retail prices in rural New South Wales by the New South Wales Government in 1995, an examination by the ACT Government Working Group on Petrol Prices in 1993 and a review of petrol supply arrangements by this Assembly's Standing Committee on Public Accounts in 1994. This all adds up to a great number and constant stream of inquiries by government agencies into petrol markets and prices at the Federal, State and Territory levels over the last 20 to 30 years or so. It has to be said that this constant activity demonstrates that there has been little apparent progress in establishing public confidence in the basis for petrol pricing and supply arrangements. It raises the question of what a further inquiry by this Assembly could have hoped to achieve.

Against the odds, the committee has achieved a great deal. The report brings together the streams of opinion within the ACT market in such a way that the average Canberran, as much as anyone in the industry, can comprehend the forces and factors which influence prices. I venture that this has not been a feature of most studies and inquiries undertaken in the past. I want to give particular credit to the person who did most of the work on the inquiry, David Skinner, who came briefly to the Assembly as part of the graduate administrative assistants scheme and who performed outstanding work in this role.

This report is about the committee's review of those forces and factors, and it offers clear and unambiguous conclusions and recommendations, some of which are within the competence of the ACT Government to bring to fruition and others of which will require the cooperation of the Federal Government in freeing up the market for the benefit of ACT consumers and ACT petrol resellers. I make one particular observation. For an issue which generates considerable consumer interest in the ACT media, the committee was unable to coax local consumer interests or individuals to respond to the inquiry.

Mr Humphries has on other occasions correctly assessed that heightened competition will have a severe impact on those traders who are contracted to the majors and are in a relatively powerless situation. The report makes some recommendations for ways to help them. I am sure that members would generally support measures to help those people maintain profitable trading.

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

SOCIAL POLICY - STANDING COMMITTEE
Report on Inquiry into the Adequacy of Mental Health Services

MS TUCKER (11.42): Mr Speaker, I present Report No. 6 of the Standing Committee on Social Policy, entitled "Inquiry into the Adequacy of Mental Health Services", which includes a dissenting report, together with a copy of extracts of the minutes of proceedings. I move:

> That the report be noted.

Mr Speaker, it is with great pleasure that I present this report on the inquiry into the adequacy of mental health services. We invited the community to make submissions in June 1996; we had 54 submissions and held nine hearings. We visited a number of facilities in Victoria and New South Wales, as well as the ACT. We also attended the Australia and New Zealand Mental Health Conference in Brisbane.

Mental health is an issue of great importance and touches personally many people in the ACT community. The statistics show that 20 per cent of adults will experience mental health problems in their lifetime and between 10 and 15 per cent of children and adolescents in one year. We define mental health in a rather narrow manner at present. It is my personal belief that mental health is as much about broader social and emotional wellbeing as it is about mental illness. Surveys of young people are consistently showing a lack of optimism about the future, a sense of alienation from the community, and a lack of meaning and purpose in their lives. As a civil society, we must address these broader issues and examine ways to develop the community and to improve social cohesion.

In this report, we have looked at ways to improve services for people who are experiencing mental illness. The committee was disturbed to find that the provision of services to treat and support people with mental illness was inadequate. While there have been some improvements, and we have acknowledged in the report the Government's work in this area, services in the ACT are still underdeveloped and underresourced. The national mental health strategy has resulted in dramatic changes in how we support people with mental illness. We are moving away from institutional care to a community support model and to an integrated approach of service delivery. The move into the community must be supported by appropriate resource allocations. The cost of mental illness in terms of human suffering is significant. The financial costs associated with the provision of adequate care service are an issue for government, but must always be considered in association with the social costs of failure to provide these services.

The committee has recommended that, as a matter of high priority, the Department of Health and Community Care, in partnership with stakeholders, develop a mental health policy and strategic plan. It is rather alarming that the report would have to make such a recommendation, in light of the current time of change we are in. The committee acknowledges the work of ACT Mental Health Services, the largest provider of mental health services, who are developing a plan of their own. However, this is not good enough. There must be an overall policy framework in place which will guide the service provision in this important area. I noted in the statement on mental health services tabled on Tuesday that a list of principles was set out to guide policy and service delivery in the ACT. The committee had not seen those principles before. The department told the committee that they had set up a policy unit but they had not had time to develop Territory-wide policy because their resources were taken up in the review of legislation.

As I said, in light of the changing times in terms of mental health service delivery, it is a rather back-to-front process. We should indeed have had the policy framework in place much earlier than this. We do acknowledge, of course, that the Government is saying that it will undergo this process, but the committee felt it was alarming that it was not here and we had to make that very strong recommendation. It must be seen as a matter of priority, and it should not have been left this late.

The committee's other recommendations fall into a number of categories, other than the planning area. We looked at services for children and adolescents particularly, forensic facilities, community-based assessment treatment and support, supported accommodation, services for Aboriginal and Torres Strait Islander people, interface between mental health and other services, continuity of care, advocacy, complaints mechanisms, and monitoring of service delivery. Each of these areas requires significant attention from government. The committee has pointed out the importance of prevention and early intervention measures in designing mental health services.

I will address first the issue of young people. There were a number of concerns about services for young people with a mental illness. The committee was particularly concerned that no accessible youth-specific inpatient facility exists in the ACT for young people with a psychiatric illness. The committee has heard expert evidence of the extreme unsuitability of placing psychotic youths into the Canberra Hospital psychiatric unit.

We have learnt of the problems associated with dual diagnosis and the lack of services for people with dual or multiple disabilities, especially those with substance abuse and mental illness. We also recommend that, as a matter of urgency, the ACT Government should develop and implement a strategy which addresses accommodation and support needs of young people with a mental illness.

Youth suicide is an issue that is finally receiving some attention from government. We understand that the Government is creating a task force to create a strategy for the ACT. While this looks good, and I am glad to see attention being given to the area, I have to point out that there are a number of very well respected research institutes and other organisations that have been working on suicide strategies particularly directed at young people. This work is being done now and has been done recently. These organisations include the Australian Institute for Suicide Research and Prevention, under the auspices of Griffith University and with funding from the Queensland Government; the Centre for Adolescent Health at the University of Melbourne; the Australian scouts movement, in collaboration with the Department of Child Psychiatry at Monash University; and the Australian Rural Health Research Institute, with funding from the Commonwealth Department of Health and Family Services. Rotary also is producing a large body of work through the Rotary health grants scheme.

Governments have also responded to the issue of youth suicide. The Queensland Government has released the Queensland Government youth suicide prevention strategy, identifying key strategies for prevention in the short and medium term. The Victorian Government has published a report of its suicide prevention task force, which describes a suicide prevention framework on four levels of intervention, and the implementation strategy. The Northern Territory Government has released a discussion paper providing a strategic framework for policy and action and the future direction of youth suicide prevention in the Northern Territory.

This list is by no means exhaustive but is an example of the work already done, which we should not be duplicating. What we need is action, and we need action that is supported by resources. We should not be duplicating. We should not be wasting our time and money on producing a strategy that will take six months and will be paying experts in the ACT high salaries to produce a report. There is all this work going on. The youth suicide resource kit designed by the Victorian Government this Government endorsed last week and presumably will be circulating to professionals in the ACT. They have been prepared to use that work from Victoria, and I urge them to look at the work that has already been done and is being done on this issue and to get into doing something about it; otherwise it can look very much like tokenism. I will be particularly interested to see how the Government responds to the recommendations of this report, because it is quite clear that the recommendations dealing with services for young people must be agreed to by government if they are indeed genuine about having a strong place in the battle and addressing the serious problem of youth suicide in our society.

Another area about which there were a lot of concerns brought to the committee is the forensic psychiatric facilities in the ACT. They have also been a matter of concern for a long time. All members will be aware of the very tragic incidents that have highlighted this problem. The ACT Mental Health Services draft development plan, disappointingly, does not include any strategies, visions or objectives for improvements in the service.

The committee noted the lack of strategic vision and the lack of performance indicators to enable evaluation of the services. A review of ACT forensic services undertaken earlier this year noted disturbing problems in the provision of services to those in custody and noted that both of the ACT's recent suicides in custody had a strong psychiatric development. It recommended a modest increase in resources immediately to improve basic forensic services.

There are three recommendations in this report related to forensic facilities. They deal with Quamby and the Belconnen Remand Centre, and we also have a recommendation that any assessment of the need for an ACT gaol should include a best practice forensic psychiatric facility, which would be administered by the health portfolio. The committee has also recommended that there be a secure facility for people with a mental illness who are not involved with the criminal justice system but who require involuntary accommodation. The committee was most concerned about the reported practice of placing people, often young people under 25, considered to be a danger to themselves or others, in the Remand Centre because there is no alternative. According to the Legal Aid Office, the police have to resort to charging such people with an offence to get them some help. This practice overlooks the critical fact that the criminal justice system is a punishment regime, not a health facility. Concerns about this practice were expressed by Legal Aid three years ago, when they warned that there could be tragic consequences, and since that time three people have died. The committee considered that urgent action must be taken to provide a more suitable facility.

I note with concern that a Bill has been tabled today that seeks to give the Director of Family Services the power under the Children's Services Act to transfer offenders from one institution to another, including into interstate institutions. This is indeed an admission that we have a shortage of appropriate juvenile justice services in the ACT. The committee also took evidence about the inadequacy of so-called step-down or halfway accommodation in the ACT. This is a really critical aspect of the way we are delivering mental health services now, when you do not have the institutional care. You have other community-based support or hospital care; you have to have something in between so that you can help people make that transition. So we have a recommendation on that matter.

We also took submissions from members of the Aboriginal and Torres Strait Islander community about the special circumstances surrounding the provision of mental health services to address their needs. Indeed, it must be recognised that the needs of different groups in the community, including older people, young people, people of non-English-speaking background, or Aboriginal communities, are diverse, and services must be responsible enough to deal with these different needs. We recommend that there needs to be a stronger partnership agreement that gives greater community control in the delivery of services. We also recommend that there be increased resourcing to this area. The lack of appropriate accommodation has been highlighted over and over. This must be given a much higher priority. An insufficient range of suitable affordable housing options and support services was reported by many individuals and organisations.

This has also been raised in a number of other studies over the last few years, including the Purdon and Burdekin reports. The Richmond Fellowship, a significant provider of supported accommodation, has a waiting list. There does not seem to be a clear understanding from government of what the overall level of unmet need is, and that is also unacceptable.

Representatives of St Alban's Church, who work closely with residents in two ACT housing complexes, told the committee that many people with mental illness who are currently living in or have moved into the community are not receiving the level of support they need. Many do not have the skills to enable them to function effectively on their own. They cannot budget and prioritise their needs. They often cannot manage to pay bills, so that they can actually keep the phone ringing, which makes it a bit of a joke if they need the crisis team. This is the reality for many people with whom this particular priest is dealing. While we support absolutely the concept that people should be integrated into the community, if they are left in an isolated situation - and that is what is happening to a number of people in Canberra, where they obviously do not have enough support - it is an abuse of human rights.

The committee has also made a range of recommendations with regard to continuity of care, the development of clear policy guidelines, and advocacy services being maintained and valued. I understand this is a Federal issue. *(Extension of time granted)* Mr Speaker, I think this is the first time I have ever sought leave for an extension of time, so I thank members for their support. I do not need to speak for this long, normally; but today I would like to finish this report. On the issue of advocacy, while I acknowledge that it is a Federal issue, it is absolutely critical. Advocacy is determined by the vulnerability of people, and people with mental illness often are vulnerable. So it is a very essential part of providing support for people with mental illness. Obviously, the committee is concerned about the improvement of complaints systems and grievance procedures, and reporting requirements as well.

In conclusion, I would like to address some of the issues raised by Mrs Littlewood in her dissenting report. Mrs Littlewood has outlined her concern with several of the committee's recommendations on the ground that the Government has said they will do it. Mrs Littlewood has presented what amounts to a report of the Government's achievements in mental health, rather than a dissenting report. I would not disagree with Mrs Littlewood's dissenting report in that area. Obviously, we have acknowledged what the Government has done. We have acknowledged that it is a complicated area, and we are hoping this report will be well received by government, because it is indeed a snapshot. It is a very substantial report which will give direction to government to address these gaps in services. Obviously, it is not going to happen overnight, so I would not want to object to most of the dissenting report; but Mrs Littlewood has raised some specific issues, and I will deal with them. I believe that the committee would be failing in its duty if it did not suggest alternative ways of addressing mental health issues in the ACT. Equally, it is not the committee's role to identify where funding would come from in order to allow recommendations to be adopted. The committee's report has been based on an analysis of evidence from a range of sources - the Government, consumers, carers, community organisations, and government and non-government service providers - and it does report the experiences, some of them quite recent, of a wide range of witnesses.

One point Mrs Littlewood made was that she thought the inquiry had been going for over 20 months. I would like to point out that the committee deferred commencing the inquiry until June 1996. One hearing was held in October 1996. Mrs Littlewood was part of the committee from February 1997, when all the major work was done. The committee spent 10½ hours deliberating on the report over a period of about 10 days, so I am not willing to accept that Mrs Littlewood felt she had such a short time to write a dissenting report. The direction in which the report was going was clear for much longer than six hours.

Another issue Mrs Littlewood raised related to the recommendation regarding an investigation of the establishment of a secure facility. The Government apparently has said that it will do that. That is correct; it has. But it is still appropriate for the committee to make a recommendation to that effect. In fact, what we are doing there is supporting the Government's initiative. There is nothing I can see to dissent from about that. Through the body of the report, we have more evidence to support the Government's initiative on this, so it is actually affirming what the Government is doing.

In relation to recommendation 8, I point out that most of the $400,000 Mrs Littlewood refers to is provided by the Government for funding for non-clinical mental health support services. This allows services to maintain support to people currently accommodated in hostels who are moving into the community. These are people who have been receiving clinical support, and when they move out into the community they will continue to need it. The funds Mrs Littlewood refers to are not directed at the type of step-down half-way accommodation outlined in the recommendation.

In relation to recommendation 10, it must be noted that the proposal is for the development of a strategy on how best to support young people with a mental illness. This does not necessarily mean the development of new services; it may mean better coordination of existing services. The needs of young people with a mental illness is a major problem and the issue of most concern to the community. It is something that must be addressed urgently. The committee saw little evidence of improvements in responsiveness to the needs of young people from ACT Mental Health Services.

In relation to recommendation 17, the Territory mental health policy and strategic plan has not yet been developed. The committee was told that work would begin once the work on the legislation was completed. Once again, it is quite appropriate for the committee to affirm the Government's direction here. They are saying that they will develop a policy plan and we are saying, "Good on you, but do it as a matter of urgency". In relation to recommendation 19, I suspect that Mrs Littlewood has referred to an earlier draft of the report and that this now relates to recommendation 20. Under the purchaser-provider agreement, providers are already required to report to the department at least six-monthly. The information is received by the Government regularly and therefore we do not understand why such reporting is regarded by Mrs Littlewood as onerous. Mr Speaker, I could not agree more with Mrs Littlewood's concluding statement that there does seem a long way to go and that there is much to be done to improve mental health services in the ACT, and with her call for emphasis on reform and adequate resourcing of the area. Mental health delivery in the ACT has suffered a benign neglect for many years and, while the issues are complex, if all stakeholders are involved and there is a genuine commitment from government, we should be able to develop and implement responsive and comprehensive mental health support and treatment services.

I would like to thank all the people in the community who took the time to write to the committee or to come and speak to us. For some of them it was particularly personal and painful, and I applaud their courage. It is only through people taking those steps that people such as ourselves have an opportunity to hear and understand the reality of people in the community with mental illness. I would also like to thank Judith Henderson, the secretary of the Social Policy Committee, who, as always, has worked incredibly hard and has been totally thorough and committed to the work of the committee. I believe that we have produced a report that will stand the test of time in terms of its quality. It can be used, and I hope this Government and future governments will use it, to develop a mental health services system that will be best practice in Australia.

I also want to thank my fellow committee members, Marion Reilly and Louise Littlewood - and Harold Hird was on the committee briefly as well - for their work in this committee. We have had a large number of hearings and an intense workload throughout the last 15 months. *(Further extension of time granted)* I hope to see the Government accept this report in the spirit in which it has been delivered, which is as a direction for them to deliver services for people with mental illness in the ACT that will meet their needs. I want to acknowledge that I do not expect that it will happen overnight, although I would like to see some of these recommendations, which are highlighted as urgent, treated as such.

MS REILLY (12.06): Mr Speaker, I rise to bring further to members' attention the report before us on the adequacy of mental health services in the ACT. This is an important report, because we are talking about a very important issue that affects a number of people in the ACT community. This report is the result of long consultation, information gathering and discussion over many months, as Ms Tucker has pointed out. We have talked to many stakeholders in this area, both in the ACT and interstate.

I would like particularly to thank the secretary of the committee, Judith Henderson, for all her work over that period. It covered a broad range of groupings, and pulling all the information together in such an integrated way is to be commended. She was assisted by Fiona Clapin and Kim Blackburn, and I thank them for their assistance. The other aspect of a committee, of course, is working with my Assembly colleagues, and I would like especially to bring to the attention of Assembly members the work done by the chair of this committee, Kerrie Tucker. This was a long and hard inquiry and Kerrie did a wonderful job of chairing it. Also, I enjoyed working with Harold Hird and Louise Littlewood on this topic. It was not an easy area.

As Ms Tucker said, the committee met over 15 months on this issue. After advertisement, there were extensive written submissions and public hearings on various issues related to mental health. It is not a simple issue; it is very complex and it involves people working at a whole range of levels. We visited facilities in both the ACT and interstate, so that we could get an idea of what was available currently in the ACT and what was being done in some of the other States in the delivery of mental health services. Without doubt, some of the other States have gone a lot further than the ACT in looking at community-based services particularly. A lot of them have gone a lot further in looking at the delivery of services on a regional basis, delivering services at various levels of support. I think the interstate visits were particularly advantageous in opening the eyes of the committee to what is possible in this area.

We met with workers in both the public and non-public areas. We had opportunities to talk to these workers, both formally and informally, about the issues surrounding their work, and I think this was an important part of the process. We should acknowledge particularly the work and efforts put in by the bureaucrats to provide the committee with information. They were quite open, in a number of cases, about what was happening in the area, and I think this is to be commended. It gives us all hope that there will be good outcomes from this report and improvements to the delivery of mental health services in the ACT. We also had the opportunity as a committee to attend an international conference in Brisbane. Speaking personally, I found it a good opportunity to get access to a broad range of information and people who are practitioners in the area.

I want particularly to acknowledge the work done and the information provided by a number of people in the community. A quite large number of people have participated in the development of this report. Many people were open and honest in telling us what was happening and shared with us personal experiences, some of which were extremely painful; but they thought it was important enough for the committee to realise what was required in the area to tell us what their personal experiences were. I think these people are to be commended for providing this sort of information to the community.

We are talking about a quite large number of people in the area of mental health. The statistics are easy to quote; they tell us how many thousands there are of this age or that age and what sort of illnesses they have. But we need to recognise how many people are affected, both directly and indirectly, by mental illness and mental health services. When there are gaps in services, when services are not adequate, it creates havoc for a number of people - in the first instance, those who suffer from mental illness. If they cannot get access to the services they need, their illness is exacerbated and their suffering and distress are increased.

For that reason alone, we have to be very careful in looking at how we provide mental health services in the ACT. What sort of community would deliberately leave people in distress and pain? As well, there are the many relatives, friends and supporters of people with mental illness, who also are affected by inadequate services or services that do not meet the need. It is important that we remember that they are part of this whole process, that they are part of ensuring that we get the best information and, consequently, the best services.

There are also many workers in the area, in both the public and non-public areas. There is a broad range of services in the ACT and a number of people working in different areas - a very dedicated, very professional group of people. We need to acknowledge their work and try to assist them to make their work better. There are also members of the community. I am sure most people know somebody who has a mental illness. It is an unfortunate part of our community that mental illness does affect a number of people, and those who have relationships, networks, or whatever, with these people are also affected. People, by default, become affected when a crisis happens and it is not handled in a way that is good for both the person involved and others members of the community. I do not want to dwell on that, but we should recognise how widely mental health services affect people in the ACT.

The report sets out a number of instances where the Government has taken action. There is no suggestion in the report that the Government has not taken any action at all to change the way the service is delivered in the ACT. I think it is unfortunate that some of this action seems to date from crises, that there does not appear to be any sort of framework or action plan to bring about changes. It took crises of various types at various times and the commencement of the Social Policy Committee's inquiry to get any action, and that is unfortunate. We have been lucky in the sense that, in the dissenting report put in by Louise Littlewood, she sets out quite well a number of the changes the Government has made; but there is no suggestion from the committee that it did not recognise those changes.

We were very lucky that the bureaucrats who came to talk to the committee were quite open about what was happening in the service. We talked earlier this year to the people working in the crisis assessment team, which I think now has a slightly different name but is doing the same work. We found out about the changes that were happening, that the service was not being delivered in the way it had been previously, and that has been acknowledged.

I was surprised that the Minister for Health and Community Care felt the need to make another statement on Tuesday about mental health services in the ACT. What was the concern? What was she trying to put forward to the community, when this report was due on Thursday? It was listed in the Assembly business and it was known that the report was going to be delivered. I think it would have been preferable for the Minister to wait for this report to come out and to give careful consideration to its recommendations.

I must admit that on Tuesday I was also gravely concerned to find that the Minister does not seem to understand the difference between a psychologist and a psychiatrist. She also seems to have problems understanding the difference between the position of Director of Mental Health Services and the Executive Director of Mental Health Services. I think this needs to be clarified. We have an executive director, who is working extremely hard and making a number of very positive changes for ACT mental health services, and his work is recognised both in the report and in other remarks that have been made. But there is still a legal position of Director of Mental Health Services, and it is not healthy for the community to have this on a month-by-month basis. This needs to be cleaned up immediately so that we can get some certainty in services in the ACT. In relation to understanding the difference between a psychologist and a psychiatrist, I am sure that there are many medical dictionaries that could be consulted on this matter.

One of the issues about the delivery of services in the ACT is that previously there has been much concentration on hospital-based services. One of the things that we examined when we went to look at services in both Victoria and South Australia was the shift that they have made in those States towards more community-based services. The other thing that we noted when looking at those services was that the ACT has not been a big spender on mental health services, if you look at it on a per capita national basis. We are down towards the bottom of spending in this area in Australia. I know that this is being addressed in some way; but I do not think we have gone far enough in looking at what will be the impact of gaps in mental health services if we fail to recognise where some of the need is.

We saw in this year's budget - and I am sure that this will be mentioned - that there is to be an increase of $250,000; but we need a guarantee that this is new money being put into the system, additional to what was spent earlier, and that it has not come from savings. At this point in time, as the ACT Mental Health Service looks towards providing more community-based services rather than hospital-based services, we cannot find savings. Let us get some good-quality, well-established community-based services first, before we see whether there are any savings to be gained from this process.

If we take the savings from the front end, there will be no opportunity to ensure that community-based services can be set up well, that any problems can be ironed out and that they are the right services. As we move to more community-based services - I think this is important, and the Government has said that it is starting to work towards this - we need to look at how we go about it. We need to make sure that we follow good, strong processes of competitive tendering, that we look at the staffing of the services, and that we look at whether it should all be done in the public sphere, as it is in other States, or whether non-government service agencies should be providing these services.

We need to look at some of the other issues as well. One of the things that must be respected and recognised in this area is consumer rights. There is no point in setting up a whole range of services that do not take account of the people who will be using those services. There must be strong consultation with and advocacy for the consumers and the friends of the consumers. It is important that that be undertaken with the development of any new services in the future.

There are just a few recommendations which I need to emphasise. I would commend all the recommendations to people in this place and in the community; but there are some on which I want to make particular comment. One thing that was noted by the public servants working in the area was the fact that there is not an integrated plan being developed. So, we are developing new services without a plan. I think this is something that must be rectified urgently. It seems ludicrous that we can set up new services without having an idea of the overall framework of mental health service delivery in the ACT. This must be addressed immediately. One of the other areas on which we put particular emphasis - this came from the material that was placed before the committee and also through discussion within the community - was the adequacy of services for young people and for children. There seems to be a glaring gap in the ACT services. There is a child and adolescent mental health service, and it works well; but it is inadequately resourced. In some cases, the waiting times are much too long for people who are concerned about the wellbeing of their children or are in crisis. We should not have a service that has resourcing only to respond to crises.

The people in one of the services that we looked at in Victoria talked particularly about the importance of early intervention in psychosis. If we allow young people to develop psychotic illnesses, without trying to intervene at an earlier stage, we are setting up more problems for the future. Early intervention in a number of areas seems to be the way to ensure that people have the opportunity for much better health in their adult lives.

So, it is important that we ensure that the services, particularly for young people - adolescents and in some cases, unfortunately, children - are adequately resourced and cover the needs of the people in the area, so that parents are not being forced to live in distress and uncertainty about what is going to happen and are not, in some cases, being forced to go to Sydney to access services. I think it is a shame for our community that parents cannot get services for their children and are forced to go interstate to get them. *(Extension of time granted)* It is important that we look particularly at services for young people and for children and that we look at some of the gaps in services that have been highlighted throughout the report.

As a community, we should be very ashamed if we leave some people feeling insecure and uncertain about their future. The general academic findings and research suggest that community-based services are the best; but they operate only when they provide a safe network for people to live in the community adequately and have the opportunity to develop full and satisfying lives. There is no point in saying that we have community-based services if they leave people in uncertainty and with lives that cause distress for themselves and for other people.

Also, we need to ensure that we look at services that recognise the different needs of people from Aboriginal and Torres Strait Islander communities. I want to mention particularly the need that is going to be growing, which must be recognised and addressed, in relation to the development of families as young people are returned to those families following the *Bringing them home* report. We also need to look at the special needs of some of the non-English-speaking communities, of those who have come from a refugee situation, and the loss, grief and trauma that can follow that, which may not be addressed immediately on arrival, but which may be addressed much later. We cannot put a time limit on the provision of those services. We need to ensure that those services are available for many years. They should not be available just in the first two years after entry into Australia, because the trauma can arise at other times.

I ask that members of this Assembly and others in the community read the report. We do not need a mere knee-jerk reaction, which is in some ways typified by the dissenting report. There are many important issues raised in this report. We are talking about issues that affect a large number of people in this community and that can be addressed by looking at the cultural and community change in how we address mental health issues. What we are asking for from this Assembly is commitment to people in the ACT who have mental illness, to assist them to develop satisfying lives and to have some quality of life. This matter is not one that can be put in just simple dollar and cent terms. We are also talking about this Assembly providing some leadership in how people with mental illness should be dealt with in our community, how we live together and how we ensure that there are adequate services for these people. So, I would ask all members to look at this report carefully and look at ways in which we can implement the recommendations.

MRS LITTLEWOOD (12.24): Mr Speaker, I wish to preface my comments by acknowledging the efforts of my committee colleagues and their genuine concern for most of the stakeholders associated with mental health. There is no doubt about the compassion felt by all members of the committee. I would also like to acknowledge the efforts of the committee secretary, Judith Henderson, who did a sterling job. I support the comments by Ms Tucker with regard to the people who came and gave evidence and their courage. However, Mr Speaker, I cannot completely embrace all the recommendations contained in the report. While I do not intend to go over my dissent in detail, I would like to add some background and mention some positives.

In my report I mentioned that, by even the most conservative estimate, the adoption of all the recommendations would commit a Territory government, irrespective of who it might be, to additional recurrent expenditure of at least $5m per annum. The report does not identify where this funding would be found, what services would be knocked down and what other areas would be defunded. I am of the opinion that the Assembly's committee has a very responsible role, and I am sure that there are many here who would agree that inquiries should not just highlight perceived flaws or offer motherhood statements as solutions, but instead should look at real and achievable solutions, and actually offer suggestions as to how objectives can be achieved, rather than just adopt the fistful of dollars approach.

Of course, we would all like to see a perfect world; but, unfortunately, we must also address reality. The committee has not costed its recommendations; nor has it taken into account the capacity to achieve its recommendations. Certainly, we visited South Australia and Victoria, and some of the recommendations have been based on a Victorian regional model. This region corresponds in population to Canberra. But what has not been added to the equation is the fact that Victoria had owned large institutions, which were sold off to help finance their initiatives. Regrettably, the ACT does not have that financial stash.

Mr Speaker, I would be quite concerned, too, if the community thought that this report would be a panacea. I hope that the committee has not projected any false hopes into the community. What we would like to achieve and what we are capable of delivering are often two very different things. It is not possible to be all things to all people. That is regrettable, but unfortunately true. I believe that all committees should keep that important aspect in mind and temper desired outcomes with achievable outcomes.

Mr Speaker, I am also disappointed that greater acknowledgment of the efforts made by the Government was not included in the report; hence, my comments to highlight those initiatives. They are:

> An increase in funding for mental health services amounting to more than $1.5 million or almost 10 per cent during the past three years.
>
> Additional funding of $400,000 over the past two years to expand community-based residential support for people with a mental illness. This has created an additional 45 supported accommodation places in Canberra.

An increase of ... $150,000 a year in funding for mental health projects via Healthpact, the ACT's independent health promotion agency set up by the government.

Independent accreditation of all public mental health services in the ACT, the only state or Territory to achieve this.

Expansion of the Mental Health Crisis Team which has resulted in a vast improvement in levels of service and responsiveness. A total of eight new positions have been created to enable the team to broaden its role to include treatment as well as assessment in the community. The 22 member team now operates a 24 hour 1-800 contact number and has introduced a new triage service, and computerised tracking system to more quickly respond to clients.

The creation of an intensive care management team operating out of the Accident and Emergency Department and the Psychiatric Ward at The Canberra Hospital. Two extra specialist nurses have been employed to provide better treatment and discharge planning for clients who present at A and E.

Re-establishment of the position of liaison psychiatrist at The Canberra Hospital to ensure all patients, particularly those in the geriatric ward, can access this service.

The establishment of a specialist mental health nursing position at the Belconnen Remand Centre.

Ongoing funding to help establish the Warren I'Anson Memorial Respite House, which is managed by the Mental Health Foundation.

Approval for the construction of a new, $2.5 million, 20-bed private psychiatric facility, Hyson Green, by Calvary Hospital, the first private unit to open in Canberra. This will expand the number of acute beds in the ACT by 30 per cent.

Additional, one-off funding to provide respite care for children with mental health problems or for children whose parents have mental illnesses.

New memoranda of understanding between the ACT Mental Health Service, the Australian Federal Police, and ACT Housing to improve the co-ordination of responses and services.

Establishment of a new Management Assessment Panel to better assist in meeting the needs of people with complex cases.

Production of the first ever annual report specifically about mental health services in Canberra.

In closing, Mr Speaker, if we are to achieve a "better society", then words about bipartisanship need to be more than just words; they need to be translated into action and give credit where it is due.

Debate (on motion by **Mrs Carnell**) adjourned.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Unemployment

MR BERRY: My question is to the Chief Minister. Chief Minister, are you aware that, as Chief Minister, your failed policies have had negative repercussions throughout the Canberra region? I point to the last week, when we saw 25 workers employed by the Pioneer building company based in Queanbeyan lose their jobs, 10 workers at the John James - - -

Mrs Carnell: They are in Queanbeyan, are they?

MR BERRY: Last week Mrs Carnell was concerned about the region. This week she is not so concerned. She does not care about the region if it is caused by her policies.

MR SPEAKER: The question did refer to the region, as I recall.

MR BERRY: Mr Speaker, 25 workers were formerly employed at the Pioneer building company based in Queanbeyan. They lost their jobs principally because of the depressed housing market in the ACT. Ten workers at the John James Private Hospital and 15 workers at Marymead have also lost their jobs. Will the Chief Minister apologise to the 50 workers formerly employed at these places who lost their jobs in the last week, due to her Government's failure to manage the ACT's economy and due to the actions of her preferred Prime Minister?

MRS CARNELL: Mr Speaker, I wonder whether Mr Berry would suggest that it would be my Government's fault for any jobs that are lost in New South Wales, or maybe Queensland or Victoria. Obviously, that is the case. In answer to this question, I think we need to look at what is the real situation with regard to jobs in Canberra. Mr Berry has indicated that some 50 jobs have been lost over the last couple of weeks; but he did not speak about the 6,100 additional jobs created in Canberra since last November, or the fact that there are 1,100 fewer unemployed people over that period. Compared with March 1995, when this Government took office, there are now 4,000 additional jobs in Canberra. There are 4,000 more now than when we took office, and at the same time the participation rate has increased. More people are actually in the work force as well, Mr Speaker. The participation rate has increased from 72.3 per cent to 73.1 per cent.

New motor vehicle registrations have been up, I think, every month now for about ten months. Retail trading figures have increased consistently over recent months. Does this indicate an economy that is on its knees, as Mr Berry said? Today comes the news that the ACT's gross State product has now increased for two consecutive months.

Mr Berry: But it is still in negative.

MRS CARNELL: It is not. Ha! It is not. It increased in two consecutive months, Mr Speaker, including a rise of 0.4 per cent in the June quarter and 0.2 per cent in the March quarter. On those figures - not our figures, but the gross State product figures - the ACT is in recovery. More importantly, the ACT economy has now emerged from recession, as these figures show. The bottom line, Mr Berry, is that we are no longer in recession. Mr Berry has been saying that it is our fault - - -

Mr Berry: I have seen the figures. For three months in a row, negative growth in trend terms.

MRS CARNELL: Wrong! Sorry, wrong! We have now had two quarters of positive growth, as we have seen from the figures released today.

Mr Berry: Three months. Mention the last three months.

MR SPEAKER: Order! That is enough of interjections.

MRS CARNELL: More importantly, in this last quarter we outperformed New South Wales, we outperformed South Australia, we outperformed Western Australia, and we outperformed Tasmania. That should be regarded by those opposite as good news. They have continually said that the ACT being in recession was our fault. Obviously, if that is the case, the recovery is our fault as well. I agree with that. It shows that ACT Government policies are making a difference.

Mr Speaker, on the employment front, over 120 young people have already been placed through the Youth500 program over the last five weeks or so. What about the 50 new jobs on the private hospital site, Mr Speaker? Mr Berry talked about 10 jobs at John James. There are 50 new jobs building the new private hospital. About an hour ago Mr Humphries and I were out opening the new Gull Petroleum site at Belconnen. They indicated that they planned to employ 25 new workers on their two sites. What about today's comments by Adecco Personnel, a major agency in Canberra, saying that they had noticed a 50 per cent increase in the demand for temps over recent months? What does that say about Mr Berry's 25 jobs in Queanbeyan? Every job matters. I have just spoken about the 6,100 predominantly full-time jobs since last November, 50 jobs on the new private hospital site, 25 on the Gull site, and a 50 per cent increase in demand for temps, and all of this is occurring as a result of our *Jobs for Canberra* strategy.

I think those opposite should be saying to the Government, "Good work. You have managed to get the ACT economy back on track. You have managed to get the ACT economy back in growth. You have created 6,100 new jobs since last November, and 4,000 jobs since you came to government".

MR BERRY: Mr Speaker, when will this Chief Minister accept - - -

Mrs Carnell: Mr Speaker, I take a point of order. No preamble.

MR BERRY: It was hardly a preamble.

MR SPEAKER: You are getting to the question. Proceed.

MR BERRY: When - it is an interrogatory "when" - will this Chief Minister accept that there are 1,400 more unemployed than there were when she came to office, and that she took us to 8.6 per cent unemployment before she took it down to a level which is about the same as when she took office? When will this Chief Minister accept that for the last three months the unemployment lists in the ACT have been growing? When will this Chief Minister accept that there are 400 more unemployed people than last month, 300 of them women? When will this Chief Minister finally accept that campaigns promoting the Canberra region are not effective if the Government does not take account of effects on the region when formulating policy? When will the Chief Minister take the blinkers off and take into account the effects on the region as formal criteria for the formulation of new policies? When will the Chief Minister accept that for the last three months, according to the Bureau of Statistics figures, which talk about gross State product in trend terms, there has been negative growth? When will the Chief Minister accept that between this June and last June the gross State product fell by 0.5 per cent?

Mr Kaine: Mr Speaker, I am trying to take a point of order. My point of order is: How many questions is the Leader of the Opposition allowed as a supplementary question?

MR SPEAKER: Provided the supplementary question is relevant to the original question or arises out of the answer given, contains no preamble and produces no new matter, and is put in precise and direct terms, it is in order. They were, in fact, all relevant, Mr Kaine. They might have been a bit longwinded, but they were relevant.

MRS CARNELL: Mr Speaker, when will those opposite realise that the ACT is now out of recession on the basis of our policy? When will those opposite realise there have been 6,100 new jobs since last November? When will those opposite - - -

Mr Berry: I take a point of order. I am the one who asks the questions.

MRS CARNELL: Mr Speaker, I have just been given an update on some of the figures, because people are getting jobs all the time in Canberra.

MR SPEAKER: Even in the last few minutes.

MRS CARNELL: Just in the last few minutes, Mr Speaker. When I answered about Youth500 I said it was 120. It is now up to 140 in the time between the original question and the supplementary question, Mr Speaker. It just shows you how quickly this economy is moving.

Olympic Games

MRS LITTLEWOOD: Mr Speaker, my question is to the Chief Minister. In the past few days we have seen a pathetic performance by Mr Whitecross and Mr Berry who have done nothing but whinge and whine. They have made it clear that if Labor is in government after the next election they will put Canberra out of the 2000 Olympic Games. Can the Chief Minister inform members what the reaction to this has been from the sporting community, and whether Labor's claim that the Olympics - - -

Mr Berry: No, no.

MR SPEAKER: Order! Would you like to ask the question again, Mrs Littlewood?

MRS LITTLEWOOD: Yes. Thank you. I will start from the beginning, Mr Speaker.

MR SPEAKER: I cannot hear, for all the noise coming from the Opposition benches.

Mr Berry: I raise a point of order. Mr Speaker, yesterday, in a personal explanation, I explained that Labor would honour the contracts of this Government.

MR SPEAKER: There is no point of order.

Mr Berry: Perhaps Mrs Littlewood did not hear that.

MR SPEAKER: Sit down. There is no point of order. Mrs Littlewood has not even asked her question. I cannot hear it. I cannot rule on whether it is in order or not if I cannot hear it.

MRS LITTLEWOOD: Thank you, Mr Speaker. Actually, the question was not directed to Mr Berry.

MR SPEAKER: Proceed.

MRS LITTLEWOOD: You cannot take the heat.

Members interjected.

MR SPEAKER: Order! Order!

MRS LITTLEWOOD: Mr Speaker, I would like to ask this question. Silence, please.

Mr Corbell: Mr Speaker, she is provoking.

MRS LITTLEWOOD: I am asking whether I could be heard in silence. Is that provocation?

MR SPEAKER: I am trying to hear the question.

Mr Corbell: If you would direct Mrs Littlewood not to provoke - - -

MR SPEAKER: Ask your question, Mrs Littlewood.

MRS LITTLEWOOD: My question is to the Chief Minister. In the past few days we have seen a pathetic - I stress the word "pathetic" - exercise by Mr Whitecross and Mr Berry, who have made it abundantly clear that if Labor are in government - heaven help us - after next year's election they will put Canberra out of the 2000 Olympic Games. Can the Chief Minister inform members what reaction she has received from the sporting community and whether Labor's claim that the Olympics will cost the ACT taxpayers $42m is correct?

MRS CARNELL: You can only laugh at those opposite and the absolutely remarkable claims they make. Mr Speaker, it is a great tragedy that the ACT seems to have lost the bipartisan political support for the 2000 Sydney Olympic Games. Across the border in New South Wales we see both the Government and the Opposition working together to make the Olympics a success. But here in the ACT, where we have bid for and won the right to host 11 Olympic soccer matches, we find the Labor Opposition doing their absolute level best to pull Canberra out of the Olympics. I only hope Mr Berry has warned his Labor colleague Michael Knight, the New South Wales Olympics Minister, that if Labor is elected to govern the ACT next year Canberra will be pulling out of the Olympics, because that is what the Labor Party, clearly, is committed to.

Mr Speaker, the Labor Party's concerted opposition to Canberra being part of the Olympics has been roundly condemned by the ACT sporting community, and rightly so. I noted that Mr Whitecross left early from a function last night to launch the Canberra Cosmos season. I understand why he left early. So did Ms McRae.

Mr Whitecross: I take a point of order, Mr Speaker. I noticed that the Chief Minister arrived late.

MRS CARNELL: That is not a point of order.

MR SPEAKER: There is no point of order. Sit down.

MRS CARNELL: I understand why Mr Whitecross left, because he certainly came in for some heavy criticism from the soccer fraternity. I would like to table these, Mr Speaker. I am sure all of those opposite are interested in a selection of letters and media releases that have been sent to my office, objecting to the Labor Party's stand.

Ms McRae: I did not hear a word of criticism.

MR SPEAKER: Order!

MRS CARNELL: Mr Speaker, this is about much more than just soccer. It is about making Canberra an important part of the world's biggest event, the Olympic Games. The Olympic Games is the single biggest event in the world, of any sort, Mr Speaker. We make no apologies for fighting hard - - -

Mr Humphries: Mr Speaker, the Opposition has continued to carp across the chamber during this question. It really is very discourteous, apart from anything else, to the Chief Minister to treat the answers she is giving to questions in that way.

Ms McRae: On a point of order, Mr Speaker: If we are speaking about discourtesy, perhaps the same rule could be applied to the Chief Minister, and particularly in respect of her allegations about our behaviour, of which she knew nothing.

MRS CARNELL: Mr Speaker, that is not a point of order.

MR SPEAKER: There is no point of order.

Mr Corbell: I take a point of order. Mr Speaker, you have ruled previously that the Opposition should not interject; but at the same time you have ruled, on occasion, that Ministers answering questions should not provoke members to interject. I would ask you to make that ruling again to the other side of the house.

Mr Humphries: Mr Speaker, I rise on a point of order, as well. Three times in the course of question time today - in fact, three times, I think, in the course of this single question and answer - members opposite have risen to make points under the guise of points of order. I appreciate that you, as Speaker, have to be in the position of hearing a point of order, even if it is not a point of order; but, if a member persists in making points of debate under the thinly disguised guise of points of order, that member should be brought to account.

MR SPEAKER: I would remind members of standing order 202(a) and (b) - persistently and wilfully obstructing the business of the Assembly and being guilty of disorderly conduct. I have certainly made a ruling in the past about provocation. I rule provocation in terms of attacks on particular members which may, in fact, result in a response from them. I will not tolerate constant interjections from either side of the house when somebody is either asking a question or answering one.

MRS CARNELL: We make no apologies for fighting hard to win the Olympic events or to attract visiting Olympic teams. We are out there giving it our best shot, and a pretty good shot, I must say. I believe we can fill Bruce Stadium for Olympic soccer, but this is about much more than simply bums on seats at Olympic events. It is about the tremendous excitement of being part of the Olympics, and the promotional benefits of hosting Olympic soccer. The Labor Party are happy to thumb their noses at the biggest event in the world and say, "It is not worth our while to be part of the Olympics"; but I believe I would be letting down the people of Canberra if we did not do everything we can do to ensure Canberra shares in the Olympics.

Mr Whitecross, in his determination to pull Canberra out of the Olympics, has been floating some fanciful figures about the cost to Canberra taxpayers. In doing so, he is certainly making some heroic assumptions. This figure of $42m that Mr Whitecross has been floating around, on the assumptions that he has made, means that not one paying spectator will attend any Olympic soccer match in Canberra; that not one dollar in corporate sponsorship will be raised at any time during the Olympics; that not one corporate box at the new Bruce Stadium will be sold; that no company will be interested in naming rights for the facilities at the new Bruce Stadium; and that the redeveloped Bruce Stadium will stand completely unused - nobody will use it at all - apart from Olympic soccer. In other words, the Brumbies, the Raiders and the Cosmos will all leave town. Mr Speaker, these assumptions are clearly absurd, but they are the assumptions that the Berry-Whitecross team are using as the basis of their decision - the decision that they have obviously made - to pull Canberra out of the Olympics.

Against that, Canberra Tourism undertook a detailed assessment of the impact of the Atlanta Olympics on surrounding cities that hosted soccer matches. The city of Birmingham, two hours' drive from Atlanta, averaged crowds of 45,000, with the opening match attracting 85,000 people. The city of Athens, one hour's drive from Atlanta, averaged crowds of 80,000 at its Olympic soccer games. Mr Whitecross the other day quoted figures from Orlando, when he was using his figures, and deliberately misrepresented the popularity of Olympic soccer during the Atlanta Games by failing to state that Orlando was the only host city where the average crowds at preliminary matches were below 27,000. He did not quote all the cities where there were averages, as in Birmingham, of 45,000. He quoted selectively the one city that was below 27,000. Mr Speaker, it is also interesting to note that at Birmingham, with their average crowds of 45,000, I understand it rained on four of the, I think, eight days, as well.

Mr Speaker, we have done our homework. We are committed to winning a share of the Olympics for Canberra - unlike those opposite, who seem determined to put up the shutters and say, "It is all too hard; we are never willing to take a risk". Obviously, those opposite do not believe that Canberra can do it. I know that Canberra can. I know that we have the capacity to get 40,000 to those games, and we have the capacity to benefit significantly from being an Olympic city.

Olympic Soccer Matches

MR WHITECROSS: Mr Speaker, Mrs Carnell has given me a good introduction to my question. My question is to the Chief Minister and it relates to the Bruce Stadium redevelopment and her projections of numbers for Olympic soccer. In justifying the Government's claim that the preliminary Olympic soccer games would draw crowds of 40,000 for each and every one of the eight events to be staged at Bruce Stadium during the Year 2000 Olympics, David Marshall, the chief executive of Canberra Tourism, this morning held up the example of Birmingham in Alabama, which drew average crowds of around 40,000.

Mrs Carnell: It drew 45,000.

MR WHITECROSS: You can check your maths again, Chief Minister. It was 40,000. That was the best of the four venues in terms of the Olympics. So we are going to do as well as the best of the four. Chief Minister, given that Mr Marshall claimed that those attending the preliminary rounds were locals who were buying their piece of the Olympic experience - he was reported in the *Canberra Times* last week as saying that 80 per cent of attendees at the Olympic Games were locals from the southern States - how do you expect us to match Birmingham's crowd potential, when Canberra has a population of 300,000 and the national capital region a population of 700,000 as opposed to Birmingham alone having a population of 870,000, nearly three times the population of Canberra, the State of Alabama having a population of 4.2 million, six times the population of the national capital region, and the region of Alabama and the adjoining States a population of 36 million, twice the population of Australia? Chief Minister, how can you expect to draw the same crowds to Canberra's preliminary soccer matches as Birmingham in Alabama could with that huge local population to draw on?

MRS CARNELL: Mr Speaker, I am absolutely confident that we can draw the 40,000 that we are projecting. We can certainly draw more than the break even figure of some 24,000. I believe we can make the 40,000 easily, as, by the way, do the sporting organisations in the ACT and as, by the way, does Mr Marshall. The reason why we believe that is that we believe in Canberra and we believe we can do a damned good marketing job.

Mr Speaker, those opposite obviously do not realise the statistics, just in Canberra, relating to people who play soccer. My understanding is that in Canberra 15,000 households have somebody in them who plays soccer. Just in the ACT, 15,000 households have somebody who plays soccer. Add to that the region, add to that all the western suburbs of Sydney which are only a couple of hours away, and, if we want to look at the southern States, let us add in Victoria. I do not believe that 40,000 is tough at all for Canberra.

One of the things that Birmingham realised was that it was not just about Olympic soccer; it was about something they called the Olympic experience. It was about people wanting to take their kids to an Olympic event. It was like all of those Australians who still talk about having been to the 1956 Olympics in Melbourne because it was important to go along and to be part of an experience. It was also interesting, Mr Speaker, to hear the people from Birmingham speak about how it changed their city. It brought the city together and it really did change the attitude of Birmingham to their future. Now they are finalists in a number of other large events as well, because they realised that they could do it.

Birmingham was not the single biggest venue, as Mr Whitecross just said. I will not say it was misleading the house, because I would have to withdraw that, Mr Speaker; but I would have to say that the comment by Mr Whitecross was not the truth. It is quite that simple.

Mr Whitecross: I take a point of order, Mr Speaker. Mrs Carnell cannot say that what a member said was not the truth.

MR SPEAKER: We have yet to hear.

Mr Whitecross: I am sorry; she just cannot do it.

Mr Humphries: Mr Speaker, you have ruled on this before. To say someone is untruthful or a liar is unparliamentary; but to say that what they have said is not the truth, you have ruled before, is not unparliamentary.

MR SPEAKER: I also have not heard why Mrs Carnell is making that statement.

MRS CARNELL: Mr Speaker, Mr Whitecross said in his question that Birmingham was the single biggest venue. The fact is it was not the single biggest venue; Athens was.

Mr Berry: I take a point of order. Mr Speaker, Mrs Carnell said that what Mr Whitecross said was not the truth. That imputes that he is lying, and it should be withdrawn immediately.

MR SPEAKER: No.

Mr Humphries: Mr Speaker, I press my point of order, too. You have ruled in the past that there is a difference between saying something is untrue and saying that someone is lying.

MR SPEAKER: As far as I am concerned, Mrs Carnell has just explained the reason for her making a statement - that Mr Whitecross made reference to the fact that Birmingham was the - - -

MRS CARNELL: The largest venue. They had the biggest crowds.

MR SPEAKER: It had the biggest crowds.

MRS CARNELL: And it was not the truth.

MR SPEAKER: Mrs Carnell has just pointed out that that was incorrect because there was some other city that had larger crowds.

Mr Whitecross: Okay. Mr Speaker, I have a supplementary question.

MRS CARNELL: I have not finished. Other comments or other statements that Mr Whitecross made in his question also were not strictly the whole truth, shall we say. Mr Speaker, 40 per cent of soccer crowds in Birmingham came from outside the State. Add the fact that 15,000 households in the ACT have a soccer player as part of the household, and I believe we can do that as well. Take into account the western suburbs of Sydney and how close they are now to Canberra. Take into account that we do have 700,000 people in our region. I believe that Canberrans, apart from those opposite,

will be right behind Canberra being part of the Olympic experience. They will be right behind the fact that Canberra has been placed in a position unlike that of most other cities in the world, and that is that we are an Olympic city - at least until those opposite are elected.

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

MR WHITECROSS: Thank you. Is the Chief Minister aware that what she has just said was not the truth, because I did not say that Birmingham was the biggest crowd drawer of the Olympic soccer? I said it was the biggest crowd drawer of the preliminary rounds, and Athens, which she referred to, was actually the city in which the finals were played, Mr Speaker. Is it not the case, Chief Minister, that your projection that you will sell out a 40,000 seat-stadium for eight nights during the Olympic Games is based on you defying the experience of two previous Olympics, Atlanta and Barcelona, where locals dominated the crowds, and selling over 60 per cent of the tickets to international visitors, not interstate visitors?

MRS CARNELL: Mr Speaker, I certainly hope we get as many international visitors as possible. We will be out there marketing heavily for international visitors to come to Canberra. Mr Whitecross says, "But you will not get them". If we were not basing the Sydney Olympics on international visitors, the Sydney Olympics figures would not stack up either. Australia is a small country; but we believe, and certainly SOCOG believes, that there will be a significant number of international visitors coming into Australia for the Games. The fact is that those opposite are negative about this. They would be equally as negative if we had failed. Just imagine what they would be saying if we had not won Olympic soccer for Canberra. They would be getting up over there and saying, "You, the Government, are a total failure. Why did you not get Olympic soccer?". The fact that we have got it shows that you can never make them happy. They are just a bunch of whingers.

Road Safety

MS TUCKER: My question is to Mr Kaine in his capacity as Minister for Urban Services. Mr Kaine, yesterday in the media you objected to the reduction of the speed limit in residential areas to 50 kilometres per hour because it would cost $1.5m. You effectively criticised the measure on the basis that only 30 per cent of fatal accidents and 40 per cent of road accidents happen on non-arterial roads. Applying evidence given to the Staysafe inquiry to your figures and the ACT road toll, the 50 kilometres per hour limit would save an average of one life and prevent 700 accidents a year. My question is this: If you think an initial one-off expenditure of $1.5m is too much to spend on saving one life and 700 accidents a year, will you tell the Assembly what price you put on the life and safety of Canberra road users? How cheap would the measure have to be for your Government to agree to introduce it?

MR KAINE: Mr Speaker, Ms Tucker's question is clearly based on a total lack of understanding of what I said yesterday. She might care to listen, instead of interpreting what she thinks she hears. I have made it clear that I have a totally open mind on speed limits, not only in suburban streets but through the rest of Canberra as well. When somebody comes out crusading and suggests that we should make an arbitrary change to suburban streets only, they had better have some reason for suggesting that we do it. All I have said up until now is that, on the face of it, there does not appear to be a valid reason for making the change that Ms Tucker is so vociferously advocating.

I produced the statistics that 70 per cent of fatal accidents in the ACT and 60 per cent of all accidents in the ACT occur not on suburban streets but on arterial highways. That is not to say that there are no accidents on the suburban streets; but it does indicate that, if we were going to change speed limits, perhaps we should start with the arterial highways rather than with the suburban streets. There has been no statistical or other evidence put to me to substantiate the argument that we should arbitrarily change the speed limit in suburban streets. As an added factor, I pointed out that to make the arbitrary change that Ms Tucker is suggesting would cost, as estimated by my officers, $1.5m just to change the street signs. The question in my mind is: Why would you spend $1.5m of public funds to resolve a problem that has not been proven to exist?

Flowing from that proposition I said, and I still maintain, that the sensible thing to do is to wait a short while. The New South Wales Government is conducting some trials into this matter. We should wait until those trials are concluded to see whether they substantiate the argument that Ms Tucker is putting forward. It is not going to take forever. Before we rush blindly into making unsubstantiated change, at a considerable cost, we should know what the ramifications are. That is all I have said, and I stand by that.

For Ms Tucker to put forward a question, as she does in a media release, asking me how much value I place on a human life, is introducing into the debate an emotional element that does not, in my view, warrant serious consideration. As far as I am concerned, you cannot put a value on a human life. That is not to say that I am going to spend public money on a whim emanating from the Greens. They will have to put forward a great deal more substantiation to support their argument before I will undertake to spend the money that flows from that decision. That is my position, but I am open to persuasion that my position is wrong. One of the things that perhaps will change my mind is the New South Wales study, when it is concluded. If it brings forward sufficient evidence to warrant the course of action that Ms Tucker is suggesting, we will look at that in the ACT context, bearing in mind that our streets are far superior to most elsewhere in Australia and perhaps do not present the same degree of hazard as similar streets do elsewhere.

MS TUCKER: I have a supplementary question, Mr Speaker. From your own figures, it is 30 per cent of fatal accidents on the urban residential roads and 40 per cent of road accidents on the non-arterial roads, so there is a significant number of accidents. It certainly is not my whim, Mr Kaine. I hope you get a briefing from the NRMA on this.

MR SPEAKER: What is the question?

MS TUCKER: Will you now consult the ABS statistical data on the net cost to the community of car accidents and fatalities and compute these figures against the lives saved and accidents prevented by a 50 kilometres an hour speed limit and report back to the Assembly? If the calculation shows a net saving to the Canberra community above the initial cost of $1.5m, will you then support the measure as economically rational, given the annual multimillion dollar cost to the community of emergency responses, hospital admissions, insurance, compensation, grief counselling and lost productivity after preventable car accidents?

MR KAINE: Mr Speaker, when we have reason to consider the matter put forward by Ms Tucker I will take into account all of the information that is available. By her logic, we should be concentrating on reducing the incidence of accidents on our arterial roads. If 60 per cent of accidents occur on arterial roads, 40 per cent occur in other places, not necessarily all of them on suburban streets. She has not demonstrated at all the fact that 40 per cent of them are on suburban streets, and I do not think the statistics would support that.

Of course, we will look at all of the factors, but I will not be bullied by the Greens into spending public money on a wild goose chase. If and when we spend public money, it will be spent where the need is greatest, and the trauma and all those other things resulting from the 60 per cent of accidents and the 70 per cent of fatal accidents on arterial roads far outweigh the same factors that apply on suburban streets. When we look at it we will take all of those factors into account. I am not yet satisfied that the Greens, or anybody else, have made a case that substantiates our looking at the point that she wants us to look at, given the circumstances in the ACT. As I pointed out, our roads are far superior, and therefore the accident rate is probably far lower than applies elsewhere in Australia. While it might be justified in Western Australia, South Australia or Queensland, it does not necessarily follow that the same conditions apply here.

Nursing Homes

MS REILLY: My question is to the Chief Minister in her capacity as Minister for Health. Last week it was reported in the *Canberra Times* that residents of the nursing home wards of the Calvary Hospital would be transferring to the Ginninderra Gardens Nursing Home after 1 October and would consequently be forced to pay the aged care accommodation bond under the provisions of the Commonwealth Aged Care Act. Can you confirm that this is the case? What will be the situation for people who are still residents of Lower Jindalee and who are expected to transfer to the new nursing home? Will these people be forced to pay the accommodation bond because of the delays in the construction of Ginninderra Gardens?

MRS CARNELL: Mr Speaker, I think I am being asked to comment on Commonwealth policy. My understanding from reading that document and from letters that I have is yes; that people who move from Calvary Nursing Home to Ginninderra Gardens will be subject to the new Commonwealth law as they are moving after 1 October.

Ms Reilly, because she has not been around for very long, may not realise which government did the deal on the Ginninderra Gardens Nursing Home beds and what the deal was. The deal done by the previous Government - you mob over there - was that the Calvary Nursing Home beds would close on the basis of the Commonwealth giving the nod to new nursing home beds at Ginninderra Gardens. That was done and I think it was a sensible deal, and I said so at the time.

Ms Reilly: Mrs Carnell, I know that. That is not the question.

MRS CARNELL: It is the question. Those opposite did a deal, and a sensible deal, too, that the Calvary Nursing Home beds would close when the Ginninderra Gardens Nursing Home opened. That was the basis upon which the Commonwealth Government gave the okay or approved the Ginninderra Gardens Nursing Home beds.

Mr Berry: Yes, fully-funded beds.

MRS CARNELL: That is why it was a good deal - because the Ginninderra Gardens Nursing Home beds are funded by the Commonwealth Government. My understanding is that they will be subject to the new Commonwealth Government legislation. As for Lower Jindalee, to my knowledge, all the patients have moved, or are about to.

MS REILLY: May I ask for some further information on Lower Jindalee? My understanding is that there are still people there. Could I please have confirmation as to whether there are people in Lower Jindalee and whether they are going to have to pay the bond? That would answer the second part of my first question.

MRS CARNELL: Sorry; that is not your supplementary question. Do you have another supplementary question?

Ms Reilly: No; I wanted the first part of my question answered.

MRS CARNELL: That has to be a supplementary question, then. Okay. That is fine. I am happy to answer that. It is my understanding that those patients at Lower Jindalee have moved, or, if they have not, they are due to do so. I am fairly confident that they have, but I will certainly let everybody know later.

Advertising Material

MR OSBORNE: My question is to the Attorney-General, Mr Humphries, and is about the distribution of advertising material. Minister, are you aware that the Mitchell nightclub Sinsations distributed 30,000 quite explicit pamphlets to letterboxes and an unknown number of motor vehicles around residential suburbs in Canberra over the past few weeks? I understand that this nightclub has not broken the law. However, it also would not have broken the law had it distributed the centrefold from *Picture* magazine, given that it is an unrestricted publication. Do you believe, Minister, that this sort of material should be distributed in this manner, whether people want it or not? I would like to add, Minister, that my three-year-old son brought in the pamphlet at our place.

Will you just take this nightclub's word that this will not happen again, or are you prepared to lobby your Federal counterpart, Mr Williams, to tighten the law in this regard?

MR HUMPHRIES: Mr Speaker, I thank Mr Osborne for that question. I have not seen the material which he refers to, although I have heard it described by somebody else. It sounds like material that I would not want my three-year-old son to see either. Mr Osborne, in his question, indicates his awareness that the Commonwealth is responsible for matters relating to the classification of material for the purposes of censorship in the ACT. It decides what falls within which categories and what does not. If material is printed which in a magazine form would be a restricted publication, then the legislation in force in the ACT requires that that be displayed and sold only in certain ways, including behind covers that prevent it from being perused by young people and so on in certain stores. If this material has been extracted from that, then there could, to my knowledge of these circumstances, possibly be an offence committed. If it has been extracted from a publication which is not restricted in that way, one that is restricted to sale to people over the age of 18, such as *Penthouse* or publications like that, then it may or may not constitute an offence. I need to take some advice on that subject.

I do not believe there is any capacity for the ACT to prevent distribution of that material. As far as I am aware, there are no obscenity laws in effect in the ACT, so the capacity to prevent material which members of the community find offensive from being distributed in that way is restricted or limited. I did examine some time ago the question about material of that kind which I considered offensive and which was being displayed outside newsagents and service stations. They were displaying posters of some of those publications with what could be viewed by some as offensive material on them. The difficulty in the ACT of being able to deal with that material at the ACT level was extraordinarily great. In the end I abandoned any attempt to legislate in that area. I think Mr Osborne would agree, if he looks at the materials, that it is very difficult to effect a ban in the ACT, given the limitation on our powers. However, I am willing to raise this matter with the Federal Government. If Mr Osborne could furnish me with the material, I will have a look at it and, if appropriate, take it up with the Federal Government.

MR OSBORNE: I have a supplementary question, Mr Speaker. On the issue of distribution of advertising material, Minister, do you believe that people who place such fliers, et cetera, under car windscreen wipers should be made to contribute towards cleaning up the mess left behind?

MR HUMPHRIES: Quite a few times I have seen material distributed under windshield wipers, which I think is not necessarily offensive but certainly extremely irritating. At various stages I have discussed informally with my colleagues, not necessarily in the life of this Government but at various stages, whether we should seek to outlaw the placing of material under windscreen wipers like that. I am not sure whether it is a good thing or a bad thing, but certainly it causes a mess. Car parks are littered with this sort of material. It can be quite irritating, and quite costly to the community to clean it up.

Only the other day I encountered a young person putting some material under the windscreen wipers out in our car park. I suggested that it was a bit pointless distributing the same material week in and week out - members will know what I am referring to - from one organisation, because the same cars are there every week. The young person concerned just ignored me and kept going.

Ms McRae: Because it is his pocket-money, for heaven's sake. Because he is earning money. It is a job, mate.

MR HUMPHRIES: Indeed, as Ms McRae points out, he is earning some money. I am not sure whether there is much I could do about it. I would be very happy to talk to members about whether they feel any steps could be taken. I am not sure what could be done, but I agree that it is most offensive on occasions to have that there, and perhaps distributors should be asked to pay the cost of cleaning it up.

New South Wales/ACT Rams

MS McRAE: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Sport. Minister, during the last sitting you told Mr Osborne in question time that the request for financial support from the New South Wales/ACT Rams was still being considered. Since then their request for a grant of about $50,000 has been rejected. Can you explain why you are not willing to support the ACT Rams, who develop and support young AFL footballers not only in the ACT but also in the region?

MR STEFANIAK: Yes, I have written to the Rams and advised them. Whilst it would be lovely if we were able to support every single request, there are financial constraints. Point No. 1 is that we do not have the money - not in Sport, at least, Ms McRae - but I will come back to a few other points which might assist them. The second point is that they are a body under ACTAFL, and their peak body is funded. I think you are well aware that the ACT Bureau of Sport, Recreation and Racing has a grants program of about $2.1m each year. Under that program there are a number of categories, including grants for peak sporting bodies in the Territory.

ACTAFL is one of those organisations. It gets triennial grants and it uses that money as it sees fit. It might use it towards paying its development officer. It might use it towards putting money into its junior organisation. It can do with its triennial grant whatever it desires, to assist the promotion of the sport of Australian football in the Territory. I understand that ACTAFL was not consulted in relation to the Rams' request. ACTAFL really would be the body which should distribute any government moneys to the Rams in the normal course of events.

That being said, the Government is very keen to do whatever it can in relation to the Rams. Whilst there is not $50,000, or anything like it, to assist them in terms of any financial assistance they might need from the sport budget, there are a number of other avenues, which I pointed out to them in my letter, including several other government agencies, where they might like to make a case and could well receive some assistance.

Further to that, I offered them the services of the general manager of the Bureau of Sport, Recreation and Racing, Mr Mark Owens, in assisting them to pursue other avenues for funding. Unfortunately, in terms of a direct grant from the Bureau of Sport, Recreation and Racing, that is simply not possible, for the reasons I have given.

MS McRAE: I have a supplementary question. Mr Stefaniak, can you explain why private companies such as the Cannons and the Cosmos get preferential treatment, and not Australian rules football?

MR STEFANIAK: Those, I understand, were given as part of business and a guarantee given by the Treasurer. The Treasurer can give guarantees.

Mr Whitecross: So they should not have asked you that sort of a question.

MR SPEAKER: Order!

MR STEFANIAK: Will you shut up, Mr Whitecross? That is a different case entirely, Ms McRae. If the Rams would like to put a similar type of request to the Treasurer, maybe that would be looked at. That, Ms McRae, is comparing oranges and apples.

Learning Assistance Program Assessments

MR MOORE: Mr Speaker, my question is to Mr Stefaniak as Minister for Education. Minister, I refer to the 10-point national literacy action plan that you jointly released last Sunday with other State and Territory Ministers for Education. In particular, I refer to point 1, which says that from 1999 every child entering primary school will be assessed by teachers to determine their literacy needs and ensure plans are developed for the children at risk if they are not making progress towards national literacy goals. Could you inform this Assembly how these assessments will be implemented, given that your Government this year conducted the new literacy assessments, which apply only to Years 3 and 5, while abolishing the learning assistance program assessments which were used to assess literacy and numeracy needs of students in Years 1, 2, 4, 6 and 8? It is also pertinent to remember that Year K assessments for Reading Recovery are not used in over 40 per cent of primary schools because they no longer employ the Reading Recovery program. Could you assure the Assembly that aggregated system data for the new assessment scheme in Year K will be available to Assembly members and to the public? Further, Minister, on 8 May you stated, in answer to my question on notice No. 411, that the data I requested on the result of the learning assistance assessments in government primary and high schools for 1995 and 1996 would be made available once the results of the new ACT literacy assessment program were made available. These latter results were published a month ago. I now ask you to fulfil your commitment to release the learning assistance assessments and provide answers to parts 2, 3 and 4 of that question on notice No. 411.

MR STEFANIAK: Mr Moore, in answer to the last part first, I will check on question No. 411 and chase that up for you. I will check that out and I will get back to you on that. Mr Moore, the 10-point literacy plan quite clearly shows the commitment by State and Territory Ministers to improving literacy in this country. That is something I think we are all very keen to pursue. As you are well aware, too, I think, the steps taken by this Government, especially the testing of Years 3 and 5, have shown that generally our results are better than average, but there is still room for us to improve. That is exactly what we are doing. That is why we have adopted a number of strategies, including development of a literacy strategy. The discussion we had yesterday, in terms of - - -

Mr Moore: You were talking about abolishing the assessments of Years 1, 2, 4, 6 and 8.

MR STEFANIAK: Mr Moore, you have also talked about the learning assistance program. We have initiated, I think at the request of agencies such as the P and C, a review of our learning assistance program. We are assessing our total approach in relation to literacy. As you are well aware, Mr Moore, too, in terms of our school system, we do look at every child entering primary school. Every child who leaves kindergarten is looked at. Indeed, a significant number who are assessed as being in trouble are looked at by the teachers, and steps are taken in Year 1 to try to rectify the situation in terms of literacy.

I saw a very good program which is run in our schools. Teachers occasionally go to the Canberra University, where they have a child from Year 1 who is at any stage between one and 16 stages in a 20-week program for literacy and Reading Recovery. They assess the methods there. That is something that happens in Year 1 as a result of actions taken in our schools at the end of kindergarten, Mr Moore. We currently spend, as you are well aware, $10m over and above normal classroom teaching in terms of assisting students who have these problems in their schooling. Now, Mr Moore, after we have the results from the Year 3 and Year 5 assessments, we are looking at better ways to target our not inconsiderable resources to further improve literacy in the early years of schooling.

MR MOORE: I have a supplementary question, Mr Speaker. Minister, will your Government inject any more funds into literacy improvement if the Commonwealth Government maintains its stance of refusing to invest any funds into the national literacy action plan drawn up by the State and Territory Education Ministers? What do we get a choice of - a Liberal government or a Liberal government?

MR STEFANIAK: Mr Moore, quite clearly, since we have been in government we have injected further funds into the program. In the 1995-96 budget we injected further funds. Initially, it was a once-off, but it was then confirmed. In terms of the track record of this Government, not only have we injected more funds than the previous Government, we also have developed programs such as testing for Years 3 and 5. We are developing a comprehensive reassessment of all aspects of literacy in our schools so that we can further advance the needs of our students.

It is a pity that the Commonwealth is currently prevaricating and not indicating that it is going to do similar things to assist the literacy of Australian students and follow the lead that this Government, quite clearly, has shown in its 2½ years of office. My colleagues and I, over the weekend, assessed that in terms of programs right around the country the Commonwealth would need to put in about an extra $110m if it was fair dinkum about improving literacy. That is over and above the $200m additional dollars which the States and Territories spend on normal classroom teaching.

Incidentally, Mr Moore, I do not know whether you were a maths teacher, but the States and Territories - there are eight of them - provide $200m extra over and above normal classroom teaching for this. Ours is about $10m. You are well aware, of course, that with a population of 300,000 we are only a bit over 1.5 per cent of the Australian population, but that is 5 per cent; $10m of the $200m over and above the cost of normal classroom teaching that the eight States and Territories and the Commonwealth of Australia put in. Compared with our State and Territory colleagues, I think we are doing pretty well. This Government increased funding in our first year and we have maintained that ever since.

Negotiations will continue with the Commonwealth. I certainly hope that they see sense. There is a real need if they are fair dinkum about pursuing improved literacy standards Australia-wide. It is not only the States and Territories who are expected to kick the can and constantly spend more money. None of the States and Territories are flush with funds. I appreciate that the Commonwealth is not either; but Dr Kemp, quite clearly, has stated that this is a national problem. I think it is terribly important that the Commonwealth, in saying that it is a national problem, increase its effort and put in some extra dollars to improve the situation, rather than just expect the States and Territories to do everything themselves.

Barton Highway

MR CORBELL: Mr Speaker, my question is to Mr Kaine as Minister for Urban Services. I refer the Minister to his comments in the *Northside Chronicle* of 16 September this year where he indicated his support for the upgrading of the last section of the Barton Highway in the ACT to dual carriageway. Can the Minister inform the Assembly of the latest progress on the request for an upgrade of the highway? Will the Minister table a copy of his letter to former Minister Sharp asking for a review of the timing of the upgrade, and also any response he has received from the previous Federal Minister for Transport?

MR KAINE: Mr Speaker, yes, of course I support the upgrade of that section of highway, but I reiterate what I have said before. It does happen to be a Commonwealth responsibility. I think the ACT would be most unwise to start making significant expenditures of money on assets that are the responsibility of the Commonwealth. We have enough difficulty finding the money to upgrade and maintain the road system that belongs to us, without embarking on expenditures on highways and other road systems that are somebody else's responsibility.

A feasibility study of the upgrade of that road was done in 1996. While the study identified a strong need to upgrade the road, it put $11.5m as the estimated cost of doing so over the next three years. I do not think that that is $11.5m that the ACT ratepayers should be asked to pay. The Federal Government does have priorities for its major road building undertakings. For the time being, it is concentrating on the duplication of the Federal Highway. That is costing about $30m - a not inconsiderable sum of money - and to ask the Federal Government to change their priorities is, I think, a bit rich.

Notwithstanding that, on the basis of Mr Corbell's position, I have written to Mr Sharp and asked whether or not some change in priorities is possible. I have no objection to tabling that letter, but I do not have it with me now. I have received no answer to that letter yet. It was only a matter of days ago that I wrote - - -

Mrs Carnell: It might be a bit slow coming now.

MR KAINE: Mr Sharp might not answer it, but perhaps his successor will. This constant carping from the Opposition about upgrading this particular bit of road, and seemingly on the basis that we should ask the ACT ratepayers or taxpayers to fund it, makes me wonder what Mr Corbell will do if perchance he is in government after next February. Is he going to go ahead and spend $11.5m to upgrade the Barton Highway? If he is, I wonder where he is going to get the money from.

I have done the sums on this. There are a number of ways that he could get it. He could add $60 a year to the cost of the licence of every driver in the ACT. That would raise the money over a three-year period. Or he could increase car registrations by $75 for each vehicle. Or he could ask every ratepayer to contribute $115. These are three options. Would Mr Corbell like to tell me which one he finds attractive, so that the taxpayers out there can know which of them are going to have to carry the burden of Mr Corbell's decision to upgrade the road at their expense?

MR CORBELL: I have a supplementary question, Mr Speaker. I do have something that could assist. Minister, can you confirm that the ACT Government chose not to accept $11m made available by the Federal Government for the upgrade of the remaining stretch of the Barton Highway in the ACT to dual carriageway, because your Government believed the traffic demand from Gungahlin did not warrant the upgrade? How do you, Minister, explain your Government's decision to reject the Federal funding for this upgrade, in light of your own department's admission earlier this year, in evidence given to the Planning and Environment Committee, that this road was reaching its capacity and warranted an upgrade to dual carriageway? Minister, did you change your mind on the need to upgrade the Barton Highway only following my raising this issue earlier this month? Does this explain your sudden change of mind to write to the now sacked Federal Minister for Transport, Mr Sharp, asking him to consider the upgrade as a matter of urgency?

MR KAINE: Mr Speaker, that is a very long question based on totally incorrect information. I not only will not confirm it; I totally reject it. The money has never been in any Commonwealth budget. It has never been available to us, and that is why it is not available to us now - because they do not have $11.5m to put into their budget.

Police Services

MR WOOD: Mr Speaker, my question is to the Minister for Police. Mr Humphries, in early September, after you acknowledged a shortfall in policing services provided by the AFP under contract to the Territory, you announced that you would examine the possibility of seeking compensation from the Commonwealth to cover that shortfall. Can you now say whether you have initiated any audit to establish the extent of the shortfall? Have you yet asked the Commonwealth whether it will reimburse the Territory for the resources it did not provide?

MR HUMPHRIES: Mr Speaker, first of all, on the question of an audit, Mr Wood would be aware that the Australian Federal Police is a Commonwealth agency and it is not possible for me to conduct an audit of a Commonwealth agency. That is one of the many weaknesses we are discovering in the arrangement with the Australian Federal Police. Indeed, there was an attempt earlier this year to conduct an audit of the gun buyback scheme which has been taking place since May of last year. That audit hit a snag, at least in the early stages, because it was not possible for our Auditor-General to do an audit of the AFP's operations. We have since come to an arrangement whereby that can happen; but that one had to be negotiated and it took some months, as I understand it, to do.

On the question of reimbursement, I have raised this matter and discussed it extensively with the AFP. I have left it with the AFP to identify how they intend to compensate the ACT for the shortfall to the ACT. If the AFP can do that internally, that is their business. They are the ones who are providing the service. They are the ones who appear to have short-changed the ACT rather than, as far as I can determine, the Federal Government per se. It seems to me, Mr Speaker, that it is appropriate for the AFP to make up any shortfall. If they are unable to do so, of course, I will raise the matter with the Federal Government.

MR WOOD: I have a supplementary question. Mr Humphries, what is the form of information you would expect from the AFP? Are you going to be satisfied with the accuracy of what they give you, since you do not at this stage have the ability to monitor that accuracy?

MR HUMPHRIES: I do not know what form of information I will get. That is a weakness in the arrangement to which you and I and everyone else in this place are already privy. We know the weaknesses of the arrangement. I cannot make the information available to me any better. I might say that I do not think up until now there has been a deliberate attempt to mislead the ACT. There has been a lack of information provided in the past, and when we pressed them to clarify or refine the information these sorts of discrepancies came to light. It is certainly not the case, as far as I can tell, that anyone set out to deliberately deceive us. I do not have any basis for believing that the information that is to be provided to us is being manufactured in such a way that it might cause us to suffer some loss. Obviously, one of the issues we will have to address in the future with our arrangement with the AFP is how we get and use accurate information about a range of issues.

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

Nursing Homes

MRS CARNELL: Mr Speaker, I have some extra information with regard to Ms Reilly's question today about Lower Jindalee. I am advised that there are two nursing home residents still at Lower Jindalee who will move out to Ginninderra Gardens on 7 October. So there are still two left.

Ms Reilly: Do they have to pay the bond?

MRS CARNELL: I do not know. It depends. They will be subject to Commonwealth legislation, obviously, which means they will have to pay the bond if they fall into that category, I suppose, because that will be the law on 7 October.

HelpShop Program

MRS CARNELL: Mr Speaker, with regard to a question asked by Ms McRae about the helpShop fund program, I undertook to provide more information. The background to the helpShop fund and criteria being used to assess financial support is as follows: From June to December 1996 the helpShop mobile van, with an experienced team of three small business advisers, visited every local shopping centre in Canberra. In total, 72 shopping centres were visited. At each of these 72 shopping centres each business owner was approached by a small business adviser from helpShop to offer small business advisory assistance; access to other ACT government departments in regard to planning issues, health issues, signage issues, et cetera; access to a wide range of small business materials; and referral to appropriate private sector providers, that is, things like accountancy firms and marketing and promotional firms, et cetera.

Each business owner in each shopping centre was asked to comment on what improvements they thought would be of benefit to their shopping centre. Community members and landlords were also asked for their opinion. HelpShop advisers reviewed ABS and ACT Government statistical data and then visually assessed each local shopping centre in regard to its geographic location, the strength of its surrounding markets, the age of the shopping centre, and the quality of existing infrastructure such as buildings, car parks, footpaths, landscape, lighting, et cetera. An indicative list of projects which could be contemplated to assist the shopping centre was then formulated.

The only local centres not included in this list were those that had received or are to receive major works programs through the ACT Government's precinct management program, including places such as O'Connor, Hughes and Yarralumla which have received the benefit of extensive major project works. Using that criterion, this left 65 local shopping centres to receive assistance. In the 1997-98 budget initiatives I said this:

> The ACT Government has set aside a total of $500,000 to enable local shopping centres to access funds to progress and develop their centres. This comprises $300,000 from the Jobs Fund and $200,000 from the Department of Urban Services' Local Centres Capital Works Program. This fund builds on the 1996-97 helpShop initiative included as part of the government's Retail Policy.
>
> This is a new Fund that will allow centre traders to access money to improve the viability of their centres in a rapidly changing and increasingly competitive business environment, through improvements in local centre appearance and/or business management.
>
> The Fund will assist in sustaining these centres, maintaining their associated employment and related community services. There will also be a number of immediate jobs associated with the construction work at the local centres.

Mr Speaker, after the helpShop fund budget allocation was announced, helpShop then revisited the 65 local shopping centres to advise of the indicative helpShop fund allocation. These shopping centres were encouraged to call a meeting of traders to discuss the helpShop fund and projects that they felt would be of benefit to their local centre. It was stressed to all traders that the helpShop fund allocation was an indicative list and that it was important for traders, landlords and the community to decide, as a group, what they wanted to achieve. They were invited to submit written requests on behalf of their centre.

Three seminars were coordinated by helpShop and delivered by the University of Canberra on 12 May, 4 June and 18 June 1997. These seminars, "Small Business - The Challenges Ahead", were well attended by over 120 traders and landlords from local shopping centres. The seminars provided information on marketing and design to assist traders and landlords with ideas for improving their local shopping centres, as well as information on how to seek funds from the helpShop fund. HelpShop was also represented in the "Partners in Progress" seminar series held in Canberra on 15 and 29 July 1997 at which there were some 400 people in attendance.

HelpShop has continued to work intensively with local shopping centres to help formulate projects and to look at ways of remarketing and revitalising local shopping centres. On Tuesday, 23 September, helpShop commenced distributing a formal package of information to local centres to finalise applications for the helpShop fund. A total of 14 local centres have already responded to helpShop seeking funding. This helpShop process has provided the opportunity for local shopping centre traders, landlords and the community to come together to discuss projects to revitalise and remarket their local centres. Some of these projects include replacing seating, bins, refurbishing garden beds, installing additional lighting, new signage, et cetera. A number of local shopping centres have also started to plan community fun days to bring their local communities to their shopping centre.

HelpShop is fast becoming recognised as a retail model in Australia and has been televised nationally through the Channel 9 *Small Business Show*. Interest in the program has been shown by the Queensland Government and by a number of Aboriginal enterprise development programs in New South Wales and Queensland. The helpShop program and local shopping centres were recently featured in a *Canberra Times* special Saturday feature article entitled "Local Heroes". I hope that gives all the information that everybody needs.

CHIEF MINISTER AND MINISTER FOR INDUSTRIAL RELATIONS
Motion of Censure

MR BERRY (Leader of the Opposition) (3.44): Mr Speaker, I seek leave to move a motion to censure the Chief Minister and the Minister for Industrial Relations.

Leave granted.

MR BERRY: I move:

> That the Chief Minister and the Minister for Industrial Relations be censured for misleading the Assembly.

Mr Speaker, I can see that the agenda this afternoon is a busy one. I am loath to interfere with the business, but this is a serious matter which must be drawn to the attention of other members of the Assembly and the community. Yesterday in this Assembly I moved a motion which reads as follows:

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

I amended that, by leave, to include the words "and urges the Government to support the application before the Industrial Relations Commission". The second part of my amended motion reads as follows:

> 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.

Subsequent to my moving that motion, it got the usual serve from the Government, that is, that this was a curious motion, or words to that effect. Mr Kaine was the first to respond, in his capacity as Minister for Industrial Relations. He said:

> 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.

This is fact one, according to Mr Kaine.

Later he said:

> We stated in the AIRC that the Government neither supports nor opposes the Australian Services Union's application.

That was the general theme of the Government's approach during the debate. That was clearly a misleading comment which was made to the Assembly. It clearly misled the Assembly as to the Government's position. It was a quite deliberate statement which was made to the Assembly in the context of the Government's position.

Mrs Carnell then rose to her feet and, as I recall, derided the Opposition for having the temerity to raise this motion. She certainly curled her lip a little and she said:

> 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 the funding arm, but we are not the only funding arm. A lot of our community organisations gain a lot of their money from fundraising ...

In the next sentence she said:

> We have never -

remember those words -

> opposed the SACS award.

The Government's clear position put to this Assembly by two Ministers involved in the debate - - -

Mrs Carnell: That is the reason we did not oppose that part of the motion. We do not oppose it.

MR BERRY: Mrs Carnell still says, "We have never opposed it". Today I was surprised to receive a document from the Industrial Relations Commission which is a "notice of appearance to object to an application for common rule". It is a form R49, which is the specified form for a notice of appearance to object. It is in the matter of the Social and Community Services (ACT) Award 1995, and it says:

> And in the matter of an application to declare the award a common rule of the Australian Capital Territory in the health and welfare services industry.
>
> Take notice that the Australian Capital Territory Chief Minister claims to be interested in, and desires to be heard on the hearing of, the application in the above matter.
>
> The objection relates to the following matter - - -

Mrs Carnell: They are just standard words, Wayne. You know that.

MR BERRY: Mrs Carnell says that it is the standard clause. Yes, it is the standard clause when you object, that is, oppose. The notice goes on to say:

> Many of the community service organisations are reliant upon ACT Government budgetary assistance to provide part or all of their ongoing funds. Application of common rule may threaten the viability of these community organisations and the services they provide to the community through the mandatory application of this award across the Territory.

It is dated 3 September 1997 and signed by an officer, whose name I cannot discern from the signature, for and on behalf of the ACT Chief Minister. Let me repeat that this is an objection, on the prescribed form, to an application for a common rule; that is, it is a "notice of appearance to object to an application for common rule". Mrs Carnell said:

> " ... 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 ...

"We do not support or oppose", Mrs Carnell brazenly said in this Assembly yesterday; yet on 3 September the Government submitted a "notice of appearance to object to an application for common rule". You clearly misled us yesterday. You deliberately misled us yesterday. Clearly, that is an act of contempt for this Assembly and it is a clear and deliberate mislead. There is absolutely no doubt at all about this.

Mr Kaine, I suspect that your crime in this matter is somewhat less than that of the Chief Minister. Your crime was believing what you were told. Mr Kaine said:

> 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.

Mrs Carnell: We do not.

MR BERRY: Mrs Carnell chirps up, "We do not". But why did you issue a "notice of appearance to object to an application for common rule"? You objected to it, and you objected to the award. You clearly misled this house, and this house should censure you for that.

MRS CARNELL (Chief Minister) (3.53): It is a pity that Mr Berry again embarrasses himself by not checking his facts first. What about a quick phone call? I am sure the commission could have enlightened Mr Berry on what has actually happened. I am confident that the industrial relations people in Mr Kaine's department could have done the same. Mr Berry has shown no interest at all in finding out the background of the whole issue.

As I am advised, the commission instructed the ACT to appear before it, for a number of reasons. I am also advised that the commission required us to use the form that Mr Berry quoted from. I am advised that there is no such thing as a form that allows you to have no position. If you appear, you have to have a position, I am told. I am also told that if you are going to appear - the commission wanted us to appear, asked us to appear, instructed us to appear - then you have to appear with a position. There was no option, I am advised, but to use the form that the commission asked us to use. Commissioner Larkin's office has advised that we can appear in October. We will put a submission on the funding issues. I can guarantee to this Assembly that when we put the submission forward in October we will not support or oppose. The whole basis of our appearing, at the instruction of the commission, is to put a submission on the funding issues involved.

Mr Speaker, this is a technical issue. The words that Mr Berry quoted are the required words, I understand. I state again quite categorically that the ACT Government does not support or oppose the SACS award implementation. I can guarantee to the Assembly that in October, when we put our submission on funding issues, that is the position we will take again. This is a technical issue. This is the approach that the commission required us to take in this circumstance. The Assembly has both the Minister's undertaking and mine that we do not support or oppose it. In fact, we did not oppose that part of the motion in the Assembly yesterday. We do not. It is that simple. But this is the way the commission works and, on my advice, that was the form we had to use.

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (3.56): Mr Speaker, I can only confirm what the Chief Minister has already said. There is a pro forma through which one appears before the Industrial Relations Commission. The fact is that the Government has not yet presented any case to the commission. It will do so early in October. Then, of course, we will present a submission that merely provides information that the commission has sought from us. It will not take a position one way or the other but will provide information which the commission has sought and which, no doubt, it finds necessary for it to consider the matters before it.

It is simply untrue to say, as Mr Berry is attempting to say, that we have taken a position. We have not. I can only say that the proof of the pudding will be in the eating. When the submission goes to the AIRC, Mr Berry will be able to see for himself the nature of that submission and the matters that it covers, and he will be able to establish that, as the Chief Minister and I said yesterday and say again today, that submission will not take a position one way or the other on the matter but will be simply an information document.

MR CORBELL (3.58): Mr Speaker, it is quite clear that the Government have enormous problems with supporting an application in the Industrial Relations Commission that allows for a common rule to be applied to people who would be covered under the so-called SACS award. They have a very clear problem with that. Some people have argued that this is a technicality. I say that it is not a technicality. You only have to look at what the ACT Government says in its "notice of appearance to object to an application for common rule". It says:

> Many of the community service organisations are reliant upon ACT Government budgetary assistance to provide part or all of their ongoing funds. Application of common rule may threaten the viability of these community organisations and the services they provide to the community through the mandatory application of this award across the Territory.

Why would the application of the common rule threaten the viability of these community organisations? It would do so only if the Government was unwilling to fund it.

Mrs Carnell: We said that yesterday.

MR CORBELL: Yes, you did say that yesterday. You are absolutely right, Chief Minister. It is quite clear that the Government really does not want to fund these organisations. It is not prepared to fund these organisations to pay workers in these organisations fair wages, which is what the common rule is all about. What has occurred? In their objection to the Australian Industrial Relations Commission they are saying, "These organisations will not necessarily be funded by the ACT Government, so we would prefer it if you did not implement the award". That is what they are saying. That is what the notice of objection is all about. That is what it is saying.

I know that the Government will say otherwise, but they have been caught out on this issue. They are uncomfortable with the process that asks the Australian Industrial Relations Commission to approve a common rule for people in community organisations to be paid fair wages. They are uncomfortable because they would have to fund it. They know they do not want to fund it, so they want to try to convince the Industrial Relations Commission not to approve a common rule. That is what that notice of appearance to object is all about.

Mrs Carnell: No, it is not.

MR CORBELL: That is what it is all about. The Chief Minister and the Minister for Industrial Relations yesterday made some very clear, unequivocal statements. Mr Kaine said:

> 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.

But that is exactly what this Government has done in this "notice of appearance to object". They have said, "If you implement the award, these organisations will be threatened. Their viability will be threatened". Why would you say that if you supported the introduction of the award? I can understand why you would say it if you objected to the introduction of the award, but why would you say it if you supported it? Why would you cast into doubt the viability of organisations if you supported the introduction of the award? Why would you undermine your own support? The answer is that that is not what you are trying to do at all. What you are trying to do is undermine the introduction of a common rule award. That is what Mr Kaine was saying yesterday.

The Chief Minister said, "We have never opposed the SACS award". But the "notice of appearance to object" undermines the application for a common rule. That is opposition; that is not support, Chief Minister. You said yesterday, "We have never opposed it". I am sorry, but this notice says that you do oppose it. It is not a technicality. You are placing in doubt, you are undermining by inference, the need to implement a common rule award. You are lodging the objection because you know that you do not want to fund these organisations. That is what the notice is there for.

That is why we believe the Chief Minister and the Minister for Industrial Relations have deliberately misled the house. This "notice of appearance to object" is dated 3 September this year and the motion was debated yesterday, 24 September. They knew that the department had acted. They knew that they had put in the "notice of appearance to object" on the ground that if the award was implemented it would threaten the viability of organisations. It is not acceptable for a Minister or the Chief Minister in this place to say one thing in a debate yesterday and say another thing today. It is very clear grounds for a censure.

MRS CARNELL (Chief Minister) (4.04): Mr Speaker, I seek leave to speak again.

Leave granted.

MRS CARNELL: Mr Speaker, I think it is really important to work out exactly what those opposite are saying. We did not say yesterday that we supported the application. We said that we did not either support or oppose. That is exactly what we said, and that will continue to be our position. I am advised that there are only two positions you can take in the commission, and they are to support or to oppose. We did not say that we supported it. We said that we did not support or oppose. It is my advice that the commission instructed the ACT to appear. The ACT is not going forward - - -

Mr Corbell: Why did you not say, "We support."?

MRS CARNELL: Yesterday we did not say that we supported it either. We were quite clear that we did not support or oppose. That continues to be our position. There is not a form, I understand, that allows you not to take a position. We were quite clear that we did not support it or oppose it; but you have to go in with something, so we did. It is a technical issue. I state again that we have not said something different today. We have said exactly the same thing today as we said yesterday; that is, we do not support or oppose it.

The submission that we will put forward in October will be a submission on the funding issues involved. We probably would not have put a submission forward at all if the commission had not asked us to. I understand that the commission asked us to because a member of the union at the last hearing said, "It really does not matter what you do, Commissioner Larkin, because the Government has always topped these funds up". My understanding is that Commissioner Larkin's office suggested that that meant that the ACT Government was involved and that information about this claim would need to be brought to the commission. That is my advice. The commission instructed us to appear. You have to fill in the support form or the oppose one. We do not support or oppose, but you have to fill in one of them. It is that simple.

Mr Berry: So you filled in the oppose one, and then you told us you did not oppose it.

MRS CARNELL: We do not support and we do not oppose.

Mr Berry: You do now. You support it. Remember the motion yesterday.

MRS CARNELL: Our position is that we do not support or oppose. The Assembly put forward a motion yesterday, but our position remains the same. It is a technical issue. I can guarantee, Mr Speaker, that the position we put forward in October will be on funding and it will not support or oppose.

MS TUCKER (4.07): I am a little bit concerned about how this debate is going at the moment. It seems that two issues have arisen. There is a censure motion - and I will talk about that in a minute - but I just heard Mrs Carnell say twice or three times that the Government does not have a position; that they do not support or oppose. I just heard her say also that there was a motion in this place yesterday, but the Government still has this position of not supporting or opposing. I think a censure motion is due if that is the case. Mrs Carnell cannot disregard the will of the Assembly in that manner. Yesterday's motion urged the Government to support the application. That was the effect of an amendment added to the first part of the motion, which was:

> That this Assembly supports the introduction of a common rule award for all social and community service workers in the ACT.

To my mind, that is a pretty clear direction to the Government on this matter, and I do not think it is acceptable for Mrs Carnell to ignore it in the way she has today. I would like her to clarify her position on that for the Assembly during this debate. Otherwise, I will be sorely tempted to move my own censure motion on that matter.

However, I find it a little difficult to make a decision on the other matter. It is quite possible that, as Mrs Carnell says, this is the form that is given when people want to make a statement of any kind. One paragraph states:

> Many of the community service organisations are reliant upon ACT Government budgetary assistance to provide part or all of their ongoing funds. Application of common rule may threaten the viability of these community organisations and the services they provide to the community through the mandatory application of this award across the Territory.

You could see that as a way in for discussion, not necessarily opposition. I do not believe that I can censure Mrs Carnell or Mr Kaine for this particular document. However, I would feel I had enough information to censure them if, after they go to the commission on 15 October, they do not support the common rule. I believe that the Assembly has clearly directed them to support that and that therefore it is the responsibility of the Government to do that.

MR BERRY (Leader of the Opposition) (4.10): I seek leave to move an amendment.

MR SPEAKER: What is the amendment?

Mr Kaine: Is the original motion of censure not good enough?

MR BERRY: Not quite, it appears.

MR SPEAKER: What is the amendment?

Mr Kaine: Do you want to have us hung, drawn and quartered? Okay; I give up.

Mrs Carnell: Mr Speaker, while Mr Berry is doing that - - -

MR SPEAKER: He is seeking leave.

MR BERRY: I am seeking leave to move an amendment.

Leave granted.

MR BERRY: Mr Speaker, I move:

> Add "and for disregarding the will of the Assembly".

Mrs Carnell: But we have not. I was just about to get up and clarify.

MR BERRY: You just told us that you had.

Mrs Carnell: No, I have not. We have not put in our submission yet.

MR BERRY: You just told us that that is still your position. My amendment is being circulated. I apologise to members for not having it ready for them to peruse while I speak, though it is only a few words and I am sure that they will be able to get across it fairly quickly.

During the debate on the motion of censure I moved, Mrs Carnell acknowledged that a motion was moved in this Assembly yesterday which urged the Government to take a particular position in relation to the SACS award, that is, the common rule application which is before the commission. She said in the course of her speech, "But the Government's position still is that we neither support nor oppose the application". That is clearly in contempt of a decision which was taken just yesterday. That sort of contemptible position deserves censure as well. You get two birds with one stone here. The Chief Minister has said, "I will not take any notice of your motion".

Mrs Carnell: I did not say that.

MR BERRY: You said very clearly, within earshot of all of us, "The Government's position still is that we will neither support nor oppose". That is what the Government's position still is. The Government is not saying, "We have changed our minds since the motion yesterday". You did not say, "We have changed our minds since yesterday's motion because the Assembly has made a decision, and we will support that decision in the Industrial Relations Commission. Everybody can relax". That is not what you said, Chief Minister. You clearly said to us, "The Assembly made a decision yesterday, and we do not care. Our position still is that we neither support nor oppose the application". If for no other reason, I urge members to support my amendment relating to the deliberate contempt of the Assembly which has been displayed by the Chief Minister.

MRS CARNELL (Chief Minister) (4.13): Let me very quickly say what I was going to say before Mr Berry raised that issue. Of course the Government's submission to the Industrial Relations Commission in October will reflect the Assembly's direction. That goes without saying. That does not mean that the views of the Government have changed. It means that our position is quite clear and always has been. Our submission will reflect what the Assembly directs, but personally my position is the same as it was yesterday.

MR OSBORNE (4.14): I will be very brief, Mr Speaker. I will not be supporting the censure motion - not because there is no weight in the argument of Mr Berry's, but because I feel that, if a Minister has misled the Assembly, then there should be a no-confidence motion. If Mr Berry wants to convince us that the Minister has misled, then let us have a no-confidence motion, not a censure motion. If you are confident that she has misled, Mr Berry, then put up a no-confidence motion and not a censure motion. My understanding of the history of this Assembly is that, if a Minister misleads, then there is a no-confidence motion, as you are painfully aware, Mr Berry.

Question put:

That the amendment (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 5	*NOES, 9*
Mr Berry	Mrs Carnell
Ms McRae	Mr Cornwell
Ms Reilly	Mr Humphries
Mr Whitecross	Mr Kaine
Mr Wood	Mrs Littlewood
	Mr Moore
	Mr Osborne
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

MR MOORE (4.19): I address my comment to Mr Berry, through you, Mr Speaker. There is time to save face, Wayne. Just withdraw the motion.

MR BERRY (Leader of the Opposition) (4.19): Mr Moore, if it would let you off the hook, you would hope that I would withdraw the motion. We expect Mr Moore to support the conservatives, because that is where he comes from.

MR SPEAKER: Relevance!

MR BERRY: Well-off, middle-class people do not care about the wages and working conditions of people who are struggling out there in the economy, such as the people working in this area we are concerned with, the community services area, who are on the lowest range of wages, Mr Moore. They earn much less than you earn. I am deeply disappointed that you do not support this struggle.

Mrs Carnell, when she spoke, just dug the hole deeper. I am pleased that at least she has now said that she will accept and put the Assembly's position to the commission in the Government's submission. For that to occur, I suspect that the Chief Minister is going to have to withdraw the form that she has used in the application and submit a new form, a form which reads "Australian Industrial Relations Commission: Application for Common Rule". That is the form you will have to submit, Chief Minister, now that you have decided to go the other way, not the form you used and did not tell us about yesterday, the form which reads "Australian Industrial Relations Commission: Notice of Appearance to Object to an Application for Common Rule". You will have to withdraw that one and put a new one in. If you do not, you will not be carrying forward the decision of this Assembly.

Mrs Carnell again treated this Assembly with contempt in her treatise on the issue in front of us. Mr Speaker, listen to what Mrs Carnell said in supposedly not opposing and not supporting the application for the common rule. Mr Moore should listen to this, unless he wants this Chief Minister to be allowed to deliberately - - -

MR SPEAKER: Mr Berry, we all have to listen to this, so proceed.

MR BERRY: If he wants to save this Chief Minister's bacon again, he should do it in the full knowledge of the fact that he has allowed the Chief Minister to mislead the Assembly, as it seems he wishes to do.

Mr Osborne, on the other hand, has an interesting version of history. Mr Osborne says, "I believe that if a Minister has misled the Assembly there should be a motion of no confidence". This Minister has been censured for misleading before, Mr Osborne. It is not something that does not have any history in this place. I know that neither Mr Osborne nor Mr Moore would support a motion of no confidence. They do not mind being misled by the Liberal Chief Minister. They think it is okay. They do not like being led by the nose to that decision. They have to be dragged by the nose to that decision when it comes to this Liberal Chief Minister.

MR SPEAKER: Mr Berry, I remind you about relevance and wasting the time of the Assembly.

MR BERRY: Mr Speaker, this is entirely relevant. It is addressing the way that people should vote in relation to a very important motion, which is before this chamber, about the Chief Minister misleading it. That is a contempt of the Assembly.

This is Mrs Carnell supposedly not opposing or agreeing:

> Many of the community service organisations are reliant upon ACT Government budgetary assistance to provide part or all of their ongoing funds. Application of common rule may threaten the viability of these community organisations ...

Mr Speaker, that is opposing. It is in the form prescribed for objecting to an application. The clear option available for the Chief Minister was an application for a common rule. She could have used one of those schedules. She will have to use one of them now if she wishes to pursue the Assembly's decision in relation to the matter. It will be interesting to see whether she tears up the old form and puts in a new one.

This Chief Minister came in here yesterday and deliberately misled us. She held this Assembly in contempt by pretending that she had never opposed the common rule application for the social and community services award. Mr Kaine misled this Assembly by saying that he did not oppose the implementation of a common rule for the social and community services award. They thought we would never find out. He said:

> 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.

Mrs Carnell came in here and said, "It was the only form I could use to get before the Industrial Relations Commission". You have misled us again. There is another form, an application for a common rule, which you could have used to get before the Industrial Relations Commission. I would be surprised if the Industrial Relations Commission would not hear you if you proceeded to appear in the public interest. The Industrial Relations Commission probably said to you, if my recollection of how they operate is correct, that you have to decide whether you oppose or support this common rule. You can make an application for a common rule declaration. That is usually done by the unions or the representatives of the workers.

There are two choices for those who either support or oppose. One is an application for a common rule and one is a notice of appearance to object. This Government put in a notice of appearance to object to the common rule and told us that they had not. If the crossbenches think that is satisfactory behaviour, you can forget having honesty in this place ever again. If you allow this to happen this time, it will be done over and over again. You know as well as many others know that that is the sort of treatment we get from this Chief Minister. She deserves to be censured on this issue.

I do not think that this should result in somebody losing their ministry. It is the second time for Mrs Carnell. Mr Kaine is not in the habit of misleading this Assembly. That is not his style. I suspect that he has taken advice in relation to the matter, and he would not have known of the form that was filled in by the person acting on behalf of the Chief Minister, I suspect. Mr Kaine, I would be wary about anything you are told by Mrs Carnell's department in the future, because it may not be as it seems. This is very clearly an application which opposes. I hear the Chief Minister saying that she is going to change it, but I think it will set a new pattern for this Assembly if a clear and blatant mislead of this Assembly is allowed to pass without censure. This is a clear and blatant mislead of the Assembly.

Question put:

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

The Assembly voted -

AYES, 5	*NOES, 9*
Mr Berry	Mrs Carnell
Ms McRae	Mr Cornwell
Ms Reilly	Mr Humphries
Mr Whitecross	Mr Kaine
Mr Wood	Mrs Littlewood
	Mr Moore
	Mr Osborne
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

PERSONAL EXPLANATION

MR BERRY (Leader of the Opposition): Mr Speaker, I would like to make a personal explanation pursuant to standing order 46.

MR SPEAKER: Proceed.

MR BERRY: Mr Speaker, during question time Mrs Carnell sought to create the impression that Labor would abandon the Olympic Games and I, in particular, would abandon the Olympic Games if we were elected. This was quite untrue.

MR SPEAKER: Order! You have a personal explanation. Get on with it.

MR BERRY: This was quite untrue, Mr Speaker. Yesterday I made the following statement:

> ... I seek leave to make a personal statement pursuant to standing order 46.
>
> 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.

Mrs Carnell clearly misrepresented - - -

MR SPEAKER: Resume your seat, Mr Berry. The personal explanation has been delivered.

PRIVILEGE
Statement by Speaker

MR SPEAKER: On 3 September 1997 the chair of the Standing Committee on Legal Affairs, Mr Osborne, gave written notice of a possible breach of privilege concerning a member of the Legal Affairs Committee in making public a number of the committee's recommendations on the establishment of a correctional facility in the ACT. In his letter, Mr Osborne referred to an article in the *Canberra Times* of 3 September 1997 headed "Hird converts to cause of ACT jail". The article referred to the forthcoming statement by the committee chair and purportedly quoted Mr Hird's views on the issue. The chair of the committee was of the view that Mr Hird may also have jeopardised the committee's deliberations on the matter.

Under the provisions of standing order 71, I must determine as soon as practicable whether or not the matter merits precedence over other business. If in my opinion the matter does merit precedence, I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee appointed by the Assembly for that purpose.

Assembly standing order 241 provides that proceedings and reports of committees "shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of the committee has been presented to the Assembly". Standing order 241 and standing order 242 give certain provisos and exceptions to the rule, one being "any press release or public statement made by the Presiding Member of a committee relating to an inquiry". I also regard the rule as encompassing statements to the Assembly prepared and made pursuant to standing order 246A and discussion papers prepared pursuant to standing order 246B.

Under section 24 of the Australian Capital Territory (Self-Government) Act the Assembly and its members and committees have the same powers, including privileges and immunities, as those for the time being held by the House of Representatives and its members and committees. The publication of draft reports of committees before their presentation to the House of Representatives has been pursued as a matter of contempt, and the publication of the draft report of the Select Committee on Estimates in 1993-94 to a reporter from the *Canberra Times* was considered to be a contempt of the Assembly by the then Standing Committee on Administration and Procedures in its December 1993 report on the matter.

As Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence. Having considered the article and Mr Osborne's complaint, I am prepared to allow precedence to a motion to refer the matter to a select committee. Alternatively, the Assembly may care to note the December 1993 recommendation and adopt the procedures for dealing with improper disclosure of committee evidence or proceedings utilised by the United Kingdom House of Commons and more recently by the House of Representatives. One further matter the Assembly may wish to take into account is the fact that Mr Hird is currently on leave from the Assembly and is not due back until later this week. Mr Hird's contribution to any debate on this matter may be of significance.

Mr Osborne: Mr Hird is not here today to defend himself. He is away on Assembly business. So I will not be moving any motion.

LEGISLATIVE ASSEMBLY SECRETARIAT
Paper

MR SPEAKER: I present, for the information of members, the 1996-97 report, including financial statements, and the Auditor-General's report, for the ACT Legislative Assembly Secretariat.

WORK FORCE STATISTICAL REPORT - FOURTH QUARTER 1996-97
Paper and Ministerial Statement

MRS CARNELL (Chief Minister) (4.37): Mr Speaker, for the information of members, I present the ACT Government Work Force Statistical Report for the Fourth Quarter 1996-97. I move:

That the Assembly takes note of the paper.

I seek leave to incorporate a very short statement in *Hansard*.

Leave granted.

Statement incorporated at Appendix 15.

Question resolved in the affirmative.

FINANCIAL MANAGEMENT REPORT
Paper

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present, pursuant to section 26 of the Financial Management Act 1996, the Consolidated Financial Management Report for the period ending 31 July 1997.

PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS
Papers and Ministerial Statement

MRS CARNELL (Chief Minister): I present, pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of contracts made with Linda Webb (performance agreement); Sue Birtles (extension); John Wynants (short-term contract); and Anne Thomas (extension). Mr Speaker, I seek leave to have my short statement incorporated in *Hansard*.

Leave granted.

Statement incorporated at Appendix 16.

TOBACCO LEGISLATION
Exposure Draft and Paper

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.38): Mr Speaker, for the information of members, I present a discussion paper on proposed amendments to the ACT tobacco legislation, together with an exposure draft of the Tobacco (Amendment) Bill. I move:

That the Assembly takes note of the papers.

I seek leave to have my tabling statement incorporated in *Hansard.*

Leave granted.

Statement incorporated at Appendix 17.

Question resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Advertising Material

MR HUMPHRIES: Mr Speaker, in question time today, I took a question from Mr Osborne concerning the distribution of material by an enterprise called Sinsations. I can add to the answer I gave then by saying that, since he asked the question, I have, in fact, signed letters concerning this kind of material and its availability in the ACT - which were prepared by my very efficient staff - to the Federal Minister for Customs and Consumer Affairs, Senator Chris Ellison, and also to constituents who have written to me on the same subject.

One of them is a Labor candidate, Mr Speaker, whose name I have not really heard of before; but, then again, he is a candidate in the seat of Brindabella and I assume that, since he is standing against Mr Whitecross, he will have a very good chance of being elected. So, Mr Speaker, I mention that to the Assembly.

Small Business - Retail Space

MR HUMPHRIES: I indicate to the Assembly that, on 20 February last year, I answered a question of Ms Horodny's about the Conder Group Centre site in Tuggeranong. There is some information about that matter which I want to clarify, particularly relating to the size of the supermarket that was to be provided there. I table that clarification of my earlier comments.

SUBORDINATE LEGISLATION
Paper

MR HUMPHRIES (Attorney-General)**:** Pursuant to section 6 of the Subordinate Laws Act 1989, I present Subordinate Law No. 228 of 1997, being the criteria for the direct grant of land - commercial, industrial and tourism purposes - made under the Land (Planning and Environment) Act 1991 and gazetted in *Gazette* No. 282, dated 25 September 1997.

PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present the following reports of the Community Law Reform Committee:

No. 12 - Peaceful assemblies

No. 14 - Appellate structure of the ACT Supreme Court

No. 15 - Street offences

No. 16 - Residential tenancies: Public Housing.

I also present Discussion Paper No. 4 of the Community Law Report Committee, entitled *Sexual assault*.

I also present, pursuant to section 22 of the Commissioner for the Environment Act 1993, the ACT State of the Environment Report for 1997.

Finally, pursuant to section 14 of the Annual Reports (Government Agencies) Act 1995, I present annual reports in accordance with the list circulated in my name.

The list read as follows:

Chief Executives, pursuant to section 7 -

Attorney-General's Department, Report and financial statements, including the Auditor-General's report for 1996-97, together with reports for:

Administrative Appeals Tribunal

Chief Coroner for the ACT

Community Law Reform Committee

Discrimination Tribunal

Guardianship and Management of Property Tribunal

Mental Health Tribunal

Office of the Community Advocate

Parole Board of the ACT

Tenancy Tribunal.

Department of Business, the Arts, Sport and Tourism - Report and financial statements, including the Auditor-General's report for 1996-97, together with reports for:

ACT Heritage Council - Report for 1996-97.

Agents Board of the ACT - Report and financial statement for 1996-97.

Occupational Health and Safety Council - Report and financial statements, including the Auditor-General's report for 1996-97.

Emergency Services Bureau - Report and financial statements, including the Auditor-General's report for 1996-97 and the 1996-97 annexed report for the ACT Bush Fire Council.

Department of Health and Community Care - Report and financial statements, including the Auditor-General's report for 1996-97, together with reports for:

Chiropractors and Osteopaths Board

Dental Board

Dental Technicians and Dental Prosthetists Board

Medical Board

Nurses Board

Optometrists Board

Pharmacy Board

Podiatrists Board

Psychologists Board

Physiotherapists Board

Radiation Council

Veterinary Surgeons Board

Public Authorities, pursuant to section 8 -

ACT Electoral Commission - Report for 1996-97

ACT Health and Community Care Service - Report and financial statements, including the Auditor-General's report for 1996-97

ACT Human Rights Office - Report for 1996-97

Australian Federal Police - Report and financial statements on policing in the Australian Capital Territory for 1996-97, and the report of the Australian National Audit Office for 1996-97

Australian International Hotel School - Report and financial statements for 1 January to 30 June 1997, including the Auditor-General's report

Criminal Injuries Compensation Act - Criminal Injuries Compensation Scheme - Report for 1996-97

Director of Public Prosecutions Act - Director of Public Prosecutions - Report for 1996-97

Health Promotion Act - Healthpact - Report and financial statements, including the Auditor-General's report for 1996-97

Legal Aid Act - Legal Aid Commission - Report and financial statements, including the Auditor-General's report for 1996-97

National Exhibition Centre Trust - Report and financial statements for Exhibition Park, including the Auditor-General's report for 1996-97

Ombudsman Act - Australian Capital Territory Ombudsman - Report for 1996-97

Public Trustee for the Australian Capital Territory - Management report and financial statements, including the Auditor-General's report for 1996-97.

COMMUNITY LAW REFORM COMMITTEE
Report on Rules of Court

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present Report No. 13 of the Community Law Reform Committee, entitled *Rules of Court: Preliminary Consideration*. I ask for leave to have a short statement incorporated into *Hansard*.

Leave granted.

Statement incorporated at Appendix 18.

JUSTICE STATISTICS PROFILE
Paper

MR HUMPHRIES (Attorney-General) (4.41): Mr Speaker, for the information of members, I present the justice and crime statistics. I move:

> That the Assembly takes note of the paper.

Members will recall that it was an election promise of the ACT Government to provide to the ACT community statistics on trends in crime. The statistics which have been tabled today represent the last four quarters in respect of justice and crime statistics. These statistics deal with police offences, progression of those offences through the courts and sentencing options imposed.

For the first time, these figures have been compiled to track trends in the justice system. In further quarters, we intend to release them quarterly and to include analysis of trends following the first year of their completion. Much of the first year has been spent compiling statistics from a considerable number of sources, checking them against cross-references in other areas and ensuring that the people being dealt with through the justice system can be tracked. This is an exciting new initiative, work for which has been under way for a year now. The more regular release of that information, not just as raw data but as analysed statistics identifying trends, means that the Canberra community can better understand the trends in crime.

The figures in relation to crime indicate that there has been a rise in crime in the 1996-97 financial year over 1995-96 from 38,637 offences to 42,011 offences. That constitutes a rise of 8.7 per cent. I note that that is the lowest rate of increase experienced in crime in the ACT in five years. I also note with some pleasure that the clear-up rate has risen to its highest ever rate in the ACT, to 32.3 per cent. It means that one in every three offences is being resolved - a rate which, although still too low, is certainly very high by Australian standards. It is a matter, I think, for which we can commend the Australian Federal Police.

Madam Deputy Speaker, there is a range of messages in these figures - some of them good, some of them bad. For example, total incidents - that is, attendances by police on things occurring - rose by 1.5 per cent; offences such as armed robbery are up by 21 per cent; motor vehicle theft is up by 16 per cent; and offences against court order, which constitute the bulk of the increase of 8.7 per cent overall, are up by 71 per cent. I would draw to members' attention a number of matters currently before the Assembly which may touch on the response that the Assembly chooses to make, particularly to those offences being committed on Canberra streets.

In other areas, Madam Deputy Speaker, the offences indicate positive trends. Burglaries are down 7 per cent; fraud and misappropriation are down 20 per cent; theft, burglaries and fraud in total are down 6 per cent. Clearly, in these figures there are areas to which attention needs to be paid. I look forward to the Assembly as a whole, on the basis of accurate figures being made available, dedicating time and attention in the coming years to ensuring that these figures constitute something of a work program for the Assembly in developing strategies for dealing with those problems in the Canberra community.

Of course, the Government maintains that those sorts of problems should be dealt with not just by way of legislation but also by way of resourcing of the Australian Federal Police, by way of sentencing policy, by way of community education, to, as it were, harden the target, particularly for those offenders who apparently come from parts of New South Wales to commit offences here, particularly burglary, in part because the ACT is seen in some ways as a softer target. I commend the figures to the Assembly.

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

PLANNING AND LAND MANAGEMENT - REPORT ON PROGRESS - 1 JULY 1996-30 JUNE 1997
Paper

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.46): Madam Deputy Speaker, for the information of members, I present the report on progress in Planning and Land Management, which was sought during debate on the Government's response to the Stein report. I move:

> That the Assembly takes note of the paper.

I seek leave to incorporate my tabling statement in *Hansard*.

Leave granted.

Statement incorporated at Appendix 19.

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

AGENCY REGULATORY PLANS - 1997-1998
Paper

MR KAINE (Minister for Urban Services and Minister for Regulatory Reform) (4.47): Madam Deputy Speaker, for the information of members, I present the 1997-1998 agency regulatory plans. I move:

That the Assembly takes note of the paper.

Madam Deputy Speaker, in my May ministerial statement on regulatory reform in the ACT, I announced that I would table agency regulatory plans for 1997-98 by 30 September this year. The requirement that agencies prepare regulatory plans was part of a suite of measures, recommended by the Red Tape Task Force and agreed to by the Government, that were designed to bring about a culture of regulatory reform in the ACT Public Service. The development of regulatory plans will require agencies to take a long, hard look at the regulatory proposals they intend to develop over the coming year. The development of the plans and the requirement that agencies undertake regulatory needs analyses and business impact assessments will result in fewer but better regulations. In turn, less regulation and less red tape will improve the productivity of business in the ACT.

The plans that I am tabling today describe a range of proposals to be considered during this financial year, and summarise areas of regulatory reform. The benefits of regulatory plans include improved coordination and integration of regulatory policy, better consultation with the community and business on regulatory initiatives, and the development of best practice in regulatory reform. In addition, by including proposed discussion papers and consultations on regulatory issues, the plans make the regulatory process more transparent. Madam Deputy Speaker, I am now pleased to table the first annual regulatory plans for ACT government agencies - yet another indication of the positive approach that this Government has taken to implementing the recommendations of the Red Tape Task Force.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Ginninderra Drive and Mouat Street, Lyneham - Government Response and Ministerial Statement

MR KAINE (Minister for Urban Services) (4.49): For the information of members, I present the Government's response to Report No. 33 of the Standing Committee on Planning and Environment concerning Ginninderra Drive and Mouat Street, Lyneham, which was presented to the Assembly on 2 September 1997. I move:

That the Assembly takes note of the paper.

Madam Deputy Speaker, on 2 September 1997, the Standing Committee on Planning and Environment tabled its report on Ginninderra Drive and Mouat Street, Lyneham. I am pleased to table the Government's response to that report. I believe that the standing committee has taken great care and time in preparing its report, with the views of all of the relevant stakeholders taken into account. The Government's response to the recommendations has also been given careful consideration, producing what I believe to be a positive outcome.

In summary, the Government supports recommendation 1 for the removal of the Ginninderra Drive reservation from the National Capital Plan. The Government also supports recommendation 2 for an immediate start on the installation of traffic lights at the Mouat Street and Brigalow Street intersection. Funds have been identified for this project - not easily, but we found the money to do it. The safety improvements at the intersection of Mouat and Archibald streets have been endorsed by the ACT black spot consultative panel, chaired by Senator Margaret Reid.

Recommendation 3, requesting the Federal Government to advance its timing for the duplication of the Barton Highway, is also supported. As I indicated earlier, I have written to the former Minister at the Federal level on that issue. In response to recommendation 4, the Government agreed not to provide noise attenuation measures for homes fronting Mouat Street at present, as this would be likely to set a precedent. The Government is not aware, however, of other jurisdictions in Australia which provide this type of noise attenuation measure for residents. Madam Deputy Speaker, I appreciate the time of members and the standing committee in considering this important issue.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR BERRY (Leader of the Opposition): Madam Deputy Speaker, I would like to make a personal statement, pursuant to standing order 46. In question time, I referred to a batch of figures. It is only a tiddler; but I think I may have misled the Assembly and I would like to correct it. I think I talked about three months in a row with negative gross State product. The fact of the matter is that it was the December, March and June quarters of 1996-97 where the ACT had shown a negative gross State product. I did say that it was a negative gross State product in relation to the June 1996 to June 1997 quarters. This was the only place in Australia where that occurred; that is true.

BARTON HIGHWAY
Paper

MR KAINE (Minister for Urban Services): Madam Deputy Speaker, I indicated earlier, in response to a request from Mr Corbell, that I would table my letter to the Hon. John Sharp in connection with the Barton Highway. I table the following paper:

> Stirling Avenue - Federal Highway - forward planning intention - copy of letter from Trevor T. Kaine, MLA, to the Hon. John Sharp, MP, Minister for Transport and Regional Development, dated 17 September 1997.

LIQUOR (AMENDMENT) BILL (NO. 3) 1997

Debate resumed from 23 September 1997, on motion by **Mr Humphries**:

> That this Bill be agreed to in principle.

MR WOOD (4.53): Madam Deputy Speaker, the Opposition will not support this Bill at the in-principle stage. We will, however, not oppose it as it moves through the later stage of the debate. Our approach is entirely consistent. We have always maintained that 24-hour trading in the ACT is appropriate. The report that the Government commissioned, at the behest of Mr Osborne, supports that view. The Government has dragged out of that report the best things it can, to try to suggest that other measures are desirable. It seems to me a strange approach when you commission a report and then at the end of the day you decide that you will not have anything to do with it.

The consistency of the Labor Party's approach stands in contrast with that of the Government, which keeps varying its opinion, changing its mind and carrying on in the way we see today. It went from 24-hour trading to a trial of 4.00 am closing, and now it has agreed to a 5.00 am closure. We have a couple more sessions before this parliament finishes its work. I suspect that in October we will move from 5.00 am closing to 6.00 am closing, in November we will go to 7.00 am and in December we will go back to 8.00 am - the full 24 hours. That is the way the Government has been working on liquor licensing hours. It is just reacting to events, adjusting them to suit itself, or in this circumstance, to be fair, following an approach from the Hotels Association to extend it to 5.00 am.

I think the fact that it has now come up with this proposal brings great discredit to the Government in the way it has been carrying out this program over the last year or so. It is, however, a step. It is another hour towards the more appropriate 24-hour trading. So, in that respect, when the Bill is finally put to the house, it will not be resisted by the Opposition. I want to make the point that our consistency requires that in the in-principle stage we do not support this Bill.

MS TUCKER (4.55): The Greens will be supporting this Bill. This has been an interesting process, dealing with the issues around alcohol abuse in the community. It seems to me that this is a quite good result, because the 5.00 am closing time was one that was agreed to by not all stakeholders but some quite significant ones, including the police and the hotels, who are not usually in agreement with each other.

I think it is important to accept that this common ground has been found and to acknowledge it - and that is why we are supporting it. From this point, where I hope that most people will believe to some degree their concerns have been addressed, we can move on together to address the other issues around alcohol abuse. Obviously, it is not just about what time liquor outlets close. People are abusing alcohol all through the day and all through the night. It is not just about 4.00 am or 5.00 am. The question of 4.00 am or 5.00 am is about calling a stop to the night, so that the amenity of people who live near liquor outlets is acknowledged and also so that the interface between day and night can be made easier. With no closing time and also no real accountability in terms of serving practices, there were people around the streets who were very inebriated when other people were going to work. Also, broken glass, vomit and so on were quite evident in certain areas. Obviously, that is not particularly desirable. So, the 5.00 am closing is going to address those concerns.

But what we have to see - and I would like Minister Humphries to state this again for the record - is that the ideas that came out of the liquor summit and the proposals that came out of the Legal Affairs Committee, which was looking at these issues and which tabled its report this week, are picked up in that as well. That means that we see the development of some kind of alcohol advisory board, involving all the stakeholders and including a public health person of some kind; and that we see in place a licensing system which is much tighter and which really brings in accountability in terms of how staff are trained in responsible serving practices. Each year there should be some kind of assessment of how licensees are meeting their responsibilities in this area. There are also issues concerning the other liquor outlets that are not actually licensed premises - bottle shops and so on. That was raised at that alcohol summit as well, I remember. I would really like to see the Government address what can be done there to make the serving practices more responsible as well. So, I think it has actually been a quite good process, even though it was long and drawn out. I hope that we can now work towards finding longer-term solutions for the issues of alcohol abuse.

MR MOORE (4.59): Ms Tucker describes it as a good process, but the reality is that it has been a very poor process that has led to this piece of legislation. I think Mr Wood has adequately described that: There was a report, a trial and an assessment, and the assessment said, "No, do not proceed with a closing time. The advantages of that are outweighed by the disadvantages". It recognised some advantages, and there must have been advantages, otherwise the conclusions would have been obvious. We have a government that, having set in place a trial, takes the results and then ignores them. That is not a good process. If we run a trial like that, we should take the results seriously, and they have not been taken seriously. We have come to the conclusion Mr Humphries and Mr Osborne wanted from the beginning, bar perhaps an hour either way.

I concede that the Australian Hotels Association and others believe that a compromise of 5.00 am is a useful compromise because it will get people off their backs. It will stop this constant pushing and bidding for this kind of outcome. The reality is that there is simply not the evidence there to show that this is going to make a major contribution. It just looks good. It is a purely political move, and I think it is very disappointing. One of the things that have happened in the politics of this Territory is that until now we have been able to avoid the sort of bidding war that we have seen going on in New South Wales about who can be toughest on crime. Mind you, I often think that, if you tried it, it would not work here. It would work with some people, perhaps; but I think most people would see through it in a fairly clear way.

Debate interrupted.

ADJOURNMENT

MADAM DEPUTY SPEAKER: 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.

LIQUOR (AMENDMENT) BILL (NO. 3) 1997

Debate resumed.

MR MOORE: I am sure Mr Berry would be delighted to go home - many of us would - but there is some business to get through and I think we need to work on it and get through it.

It seems to me, Madam Deputy Speaker, that a really good process would have been, once you have committed yourself to conducting a trial, to show good faith and deliver the policy. As far as that goes, I am supporting the stance taken by Mr Wood in opposing this legislation in principle; but I will also oppose it throughout the process. I must concede, in saying that, that I understand that a compromise has been made in the community; but it is a compromise that has been pushed from people who feel that they are in a very poor negotiating position, through a combination of the way the issue has been run in the media and the fact that some members of this Assembly want to be seen to be tough on crime. The appropriate approach, the one Mr Humphries has normally taken, and the one we have seen taken by Labor when they were in government, is to be tough on the causes of crime. This Assembly generally has worked on that, and that is really what we should be doing.

MR HUMPHRIES (Attorney-General) (5.03), in reply: Madam Deputy Speaker, in closing this debate, let me thank members for their support. It was not exactly fulsome and overpowering, but at least it was enough to get the Bill through.

Mr Moore: That is what counts in the end.

MR HUMPHRIES: That is right. As long as there are nine votes there, I do not really care. To be entirely fair, I do not approach the compromise with absolutely overpowering enthusiasm either. I do not make any secret of the fact that I would probably have preferred a different result from this, but it is a compromise. I believe it is a compromise that will see some of the benefits that were obtained from the 4.00 am closing preserved, or perhaps all the benefits preserved but to a less powerful extent. For that reason, I think it is a worthwhile compromise for the Assembly to support in order to provide a platform on which to produce other results and take other measures in the coming years.

I suppose the Government has had a very simple theme throughout this whole exercise, and that is that there are very significant problems in our community relating to and stemming from the abuse of alcohol, and the responses we make to those problems must be multifaceted. They must be about education, they must be about a harm minimisation approach, they have to be about enforcement, they have to be about responsibility being accepted by those who are involved in the chain that leads to alcohol being made available, and they have to be about appropriate penalties for those who break the law. I think the community would have to say that this Government has accepted the multifaceted nature of that approach and adopted a range of measures to deal with that kind of problem.

The ALP's position is very clear. It is, "We do not think there is a problem out there. We see no reason to restrict trading hours in terms of alcohol sales. Go for your life if you want to sell at any time of the day or night to almost all and sundry who come through the door. If there is a problem out there, someone else can fix it". I do not accept that approach. I think the position is more complex than that. It deserves some consideration on other bases, and that is why the Government is supporting this proposal. I support the view of Ms Tucker that the Legal Affairs Committee has put forward some useful suggestions for dealing with others of those facets in attempting to resolve this problem. Ideas such as a liquor advisory board, better training, better powers for the police, and so on, are issues we need to examine very carefully, and indeed we will do that. But it is important that we put a range of weapons into our arsenal, and I think this is one of those.

I note Mr Moore's persistent comments about the Government ignoring the result of its own inquiry. I remind Mr Moore that there were earlier inquiries into this matter. Indeed, there was a select committee inquiry, which I think he chaired. I think it was the committee on sex, drugs and rock 'n' roll - that is not quite accurate - that, among other things, recommended trading hours. It is quite possible for people of goodwill to look at these issues and to come up with different views about them, and I firmly believe, having spoken to a number of the stakeholders in this matter, that the hours at which trading takes place do affect the community's capacity to cope with the problem. Therefore, I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 1997

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

> That this Bill be agreed to in principle.

MR BERRY (Leader of the Opposition) (5.08): Madam Deputy Speaker, Labor will be supporting the Workers' Compensation (Amendment) Bill, but there are a few things I want to say about it before doing so. The amendments to the Workers' Compensation Act have been discussed between me and the Trades and Labour Council and other affiliate unions and, in general, I understand that they are supportive of the moves set out in the amendments. I should go through some of those because I think it is worth while saying something in respect of them for the record.

The first issue that draws one's attention to the Bill is the change proposed for the interpretation clause so far as the definition of "injury" is concerned. New subsection (1A) states:

> In the definition of 'injury' in subsection (1), a reference to mental injury or stress shall not be taken to include a mental injury or stress wholly or predominantly caused by reasonable action taken or proposed to be taken by or on behalf of an employer with respect to the transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal of a worker or the provision of an employment benefit to a worker.

On the face of it, that sort of proposal would cause one concern. It suggests to employers, though I suspect the courts might find otherwise, that one can shove one's staff around in accordance with what one might think is reasonable, and what is reasonable to employers is quite often not reasonable to employees. Therein, I suppose, lies the argument that might occur in various court actions which come to deal with the issue of workers compensation.

The other issue that emerges relates to the various insurers who might be called upon to accept claims made in respect of stress. Some members will recall that some time ago there was a debate about certain provisions of this legislation related to a termination clause, about which I then expressed some reservations. I still have some reservations about that because there are some noises from within the work force suggesting that the

insurers have not responded as well as it was originally suggested they might, that is, that they would accept claims more readily than they might otherwise if there were no termination clause in the legislation. The termination clause was subsequently included, and a provision which talks about mental injury or stress wholly or predominantly related to reasonable action taken by employers in respect of a range of matters concerning transfer, demotion, et cetera, might be another area where insurers suddenly say, "We are not sure about this stress claim. We will just hang onto it for a while".

Stress claims have developed as dirty words by those antagonistic to workers compensation. Anybody who knows somebody who has been subject to work-related stress would be horrified at some of the attitudes we hear from some commentators on this issue and from some of those people who are opposed generally to the provisions of workers compensation. Some prominent commentators in talkback radio deride stress claims as being something that nobody should entitled to make. Again, it is a serious part of the range of workplace injuries that workers are exposed to. I had a look at all of the provisions in other States, and I see that these or similar provisions are peppered throughout the States. I still feel uncomfortable with those sorts of provisions in workers compensation legislation; but, as it has developed as a standard, I am prepared to support it in the current framework. However, I warn that I will be watching very closely the attitude of insurers to workers.

Other clauses that relate to deemed total incapacity, compensation for medical treatment - I will come back to that - substitution and transitional arrangements, CPI indexation and so on will be supported. One aspect of concern is compensation for medical treatment, where it talks about the cost of conveyance and the cost of accommodation and the fact that these will be accommodated in regulations. I know that there were some concerns about those issues, but the regulations are disallowable and amendable, so it is possible that, if the Minister prescribes regulations that are unsatisfactory at some point in the future - I am not suggesting that Mr Kaine would, because I know he is a very fair-minded man when it comes to these things - there will be a chance to disallow or amend those provisions. Madam Deputy Speaker, I think the amendments are a positive move and, as I said, Labor will be supporting them.

MR MOORE (5.15): In rising to support the legislation, I would like to draw attention to three issues. The first is the definition of "stress", the second is the amount of money, which is now to be set by regulation, and the third is the use of the device of infringement notices. The first matter on the issue of stress is the interesting definition that is used at proposed subparagraph 4(c) of the legislation:

> ... a reference to mental injury or stress shall not be taken to include a mental injury or stress wholly or predominantly caused by reasonable action taken or proposed to be taken by or on behalf of an employer with respect to the transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal of a worker or the provision of an employment benefit to a worker.

In the initial instance, when I saw that definition it did cause me some concern. It appeared to me that there would be a significant transfer of power from the current legislation. After carefully discussing it and going through it, I think it is actually a very wise definition. It does allow for sensible management of people, at the same time recognising that sometimes action that is taken in normal management does cause people stress. It is not stress that should mean that you cannot take action to promote somebody because they are going to get terribly stressed about it, and of course people do. If they do get terribly stressed about it, are they entitled to compensation? I think it is particularly important to clarify this position. Without the position being clarified in this way, it would seem to me that management would have to get more and more difficult. It was something that needed to be left open, so it was a good move.

Similarly, in clause 6, paragraphs (a) and (b), the cost of conveyance of a worker and other costs of accommodation, which up until now have been fairly open as to individual claims, can be set by regulation, and I think Mr Berry made that point. However, that is a disallowable instrument and, if there is a particularly unfair proposal, then in the normal course of its scrutiny this Assembly has the prerogative to modify it under the Act.

The final thing I would like to raise, Madam Deputy Speaker, is the issue of infringement notices. I notice that the heading in Mr Kaine's Bill is "On-the-Spot Fines". I think I mentioned to this Assembly on a previous occasion that we probably should move away from the term "on-the-spot fines" and use the term "infringement notices" or "offence notices". On-the-spot fines imply that somebody says, "You are fined", and you reach into your pocket and you give them money. I think that implication needs to be removed, particularly as we are now moving to use them so widely. At some stage, when we look at the whole issue of offence notices - and it is, quite clearly, going to be looked at by this Assembly and probably by the next Assembly - we should begin to use a common term across them. It seems to me that the best common term that is already used in some of the language is "offence notices". Madam Deputy Speaker, those are the issues I wanted to raise in supporting this legislation.

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (5.19), in reply: I appreciate the support from members for this Bill. I understand that there are some reasonable reservations about some aspects of it, and there always will be, because it is legislation that gets to the heart of the entitlements of workers. I made the point when I tabled the Bill that I thought this would provide a fair and equitable compensation scheme for injured workers. There are other interests. The employers, of course, are major stakeholders in this, and the insuring companies have a stake in it; and we are seeking to strike a balance in the interests of all of those people and, at the end of the day, produce a fair and equitable system. I think we have gone close to that.

The fact that some issues have been raised as potentially being of concern, I think, simply indicates a requirement that the Government and others should monitor the implementation of the amendments and the changes that will flow from them, to see whether there are any unintended adverse consequences. If there are any, of course the Government would discuss them with the stakeholders to see whether some changes were desirable. Again, I thank members for their support. I think it is a worthwhile Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ANNUAL LEAVE (AMENDMENT) BILL 1997

[COGNATE BILL:

LONG SERVICE LEAVE (AMENDMENT) BILL 1997]

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

That this Bill be agreed to in principle.

MADAM DEPUTY SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Long Service Leave (Amendment) Bill 1997? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to order of the day No. 4.

MR BERRY (Leader of the Opposition) (5.22): Madam Deputy Speaker, these pieces of legislation have been through a fairly comprehensive rejigging, if I can call it that, to pick up changes to the titles of Federal legislation and to provide for what could be described as policing elements to ensure that disputes can be resolved more efficiently. They are, in effect, positive moves and moves that Labor will support.

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (5.23), in reply: I appreciate the support from the Opposition on these two Bills. Again, I think the intention is to make the system more effective, to define things so that there is no doubt about what they mean in terms of determining entitlements, and the like. Again, I think it is worthwhile legislation and I appreciate the support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LONG SERVICE LEAVE (AMENDMENT) BILL 1997

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

(Quorum formed)

PUBLIC HEALTH BILL 1997

Debate resumed from 15 May 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Public Health (Miscellaneous Provisions) Bill 1997?

Mr Berry: No, I do not think so.

MR MOORE (5.27): Mr Speaker, it gives me great pleasure to rise to support this piece of legislation. When the Chief Minister tabled the legislation earlier this year, I made a public statement that, although I thought it was good legislation, it was inadequate in that it did not go far enough. It managed to look after public health in the old way that we looked after public health, dealing with sanitary conditions and control of disease; but it failed to take into account the new form of public health and health promotion, as identified particularly in the Ottawa Charter of 1986.

Having made a public statement to that effect, which was published, I had a call from Professor Douglas of the National Centre for Epidemiology and Population Health, who said, "I am glad you have learnt something from all the time you spent studying here. Probably what we ought to do is organise a round table discussion and see what we can do to improve this legislation. Clearly, it is legislation that is important to the ACT". I saw it as legislation that was already at the forefront of Australian legislation but that needed some modification.

Professor Douglas and his people over there were invited to that meeting, and I invited other people, including members of this Assembly. I know Ms Tucker was not able to be at the first meeting herself but sent somebody along; unfortunately, the Labor Party members were not able to be there. People of great expertise from all around Australia

joined in that round table discussion. I was pleased that part of that discussion included officers from the Department of Health, with the blessing of the Chief Minister, and I think we came up with some excellent ideas. That was on Monday, 16 June.

On 3 July we had a further round table that, unfortunately, Labor members were not able to attend either; but Ms Tucker, the Chief Minister and I attended, along with officers from her department, and talked about the outcomes of the original discussion. There was also input from a range of other people in the normal process of consultation. The outcome was a set of amendments, which we agreed were appropriately moved by the Minister for Health, but they did come out of an important process, and it is a process we are seeing more and more often now with members of the Assembly. It is a process in which I would like to see more involvement of the Labor Party. Only at the last sittings Mr Whitecross was very involved in a similar sort of process, so I do not want that statement to be misconstrued. It is a process that I think assists us to find good legislation for the Territory.

The process is one that is based on public health and the promotion of health. The Chief Minister, in her introductory speech, did refer to the Ottawa Charter and the principles in the charter, but I think they were not delivered. The principles of the Ottawa Charter set out prerequisites for health as follows:

> The fundamental conditions and resources for health are peace, shelter, education, food, income, a stable eco-system, sustainable resources, social justice and equity. Improvement in health requires a secure foundation in these basic prerequisites.

I know that every member in this Assembly works towards trying to achieve those things. But it goes further than that. It says that health promotion requires enabling people to achieve their full health potential and requires mediating between different interests in society. It also requires action. It requires action in building healthy public policy and it requires people to ensure that policy combines diverse but complementary approaches, including legislation, fiscal measures, taxation and organisational change, and change that fosters greater equity. It requires joint action. It requires creating supportive environments in societies that are complex and interrelated. Health cannot be separated from other goals.

Mr Speaker, we are not talking about just the notion of sickness care. In talking about public health, we are talking about broader concepts of health - the way society organises its work, for example - that help create a healthy society. Health promotion generates living and working conditions that are safe, stimulating, satisfying and enjoyable. The Ottawa Charter goes on further about how we should move into the future. It talks about caring, holism and ecology being essential issues in developing strategies for health promotion. It calls on participants at the Ottawa conference in November 1986 - indeed, we should also take these on - in these terms:

> to move into the arena of public health policy, and to advocate a clear political commitment to health and equity in all sectors;

> to counteract the pressures towards harmful products, resource depletion, unhealthy living conditions and environments, and bad nutrition; and to focus attention on public health issues such as pollution, occupational hazards, housing and settlements;
>
> to respond to the health gap within and between societies, and to tackle the inequities in health produced by the rules and practices of these societies;

This is the sort of argument and the sort of understanding that undermines the arguments put up by people like Pauline Hanson when they say that we should just have an equal society. We do not want an equal society; we want a fair society. And to get a fair society you have to look at inequities between particular groups in order to resolve them; otherwise you will never get a fair society. The charter goes on:

> to acknowledge people as the main health resource; to support and enable them to keep themselves, their families and friends healthy through financial and other means, and to accept the community as the essential voice in matters of its health, living conditions, and well-being;
>
> to reorient health services and their resources towards the promotion of health; and to share power with other sectors, other disciplines and most importantly with people themselves;

I think the greatest challenge over the next few years, either for Mrs Carnell in her current role or for Mr Berry, when he is the Chief Minister and Minister for Health, will be to reorient that money towards health. It continues:

> to recognise health and its maintenance as a major social investment and challenge; and to address ... our ways of living.

On many occasions in this Assembly I refer to the Ottawa Charter for Health Promotion. So that people who read this *Hansard* will know what I am talking about, I seek leave to table a copy of the Ottawa Charter and to have it incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 20.

MR MOORE: Mr Speaker, when we saw the Public Health Bill and sought the promotion of health, it seems to me that we needed to ensure that we looked at four major areas. Many of them were taken into account in the legislation, the first being the system of cleanliness, whether it is about sewerage or the spread of disease in other ways; the second being about the environment, about living conditions and about things such as resource depletion; the third being about reducing morbidity and mortality. After all, we need to look at how we reduce sickness and death in our society, rather than being limited to other high principles about the way we live. Finally, we need to advocate, to enable and to mediate.

That process led to some modifications, some agreed amendments, which the Chief Minister, as Minister for Health, prepared, to ensure that the objects of the Act include these sorts of issues and, further, make the responsibility very clear in the hands of the Chief Health Officer. The Chief Health Officer, under the amendments, will now have to take into account a series of things other than those included in the legislation. The Chief Health Officer, under clause 10, has to report biennially on the health of this Territory. In the initial legislation, that included trends and indicators in health status, public health risks, morbidity, mortality, notifiable conditions and any other appropriate matter.

I think it is important for this Assembly to guide the Chief Health Officer and to make sure that the Chief Health Officer has responsibilities that can be seen by other sections and other departments as well. They should include health promotion activities, harm minimisation activities, access and equity indicators that are relevant to health - it seems to me that all of them are, although I suppose one could argue that there are some obscure ones that might not be - social indicators that are relevant to health, health service performance against minimum standards of care, and intersectoral activities that are relevant to health. Members would be aware, because the amendments have been circulated, that those are among the amendments that will be put by the Chief Minister.

I think the process itself has been a healthy process, and it is what we are after. It is about intersectoral activity, it is about discussions, it is about mediation, it is about ensuring that we get the best possible legislation for this community. It is a process that has been, as far as possible, inclusive. It is with pleasure, therefore, that I will be supporting this legislation in principle. There are also a number of amendments that are to be moved by Ms Tucker and that have gone through the same process, through discussion and concern, balancing our views. I think the outcome in the end will be a very sensible outcome and one that will mean that we have the most advanced public health legislation in Australia. It will be legislation that other States, which are now preparing public health legislation, will be able to look at and ensure that we have, in as many ways as possible, taken into account those World Health Organisation goals that were set out in Ottawa in 1986.

MS TUCKER (5.40): The Greens also will be supporting these Bills. I, too, have been pleased with the process whereby we have been able to work on it with Mr Moore and the Chief Minister. It is very significant legislation and I am really happy with the amendments that have come about, to which Mr Moore has just referred. Mr Moore clearly articulated the importance of public health legislation in the community. I will not repeat what he said, but I certainly support it. I have some amendments to the Bill, which I will put in the detail stage.

MR BERRY (Leader of the Opposition) (5.41): In the Minister's speech in relation to this Bill I saw reference to the Ottawa Charter for Health Promotion. I am pleased that Mr Moore has made sure that it is included in the *Hansard*, because it will be a good reference when people who are really interested take the trouble to look at the debate - poor souls. There will be people who will be interested in stooping to those depths to uncover the reasoning behind some of this legislation, as they research these things in future years.

The common perception of health out in the community can be described, quite simply, as being, "You look all right today". It goes a long way further than that, as has been said before. It goes to all of the issues one confronts in life. It goes to the issue of the community we live in, the houses we live in, the planning of our city, the transport arrangements of our city, wages and working conditions, occupational health and safety, where we live on the planet. I could go on with a list as long as both arms, if I can put it that way. It encompasses all things that we, as intelligent human beings, try to manipulate to make sure that our quality of life is improved.

It would be naive to suggest that we could have a piece of legislation that would cover every aspect of life on the planet as it affects one's health and wellbeing. I dare say that there will be future attempts to revise this legislation to make it more adequately cover a new version of the things we need to do to make people healthier and to make their lives easier, safer, and free of illness, conflict and all those things we try to avoid as we build a healthier society.

This process, I am reminded, began in 1994, and I remember some quite vigorous argument in this place on other issues preceding that period. One I recall was the Tuberculosis Act, where it was argued, on the one hand, that it was outdated and ought to be ditched and, on the other hand, that we needed some form of legislation to deal with the issue when it arose, because there were signs in certain segments of the community that tuberculosis was still a problem. There was another argument that, because we were in the process of developing a new Public Health Act, that was where it ought to be dealt with. I see that it has been dealt with in that context, and that appears to be the proper course. The same applies to a number of other matters in relation to blood-borne diseases that are now even more controversial, given a report this morning by the Scrutiny of Bills Committee. It is an issue that is in many ways picked up by this piece of legislation because it deals with reportable matters, if I can describe them in that way, which the Chief Health Officer will be empowered to deal with.

One aspect of the legislation that I do not propose to change but that needs to be commented on is the mere being of a Chief Health Officer. The Mental Health (Treatment and Care) Act prescribes a Director of Mental Health. There has not been a permanent Director of Mental Health for several years, but there have been many Directors of Mental Health over the last 10 or 12 months - in fact, one a month. An amendment to make sure that that circumstance could not happen does not immediately come to mind, but I trust that the obligation under the legislation to provide for a Chief Health Officer is adhered to in future and that it is not managed in any way like the Mental Health (Treatment and Care) Act, whereby the Director of Mental Health, in all his or her forms at this point, continues to be a problem for the Government.

I note that a range of amendments have been proposed by the Government; I received a letter on 24 September in relation to the matter. Superficially, I do not have any particular problem with those, although I think it is a bit over the top for the Government, in particular, to deliver comprehensive amendments to a Bill of such magnitude a day before it is to be debated and, more particularly, on a sitting day before it is to be debated,

which makes it more difficult. I was not able to be involved in the round table arrangement that led to several amendments, and I am informed by the debate here today that some of those are to be moved by Ms Tucker, which have been circulated today. I have not seen these before today, so I will have to work my way through them in the Assembly.

For my part, given the strong reaction today to the Public Health (Miscellaneous Provisions) Bill from the Scrutiny of Bills Committee, I do not feel too comfortable about going past the in-principle stage. With all of these amendments, given that we are three years or thereabouts down the track from the development of this legislation, it would be prudent for me to delay further consideration of the detail stage until the next sittings of this Assembly, in order that a full examination can be made of the Scrutiny of Bills Committee's comprehensive and vigorous report in relation to the Public Health (Miscellaneous Provisions) Bill, which we will consider subsequent to this.

I should say at this point that Labor will be supporting the Bill because it is a piece of legislation that has been developed in comprehensive discussion with the community. I have circulated the legislation to areas in the community for response. I have to say that, at this point, I have not received too much reaction to the Bill. I think anybody picking up this piece of legislation might be a little daunted.

Mrs Carnell: It is because they have responded before, because they have had so many opportunities to respond.

MR BERRY: I think most people would be daunted by the legislation because it is fairly complex. I do not think there is any doubt about that. Those sorts of things take some time to deal with.

I repeat that, for my part, I am happy to support the Bill in principle. I am not as comfortable as I would like to be about the amendments that have been put forward by the Government. I have merely skimmed them since I received them yesterday, and I would prefer that the Public Health Bill not be carried through the detail stage until we next sit. I will certainly be resisting the carriage of the Public Health (Miscellaneous Provisions) Bill at all today. I do not think it should go through the in-principle stage, because I think there has been a comprehensive and vigorous report by a committee of this Assembly which few people would have had the time to read in detail. Certainly, I have not. I, for one, will be moving for its adjournment at the earliest opportunity.

MR SPEAKER: You will have your chance to debate that when we come to it, Mr Berry.

MR BERRY: Mr Speaker, I am merely informing people where I will be as we lead up to it.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.52), in reply: Mr Speaker, I would like to thank members of the house for their support for this piece of legislation, which has been a long time in coming. A lot of work, a lot of consultation, has gone into it. I would agree that the process since the tabling of the legislation has been a very good one, and it is one we need to continue to use.

I would like to apologise to Mr Berry for his not getting the amendments any earlier than he did. As Mr Moore said, they were the outcome of the round table process. They were all agreed to at that process, but I would like him to have got those earlier. There is nothing in them that is going to surprise him; they were part of that consultation process.

This is cutting-edge legislation. It puts our Public Health Bill at the front of public health Bills in Australia rather than at the back. I think that is an exciting way to go. With regard to Ms Tucker's amendments, the Government will not be opposing them; so, with a bit of luck, we will end up with a fairly reasonable approach from here. I commend the Bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 87, by leave, taken together

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.53): I seek leave to move together the six amendments circulated in my name.

Leave granted.

MRS CARNELL: I move:

Page 2, line 16, clause 4, paragraph (b), omit the paragraph, substitute the following paragraph:

"(b) through the monitoring of health indicators, to provide the public with information about the health of the population and to design and implement appropriate policies and programs for the maintenance and improvement of the population's health;".

Page 6, line 24, clause 7, omit the clause, substitute the following clause:

"**Chief Health Officer**

7. (1) The Minister shall, by instrument, appoint a person to be the Chief Health Officer.

(2) The Chief Health Officer shall be —

(a) a public servant; and

(b) a medical practitioner.

(3) An instrument of appointment is a disallowable instrument for the purposes of section 10 of the *Subordinat Laws Act 1989*.

(4) The Minister may, by instrument, suspend the Chief Health Officer from duty on grounds of misbehaviour or physical or mental incapacity, being grounds the particulars of which are stated in the instrument.

(5) An instrument of suspension is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(6) Following the suspension of the Chief Health Officer, the Minister may, by instrument, revoke the appointment of the Chief Health Officer if —

(a) after the last day on which the instrument of suspension could have been disallowed under the *Subordinate Laws Act 1989*, the instrument has not been disallowed; and

(b) the Minister is satisfied that the grounds for suspension stated in the instrument of suspension still exist.".

Page 7, line 2, clause 8, subclause (1), omit "Subject to subsection 7(3), the", substitute "The".

Page 7, line 4, clause 8, paragraph (1)(a), omit all the words from and including ", whether" to and including "7(2)".

Page 7, line 9, clause 8, after subclause (1), insert the following subclause:

"**(1A)** An acting Chief Health Officer shall be a medical practitioner.".

Page 7, line 34, clause 10, after paragraph (1)(d), insert the following paragraphs:

"(da) health promotion activities;

(db) harm minimisation activities;

(dc) access and equity indicators relevant to health;

(dd) social indicators relevant to health;

(de) health services performance against minimum standards of care;

(df) intersectoral activities relevant to health;".

As I have already said, these amendments were the result of a good process in which Mr Moore and others brought forward a number of very sensible approaches. I think everyone has had a chance to look at these amendments, and I commend them to the Assembly.

Motion (by **Mr Berry**) negatived:

That the debate be adjourned.

Amendments agreed to.

Clauses, as amended, agreed to.

Clause 88

MS TUCKER (5.54): I move:

Page 48, line 18, paragraph (1)(a), omit "6 months", substitute "3 months".

Mr Berry: Would somebody like to speak on it, so that we know what it is all about? Nobody bothered on the other one.

MR SPEAKER: Ms Tucker is about to speak now, if you will give her a chance. Continue, Ms Tucker. Just ignore the interjections, as usual.

MS TUCKER: Our first amendment is to reduce from six months to three months the period during which seized items may be held as potential evidence if no legal proceedings have been commenced. It is reasonable to assume that many of the goods seized would be implements or tools which would be relied upon for a person's livelihood. Seizure of these goods without a requirement to institute legal proceedings for a period of six months would, without doubt, interfere with a person's ability to support themselves through the operation of their business.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 89 to 101, by leave, taken together, and agreed to.

Clause 102

MS TUCKER (5.56): I move:

> Page 55, line 5, subclause (1), after paragraph (a), insert the following paragraph:
>
> "(ab) advise the patient of his or her rights under paragraph 99(c);".

Our second amendment requires that a medical practitioner must advise his or her patient of their rights, as set out in the Bill. A person who has or may have a notifiable condition or is at risk of exposure to a notifiable condition has the right to privacy and has the right to receive all reasonably available information about the medical and social consequences of the condition and any proposed treatment. There is little benefit, however, in the individual having these rights unless he or she is also made aware of them.

MR MOORE (5.56): It is part of the whole principle of the Bill itself. It is called enabling, and I think it is a very significant amendment from that perspective. It actually puts into action what the legislation is trying to achieve.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 103 to 112, by leave, taken together, and agreed to.

Clause 113

MS TUCKER (5.57): I move:

> Page 61, line 22, paragraph (1)(d), omit the paragraph.

Our final amendment is to omit the paragraph allowing the Chief Health Officer to issue a direction requiring a person who has a transmissible notifiable condition to undergo specified medical treatment. Completely adequate public protection measures have been set out in the Bill, including provisions to confine people, to prohibit them from entering a particular place, and requirements to refrain from hazardous behaviour or activities. The Greens regard it as the most extreme abuse of civil liberties to medically treat people against their will.

MR MOORE (5.58): Mr Speaker, this follows in some ways the debate we had the other day on the Motor Traffic Act, when there was some debate about whether we would even allow the taking of blood from somebody at an accident scene. These public health directions are a very important issue and, like this whole piece of legislation, the balance is critical. There is a balance between the rights of an individual, as has been identified correctly by Ms Tucker, and the rights of the community as a whole to be protected from the spread of disease and the range of other health problems that can occur. It seems to me that Ms Tucker has put her finger on a power that was unnecessary. My understanding is that this power was in the original legislation and

has just remained there. I think it reflects the sort of care that went into reviewing this legislation that has been demonstrated by Ms Tucker, and I must say that I am pleased to have been part of the process, working with her on that. I think it is an excellent amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

PUBLIC HEALTH (MISCELLANEOUS PROVISIONS) BILL 1997

Debate resumed from 23 September 1997, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

Motion (by **Mr Berry**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 5	*NOES, 7*
Mr Berry	Mrs Carnell
Ms McRae	Mr Cornwell
Ms Tucker	Mr Humphries
Mr Whitecross	Mr Kaine
Mr Wood	Mrs Littlewood
	Mr Moore
	Mr Osborne

Question so resolved in the negative.

MR BERRY (Leader of the Opposition) (6.06): This is an outrageous process. The Government, with the support of the Independents, is going to ram through this significant piece of legislation, which was introduced only this week.

Mr Humphries: You are easily outraged, Wayne.

MR BERRY: Mr Humphries interjects, "You need to be outraged".

Mr Humphries: "You are easily outraged", I said.

MR BERRY: Mr Humphries interjects that I am easily outraged. This Bill was comprehensively criticised by the Standing Committee on Scrutiny of Bills and Subordinate Legislation just this morning. Mr Moore has no eye for process. He has an eye for the mood of the Government and seems to be one-eyed. He is supporting the Government in an abuse of process which involves the ramming through of this piece of legislation. How dare this Government ram through legislation which contains inexplicable provisions and indeed unexplained conditions! I will refer in a moment to one which I have been able to pick up in my quick reading on the issue. When a comprehensive report of the Standing Committee on Scrutiny of Bills and Subordinate Legislation has been very critical of the legislation and there has been no response to it from the Government, how can Mr Moore and the Independents support this Bill being rammed through? Mr Moore must have more inside information than I have in relation to the matter.

The usual course of action in this place - and I am sure one which Mr Moore would bleat about if it were not to occur with one of his favourite subjects - is that when there is a report from a committee, especially a comprehensive report such as the one delivered this morning, the Government comes back with a written response. That has been the attitude of Mr Moore in the past. He has been committed to the process of ensuring that before we move into legislation we get written responses to all of his committee reports, so that this Assembly can properly and openly consider them; but, it seems, not on this one. I hear, not from the Government, because I do not have a copy of the amendments that they propose - - -

Mrs Carnell: We do not propose any. We will tell you what we are going to do in a minute.

Mr Moore: They do not need to propose amendments.

MR BERRY: Mrs Carnell says that she does not propose any and will tell me what she is going to do in a minute. Mr Moore says that they are going to move some amendments.

Mr Moore: No, I did not.

MR BERRY: It becomes a little more confusing.

Mr Moore: If you had read the Bill, Wayne, that might have been a good start. You have not done any preparation, and you know it. You did not do any preparation on the substantive Bill and you have not done any on this one.

MR SPEAKER: Order! Mr Berry has the floor.

MR BERRY: Mr Speaker, if you could get Mr Moore to button his lip for a minute, it would be a bit more helpful.

Mr Kaine: That is a bit hard to do.

MR BERRY: It would take a pretty big button; I agree with you. It would take a zipper and velcro with a double closure.

Mrs Carnell: We are just going to get rid of that bit of the Bill.

MR BERRY: Mrs Carnell says that she is just going to delete it.

Mrs Carnell: We will just get rid of Part III. It is easy.

MR BERRY: "We will just get rid of Part III", Mrs Carnell says.

MR SPEAKER: Order! I know it is late, but come to order.

MR BERRY: Mr Speaker, the time of day has nothing to do with it.

MR SPEAKER: Otherwise a few people will be going early.

MR BERRY: Mr Speaker, the committee this morning talked about the Public Health (Miscellaneous Provisions) Bill. I must admit to Mr Moore that I have not had the time today to read the report which came in this morning; but I am prepared to read it now on my feet, if that is what he would like, so everybody will understand it.

Mr Moore: You are not permitted to, by standing orders, Wayne. You know the standing orders.

MR BERRY: In referring to the Public Health (Miscellaneous Provisions) Bill, the report states:

> The clauses of this Bill are for the most part consequential upon the enactment of the Public Health Act 1997.

We understand that. The report goes on:

> Its major features are:
>
> provisions of various Acts are in effect transferred to the Public Health Act 1997.
>
> some of these Acts are repealed.

One part which is repealed is quite curious, and it is not explained in the Chief Minister's speech or in the explanatory memorandum. I refer you to section 9A of the Building Act, Mr Moore. Do you recall what that refers to?

Mr Moore: No.

MR BERRY: You have not read it? I will remind you. Section 9A is amended by omitting from subsection (1) "a hazardous substance" and substituting "loose asbestos".

Mr Moore: The other way round, Wayne.

MR BERRY: You have read it, all of a sudden? Section 9A of the Building Act reads as follows:

> The Building Controller may, by instrument, authorise a building inspector to inspect a building to determine whether it contains a hazardous substance.

On the face of that, there does not seem to me to be any problem with a building inspector inspecting a building to determine whether it contains a hazardous substance. Inexplicably, that is being amended by the Public Health (Miscellaneous Provisions) Bill to provide:

> The Building Controller may, by instrument, authorise a building inspector to inspect a building to determine whether it contains loose asbestos.

He is not able to inspect a building to see whether it has any other hazardous substance, but he is able to see whether it has loose asbestos. The Building Controller would not be able to authorise inspectors - people who understand construction, building safety, fire safety and those sorts of things - to inspect for some of the hazardous foams injected into houses some time ago which emitted toxic substances. That right is now removed from a building inspector. He is able to look only for loose asbestos. That is not explained anywhere in the legislation. He is not able to look for what might be described as contained asbestos. He is entitled to look only for loose asbestos.

I have no idea, from reading the explanatory memorandum, why such a provision has been included. I suspect that the provision about looking for hazardous substances has been transferred somewhere else, but it is not explained anywhere in the Bill which was introduced on Tuesday or in the explanatory memorandum. Would it not be nice if we had time to find out? That is one that just leaps out and bites you. I suspect that it has been transferred somewhere else, but it is not explained anywhere. Mr Moore is prepared to do - - -

Mr Moore: Are you saying that you suspect it has been moved somewhere else?

MR BERRY: You have asked Mrs Carnell. She has obviously been advised and told you. When you get up, I suspect you will tell us and we will be better informed for my raising it.

The Bill also amends paragraph (2)(d). I have not had a chance to have a look at paragraph (2)(d). It mentions "hazardous substance", too. A building inspector may "examine or perform tests on any substance that the building inspector finds in or about the building that he or she suspects, on reasonable grounds, may be a hazardous substance". "Hazardous substance" has been struck out by this legislation

and "loose asbestos" inserted. Building inspectors will have less to do, it appears. On a quick examination of the Bill, which we received on Tuesday, one must ask who gets the authority to do that. I trust that somebody who is listening to this debate will have worked this out and will be able to inform the Assembly about that as we proceed.

There are some mysterious moves by the Government which, one assumes, are about to correct some or all of the things which were mentioned in the Standing Committee on Scrutiny of Bills and Subordinate Legislation Report No. 14 of 1997 tabled this morning. I am no wiser at this point about which of the criticisms will be addressed by the Government. I do not think anybody in this house is. I am not prepared to take this Chief Minister on faith, given her performance on a whole range of things, particularly when it comes to putting the facts before this Assembly. We went through a process today where it was demonstrated that the facts were not put before this Assembly - - -

Mrs Carnell: I raise a point of order, Mr Speaker. Is Mr Berry reflecting on a vote of the house?

MR SPEAKER: Yes, he is; but he is also not being relevant to the debate.

MR BERRY: I am not prepared to take this Chief Minister on good faith. I will not take her at face value. I have been caught out too many times before. That is why I am hesitant and will resist the passage of this Bill today. I think it should not proceed but should lie on the table until at least the next sitting period or until the Government has responded to the complexities of the recommendations of the Standing Committee on Scrutiny of Bills. I think it is outrageous that they have not responded to the report and are prepared to rush this Bill through the way they are.

MR MOORE (6.18): Mr Speaker, it was obvious to me that Mr Berry was reading the legislation here in the chamber for the first time.

Ms McRae: How many times have you read it - two or three? Did you read it yesterday or today?

MR SPEAKER: Order!

Ms McRae: How many times did Mr Moore interject on Mr Berry, Mr Speaker?

MR MOORE: Mr Speaker, why do you not warn her?

Ms McRae: You do not like being interjected on, do you? You do not like gratuitous insults, do you?

MR SPEAKER: I warn Ms McRae.

MR MOORE: Mr Berry was clearly reading this legislation for the first time. It was distributed to members last week. Mr Berry quoted a series of provisions in the Building Act and said, "I would not know where they have gone, but they have clearly gone somewhere". Indeed, they have gone somewhere. It demonstrates that Mr Berry

did not read the Public Health Bill. That is where they have gone. That is why we have this second piece of legislation, the Public Health (Miscellaneous Provisions) Bill. It deals with those sorts of things.

We did have a Scrutiny of Bills Committee report today. It was a very substantial report that raised two substantive issues. The first is that Part III, clauses 20 and 21, amend the Crimes Act. Mr Berry, vote against them. That is what the rest of us are going to do. The Scrutiny of Bills Committee identified a sensible issue. Ms McRae said to me earlier, "You have not spoken to the AIDS Action Council". In fact, I have spoken to the AIDS Action Council. They raised the same issue with me. But do not forget that in the preparation of the Bill the AIDS Action Council were consulted. There were extensive consultations. With the round table approach and the normal approach, we went through broad consultation. The trouble is that Mr Berry did not do it. He did not do it with reference to the Public Health Bill either. Now he is embarrassed, and so he should be embarrassed. Why did he not do it? He was very busy doing other things. I know Mr Whitecross, who is sitting next to him, will be smiling inside - he cannot do it outside. We know what Mr Berry was doing. He was doing things political. That may well deliver for him the chief ministry in a little while. When he is Chief Minister, he will be able to do these things and make sure everything goes through a careful process.

The second substantive issue raised by the Scrutiny of Bills Committee is exactly the same issue that was raised with reference to the Public Health Bill. Mr Berry did not raise it as a problem with reference to the Public Health Bill. Neither did I. Why? Because I read the Government's response and I thought that, when it comes to an appeal mechanism for administrative decisions on public health, the Government, on balance, had chosen the best way to go. Keep in mind that there is always the appeals process under the Administrative Decisions (Judicial Review) Act. We have not removed all processes of appeal.

The second substantive comment from the Scrutiny of Bills Committee was exactly the same as the comment they had made with reference to the Public Health Bill. Did Mr Berry read it or did he not read it? He did not raise it as a problem with reference to the Public Health Bill we have just passed. Why is he raising it now? The reason is that he has not read either Bill. He has not done his homework. He has not done what an opposition is supposed to do. He has not done the scrutiny. That is what has been exposed here this evening. It is fortunate that the crossbenches have been so thorough and done the scrutiny in a coordinated way. I have been through the Public Health (Miscellaneous Provisions) Bill and I am satisfied that it is adequate and satisfactory. I am certainly happy for it to proceed.

MS TUCKER (6.23): The Greens will also be supporting this Bill. We had the same concerns about the Crimes Act as those Mr Moore has outlined. I had some concerns about the reviewability provisions of both Bills, but I did seek advice and I am happy that the Administrative Decisions (Judicial Review) Act process is sufficient as a review process in this instance. Under that Act a person can ask for reasons why a Minister has made a decision to be provided within 28 days. This is before any fee must be lodged.

Should the response be unsatisfactory and the person wishes to commence proceedings in the Supreme Court, there is a fee of $300. However, this fee can be waived in circumstances of financial hardship. Of course, other avenues of review, such as the Ombudsman's Office, are available. They were our main concerns, and we are comfortable with the situation as it is now; so we will be supporting this Bill.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (6.24), in reply: I thank members for their support and also for accepting the Government's approach to the comments by the Scrutiny of Bills Committee. I do not think it is the Government's response; I think we all came to the same view on Part III, the part that refers to the Crimes Act. Taking into account the comments of the Scrutiny of Bills Committee report and comments by the AIDS Action Council, the appropriate approach would be to consider the clauses leading up to Part III, pass those, then vote against Part III and consider the clauses following Part III.

Mr Speaker, the Government will be looking at the issues with regard to the Crimes Act separately and will use the same process as we have used with this Bill to ensure that all members of the Assembly have input. Obviously, the approach that we have taken in that area up to date will not be acceptable, but we will be discussing it with the AIDS Action Council and others. Mr Moore made the comment that the AIDS Action Council had been consulted before. They had and they had signed off on the Bill. But, as often happens, there is new leadership in the AIDS Action Council with different points of view, which they have every right to have. We will certainly be working with them.

Again, I would like to thank members for their support for this important piece of legislation. The consequential provisions are just that. They really put in place the Bill that we have already passed today, so it is sensible for both pieces of legislation to go through.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 19, by leave, taken together, and agreed to.

Clauses 20 and 21, by leave, taken together

MR BERRY (Leader of the Opposition) (6.26): I want to respond to Mr Moore's spite-filled vitriol that we had to put up with a little while ago in relation to the Standing Committee on Scrutiny of Bills and Subordinate Legislation Committee report which was tabled in this Assembly late this morning. Mr Speaker, I would like to draw Mr Moore's attention to the usual procedures of this place again, so that he is well reminded of some of the things he has probably supported in the past. It is usual for the Government to respond to committee reports in writing so that members can be better informed and the record is set straight in relation to the recommendations of committees.

Mr Moore may have been able to have secret meetings with the Government in order to rush this Bill through. I was perfectly happy to wait until the Government responded, so that I could consider their response against the recommendations of the committee and the legislation; but I will not stand here and be berated by someone so arrogant as Mr Moore is in relation to this matter and take it quietly. It was a piece of spiteful vitriol which does not enhance debating in this place. The fact of the matter is that members in this place - and there are not many of them - are entitled to have read this report against the background of a Government response before proceeding with the Bill. If the Government and Mr Moore and others have decided to proceed with it, that is up to them; but they are setting some new standards which may revisit them one day, which they might not like.

Clauses negatived.

Clause 22 negatived.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

ADJOURNMENT

Motion (by **Mrs Carnell**) proposed:

That the Assembly do now adjourn.

Mother Teresa

MR OSBORNE (6.29): Mr Speaker, I would like to say a few words about Mother Teresa, who passed away a couple of weeks ago. Gandhi always professed a great respect for the person of Jesus Christ, but was less impressed with many of his followers. He once said that if Christians lived according to their faith there would be no more Hindus left in India. Unfortunately, most of us fail to meet the demands of our beliefs. If there had been more Christians like Mother Teresa, Gandhi's comment may have been realised.

I suppose that it says something about our age - and I am not quite sure what - but in recent weeks two internationally renowned women have died, and the responses to their deaths have been quite different. One woman was young and beautiful, a princess by marriage and a celebrity by dint of royalty. She was, by all accounts, a decent and kind woman who had a feeling for the poor and used her celebrity status to raise money for worthy causes. No-one could say that Princess Diana did not deserve recognition for the work she did or deny her the great outpouring of love she received in death. But her encounters with the poor themselves were fleeting, and she lived out her life surrounded by luxury. Despite this, her death stopped the world and, as she was a young woman, made many consider their mortality.

The second woman was old, and the years had etched themselves deeply in her face. Her beauty was internal - proving the quote from the *Little Prince*: "That which is most important is invisible to the eye". Her celebrity did not come by anyone else's hand, nor could you really say that she sought it. It came because her work had the power to move people. In her, people saw that real power comes from absolute faith and from absolute commitment to a cause. It comes when someone is prepared to give up everything to follow a belief. When we meet those people, we can understand the meaning of the phrase that faith has the power to move mountains, or to move people by their thousands.

In a life of complete devotion to her God and the poor, she became known to the rich. She owned nothing but a single change of clothes, but was courted by the beautiful and the powerful. She had little formal education, but was awarded a Nobel Peace Prize. She was a Christian living in a Hindu country, but was loved by Christians, Hindus and Muslims alike. Such was the power of her faith that it resonated around the world and crossed the barriers of faith that so often divide us. Mother Teresa's death came a week after Princess Diana's, and it was noted but did not stop the world. Perhaps it is fitting. Mother Teresa's death was not so much mourned as celebrated. Her death, like that of the God she followed, reminded us of the value of life. I can think of no more fitting tribute.

I would like to finish with a quote from Mother Teresa's book which I think all of us here could take in:

> If we were humble, nothing would change us - neither praise nor discouragement. If someone were to criticise us, we would not feel discouraged. If someone were to praise us, we also would not feel proud.

Olympic Games

MR WHITECROSS (6.33): Mr Speaker, I want to take this opportunity in the adjournment debate to respond to some remarks that the Chief Minister made in the course of her answers in question time, to the effect that, while I was attending the launch of the Novell Canberra Cosmos season last night, I was so inundated with abuse about my concerns about her management of the finances of the Territory that I was forced to leave. Mr Speaker, I did attend that function and I spoke to a number of people, including the president of the Canberra Cosmos, Mr Ian Knop. My colleague Roberta McRae also attended that function and spoke to a number of people. Mr Speaker, nobody who spoke to me or Ms McRae berated us, abused us or expressed any real anxiety that, if the Labor Party were elected after February, there would not be Olympic soccer played in Canberra - presumably, because none of them believe this myth that the Chief Minister is trying to get out into the community.

I thoroughly enjoyed myself. I left after an hour-and-a-half, at 7.30, when they had had the introduction of the new coach, Branko Culina, when they had had the introduction of the entire Cosmos team, when they had had the introduction of the new strip that the Novell Canberra Cosmos will be using this season. The only thing left to do, as far as I knew, was to listen to the Chief Minister. Quite frankly, Mr Speaker, I listen to the Chief Minister so often that I managed to - - -

MR SPEAKER: I have the same feeling about all of you.

MR WHITECROSS: I managed to tear myself away at that point, because I had another function to attend. In fact, I was half-an-hour late for that other function, Mr Speaker, because - - -

Mrs Carnell: We all have another function now.

MR WHITECROSS: You will just have to wait until I finish my speech.

Mr Berry: You can go, if you like, if you are game.

MR WHITECROSS: Yes, you can leave now; you do not have to stay. Mr Speaker, I had to tear myself away to attend another function, which I did, happily and proudly having enjoyed myself at the function. I was certainly not scuttling out the door with my tail between my legs, or anything like what Mrs Carnell was saying.

I was interested, however, in her remarks that her conviction that we will fill the Bruce Stadium with 40,000 people eight times in a fortnight during the Olympic soccer program was based on faith. I was also interested that the president of the Canberra Cosmos, Ian Knop, put out a press release yesterday - rather like, I thought, a faith-healer at a tent meeting or a medium at a seance - saying that it will not happen unless everyone believes it.

Mr Speaker, the Labor Party is keen to see everything that happens in Canberra being a success; we are keen to see Olympic soccer played in Canberra. But we are also keen to see the Canberra community told the truth. We are also keen to see the leaders in our community, including the Chief Minister, being realistic, forthright and honest in their approach to these events. Suggesting that we can draw the same crowds to events in Canberra as can a city three times our size, in a region six times our size, just is not realistic. It should not be forgotten, Mr Speaker, that there were six events held in Birmingham, whereas they are proposing to hold eight in Canberra.

Anyway, Mr Speaker, I simply wish to say that, as a proud and long-time resident of Canberra, I am keen to see Canberra being successful in everything it does. As a supporter of soccer for over 20 years, I am keen to see high-quality soccer matches played in Canberra. But I am not keen to see millions and millions of dollars of taxpayers' money being spent on the strength of a distorted vision of what is going to happen when Olympic soccer comes to town, and I and other members of the Labor Party will continue to scrutinise this Government's action.

Can I say in conclusion, Mr Speaker, that Mrs Carnell talked about a bipartisan approach to these issues. The essence of a bipartisan approach is not the Chief Minister doing whatever she wants and everyone else agreeing with her. The essence of a bipartisan approach is the Chief Minister taking people into her confidence, being open and honest with the people of Canberra, and building a broad base of support. The Chief Minister needs to have another look at her approach to these matters if she truly wants to see a bipartisan approach to these issues. In the meantime, Mr Speaker, we will, as we have always said, honour agreements that have been signed by the Chief Minister, including agreements in relation to Olympic soccer.

MR SPEAKER: Order! The member's time has expired, well and truly.

Member's Academic Achievement

MS McRAE (6.38): Mr Speaker, I rise to do something which is very unusual, because it is a very unusual event. I have warned the member concerned that I am going to do this, and I think it is an important thing to put on our record. Mr Moore is going off to a very important ceremony tomorrow. Mr Moore is having a degree conferred on him. I rise to do this because I think further study is so important - any study is so important - that every one of those achievements should be honoured and recognised. I am tempted to call for a quorum so that we have an adequate and proper audience for this; but, since poor Mr Moore has been calling for quorums all day, I think I had better not stretch the nerves of our colleagues.

I think it is important to put on record - and I believe that everybody in this Assembly will support me in saying it - that I sincerely believe that Mr Moore's achievements in actually getting a masters degree during this time is outstanding. It has taken extraordinary tenacity and effort of will, no doubt, by him as well as his family. It is something that I sincerely wish that all of us could get an opportunity to do at some time in our lives. I sincerely wish that the entire community could get that sort of opportunity. That is one of the reasons why I am here. I believe that universal education to a very high level is of the utmost importance to the goodwill of our society; but, most of all, it takes perseverance and personal commitment to that sort of thing. Mr Moore has demonstrated that. So, I take this unusual opportunity to point this out to the Assembly and to offer him my sincere congratulations and, I think, all of the Assembly's congratulations.

Member's Academic Achievement

MR MOORE (6.40): Mr Speaker, Ms McRae did indeed ask me whether I would mind her making some comment about that. I appreciated the fact that she did do that and I certainly appreciate her kind words. It is very interesting; it is only a very short while ago that Ms McRae and I were having a bit of an interchange here in the heat of debate, as happens in this Assembly. But, Mr Speaker, I think one of the most important issues

that Ms McRae raised is the issue of universal education - access to education by everybody. I know that I found it very difficult to find the money to pursue that education, and my salary is on the record. It seems to me that it is a very sad thing that our society has reached the stage where we are charging people to do further study - which, of course, will wind up enhancing society as a whole. I think it is a very misguided policy. If I can possibly bring an influence to bear on that policy, I will do so and, hopefully, work with people like Ms McRae to ensure that everybody has access to that kind of opportunity. It is an opportunity which I am very proud to have been able to pursue.

Question resolved in the affirmative.

Assembly adjourned at 6.41 pm until Tuesday, 4 November 1997, at 10.30 am

ANSWERS TO QUESTIONS

QUESTION ON NOTICE 441: Mr Corbell to Mr Humphries - 26 August 1997

Mount Majura Nature Reserve - Mountain Bike Championships

(1) What alternative sites were considered for this event and what was the basis of the decision to hold the event in the Mount Majura Nature Reserve.

Sites at Murrays Hill off the Cotter Road, Mount Stromlo, Black Mountain and Mount Majura were inspected. Several other sites were discussed but were discounted before inspection due to extreme environmental sensitivity or known technical deficiencies. Sites were assessed according to:

- event requirements, for example proximity to population centre and quality of access road to the top of the course;
- potential environmental impact; and
- technical requirements including altitude drop, proportion of trail downhill, total trail distance, mixture of fast and technical sections, area for start infrastructure and large flat open area at finish for championship village and car parking.

Mount Majura has regularly and successfully been used for regional Mountain Bike Championships. The same course was identified for the National Championships apart from a number of diversions off the existing fire trail.

Local community groups and conservation groups including the Conservation Council for Canberra and the South East Region and the National Parks Association and Greens MLAs were consulted and agreed to the running of the event on Mount Majura. A Working Group was established with Conservation Council, Cycling Federation and Environment ACT representatives to oversight the event planning and monitoring, and restoration following the event.

Mount Majura is defined as ‘designated land’, in the National Capital Plan. The National Capital Authority (NCA) was therefore consulted about requirements for works approval and environmental assessment. As works required were only minimal NCA resolved works approval or environmental assessment was not required.

(2) What supervision of the event or other measures were undertaken to ensure the environmental protection of the site.

Within the nature reserve crowd control measures were implemented to keep spectators to existing trails and to exclude spectators from certain areas.

Access to the start of the 'downhill' course (within the nature reserve) was restricted to competitors and officials. Spectator numbers within the reserve area were therefore minimal as they had to walk long distances up steep terrain to reach the section of the course within the reserve.

(3) What work, if any, was done to repair damage to the reserve such as caused by tracks created during the event and what contribution was made by the Australian Mountain Bike Nationals to this repair work.

The section of the course within Mount Majura Nature Reserve was rehabilitated soon after the event. Drainage earthworks and revegetation works including mulching and seeding with native species was carried out, where necessary. Works were carried out by volunteer members of Canberra Off Road Cyclists, with assistance and supervision from ACT Parks and Conservation Service staff.

(4) Was an environmental impact assessment made either prior to or after the event and if so, what were the results of this / these impact statement(s) and any recommendations arising from those processes.

An impact assessment was undertaken to assess the quality of the natural environment in the area of the event within the nature reserve. No rare or uncommon species were found in this area.

An impact assessment was carried out during the event by an expert track monitoring consultant from Tasmanian Parks and Wildlife Service. This study indicated that significant impact occurred during the 1997 'downhill' event. This impact was on those sections of the course off existing trails. The report recommended that one or more permanent downhill mountain bike courses be established in the ACT, that mountain bike activity be minimised on largely undisturbed natural areas and that downhill mountain bike use in the ACT be segregated as far as possible from other recreational activities.

(5) Is it the intention of the ACT Parks and Conservation Service (ACTP&CS) to allow events of this type in the Mount Majura Nature Reserve in the future and if so, what steps will be taken to ensure protection of the reserve.

The mountain bike events for the forthcoming Masters Games in the ACT will utilise a course on Mount Majura which runs through the ACT Forests' pine plantation, but not the Nature Reserve.

The Government is considering the appropriate location for the 1998 National Mountain Bike Championships.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 443

Housing Trust - Aged Persons Units

MS REILLY - asked the Minister for Housing and Family Services - In relation to Aged Persons Units (APUs) -

(1) How many units are available for rental accommodation through ACT Housing.

(2) Can you provide the following details of these properties by suburb:

(a) the location including street address of each property;

(b) the number of APUs per complex;

(c) when the complex was built;

(d) size of individual units; and

(e) the distance from local shops.

(3) How many are currently under construction, and

(a) what is the location including street address of each property;

(b) what is the number of APUs per complex; and

(c) when is the complex due to be completed.

(4) How many are planned to commence for construction in this financial year, and

(a) what is the location including street address of each property;

(b) what is the number of APUs per complex; and

(c) when is the complex due to be completed.

MR STEFANIAK - The answer to the Member's question is as follows:

(1) One thousand one hundred and seven units are available for aged persons' rental accommodation through ACT Housing. Of these units, eight hundred and seventy five are Aged Persons' Units (APUs).

(2) (a), (b), (c) inclusive.

(As attached)

(e)

All ACT Housing APUs are built to ACT Housing Standards, one of which is that APU sites must be no more than 400 metres from a shopping centre.

(3) Thirteen Aged Persons Units are currently under construction.

(a) & (b)

Five APUs are being constructed in Knox Street (Block 7 Section 21) Watson and eight APUs are being constructed in Hardman Street (Blocks 1, 30, 31 Section 52) O'Connor.

(c)

The five units in Watson will be completed in October 1997 and the eight units in O'Connor will be completed in March 1998.

(4) It is planned to commence approximately 31 units this financial year.

(a) and (b)

Sixteen APUs are to be built in Fullagar Cres (Block 26 Section 12) Higgins. Five APUs are to be built in Burdett Cres (Block 6 Section 71) Theodore. Ten APUs are to be built in Nemarang Cres (Block 1 Section 40) Waramanga.

(c)

Handover of these APUs will commence in June 1998 and will be completed by October 1998.

AGED PERSON UNITS

	no. of 1 bedroom units	no. of 1.5 bedroom units	no. of 2 bedroom units	Total	Date Acquired
Ainslie					
Complex A	0	0	4	4	May 1990
Complex B	4	0	2	6	March 1988
Complex C	0	7	0	7	March 1991
Complex D	0	0	3	3	December 1989
Complex E	1	0	5	6	May 1990
Complex F	0	20	0	20	April 1992
Complex G	6	0	2	8	June 1984
Complex H	4	0	2	6	June 1984
Total	15	27	18	60	
Braddon					
Complex A	3	0	2	5	March 1988
Complex B	0	4	0	4	December 1992
Complex C	3	0	4	7	July 1989
Complex D	0	2	2	4	July 1994
Total	6	6	8	20	
Charnwood					
Complex A	6	0	1	7	October 1987
Complex B	0	3	0	3	October 1990
Total	6	3	1	10	
Cook					
Complex A	0	0	5	5	November 1992
Complex B	4	0	12	16	July 1991
Total	4	0	17	21	
Deakin					
Complex A	13	0	4	17	August 1985
Total	13	0	4	17	
Downer					
Complex A	6	0	2	8	June 1986
Total	6	0	2	8	
Duffy					
Complex A	12	0	2	14	August 1986
Total	12	0	2	14	

	no. of 1 bedroom units	no. of 1.5 bedroom units	no. of 2 bedroom units	Total	Date Acquired
Farrer					
Complex A	5	0	1	6	November 1984
Complex B	12	0	4	16	October 1991
Total	17	0	5	22	
Florey					
Complex A	10	0	8	18	September 1989
Total	10	0	8	18	
Forrest					
Complex A	3	0	1	4	August 1986
Complex B	0	2	0	2	August 1992
Complex C	2	0	3	5	August 1989
Total	5	2	4	11	
Garran					
Complex A	6	19(B/S)	0	25	June 1975
Complex B	6	0	9	15	June 1989
Total	12	19	9	40	
Gordon					
Complex A	0	12	0	12	May 1995
Total	0	12	0	12	
Griffith					
Complex A	0	4	2	6	February 1992
Complex B	2	0	3	5	April 1990
Complex C	16	0	2	18	January 1987
Total	18	4	7	29	
Hackett					
Complex A	0	4	0	4	June 1992
Complex B	6	0	1	7	August 1986
Complex C	16	0	4	20	December 1986
Total	22	4	5	31	
Hall					
Complex A	0	3	6	9	December 1996
Total	0	3	6	9	

	no. of 1 bedroom units	no. of 1.5 bedroom units	no. of 2 bedroom units	Total	Date Acquired
Higgins					
Complex A	10	0	4	14	December 1984
Total	10	0	4	14	
Holt					
Complex A	14	0	0	14	March 1984
Complex B	0	4	0	4	November 1992
Total	14	4	0	18	
Hughes					
Complex A	4	0	0	4	July 1967
Total	4	0	0	4	
Kaleen					
Complex A	22	0	8	30	May 1987
Complex B	12	0	3	15	October 1986
Total	34	0	11	45	
Kambah					
Complex A	10	0	10	20	March 1989
Total	10	0	10	20	
Latham					
Complex A	6	0	2	8	June 1986
Total	6	0	2	8	
Lyneham					
Complex A	0	4	1	5	February 1992
Complex B	0	10	0	10	April 1991
Complex C	9	0	8	17	May 1989
Total	9	14	9	32	
Lyons					
Complex A	13	0	0	13	March 1987
Total	13	0	0	13	
Macquarie					
Complex A	9	0	9	18	September 1989
Complex B	10	0	3	13	July 1986
Total	19	0	12	31	

	no. of 1 bedroom units	no. of 1.5 bedroom units	no. of 2 bedroom units	Total	Date Acquired
Mawson					
Complex A	46	0	12	58	September 1987
Total	46	0	12	58	
McKellar					
Complex A	0	9	0	9	May 1993
Total	0	9	0	9	
Narrabundah					
Complex A	0	10	0	10	April 1994
Complex B	0	0	2	2	May 1990
Complex C	0	4	2	6	October 1990
Complex D	1	0	2	3	December 1988
Complex E	6	0	0	6	March 1984
Total	7	14	6	27	
O'Connor					
Complex A	0	0	1	1	February 1993
Complex B	0	3	0	3	February 1993
Complex C	0	7	2	9	July 1992
Complex D	3	1	1	5	February 1992
Total	3	11	4	18	
Page					
Complex A	9	0	2	11	May 1985
Total	9	0	2	11	
Pearce					
Complex A	3	0	2	5	December 1986
Total	3	0	2	5	
Rivett					
Complex A	4	15 (B/S)	0	19	May 1975
Total	4	15	0	19	
Scullin					
Complex A	13	0	5	18	August 1986
Total	13	0	5	18	
Spence					
Complex A	7	0	1	8	October 1987
Total	7	0	1	8	

	no. of l bedroom units	no. of 1.5 bedroom units	no. of 2 bedroom units	Total	Date Acquired
Stirling					
Complex A	4	0	l	5	May 1984
Total	4	0	1	5	
Torrens					
Complex A	9	0	0	9	November 1986
Total	9	0	0	9	
Turner					
Complex A	5	14	0	19	April 1987
Complex B	2	0	l	3	October 1986
Total	7	14	l	22	
Wanniassa					
Complex A	18	0	4	22	July 1986
Complex B	0	4	2	6	July 1992
Complex C	6	0	2	8	June 1985
Total	24	4	8	36	
Waramanga					
Complex A	26	14	3	43	June 1976
Complex B	28	0	10	38	November 1987
Total	54	14	13	81	
Watson					
Complex A	0	10	6	16	June 1992
Complex B	5	0	0	5	June 1984
Total	5	10	6	21	
Yarralumla					
Complex A	6	0	3	9	July 1989
Complex B	2	0	4	6	November 1987
Complex C	5	0	1	6	May 1986
Total	13	0	8	21	
TOTAL APU's	473	189	213	875	

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 445
Meet the Minister Program

MR BERRY - Asked the Chief Minister upon notice on 28 August 1997:

1. How many Meet the Minister clinics have been from 1 December 1996 to 30 June 1997 inclusive, a) by you? and b) by each of the Ministers.

2. Where have they been held?

3. How many staff have been present each time?

4. What was the duration of each clinic?

5. What has the cost been for the time of the room used?

6. What has the total cost of advertising the clinics?

7. How many members of the public have attended each clinic?

8. What issues a) have been raised; and b) how have they been dealt with?

MRS CARNELL - The answer to the Member's question is as follows:

1. The Meet the Minister program commenced in June 1995. Ministers attend monthly sessions. From 1 December 1996 to 30 June 1997 inclusive;
   a) I have held seven (7) sessions; and
   b) Mr Humphries and Mr Stefaniak have held seven (7) sessions each. Prior to his resignation Mr De Domenico held two (2) sessions and since his appointment Mr Kaine has held four (4) sessions.

2. The sessions have been held in community halls, libraries, shopping centres and other public places, throughout Canberra. The session locations are given in Table 1 of Attachment A.

3. From one (1) to three (3) Ministerial Office staff attend the Meet the Minister sessions.

4. Each Meet the Minister session runs for a period of three (3) hours.

5. The amount spent on room hire for Meet the Minister is $558.00. The costs per venue are given at Table 2 of Attachment A.

6. The advertising cost for the Meet the Minister program from 1 December 1996 to 30 June 1997, inclusive, is $7982.28. The advertising costs are set out at Table 3 of Attachment A.

7. The number of members of the public attending Meet the Minister sessions was 209. The details of attendance by members of the public at each Meet the Minister session is given in Table 1 of Attachment A.

8. a) The issues raised are listed at Table 4 of Attachment A.
b) Issues raised are dealt with in the following ways:
- answered at the time;
- acknowledgment letter sent & response prepared;
- arrangement of meeting with departmental officer/s;
- referral to the relevant department for response/action;
- attendance by Minister at community meeting/s;
- referral to the relevant Minister for subsequent referral to the appropriate department; and
- comments noted and referred (relating to program or policy issues)

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Table 4
ISSUES RAISED IN MEETINGS

Subject Area	Issues Raised
Housing	.· Housing for people with disabilities
	.· Purchase of residence
	.· Eviction notice
	.· Removal from ACT Housing waiting list
	.· Request for priority housing
	.· Tenancy Agreement
	.· Repairs and maintenance not undertaken on ACT Housing property
	.· ACT Housing property cleaners were of a low standard
	.· Plants for stairways of Bega Flats
	.· Housing for a Domestic Violence victim
	.· Accommodation for psychiatric patients and homeless childen
	.· Transfer from 2 bedroom to 3 bedroom ACT Housing property
	.· ACT Housing tenant made concerns known to the Minister
	.· Housing market
	.· Complaint about a vacant ACT Housing property
	.· Complaint about a home which is used by a community organisation to help unmarried mothers and is an ante and postnatal facility
	. Complaint about 'rounding up' of rebated rent payments when paying by cheque or electronic funds transfer
	. Priority emergency housing
	.· Request to transfer
	.· Maintenance of ACT Housing dwelling
	.· Complaint re unauthorised occupation of an ACT Housing property
Family Matters	.· Concern re rights of a mother to a fair custody hearing for a child in foster care
	.· Childcare
	.· Adoption
Community Safety	.· Community safety
	.· Safety awareness
	.· Community safety in Narrabundah
	.· Animal nuisance
	.· Policing of school zone speed limits
	.· Dog control
	.· Request for support to National Safety Net
	.· Driver safety
Education	.· Lyons Primary School
	.· School grounds
	.· Teacher unemployment
	.· Recruitment processes for teachers
	.· Teacher transfer following discrimination
	.· Training to assist teachers to detect dyslexia in students and how to treat it
	.· Rules of members of School Boards to be reclassified
	.· Request for a grant or funding for expansion of private music classes
	.· More services for students with special needs
	.· Options for children who don't get along with other students and are not attending school regularly
	.· Request for more emphasis on the three 'R's and fewer excursions
	.· Review of how casual teachers are given contracts
	.· More services for children with special needs, such as ADD
	.· Reading recovery program
	.· Campbell High School rule which allows for punishment of students who do not adhere to school uniform policy
	. Difficulties collating past graduation records from CIT for the purpose of a study due

Subject Area	Issues Raised
	to provisions of the Privacy Act
	. Alternative education
	. CIT
	. Education for people with disabilities
Business	. Hawkers Act
	. Payroll Tax and the effect on small companies
	. Swim school business to close with change of management of the Tuggeranong Leisure Centre
	. Business assistance
	. Business competition
	. Tourism
	. Business development
	. Free Trade Zone
	. Business incentives
	. Professional registration fees
	. Retail tenancies
	. Industrial action
	. Workers compensation
Transport	. Hire cars
	. Complaint re timing of connections of ACTION buses
	. Light rail for the ACT
	. ACTION
	. Very High Speed Train
Health	. Disability Services
	. Syringes
	. Aging
	. Health complaint
	. Kippax Health Centre
	. Euthanasia
	. Health complaint
	. Drug treatment
	. Phamaceuticals
	. Hospital
	. Mental Health
	. Queen Elizabeth 11
	. Home Care
	. Dental Services
	. Medical records
	. Nursing
	. Heroin Trial
Planning	. Yarralumla Brickworks
	. Location of bus stop at Narrabundah shops
	. Objection to proposed John Dedman Parkway
	. Complaints from the Kippax precinct re repairs to street lights and some pavements and not getting services and facilities
	. The National Museum
	. The Cultural Centre
	. Scavenging at landfills
	. Request site for Frisbee Golf
	. Request for information regarding the allocation of this years budget for landcare
	. Requests Kippax Library expansions
	. Concerns over proposed new leisure centre for Belconnen
	. Request for a walkway/bridge in Latham District Park

Subject Area	Issues Raised
	. Comments made regarding the proposals for Manuka . Complaint about street sweeping in the ACT . Request for recycle bins in camp grounds . Traffic control . Roads . Swimming pool . Traffic . Parking for people with disabilities . Planning . Kingston Foreshore
Community Matters	. Accommodation for non-profit community organisation . Grants and funding for community organisations . Accommodation for community groups . Request for community facilities at Kippax . Libraries . Gungahlin club
Sporting Matters	. Olympics . Motorsports Council member spoke to Minister regarding issues about Fairbairn Park
General Matters	. Unemployment . Social Security benefits . Rates . Taxes . Enforcement of Interstate registration transfers . Scavenging at rubbish tip . Complaint re noise levels . Economy . Complaints about selling plants at Trash and Treasure . Licence/registration and road rescue concessions and refunds . Complaint about mountain bike riders on Hackett mountain and some signage problems in Hackett . Uban Services . Postal services . Agents legislation . ACTEW . The Lodge . Consumer Affairs . Tidbinbilla . Immigration . Nara . Enviroment . Multiculturalism . Kangaroos

MINISTER FOR SPORT AND RECREATION
LEGISLATIVE ASSEMBLY QUESTION
Question No 448

Drug Use Prevention Programs

MS MCRAE - Asked the Minister upon notice on 28 August 1997:

For each of the financial years 1995/96, 1996/97 and 1997/98

(1) Can you provide details of any drug use prevention programs (a) administered by your Department; or (b) funded by your department.

(2) Could you provide details of the nature of these programs.

(3) What is (a) the cost of these programs; and (b) the source of the funds.

(4) What is the number of participants that are or were in the program.

(5) What is the length of the program.

(6) Has there been any assessment made of their effectiveness.

MR STEFANIAK - The answer to the Member's question is as follows:

For each of the financial years 1995/96, 1996/97 and 1997/98

(1) (a) The ACT Bureau of Sport, Recreation and Racing (BSR&R) administered three programs related to the prevention of the use of drugs to achieve an artificial advantage in sport (known as doping practices), and to the related issue of the prevention of physical harm from drug usage in sport. These programs are:

i) Sports Drug Education Unit (SDEU);
ii) ACT Academy of Sport Drug Education Policy (ACTAS); and
iii) National Drugs in Sport Framework (NDISF).

(b) The programs stated above were funded by the Department in 1995/96, 1996/97 and 1997/98.

(2) (i) The Sports Drug Education Unit is established by agreement between the BSR&R and the Australian Sports Drug Agency (ASDA). Its aim is to assist the ACT Government

to respond to doping practice issues by providing a professional support service to the local sporting community on matters relating to drugs in sport.

The unit focuses on the development and implementation of drugs in sport education strategies to increase the skills and knowledge of the ACT sporting community generally, and of State Sporting Organisations (SSO's) in particular. It's broad strategies are:

- to provide drugs in sport education to ACTAS, and information to coaches, administrators and medical staff; and
- to assist SSO's to understand the International Olympic Committee list of banned methods and substances.

(ii) A contractual agreement between ACTAS and the athletes supported under its programs requires that each athlete will make every effort to become aware of the doping practices provisions of their sport. To assist in this process ACTAS runs annual drug education sessions for squads and individual athletes, specific to their sports where appropriate.

The sessions are presented by the SDEU and involve education on the various categories of performance enhancing drugs, which drugs and medications are permitted, and which are banned. Each athlete is provided with the latest ASDA Handbook which outlines the restricted and permitted drugs and medications and other information.

(iii) The Sport and Recreation Minister's Council (SRMC) produced a National Drugs in Sport Framework in late 1996 which provides a consistent national approach to the issue of doping practices in sport. The NDISF covers policy development, education and drug testing.

The ACT is currently redeveloping the ACT Government Drugs in Sport Policy, which has been in place since 1990, to reflect the NDISF. This process is being assisted by a community based advisory committee, and drafts of a new policy have been distributed to sporting organisations, and comments received.

(3) The cost of these programs and the source of the funds are as follows:

SDEU

1995/96 $6,511 for office accommodation and resources for the SDEU officer.
(Salaries were paid by ASDA during trial year).

l996/97 $21,087 - office accommodation, resources and partial salaries payment.

1997/98 about $12,000 - agreement with ASDA renegotiated so that SDEU officer will also be taking on national duties to be paid from ASDA sources.

All ACT contributions are from the BSR&R budget allocations. The output class reference for 1996/97 was 2.3 and 2.2 for 1997/98.

ACTAS The cost of providing handbooks (at $5.00 per unit) and other course materials is met from ACTAS general operating funds, and totals approximately $1750 per annum. ASDA provides course presenters without cost to the Academy. The output class reference for 1996/97 was 2.3 and 2.2 for 1997/98.

NIDES There have been no specific costs allocated to the development of the NDISF. This project has been undertaken as part of the regular duties of a BSR&R officer. The ACT is rostered to provide the NDISF Secretariat in 1998, and this is expected to cost in the order of $5,000, to be provided from the Bureau's general 1997/98 and 1998/9 ACT budget allocations. The output class reference in the 1996/97 and 1997/98 is output class 1.1.

(4) **SDEU** The SDEU works with the sporting community generally, however its main emphasis is on developing the skills of all ACT SSO's to provide their own education programs in this area. The SDEU has also worked in the education sector to assist in the presentation of drugs in sport programs to secondary school teachers.

The program is ongoing, and is not targeted at reaching specific numbers, but is intended to eventually have an effect on the entire sporting community.

ACTAS ACTAS provides drug education sessions to some 350 athletes annually.

NDISF The NDISF will be an ongoing program aimed at all ACT sporting organisations and their memberships.

(5) **SDEU** Ongoing

ACTAS Drug education sessions for ACTAS athletes take some 60 to 90 minutes, and are presented to each athlete annually.

NDISF Ongoing

(6) **SDEU** The SDEU provides quarterly activity reports to a joint steering committee. The activities of, and the reactions to the SDEU are considered prior to renegotiating agreements as to the future continuance and extent of the program.

ACTAS The ACTAS drug education program is assessed annually through formal athlete and coach surveys conducted on all aspects of Academy operations.

NDISF The program has not yet been assessed. Assessment will be the role of the rostered secretariat as the program gets under way.

The ultimate assessment of the governments programs are the number of persons using banned performance enhancing substances and methods.

ATTORNEY-GENERAL AND
MINISTER FOR POLICE AND EMERGENCY SERVICES

LEGISLATIVE ASSEMBLY QUESTION NO. 450

Drug Use Prevention Programs

Mr Wood - Asked the Minister for Police and Emergency Services:

For each of the financial years 1995/96, 1996/97 and 1997/98

(1) Can you provide details of any drug use prevention programs (a) administered by your department or (b) funded by your department.

(2) Could you provide details of the nature of these programs.

(3) What is (a) the cost of these programs; and (b) the source of funds.

(4) What is the number of participants that are or were in the program.

(5) What is the length of the program.

(6) Are there any assessment that has been made of their effectiveness.

Mr Humphries -The following answer to Mr Wood's question covers my capacities as both Attorney-General and Minister for Police and Emergency Services.

(1 & 2)
The Australian Federal Police (AFP) employs a full time drug and alcohol co-ordinator who liases with a range of government and non-government organisations on drug prevention issues. In addition, AFP members regularly deliver lectures on drug awareness to organisations actively involved in a drug prevention program such as Family Services Branch, the Alcohol and Drug Service, Neighbourhood Watch and schools.

The AFP is also involved in a number of programs to reduce the harmful effects of both illicit and licit drugs. These include specific law enforcement operations against traffickers and users of illicit drugs as well as programs such as encouraging responsible serving of alcohol, random breath testing and enforcement of occupational loadings of licensed premises which aim to prevent excessive alcohol consumption.

The AFP was recently involved in a workshop aimed at reducing alcohol related harm in and around licensed premises. Other key stakeholders participating in the workshop included the Australian Hotels Association, the Licensed Clubs Association, the Liquor Licensing and Operations Section of the Attorney-General's Department, the National Centre for Education and Training, and the ACT Fire Brigade.

In 1995/96 ACT Corrective Services, funded and, through its Community Corrections unit, administered a drink driving education program which ceased in February 1996. The Service has not administered any other drug prevention program nor are any envisaged.

Since February 1996, ACT Corrective Services have accessed the "Drink Driver Education Program" run by the Alcohol and Drug Foundation of the Australian Capital Territory (ADFACT) for offenders on Community Based Orders. This is an educative and prevention program and is aimed at lasting behavioural change. Although the Program itself does not receive budgetary funding, ACT Corrective Services pays the course costs of those offenders which it directs to undertake the program. These include unemployed drink driving offenders

who are ordered by a court to undertake a Drink Driver Education program and other offenders who are assessed by Corrective Services as being in need of undertaking the program.

The Belconnen Remand Centre (BRC) has also accessed ADFACT's services through the conduct of a Drug and Alcohol Awareness course at BRC.

Alcoholics Anonymous and Narcotics Anonymous, two organisations available to all persons in the community wishing to stop using alcohol and or drugs, also conduct regular meetings at the Centre.

The ACT Intravenous (Drug Users) League (ACTIV League), an education and risk management organisation, has also conducted education sessions at BRC on safer drug usage and minimising the harmful effects.

The ACT Emergency Services Bureau has neither administered nor funded any drug use prevention programs.

(3)
The Australian Federal Police are unable to identify the costs associated with their activities mentioned above. Funds are provided from within normal budgetary allocations.

Staff costs for the drink driving course operated by ACT Corrective Services in 1995/96 were estimated to be in the vicinity of $1,860 - $2,060 per course. Funding for these courses were provided from the general operating expenditure.

The ADFACT Drink Driver Program costs $198 per participant for 11 sessions at $18 per session. Funds are made available from a $5,000 allocation within the ACT Corrective Services budget.

The courses and information sessions provided at the BRC were conducted free of charge to ACT Corrective Services. The ACTIV League, however, receives a Government grant to provide outreach services such as those provided to the BRC.

(4)
The Australian Federal Police are unable to advise of the number of 'participants' for any of the activities they undertake.

An average of 10 participants took part in each of the drink drinking courses conducted by ACT Corrective Services in 1995/96. During 1996/97, ACT Corrective Services sponsored 8 participants on the ADFACT Drink Driver Program.

The number of participants in the information sessions and programs conducted at the BRC varies from 6 to 12.

(5)
AFP programs are ongoing. Actual attendance at lectures varies according to the audience.

The 1995/96 ACT Corrective Services drink driving courses were conducted over a full day and three 2.5 hour sessions. The ADFACT course consists of one 90 minute session per week for 11 weeks.

The ADFACT course conducted at the BRC was a four week course and each week focussed on a different aspect of drug use and changing behaviour.

ACTIV League conducts information sessions and discussions as and when it is required.

(6)

The nature of the AFP activities mentioned above makes them difficult to assess in any formal sense. Nevertheless, management's view is that these activities have proved to be of considerable value.

ACT Corrective Services did not undertake any assessment of the in-house drink driving courses that it conducted in 1995/96. An initial assessment of the ADFACT program was made after the first group of offenders completed the program and it was found to be more than satisfactory. The program is based on a program (still in operation) developed by the Department of Social and Preventative Medicine at the University of Queensland with research funding provided by the Federal Office of Road Safety. The ADFACT program conducts psychometric tests to measure participants' readiness to change drinking/drink driving behaviours and alcohol use prior to and at the completion of the course.

No formal assessments have been conducted on the programs and information sessions conducted at BRC. Detainee movements would make the conduct of such assessments very difficult.

MINISTER FOR SPORT AND RECREATION
LEGISLATIVE ASSEMBLY QUESTION
Question No 461

Woden Park Athletics Facility

MS McRAE - Asked the Minister upon notice on 4 September 1997:

In relation to the athletic track in Woden:

(1) How was the site decided,

(2) How many sites were considered,

(3) How was the final site selected.

MR STEFANIAK - The answer to the Member's question is as follows:

(1) The site for the feasibility study was decided through discussions between officers of the Bureau of Sport, Recreation and Racing and representatives of the ACT Athletics Council, a body representing the various sectors of the local athletics community. Following these discussions, the Athletics Council strongly supported the Woden site.

The main selection criteria were a convenient central location, suitability of the site's layout to meet the needs of athletics users and ease of development of the site for the upgraded facility in terms of engineering, servicing and planning requirements. The possibility of being able to make an early start to the project was also important.

(2) Three main sites were considered in these discussions: the former Holder High School, Deakin West playing fields and the existing athletics field site at Woden Park.

(3) The decision to concentrate on the Woden Park site for a comprehensive feasibility study was based on the fact that this is a central location, already clearly identified as an athletics venue. An earlier preliminary study had shown that all aspects of the required centre could be accommodated on the site, and the Woden site did not present any significant planning or engineering problems in carrying out the upgrading.

Holder was seen as less central and would have presented some planning complications in terms of land classification, traffic movement and the relationship to the former high school's new functions. West Deakin would have required a significant redesign and reconfiguration of the surrounding areas and would also have required planning variations before it could proceed.

The completed feasibility study on the Woden site is expected to be presented to the Bureau on about 8 September 1997, to support a bid for Capital Works Program funding for 1998/99.

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

QUESTION ON NOTICE NUMBER 462

Development Applications

On 4 September 1997, Ms McRae asked the following question of the Minister for the Environment, Land and Planning:

462 **MS McRAE**: To ask the Minister for the Environment, Land and Planning -

(1) Can the Minister provide details of every development application lodged in (a) 1995, (b) 1996 and (c) 1997.

(2) How many of these have been successful.

(3) How long did each application take to process from the time of lodgement to completion.

(4) In each case, can the Minister provide a brief description of what each development entailed.

The answer to the Member's question is:

As I told Ms McRae in the Legislative Assembly on 4 September 1997, the resources required to provide answers to these questions would be so significant that I cannot justify their allocation. This decision is consistent with decisions made by the former Labor Government, on occasions where a requirement to allocate resources to answer a question was so significant that it could not be justified.

I indicated in the Assembly to Ms McRae that I have been advised that the number of development applications and the average time to deal with them for the years requested are as follows:

Year	***Nbr of development applications***	***Average processing time (in working days)***
1995	*960*	*57*
1996	*853*	*38.6*
1997 (to 4/9/97)	*518*	*19.5*

Gary Humphries MLA
Minister for the Environment, Land and Planning

22 SEP 1997

MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 464

Kick Start Housing Assistance Program

MS REILLY - asked the Minister for Housing and Family Services - In relation to the Kickstart Housing Assistance grants.

(1) How many grants have been issued from 1 July 1997 to 31 August 1997.

(2) How many grants were issued in (a) July 1997 and (b) August 1997.

(3) How many grants were arranged by the St George Bank with the subsequent grant cheques being paid in the month of (a) July 1997 and (b) August 1997.

(4) How many grants were arranged by the Advance Bank with the subsequent grant cheques being paid in the month of (a) July 1997 and (b) August 1997.

MR STEFANIAK - The answer to the Member's question is as follows -

(1)		38
(2)	(a)	18
	(b)	20
(3)	(a)	9
	(b)	5
(4)	(a)	9
	(b)	15

MINISTER FOR HOUSING AND FAMILY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 465
Housing Trust - Evictions

Ms Reilly - Asked the Minister for Housing and Family Services -

(1) How many tenants were evicted from ACT Housing properties during the period 1 July 1997 and 31 August 1997

(a) by date;
(b) by reason;
(c) by gender; and
(d) by property type.

(2) How many tenants were issued with 'Notices of intent to quit' from ACT Housing properties during the period 1 July 1997 and 31 August 1997.

Mr Stefaniak - the answer to the Member's question is as follows:

(1)

Court Date	**Warrants Granted**	**Gender (Number of Residents)**	**Reason for Eviction**
22 July 1997	1	Couple with 1 Dependant	All Arrears
29 July 1997	3	2 x Single Male 1 x Single Female	All Arrears
5 August 1997	7	4 x Single Males 1 x Joint Tenancy (1 Single Female, 1 Single Male) 1 x Couple 1 x Single Female with 2 Dependants	All Arrears
12 August 1997	3	1 x Single Female with 1 Dependant 1 x Couple 1 x Joint Tenancy (3 Single Males)	All Arrears

19 August 1997	4	2 x Females with 2 Dependants 1 x Couple 1 x Single Male	3 x Arrears 1 x Non-Arrears (breaches of Tenancy Agreement)
26 August 1997 .	3	1 x Male with 1 Dependant 1 x Single Male 1 x Female with 1 Dependant	All Arrears
TOTAL	**21**	**38**	

(d) ACT Housing's information system does not maintain the information that would allow the question to be answered in respect of property type and consequently the information sought is not readily available.

(2) 88

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 466

Housing Trust Properties - Sales

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

(1) How many properties were sold by ACT Housing from rental accommodation stock for the period 1 June 1997 to 30 June 1997.

(2) Can the Minister provide the following details for each of these properties:

(a) the location including street address;

(b) the dwelling type and size; and

(c) the sale price.

MR STEFANIAK - The answer to the Member's question is as follows:

(1)

A total of 15 houses were sold by ACT Housing from
1 June 1997 to 30 June 1997. The details of these properties are listed below.

(2) (a), (b), & (c) inclusive.

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Sale Price
Rivett	4	3	12 Woollum Crescent	3	House	100.1	$90,000
Richardson	472	12	7 Ames Place	3	House	104.8	$80,000
Ainslie	8	6	23 Corrobboree Park	3	House	95.2	$180,000
Turner	30	6	17 Ridley Street	3	House	124.4	$242,000
Duffy	47	17	23 Mirrool Street	3	House	97.8	$92,000
Narrabundah	49	19	6 Mclntvre Street	3	House	103.8	$135,000
Hall	4	5	1 Gladstone Street	2	House	167.0	$265,000
Turner	53	2	11 Stawell Street	2	House	78.6	$171,000
Hughes	35	29	56 Jensen Street	3	House	92.8	$115,000
Macgregor	97	13	8 Gething Place	3	House	105.9	$75,000
Ainslie	74	11	33 Tyson Street	2	House	69.9	$139,000

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Sale Price
Oxley	25	23	149 Newman-Morris Circuit	3	House	107.3	$90,000
Florey	132	10	14 Dalton Place	3	House	106.8	$105,000
Holt	29	5	9 Cazaly Close	3	House	118.0	$72,000
Kambah	483	22	7 Weavell Place	3	House	104.2	$85,000

All properties sold form part of the overall strategic plan for ACT Housing. All were subject to an independent valuation prior to sale. The sale price was then negotiated.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 467

Housing Trust Properties - Sales

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

(1) How many properties were sold by ACT Housing from rental accommodation stock for the period 1 July 1997 to 31 August 1997.

(2) Can the Minister provide the following details for each of these properties:

(a) the location including street address;

(b) the dwelling type and size; and

(c) the sale price.

MR STEFANIAK - The answer to the Member's question is as follows:

(1)

A total of 40 houses were sold by ACT Housing from
1 July 1997 to 31 August 1997. The details of these properties are listed below.

(2) (a), (b), & (c) inclusive.

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Sale Price
O'Connor	55	9	7 Tate Street	3	House	134.4	$163,000
Yarralumla	11	8	13 Bailey Street	3	House	119.6	$189,000
Kambah	468	13	138 Livingston Avenue	3	House	107.0	$70,000
O'Connor	6	7	20 Boobialla Street	3	House	93.0	$147,000
Watson	27	10	59 Piddington Street	3	House	93.9	$117,000
Griffith	2	14	10 Bougainville Street	1	Flat	51.1	$227,500
Griffith	2	14	8 Bougainville Street	1	Flat	51.1	$227,500
Yarralumla	47	17	12 Francis Street	3	House	102.4	$214,000
Yarralumla	47	4	13 Cambage Street	2	House	84.5	$208,000
Griffith	60	5	46 Captain Cook Cres	3	House	108.2	$231,000
Narrabundah	50	59	38A McKinlay Street	3	House	105.4	$117,000

Suburb	Sec	Blk	Address	No. of Bed's	Dwelling Type	Dwelling Size (m2)	Sale Price
Kambah	465	27	86 Livingston Avenue	3	House	107.0	$70,500
Hughes	9	5	179 Kent Street	3	House	132.4	$105,000
O'Connor	64	3	73 Miller Street	3	House	97.6	$ 128,000
Reid	16	6	57 Coranderrk Street	3	House	136.4	$257,000
Oaks Estate	6	26	27 River Street	3	House	99.8	$66,000
Deakin	19	5	4 Carmichael Street	3	House	108.6	$168,000
Narrabundah	56	42	29 Vaughan Gardens	3	House	128.2	$170,000
Ainslie	42	16	33 Davenport Street	3	House	103.6	$116,000
Charnwood	55	1	2 Yabsley Place	3	House	105.2	$69,500
Dickson	5	27	7 Stockdale Street	3	House	113.3	$127,000
O'Connor	30	18	107 Miller Street	3	House	102.4	$128,000
O'Connor	43	3	8 Verdon Street	3	House	125.5	$174,000
Ainslie	25	22	9 Bonney Street	3	House	134.4	$192,000
Cook	21	1	5 Vickery Street	2	House	94.5	$107,000
Wanniassa	116	4	7 Bolton Place	3	House	103.5	$87,000
Wanniassa	213	58	55 Carr Crescent	3	House	107.3	$75,000
Narrabundah	31	24	47 Warramoo Cres	2	House	84.4	$93,000
Narrabundah	42	3	6 Karloo Street	3	House	102.1	$116,000
Narrabundah	76	17	12 Carnegie Crescent	3	House	98.5	$142,500
Griffith	64	32	9 Walker Crescent	3	House	103.7	$155,500
Lyons	49	2	67 Burnie Street	3	House	106.2	$100,750
Curtin	30	30	87 Theodore Street	3	House	106.8	$115,000
Evatt	102	31	54 Brebner Street	3	House	94.2	$90,000
Wanniassa	261	18	24 Langdon Avenue	3	House	107.1	$74,000
Giralang	74	2	152 Chuculba Cres	6	House	164.4	$122,000
Florey	48	7	52 Ennor Crescent	3	House	111.1	$106,000
McKellar	30	3	6 Grover Crescent	3	House	106.9	$101,000
Wanniassa	174	6	14 Riddell Court	3	House	107.0	$75,000
Chifley	12	10	14 Eggleston Crescent	3	House	102.1	$ 105,000

All properties sold form part of the overall strategic plan for ACT Housing. All were subject to an independent valuation prior to sale. The sale price was then negotiated.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 468

Housing Trust - Purchases

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

(1) How many properties were purchased by ACT Housing from 1 July 1997 to 31 August 1997 for rental accommodation stock.

(2) Can you provide the following details of these properties.

(a) the location including street address of each property.

(b) the dwelling type and size of properties for each property purchased.

(c) the purchase price of each of these properties.

MR STEFANIAK - The answer to the Member's question is as follows:

(1)

Only one property has been purchased between the date of 1 July 1997 and 31 August 1997. The details of this property are listed below.

(2) (a), (b), & (c) inclusive.

Suburb	Sec	Blk	Address	Cladding Type	No. of Bed 's	Dwelling Type	Dwelling Size (m2)	Purchase Price
AINSLIE	29	24	14 SUTTOR ST	RENDERED BRICK	3	HOUSE	105	$177,000

All properties purchased form part of the overall strategic plan for ACT Housing. All were subject to an independent valuation prior to purchase. The purchase price was then negotiated.

All properties purchased fulfilled an identified need within our client group, either by type or location.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 469

Housing Trust - Loan Programs

MS REILLY - asked the Minister for Housing and Family Services - Noting that ACT Housing has been responsible for a number of different home loan programs.

(1) As at 31 August 1997 (a) how many of these home loans does ACT Housing administer; (b) what is the total value of these home loans; and, in relation to the earliest loan issued, what is (i) the commencement date and (ii) the listed date of finalisation.

(2) What is (a) the date of the last home loan issued and (b) the scheduled date of its completion.

(3) For the period between 1 July 1996 and 30 June 1997 (a) how many loans were finalised; and (b) can these figures be provided on a month to month basis.

(4) How many reposessions of mortgagees were undertaken or arranged between 1 July 1996 and 30 June 1997.

MR STEFANIAK - The answer to the Member's question is as follows -

1 (a) As at 31 August, ACT Housing administered 3426 loans.

1 (b) The value of the portfolio is $210.25 million.

(i) The oldest current loan was issued in July 1964.

(ii) The maturity date of the oldest loan is August 2009.

2 (a) The last Commissioner for Housing loan was issued in April 1997.

2 (b) The last Commissioner for Housing loan issued is due to be finalised in May 2022.

3 (a) For the period 1/7/96 to 30/6/97, 590 loans were finalised.

3 (b) Month by month figure for loans finalised 1996/97 financial year are as follows: -

July 1996	85
August 1996	81
September 1996	55
October 1996	51
November 1996	37
December 1996	40
January 1997	50
February 1997	36
March 1997	41
April 1997	38
May 1997	36
June 1997	40

(4) 27 Mortgagee repossessions were executed between 1 July 1996 and 30 June 1997.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 470

Housing Trust - Waiting Lists

Ms Reilly - asked the Minister for Housing and Family Services:

(1) For each of the following household types how many people, who have applied for rental accommodation, are listed on the wait turn list as at 31 August 1997.

(a) elderly singles (55+ years old, without children);

(b) elderly couples (55+ years old, without children);

(c) young singles (16-24 years old);

(d) singles (25-54 years old);

(e) large families (families with children, which require four or more bedrooms);

(f) medium families (families with children, which require three bedrooms);

(g) small families (couples 16-54 years old without children, families with children which require two bedrooms).

(2) As at 31 August 1997, how many people by household type, listed in (1), are listed on:

(a) the transfer list; and

(b) the priority housing list.

(3) For each of the following dwelling types:

(a) 2 bedroom house;

(c) 4 bedroom house;

(d) bedsitter flat;

(e) 1 bedroom flat;

(f) 2 bedroom flat;

(g) 1 bedroom Aged Persons Unit; and

(h) 2 bedroom Aged Persons Unit.

what is the average wait-turn time, by each regional office area, as at 31 August 1997.

(4) By dwelling type, listed in (3), how many ACT Housing dwellings are vacant as at 31 August 1997 in each regional office area and what is the reason for which each property is vacant.

Mr Stefaniak - the answer to the Member's question is as follows:

(1) Housing Waiting List 31 August 1997

Elderly Singles	188
Elderly Couples	66
Young Singles	884
Singles	626
Large Families	68
Medium Families	285
Small Families	835
Groups/ Other	136
TOTAL	**3088**

(2) (a) TransferWaiting List 31 August 1997

Elderly Singles	169
Elderly Couples	47
Young Singles	56
Singles	166
Large Families	45
Medium Families	97
Small Families	261
Groups/ Other	51
TOTAL	**892**

(b) Priority Waiting List 31 August 1997

Housing List	67
Transfer List	44

(Split into household categories not available)

(3) Average Wait Turn Waiting Time (Months) at 31 August 1997

	Belconnen	**City**	**Woden**	**Tuggeranong**
2 bed house	35	61	53	67
3 bed house	18	43	39	41
4 bed house	33	75	60	50
Bedsitter	n.a.	15	2	n.a.
1 bed flat	34	39	60	55
2 bed flat	13	15	2	55
1 bed APU	41	62	53	65
2 bed APU	50	65	80	49

(4) Vacant Tenantable as at 31 August 1997

	Belconnen	City	Woden	Tuggeranong
2 bed house	1	3	3	-
3 bed house	2	7	5	5
4 bed house	1	-	1	-
Bedsitter	-	14	10	-
1 bed flat	-	9	8	-
2 bed flat	2	19	17	-
1 bed APU	1	2	1	-
2 bed APU	-	1	-	-
TOTAL	**7**	**55**	**45**	**5**

Vacant Untenantable* as at 31 August 1997

Reason for Vacancy	Belconnen	City	Woden	Tuggeranong
Awaiting Sale	16	12	14	9
Under Review	9	16	29	13
General Upgrade	2	6	3	-
In Maintenance	43	86	69	24
TOTAL	**70**	**120**	**115**	**46**

* Cannot be categorised by style/bedroom

MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 471

Housing Trust - Purchases and Sales

MS REILLY - asked the Minister for Housing and Family Services - In relation to ACT Housing -

(1) In relation to the purchases of dwellings for the rental housing program:

(a) which ACT Real Estate agent/s were responsible for the purchases;

(b) how did ACT Housing arrange the contract/s for the purchase program;

c) what is the value of the contract/s; and

(d) what is/are the (i) commencement and (ii) completion dates of these contracts.

(2) In relation to the sales program of ACT Housing dwellings:

(a) which ACT Real Estate agent/s were responsible for sales;

(b) how did ACT Housing arrange the contract/s for the sales program;

(c) what is the value of the contract/s; and

(d) what is/are the (i) commencement and (ii) completion dates of these contracts.

MR STEFANIAK - The answer to the Member's question is as follows:

(1) (a) to (d)

ACT Housing does not have contracts with ACT Real Estate agents for the purchase of properties.

(2) (a)

The following ACT Real Estate agents completed property sales on behalf of ACT Housing during the period 1 July 1997 to 31 August 1997.

Agent	No of Sales
Sadil Quinlan	6
Laurrie Scheele	7
Elders	2
LJ Hooker	8
Realty World	3
Raine & Horne	6

There were a total of 8 properties sold to tenants. No agents were used in the sale of these properties.

(2) (b)

In May 1996, ACT Housing called for expressions of interest by advertising in the Canberra Times to establish a panel of Agents to provide marketing services for the sale of ACT Housing properties. ACT Housing's selection committee short listed those who had provided expressions of interest.
Interviews were conducted in June 1996.

Six ACT Real Estate firms were selected as suitable for the panel. Agents are selected from this panel for individual agreements, based upon work load and specific neighbourhood experience.

(2) (c) This information is 'commercial in confidence', therefore I am not able to release it.

(2) (d)

The panel of agents is in place for a period of two years, operating from 1 July 1996 to 30 June 1998.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE 472

Mowing Services - Tuggeranong

Mr Wood - asked the Minister for Urban Services:

(1) What changes have occurred in the organisation of mowing in Tuggeranong in the last year?

(2) What are (a) the relative roles of CityScape and Totalcare and (b) what is the reason for any change?

(3) What other contracts have been undertaken for mowing services outside the public sector and why?

(4) What steps does the Minister intend to take to improve the deteriorating condition of Tuggeranong ovals and restore the top dressing that formerly occurred?

(5) What is the future of the Gowrie Depot?

Mr Kaine - the answer to the member's question is as follows:

(1) There have been no changes in the standards for mowing in Tuggeranong which are based on the Mowing Policy that applies across the Canberra municipal area. Neither have there been changes to the level of service delivery against these standards.

(2) (a) CityScape is the purchaser of services provided by Totalcare. Totalcare is a subcontractor of CityScape's.

(b) CityScape has a commitment to use the services provided by Totalcare under the tied arrangements which currently apply until July 1998. The NCA and the Department of Education recently tendered out the work previously done by CityScape. In competing for the work, CityScape was pleased to include Totalcare in the tender process.

(3) CityScape has not entered into any significant mowing contracts outside the public sector. Historically, however, CityScape has undertaken small mowing services for several non-government schools. These contracts in no way affect the service delivery to the Canberra community and are consistent with CityScape's operation as a commercial provider.

(4) The asset manager of ovals, the Bureau of Sport, Recreation and Racing, advises that sportsgrounds in Tuggeranong, like all grounds across the city, are in the normal condition for the end of a winter season, with a number of them in quite worn condition, others less so. The usual spring restoration program, incorporating topdressing, aerating, oversowing and fertilising, is now under way, with work funded to a comparable level to that of recent years. The program will continue through until

early October and grounds will gradually return to normal during the spring/summer growing period.

(5) Gowrie will continue to be used as a CityScape Depot.

APPENDIX 1: Incorporated in Hansard on 25 September 1997 at page 3261

SPEAKING NOTES

Mr Speaker,

This short Bill has a simple purpose: it is to clarify that the *Statutory Appointments Act 1994* does not apply, and has never been intended to apply, to the appointment of Justices of the Peace in the ACT.

Justices of the Peace were historically appointed by the Crown to be justices for the conservation of the peace and for the execution of other duties both administrative and quasi judicial. While the functions of Justices of the Peace in modern times have been restricted by statute, these office-holders still have an important role in the administration of justice. They assist the courts and the community with some of the basic legal procedures required by the law particularly in relation to the execution of evidentiary documents. Their connection with the courts is signified by provisions of the *Justices of the Peace Act* which require that Justices of the Peace be sworn in by a Supreme Court Judge and that the Court keep a register of Justices of the Peace.

There has been an assumption that, as with other judicial and quasi judicial appointees, the appointments of Justices of the Peace are not subject to the provisions of the *Statutory Appointments Act.* However, while this may be an appropriate assumption in relation to the intention of the Act, the assumption is not supported by a literal reading of the Act.

Without this amendment, the validity of appointments of Justices of the Peace made since the commencement of the *Statutory Appointments Act* in 1994 is open to question. The same uncertainty attaches to the official acts of those Justices of the Peace, and to the validity of documents which they have witnessed. While this uncertainty may be capable of being remedied administratively, it is preferable to amend the *Statutory Appointments Act* to put the matter beyond doubt.

The Bill therefore provides that the Act does not, and is taken never to have, applied to the appointment of Justices of the Peace.

I commend the Bill to the Assembly.

APPENDIX 2: Incorporated in Hansard on 25 September 1997 at page 3261

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

INDEPENDENT PRICING AND REGULATORY COMMISSION BILL 1997

PRESENTATION SPEECH

CIRCULATED BY THE AUTHORITY OF

KATE CARNELL
CHIEF MINISTER

1

Mr Speaker, today I am pleased to introduce the Independent Pricing and Regulatory Commission Bill 1997. This Bill is a significant step towards meeting the Territory's commitments to micro-economic reform.

The Commission is being established at a crucial point in the Government's reform program for Government owned businesses. The legislation also brings the ACT in line with practice in other jurisdictions.

The Commission's core functions will be to promote effective competition in the interests of consumers, to facilitate efficiency and to ensure non-discriminatory access to monopoly and near-monopoly infrastructure.

Key elements of the Bill include the conduct of inquiries, making of reports, determinations and pricing directions as part of the inquiry process.

The Commission, will be accountable to the Minister but independent in relation to pricing directions and access determinations.

The small size and limited resources of the ACT mean that it is economically efficient to place pricing oversight, access and other regulatory functions within a single Commission.

The Commission will have the power to conduct inquiries into any matter referred to it by the Minister, and report to the Minister on any issue that the Commission considers relevant arising from the inquiry.

The Commission will have the power to undertake functions conferred on it by other legislation.

The Commissioner will have a fixed term appointment, but will work on a needs only basis.

The cost of the Commission's operation will be recovered from the industries which it regulates.

It is proposed that in the majority of cases this would be effected through a regulatory fee attached to a licence that allows an entity to operate in the ACT.

The Bill allows for the ACTEW inquiry being undertaken by the Energy and Water Charges Commission to be completed under the new legislation.

Other features of the Bill are the standing powers of the Commission to deal with investigation and arbitration issues affecting regulated industries.

However, only the Minister is able to deem a particular economic activity as a regulated industry for the purpose of the Act.

The penalty provisions for non-compliance with orders of the Commission are a significant element of the Bill.

The unique nature of the industries that the Commission is likely to regulate require the level of penalties recommended. These industries (such as electricity, water, gas and road transport) have a direct and large influence on the general economic well-being of the Territory economy.

The Independent Pricing and Regulatory Commission is a Statutory Authority with regulatory functions. It is a body corporate with the legal capacity of a natural person, however, these powers are limited by the statutory provisions of the Bill.

Like other Statutory Authorities, the Commission will be required to provide an annual report to the Legislative Assembly.

Staff of the Commission will be employed under the Public Sector Management Act and it is proposed that the existing Energy and Water Charges Commissioner will become the Independent Pricing and Regulatory Commissioner until the expiry of his current appointment.

The nature of the Commission and the environment in which it operates are such that it will have a major beneficial impact on the economic development and well-being of the Territory.

Development of the legislation has been undertaken in full consultation with all ACT Government agencies and similar organisations in other jurisdictions.

The Commission will commence its operations on the day on which the Act is notified in the Gazette.

Mr Speaker, I commend to you the Independent Pricing and Regulatory Commission Bill 1997 as one of the most significant legislative initiatives that will not only allow the ACT to meet its commitments under the National Competition Agreement and various COAG agreements but, more importantly, will allow the Government to ensure the ACT economy becomes more competitive and efficient in the national sphere.

APPENDIX 3: Incorporated in Hansard on 25 September 1997 at page 3262

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

INDEPENDENT PRICING AND REGULATORY COMMISSION (CONSEQUENTIAL PROVISIONS) BILL 1997

PRESENTATION SPEECH

CIRCULATED BY THE AUTHORITY OF

KATE CARNELL
CHIEF MINISTER

1

Mr Speaker, I am pleased to introduce the Independent Pricing and Regulatory Commission (Consequential Provisions) Bill 1997. This is a consequential Act on the making of the Independent Pricing and Regulatory Commission Act 1997.

The Bill amends the Energy and Water Charges Act 1988 to allow for the determination of charges in accordance with relevant price directions made under the Independent Pricing and Regulatory Commission Act 1997.

As the Energy and Water (Regulation of Charges) Regulations have been replaced by the new Act, this Bill also repeals those regulations.

APPENDIX 4: Incorporated in Hansard on 25 September 1997 at page 3262

1997

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Financial Institutions (Removal of Discrimination) Bill 1997

PRESENTATION SPEECH

Circulated by the authority of
Kate Carnell MLA
Treasurer

I am pleased to present to the Legislative Assembly the Financial Institutions (Removal of Discrimination) Bill 1997.

Most authorities or activities regulated by ACT legislation can only conduct their banking affairs with banks.

This Bill through a Schedule changes this practice by amending seventeen statutes so that credit unions and building societies can be optional financial institutions for the banking activities of these authorities. A number of ACT Acts have already been amended, in conjunction with changes in other provisions, to give effect to this policy.

The removal of the requirement that ACT regulated bodies conduct their banking affairs only with banks recognises the maturity of credit unions and building societies as members of the financial sector and allows for greater choice and competition in the provision of financial services. By enhancing the opportunity for competition this legislative package is consistent with the recent announcement by the Commonwealth Treasurer in relation the reform of Australia's financial system.

The amendments do not obligate regulated bodies to conduct their banking affairs with credit unions and building societies but simply provide regulated authorities with alternatives for the conduct of their banking affairs.

All jurisdictions, except Victoria, have enacted similar legislation to this Bill.

I commend the Bill to the Assembly.

APPENDIX 5: Incorporated in Hansard on 25 September 1997 at page 3263

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

Drugs of Dependence (Amendment) Bill 1997

PRESENTATION SPEECH

Circulated by authority of
Kate Carnell MLA
Minister for Health and Community Care

The Drugs of Dependence Amendment Bill seeks to amend the Drugs of Dependence Act in relation to the operation of the Act in Class 1 and Class 2 health institutions. These are institutions such as hospitals and the hospice.

Over the years since the introduction of the Drugs of Dependence Act in 1989, staff in hospitals, have found a number of shortcomings which hinder the efficient operation of wards.

A multidisciplinary committee, comprising members of the ACT Nurses Board, the Australian Federal Police, the Government Solicitor's Office, the ACT Chief Pharmacist and Health and Community Care representatives considered a number of changes to the Act that would help workers in health institutions, without diluting the necessary controls over drugs of dependence and prohibited substances.

At present, the Act does not allow nurses in charge of wards to delegate their responsibilities to requisition or supply drugs of dependence.

As nurses often work in difficult and high pressure situations, it is not possible to ensure that the nurse in charge of a ward is always available to perform her or his duties under the Act.

The Bill proposes that this situation be amended to enable the nurse in charge to delegate powers of requisition and supply of drugs of dependence.

In addition, the Act provides no legal protection for doctors, nurses or pharmacists who are required to take possession of drugs of dependence or prohibited substances in the course of their duties. The amendments seek to remedy this situation.

At present, all drugs of dependence, including the residue of a dose, need to be returned to the hospital dispensary for disposal. This places an unnecessary burden on the hospital pharmacy.

The Government accepts that full doses of drugs of dependence should be returned to the hospital dispensary for disposal. However, the residue of a dose should be able to be disposed of at the place of administration, subject to controls such as the presence of a witness.

The amendments will also require withdrawals from ward safes to be recorded in the drug register as they are withdrawn, rather than within 24 hours as is presently the case. This will eliminate the possibility of a difference between the register and the quantity of drugs in the ward safe.

Some minor changes to the forms that are required to be filled in when administering drugs of dependence are also required to effect the proposed amendments.

The amendments are aimed at increasing the flexibility of the operation of the Act without compromising the necessary controls on drugs of dependence and prohibited substances.

APPENDIX 6: Incorporated in Hansard on 25 September 1997 at page 3263

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

PRESENTATION SPEECH

INTOXICATED PERSONS (CARE AND PROTECTION) (AMENDMENT) BILL l997

Circulated by Authority of:

Kate Carnell, MLA
Minister for Health and Community Care

Mr Speaker, this bill introduces amendments which are necessary to re establish a Sobering Up Shelter for the ACT.

The amendments are required to facilitate new arrangements for searches to be conducted of intoxicated persons presenting at a sobering up shelter, prior to their admission to the place.

The impetus to implement such searches arose as a result of a death which, as Members will recall, occurred when an intoxicated person was in the care of a sobering up place formerly operated at Arcadia House.

The Coroner commented, in relation to the incident, that if the ACT was to continue to have such places, consideration must be given to clarifying the powers to search intoxicated persons.

This comment was made in the context of the person having been found, after his death, to have substances on his person which, had they been found when he presented to Arcadia House, would have resulted in medical treatment being sought for him.

An intoxicated person presenting to a licensed place will only be admitted to the care of the place after the person has been searched for items to:

- aid in assessment of the person' s condition (eg presence of potentially dangerous substances on the person);
- prevent harm to the person or other clients or staff of the licensed place (eg removal of potentially dangerous items); and
- enable the property of the person to be secured during his or her stay at the place.

It is intended that a search will only be conducted by a carer at a place where the carer is satisfied, on reasonable grounds, that the intoxicated person does not object to the search being conducted.

Similarly, the property of the searched person should only be retained for "safe keeping" by the place if a carer believes on reasonable grounds that this is not objected to by the intoxicated person.

Referral to the Sobering Up Shelter will be completely open, and will include self referral.

Where the police are the referring agency it is intended that they will advise the intoxicated person prior to transporting them to the Shelter that they will be required to submit to a search by Shelter staff.

Police will continue to conduct "pat down" searches prior to escorting the intoxicated person to the Shelter.

Police escorting clients to the Sobering Up Shelter will remain there until the clients are received and either give consent or decline to be searched.

No intoxicated persons will be admitted to the Shelter unless they have undergone a search by Shelter staff and agree to have items taken for safekeeping.

Likewise, persons with apparent health conditions or who are violent or found to be in possession of prohibited substances and weapons will not be admitted to the Shelter. These individuals will be referred, as appropriate, either to the Police or for medical attention.

Mr Speaker, this bill is the first of a number of steps necessary to establish the new ACT Sobering Up Shelter.

It is the result of a substantial period of consultation with experts in the drug and alcohol, law enforcement and community services fields - largely in the forum of the Sobering Up Shelter Steering Committee which has been considering this matter with great care.

I would like to take this opportunity to thank all representatives that served on the Sobering Up Shelter Steering Committee.

Mr Speaker, I commend the bill to the house.

APPENDIX 7: Incorporated in Hansard on 25 September 1997 at page 3266

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL 1997

PRESENTATION SPEECH

Circulated by authority of
Gary Humphries MLA
Attorney-General

The Births, Deaths and Marriages Registration Bill 1997 is the result of an agreement between States and Territories to have uniform laws about recording births, deaths and marriages. That agreement was reached through the Standing Committee of Attorneys-General. The model legislation agreed on was drafted in consultation with Registrars from all States and Territories and has now been introduced in Victoria, New South Wales, the Northern Territory, South Australia and Western Australia.

Mobility of the Australian population means that many people are in the position of living in a State or Territory other than the one in which they were born or married. Families may have children born in 2 or 3 different jurisdictions. The ACT community is particularly affected by this mobility. Distance and differences in the law can cause problems for people who have to obtain documents such as marriage or birth certificates from interstate. The aim of the uniform laws is to ensure that recording of births, deaths and marriages information is treated similarly across Australia.

Another effect of the uniform laws will be that States and Territories will be able to enter agreements for births, deaths and marriages Registrars to act as agents for each other. When those agreements are put in place it will be possible to obtain interstate certificates through the local Registry.

The uniform legislation carries with it a uniform policy for access to information kept in the Register. This means that decisions about requests for searches of the Registers will be assessed against the same criteria in each of the States and Territories. The uniform policy will provide the public with consistent administration and will make interstate agency agreements workable. This access policy will be available from the Births, Deaths and Marriages Registry on request.

The Bill repeals the *Registration of Births, Deaths and Marriages Act 1963* and replaces it with new provisions based on the model bill. It retains the traditional framework of compulsory civil registration but adopts a more flexible approach to changing social needs. For example, the current restrictions on the surname which may be given to a child will no longer apply. Those restrictions are based on social conventions which are not applicable to all cultures and in fact are contrary to naming conventions of some ethnic groups. The new provisions will allow greater flexibility as the only restriction on names is that they are not prohibited names.

The concept of prohibited names has been introduced as part of the uniform law to exclude names which are obscene or offensive, are impractical to establish by usage or include an official title or rank.

Provisions in this Bill make it clear that there can be access to information in the Register for general purposes such as the collection of statistics. To balance that, there are specific provisions for protecting the privacy of those whose records are in the Register.

Another aspect of this Bill is that it opens the way for the use of new technology in the operation of the Register of Births, Deaths and Marriages. It contemplates both the use of computers and new methods of data storage which may be practical to use in the future.

This Bill includes a comprehensive scheme for changing the name of an adult or a child. Unlike the old Act it requires a child who is 14 or older to consent to his or her name being changed. Although the existing right of an adult to change his or her name by common usage will continue, the power of a parent to sign and register a deed poll on behalf of a child will be removed. This will mean that parents wishing to change the name of a child will have to go through the

process in this Bill which provides for both parents and the child (if he or she is 14) to have an input into the decision.

In relation to registration of births this Bill gives equal responsibility to both parents and does not discriminate between mothers and fathers. It extends the time for registration of a birth from 28 days to 60. Out-dated legitimation provisions and discriminatory provisions regarding acknowledgment of paternity are replaced by provisions allowing the addition of parentage information to a birth record after registration.

Requirements for notification of disposal of human remains are streamlined by this Bill and duplication of *Coroner's Act* provisions is removed.

An important feature of this Bill is the part dealing with legal recognition of gender reassignment. The provisions are based on those in the New South Wales *Births, Deaths and Marriages Act 1995*. A person who has undergone gender reassignment surgery will be able to apply to have his or her birth record altered to show the new sex. Any birth certificates issued after that will show the new sex only. The new birth certificate will be conclusive evidence for the purposes of ACT law that the person is of the gender shown in it.

The Bill will allow the ACT to accept certificates about change of sex from other jurisdictions which legally recognise gender reassignment.

There is also provision to allow children of persons who have had gender reassignment surgery to have access to their parent's original birth record.

These provisions will remove the existing barriers to full recognition of the new identity of post-operative transsexuals within the ACT. The ACT *Discrimination Act* already makes it unlawful to discriminate on the grounds of transsexuallity.

Consequential amendments to the *Wills Act* will prevent a person from losing entitlements to a deceased estate simply because of a change of gender.

This Bill will bring the ACT law on registration of births, deaths and marriages up to date and into conformity with the model agreed to by all States and Territories. It will also allow full legal recognition of gender reassignment.

I commend the Bill to the Assembly.

APPENDIX 8: Incorporated in Hansard on 25 September 1997 at page 3267

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (CONSEQUENTIAL PROVISIONS) BILL 1997

PRESENTATION SPEECH

Circulated by authority of
Gary Humphries MLA
Attorney-General

This Bill is part of the package of legislation to bring the ACT into the uniform scheme of legislation on registration of births deaths and marriages which has been agreed between the States and Territories.

It contains amendments to a number of Acts. The amendments are required as a consequence of the changes made by the Births, Deaths and Marriages Registration Bill 1997. Most of the amendments are to ensure that cross references will be correct when the Births, Deaths and Marriages Registration Bill 1997 commences.

The only substantive amendment is to the *Registration of Deeds Act 1957*. That Act is amended to prevent the registration of deeds poll which relate to persons under the age of 18. Without that amendment it is possible for a parent to execute a deed poll on behalf of a child to change the name of the child. The deed poll can then be registered under this Act and an appearance of official acceptance given to the change of name.

This device has been used by parents both from the ACT and from interstate to make unilateral decisions about the name to be used by a child. Using this method there is no requirement for consultation between parents or with the child concerned. The Births, Deaths and Marriages Registration Bill 1997 provides a complete scheme for registration of name changes for both adults and children. Where children are concerned there is a requirement for agreement between the parents with provision for application to the Supreme Court if agreement cannot be reached. There is also a requirement for the consent of older children.

This scheme is part of the uniform legislation adopted by all the States and Territories. It is appropriate the alternative methods of registering a changed name for a child are removed. In this way the balanced approach provided by the

Births, Deaths and Marriages Registration Bill is supported and the uniform scheme of legislation is strengthened.

I commend this Bill to the Assembly.

APPENDIX 9: Incorporated in Hansard on 25 September 1997 at page 3267

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

WILLS (AMENDMENT) BILL 1997

PRESENTATION SPEECH

Circulated by authority of
Gary Humphries MLA
Attorney-General

The Births, Deaths and Marriages Registration Bill 1997 contains provisions to recognise that a person can change his or her sex by undergoing sex reassignment surgery. A person who has done so can have his or her record of birth altered to show the new sex and will then be treated as a person of that sex under ACT law.

The Wills (Amendment) Bill 1997 makes an amendment to the *Wills Act 1968* to clarify the position of transsexual persons and ensure that they are not unfairly treated as a result of having sex reassignment surgery. The amendment deals with the situation where a will refers to the sex of a person or class of persons. If a person included in that reference has sex reassignment surgery in the time between the making of the will and the death of the testator then the person is to be treated as still being of the sex he or she was when the will was made.

The will is therefore able to be interpreted in the context of the testator's understanding of the sex of the transsexual person at the time when the will was being made. This provision will work to remove confusion and will prevent unintended disadvantage to transsexual persons.

The provision will not override contrary intentions of the testator which are set out in the will or which may be considered by a court under other provisions of the *Wills Act*.

I commend this Bill to the Assembly.

APPENDIX 10: Incorporated in Hansard on 25 September 1997 at page 3267

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

WATER RESOURCES BILL 1997

PRESENTATION SPEECH

Circulated by authority of

Gary Humphries MLA
Minister for the Environment,
Land and Planning

Water Resources Bill 1997

Mr Speaker, the Water Resources Bill 1997 provides for the effective management of the Territory's water resources and related matters.

In comparison with the states and territories, the ACT has few natural resources. The Territory's water resources are among our most significant. They are vital for the health and well being of the community, they are an integral and valued part of our natural landscape, and they are absolutely critical to the future economic development of the Territory. The Government is therefore committed to water resources management which maximises the overall returns to the community while maintaining their ecological values.

Through the Water Resources Bill, the Government intends to ensure:

- first, that the use of the Territory's water resources sustains the physical, economic and social well being of the people of the Territory;

- secondly, that the management of the Territory's water resources is undertaken in such a way to protect the ecological health of ACT waterways and aquifers; and

- thirdly, that the Territory's water resources are able to meet the reasonably foreseeable needs of future generations.

The ACT is the only state or territory which has no means of actively managing its water resources to provide for a system of water

allocations or entitlements. In the past this was not recognised as a problem as there has been little difficulty in meeting demand for water from available supplies, particularly in times when subsidies for dam building were readily available.

Of particular relevance in this context are the following factors:

- first, direct extraction by private individuals, businesses and organisations from ACT waterways and groundwater has been increasing rapidly in recent years;

- secondly, there is an increasing need to ensure that appropriate environmental flows are maintained in ACT waterways;

- thirdly, as direct extraction increases there is an increasing risk of conflict arising between neighbours over access to available water resources;

- fourth, a mechanism is needed by which significant water using businesses can secure the necessary water resources without compromising environmental requirements; and

- finally, the ACT's water resources are a finite and valuable resource, the use of which has environmental costs. There is, therefore, a need to ensure that environmental impacts are limited and that the community receives a fair return on the use of their water resources.

For these reasons the Government became party to the Council of Australian Governments' water reforms in April 1995. Amongst other things, the reforms require the implementation of comprehensive water allocation and licensing arrangements and the formal provision of environmental flows. Adequate progress in these reforms is also a condition for receipt of Competition Payments from the Commonwealth.

The Water Resources Bill, Mr Speaker, will provide the capacity for the Government to put in place sound water resource management practices and to comply with the Territory's commitment to Council of Australian Governments' water reforms.

I must emphasis that development of legislation is only the first step in improving the management of our water resources. Once the legislation is in place necessary information can be collected and then actual water allocation arrangements will be developed in consultation with stakeholders.

Some of the major elements of the Bill are worth noting.

Most significantly, the Bill requires the formal determination of environmental flow guidelines. It also requires that the Territory's water resources be managed to ensure compliance with the guidelines. It is intended that the environmental flow guidelines developed under the Territory Plan will be used. Members will be aware that these have recently been considered by the Planning and Environment Committee.

The Bill will make it an offence to take water from an ACT waterway or from groundwater without a licence. Exceptions will include the taking of water from waterways for domestic purposes, drinking water for stock, domestic gardens on land adjacent to waterways, and for fire control.

Where a licence is required, licence conditions will take account of the physical constraints of catchments, ensure the maintenance of environmental flows, and minimise conflicts between authorised users.

A requirement for licences to take water from waterways will be the possession of a water allocation. A water allocation will be able to be obtained from the Environment Management Authority, if unallocated water is available, or from an existing user. In order to obtain an allocation, it will not be necessary to hold a licence. The holder of an allocation may wish, for example, to sell it. However, for an allocation-holder to use that allocation, he or she will need a licence.

This approach is consistent with the Council of Australian Governments' water reforms being pursued in all states and territories. The separation of water allocations from land title will enable the establishment of a market in water. This will encourage a more efficient use of available water resources and the movement of water to higher value-uses.

It is also necessary to introduce controls over the drilling of groundwater bores in the ACT. Such drilling has the capacity to degrade groundwater resources. Also, drillers are often the major source of information necessary for the sustainable management of groundwater resources. There is a need to ensure the competency and performance of people

who are drilling bores in the ACT and to ensure that the necessary information on the bores drilled is provided. This will be achieved through the licensing of drillers.

In regard to obtaining information there are several matters which need to be noted. While ACT Government agencies have maintained a reasonable water monitoring network in relation to the assessment of surface water resources, information on groundwater resources is poor, as is information on water use generally, apart from that harvested by ACTEW Corporation.

For effective management of ACT water resources, it is essential that Government has sound information on both groundwater and surface water resources, their use and their inter-relation. Information particularly on the number and location of bores, bore water quality and use, and quantity available is urgently needed. Under current legislative arrangements the collection of such information is impracticable. However, the collection of data will be addressed as soon as this legislation is in place as is clear by the transitional arrangements.

While the Bill's primary purpose is the sound management of the Territory's water resources, the way water resources are managed potentially has serious environmental impacts. The management of the Territory's water will therefore be the responsibility of the Environment Management Authority established by the *Environment Protection Bill 1997*.

This Bill, Mr Speaker, is a good example of how to integrate the consideration of environmental and economic concerns in order to achieve the best possible overall outcomes for the community. Not only does it provide security and certainty for business investment, but it also promotes the efficient use and re-use of a valuable and limited natural resource while ensuring protection of the resource and associated values.

It is important to note that this Bill is only the first step in moving towards sound water resource management in the Territory. It establishes the capacity for the Government to act on this matter. However, there is a long way to go in developing water allocation and licensing arrangements and any associated charges which will be done through a program of community consultation. Existing users will be issued with allocations reflecting their current usage. The transitional arrangements provide a period of twelve months during which licences will be issued.

Through this legislation we will for the first time be able to effectively manage our water resources to ensure that the health of our waterways is protected and to ensure the maintenance of the community's physical, economic and social well being.

APPENDIX 11: Incorporated in Hansard on 25 September 1997 at page 3268

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELECTRICITY SUPPLY BILL 1997

PRESENTATION SPEECH

Circulated by the authority of
Trevor T Kaine MLA
Minister for Urban Services

Mr Speaker, when I introduced the Electricity (National Scheme) Bill into the Assembly I foreshadowed that I would be bringing forward further legislation providing for a second major reform of electricity supply in the ACT.

As Members will recall, the Electricity (National Scheme) Bill provided for a National Electricity Market - consistent national wholesale arrangements for supply of electricity from generators down to retailers.

The Electricity Supply Bill 1997, and the Electricity Supply (Consequential and Transitional Provisions) Bill 1997 which I shall shortly introduce, complete the process of reform.

The Electricity Supply Bill brings the benefits of competition down to the level of consumers. Its focus is to facilitate the introduction of competition in electricity retailing in the ACT - in other words, moving towards a situation in which customers will be able to choose their electricity retailer in much the same way as they now can choose their phone company.

The Bill provides for the entry of new retailers into the ACT and the gradual declaration of groups of customers as “non-franchise”.

This term, I am told, is now one with which we will become increasingly familiar. “Franchised” customers are those who are still “tied” to one retailer. “Non-franchise” customers are those who are not included in this retailer’s “franchise” area.

The national electricity reform agreements require that customers have the right to choose their own retailers. The Council of Australian Governments also agreed that there should be no discriminatory barriers set up by States and Territories to entry of new retailers. The Council, however, agreed that this competition reform should be handled at the state and Territory level rather than through national legislation.

Members are no doubt aware that the reform is now well underway in both Victoria and NSW. Victoria is now moving to a situation in which about half the total energy is supplied to customers who have been given the freedom to choose their own retailer. NSW will have caught up with Victoria by July 1998. The South Australian and the Queensland Governments have announced that they will start opening up their retail markets in 1998.

The Electricity Supply Bill provides a regulatory framework to facilitate a similar transition in the ACT - a transition from ACTEW Corporation's de facto monopoly status to a situation in which there are many electricity retailers operating in the ACT so customers can choose their preferred retailer.

In introducing the National Market legislation, I commented that we are, paradoxically, not talking about "deregulation" in the ACT. The same is true for the Electricity Supply Bill. The fact is that the ACT has regulatory arrangements for electricity retailing that are minimal compared with those of those of other jurisdictions - even those in place long before competition was thought of.

Our regulatory arrangements are totally unsatisfactory for competition in electricity retailing. They do not provide for the many electricity retailers that might want to do business in the ACT. There is a clear assumption throughout the Energy and Water Act that ACTEW is the only supplier. The present arrangements therefore provide no consumer assurances about the quality of supply from any other retailers.

Let me now turn to the principal features of the legislation.

There are two points that must be made first of all.

The first point is that it is necessary to make a clear distinction between the two parts of the electricity supply industry in the ACT. ACTEW's electricity

business, as with Great Southern's or the business of any of the Victorian providers, falls into two parts: operating a distribution system for electricity - a wires or "transportation" system - and retailing of electricity.

The scheme being adopted Australia-wide is that there will be vigorous competition in retailing. The retailers will "transport" their power, to use a layperson's expression, through the existing wires networks. Unlike the telecommunications debacle, the electricity reform framework does not envisage duplicating any existing networks. Because "transportation" will remain a monopoly function, charges for the use of the wires will be regulated permanently.

The second point that I would like to highlight before commenting on the detailed provisions of the legislation, is that a conscious attempt has been made to mirror the NSW regulatory regime in our legislation to the maximum extent sensible.

There are several compelling reasons for adopting this approach.

ACTEW's distribution system is an integral part of the overall NSW power system. Power to the Territory comes via transmission lines under the control of NSW and regulated, at present, by NSW legislation. For its energy purchasing, ACTEW is participating in the NSW wholesale electricity market. Until the National Electricity Market starts, there is no option but for other retailers to buy their ACT power under the same arrangements.

The NSW regulatory framework is up-to-date, passed by the NSW Parliament in 1995. It was specifically designed to address the transition to retail competition in that state and to complement the future National Electricity Market. The NSW framework recognises that retail competition is a tool towards innovation in environmental protection and customer service. It is a

regulatory framework that is now well understood by retailers and by large businesses.

Adoption of a regulatory scheme similar to that in NSW will also avoid the possibility of perceived barriers to entry in the small ACT market. It will reduce regulatory compliance costs for retailers that would otherwise need to be factored into ACT customers' energy bills. It also goes some way to addressing the concern expressed by the Australian Competition and Consumer Commission about development of inconsistent electricity retail schemes in different states - inconsistencies which the Commission has identified as undesirable and possible barriers to competition.

I now turn to specific features of the Bill.

The first is distributor licensing. As I have noted, there is no intention to introduce competition into the distribution sector at this stage. ACTEW's status as the owner of a distribution system, therefore, will not change.

The Bill does not purport to provide a full regulatory framework for distributors. The provisions introduced in this Bill are basically those provisions of the NSW framework necessary to facilitate retail competition.

The Bill introduces an explicit right for customers to be connected to the distribution network. It introduces distributor licences and requires that a licensed distributor convey electricity for licensed retailers only.

In relation to retailer licensing, ACTEW, together with its subsidiary ACTEW Energy, will be deemed to hold a retailer licence in the ACT. This arrangement is consistent with the practice adopted in NSW and Victoria.

Licensing of new retailers in the ACT, however, represents a significant departure from the approach taken elsewhere in Australia. Such retailers will be licensed on application if they are already licensed in NSW.

This approach will drastically simplify the regulatory scheme. It makes a very clear statement that the ACT is doing what it can to avoid barriers to entry of new players. It keeps costs down for Governments and business. It is consistent with the ACCC's recent comments on the possible barriers to entry represented to inconsistent licensing regimes.

Because NSW licences are only granted on the basis of tough prudential requirements and a statutory consultation process, ACT customers can have confidence in the viability of the new retailers. Members should also note that all the principal electricity retailers in Australia currently hold NSW licences.

And who are these new retailers likely to be? They include retailers that are household words in electricity in other parts of Australia - retailers such as ETSA from South Australia, Integral Energy from western Sydney and Citipower from central Melbourne. They also include retailers who have no "tied" electricity customers anywhere in Australia such as Boral Energy and AGL. They include private sector electricity businesses and those owned by State Governments.

Consistent with NSW, the Bill provides for a scheme of conditions on retailer licences. There are certain conditions that must be imposed on licences.

The Bill provides that the ACT will impose the conditions, not NSW, even though we envisage that the types of conditions will be very similar to those now in force in NSW.

I would like to highlight the environmental conditions that the Bill imposes on ACT retail licence holders:

- a requirement for the retailers to develop strategies to reduce greenhouse emissions

- a requirement to audit the effectiveness of these strategies;

- a requirement to develop plans on energy efficiency and demand management and strategies for buying energy from sustainable sources.

Mr Speaker, in deciding to take the same path as NSW on environmental licence conditions, the Government was fully conscious that the right balance must be struck between the benefits that can be achieved by explicit regulation and the benefits that we expect to flow from market competition. We also need to ensure that conditions are not implemented in such a way as to impose entry costs to interstate retailers operating in the ACT that will cause them not to apply for licences or maintain their licences.

That is why we intend that implementation of the mandatory conditions will follow the same path as NSW - following proper consultation with relevant parties. The experience of NSW will be invaluable.

A further key feature of the Bill is the replacement of the current arrangements under which customers are supplied under ACTEW's Standard Conditions of Supply or under negotiated arrangements with the company.

The Bill brings forward a framework of customer contracts - with a clear separation between connection contracts and retail supply contracts.

There will be standard form customer connection contracts developed by the distributor to cover general connection arrangements.

There will be "standard form" contracts and "negotiated" contracts.

Standard form customer supply contracts will cover ACTEW's retail supply to its "franchise" customers. The Bill sets out, in considerably more detail than is presently contained in the Energy and Water Act, the requirements for such basic supply arrangements. As at present, negotiated contracts will be possible when the customer and the licence holder agree.

"Non-franchise" retail customers, whether of ACTEW or any other licensed retailer, will obtain supply by way of negotiated supply contracts.

Mr Speaker, the Bill clarifies a number of contentious issues, provides for the maintenance and enhancement of consumer rights in the new era of competition, and sets out a number of principles often assumed but never before enshrined in legislation.

The Bill, as I noted earlier, provides for a right of connection to the distribution system. It also sets out in a clear way the requirements that the distributor may impose on a customer for a new connection. It makes explicit the right of retail supply from ACTEW to all customers who wish it - although there is no implication that a Government Department is entitled to ACTEW's low domestic charges! It provides that ACTEW's current policy that prohibits landlords from "on-selling" electricity to their tenants at high rates will continue whoever the retailer may be.

It is very clear from the experience in other jurisdictions that competition in retail supply has resulted in significant benefits for business. Most business have achieved real price reductions. Keen energy pricing has been one reason behind this. Tough regulation of monopoly wires businesses has also helped - but this flows through to all customers. Another contributor has been the growth of energy advisory services by retailers. No matter how cheap the price of power may be, it is still cheaper not to use unnecessary power.

A very fair question, however, that may be raised about this Bill, and about retail competition in general, is the effect that it will have on small customers.

Regulated electricity pricing for customers who remain “franchise” customers is not altered by the provisions of this Bill. The Bill makes no alteration to community service obligations such as pensioner concessions or to the operations of the Essential Services Review Committee.

The Bill does mean that the pressure that has been placed on ACTEW over the past decade to wind back the unfair subsidies previously paid to domestic customers in the ACT by business customers will be maintained.

The fact is, however, is that unjustifiably high charges for business customers are effectively a tax on business development and a tax on jobs. They do not merely penalise non-residential customers. They work against all Canberrans. Fair electricity pricing for Canberra business is essential if this city is to prosper.

The right to choose one’s own retailer will be introduced step- by-step. I issued a timetable for community and business consultation at the end of 1996. This envisaged a start to competition in October 1997 for a few of our very largest electricity customers and then a rapid move to catch up with NSW and Victoria and allow all customers who pay more than about $20,000 a year on electricity to choose their own retailer from July 1998. Although it is now necessary to start on our program slightly later than expected - not before December 1997 - the rest of the timetable is unchanged.

As in NSW, customers who become eligible will be given a full year to consider their options.

The Government’s final decision about extending competition down to customers who pay less than around $20,000 a year has not been made and will

only be made following discussion with other jurisdictions. While the earliest possible date is mid-l999, the date given in the current NSW timetable, our policy is that we would want to be sure that the benefits of competition outweigh the costs for small customers.

The Government, however, is determined that competition start in the ACT in 1997 so that the benefits of competition can flow as quickly as possible. The provisions of the Electricity Supply Bill, that I have just outlined, will achieve this major reform.

APPENDIX 12: Incorporated in Hansard on 25 September 1997 at page 3268

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

ELECTRICITY SUPPLY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1997

PRESENTATION SPEECH

Circulated by the authority of
Trevor T Kaine MLA
Minister for Urban Services

The Electricity Supply (Transitional Provisions) Bill provides for a number of transitional provisions and amendments to the Energy and Water Act.

The Bill provides for the deeming of certain parties to be licensed as retailers and or distributors. These include ACTEW Corporation and its energy supply subsidiary ACTEW Energy. The Bill also tidies up the issue of Great Southern Energy's electricity supply role in the ACT by deeming that Great Southern is licensed in relation to its small distribution and retailing business in certain rural areas.

Given that the new framework of customer connection and customer supply contracts will take some time to finalise, the Bill provides for the maintenance of existing conditions for ACTEW's existing customers and for customers who sign up with ACTEW following the enactment of the Bill.

The Bill also provides for continuation of electricity supply arrangements entered into by ACTEW before the commencement date of the Electricity Supply Act.

It also contains consequential amendments to sections 50 and 51 of the Energy and Water Act. These amendments recognise the new era of retail competition and multiple retailers and the new regime of standard and form negotiated customer contracts that will replace ACTEW's Standard Conditions of Supply and special arrangements negotiated between ACTEW and its clients.

APPENDIX 13: Incorporated in Hansard on 25 September 1997 at page 3269

1997

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

CHILDREN'S SERVICES (AMENDMENT) BILL 1997

PRESENTATION SPEECH

Circulated by authority of
Mr Bill Stefaniak MLA
Minister for Education and Training

Mr Speaker, Members will be aware that a major review of the Children's Services Act is in train with a public discussion paper released on 8 August 1997. Extensive community consultation will be undertaken as part of the review. In fact, a full six months has been set aside for that consultation.

However, a number of incidents have occurred concerning detainees at Quamby, which necessitate amendments prior to the completion of this review process. These amendments relate to the transfer of young offenders to other institutions under the Children's Services Act 1986 and the sentencing of offenders under the Crimes Act 1900.

Transfer Provisions

I would like to present, Mr Speaker, an outline of these amendments and an explanation of the issues for the information of Members.

Amending the Children's Services Act would enable the Director of Family Services to approve the transfer of a person from one institution to another, including to an interstate institution. Similar legislative provisions, dating from December 1996, enable the Administrator of the Belconnen Remand Centre to transfer an adult detainee to a NSW adult institution.

Members should note that the transfer process has previously been achieved by court order, and that the option of effecting transfers by court-ordered variation to existing orders will remain open.

The proposed amendment will have a number of benefits. It will allow detainees and persons responsible for them to apply for a transfer to be closer to their families, thus increasing their chances of rehabilitation. It will allow the very small number of detainees with particular medical, safety, health or welfare needs to have access to the wider range of programs available in the NSW juvenile justice system.

It will also allow the Director, Family Services to transfer a detainee on the Director's own motion, where the Director has reasonable grounds to believe that the behaviour of the transferee places at risk the safety of the staff or of other detainees in an institution. This will greatly reduce the requirement to transfer a high security risk young offender to the Belconnen Remand Centre which is, at present, the only other secure facility in the ACT suitable for such offenders.

It is proposed, Mr Speaker, that the Belconnen Remand Centre may still be used for short periods of time to house juvenile offenders waiting for transfer to a NSW Institution. In this situation the Director, Family Services and the Director, Corrective Services will both have to approve the arrangement.

As I have said, the number of such young people will be small, but the fact remains, Mr Speaker, that the single ACT juvenile detention facility is unable to cope with the range of issues presented by the behaviour of some young offenders.

By way of contrast, NSW has nine juvenile detention centres with a range of security levels and treatment options. In that jurisdiction the Director of Juvenile Justice is able to match the proper placement of young offenders taking into account the particular qualities of the institution, the needs of the young offender and the well being of the other inmates.

In some instances the complex needs of particular young offenders exceed the capacity of our single institution to guarantee their safety and well being and the safety and well being of other inmates.

Recommendation 168 of the Royal Commission in Aboriginal Deaths in Custody will also be a consideration in the decision to transfer young people serving a custodial order.

The Recommendation indicates that "where possible, an Aboriginal prisoner should be placed in an institution as close as possible to the place of residence of his or her family".

Mr Speaker, further essential changes to services for young people in detention will be explored in the context of the Children's Services Act Review.

Monitoring and Review

The Bill provides for independent scrutiny of any transfer directions made by the Director.

Mr Speaker, the Assembly Standing Committee on Legal Affairs, the Community Advocate and the Chief Magistrate will be informed of every transfer occurring under these provisions. There are similar requirements for the notification of the Standing Committee, via the Attorney General, where an adult remandee is transferred from the Remand Centre to a NSW gaol.

Crimes Act amendment

An amendment to the Crimes Act is presented separately but concurrently with these amendments to the Children's Services Act. That amendment also serves to facilitate the administration of juvenile justice in this Territory by giving courts express power to deal with outstanding sentences of juvenile offenders whose subsequent sentences for adult crimes bring them into contact with adult offenders.

Report by Official Visitor

At present, Mr Speaker, the reporting arrangements for the Official Visitor appointed under the Children's Services Act 1986 do not conform with the annual reporting requirements of other government agencies.

Sub-sections 19B (5) and (6) of the Act have been deleted to make the annual reporting provision for the Official Visitor consistent. This means the Official Visitor will report to the Minister in accordance with the Annual Reports (Government Agencies) Act 1995 and the Official Visitor's Report will be tabled with the Department's Annual Report.

These amendments are proposed Mr Speaker, for a more efficient operation of the ACT's juvenile justice system, and for the well being of the young offenders themselves.

They will eliminate a number of long-standing problems experienced at Quamby and elsewhere, and allow for the provision of appropriate and timely custody arrangements for these young people.

I commend the Children's Services (Amendment) Bill 1997 to the Assembly.

ends.

APPENDIX 14: Incorporated in Hansard on 25 September 1997 at page 3269

1997

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) BILL (No. 5) 1997

PRESENTATION SPEECH

Circulated by authority of
Mr Bill Stefaniak MLA
Minister for Education and Training

Mr Speaker, as I have mentioned in the introduction to Members of the Children's Services (Amendment) Bill 1997, an amendment to the Crimes Act 1900 is also required. I am introducing this amendment on behalf of the Attorney General because of its relationship to the previous Bill.

Juvenile Offenders Whose Adult Sentence Brings Them Into Contact With Adult Offenders

Mr Speaker, in sentencing an adult offender, who still has a part of a juvenile sentence to serve, a court is presently precluded from taking the juvenile sentence into account. This can result in an adult sentence, which will bring the offender into contact with adult offenders, being imposed while a sentence imposed by the Children's Court remains to be completed.

For example, Mr Speaker, it is currently possible for a sentenced juvenile offender, who commits an offence as an adult, to be sentenced to a period of imprisonment or to complete periodic detention or a community service order, with other adult offenders.

When the adult sentence expires, the offender must be returned to a juvenile facility to complete the outstanding balance of a juvenile custodial order or an attendance centre order.

Mr Speaker, there are serious practical problems associated with the return to a juvenile program or institution of someone who has experienced confinement within an adult facility or exposure to adult offenders. The problems include an increased security risk, behavioural problems and adverse influence on younger detainees.

An amendment to the Crimes Act 1900 will enable Courts, when imposing a sentence on an adult, to take into account the unserved component of any juvenile sentence still applying to that person, and to discharge it.

I commend the Crimes (Amendment) Bill (No 5) 1997 to the Assembly.

ends.

APPENDIX 15: Incorporated in Hansard on 25 September 1997 at page 3331

TABLING STATEMENT

ACT GOVERNMENT WORKFORCE STATISTICAL REPORT

I am tabling for the information of Members the ACT Government Workforce Statistical Report for the fourth quarter of 1996/97, that is, the end of the financial year.

Members will be aware that these reports are tabled on a regular basis and are a statistical analysis of our workforce.

This report features a new format which concentrates on analysis of our staffing at a whole of Government level rather than individual agencies.

That level of detailed information is now included in individual agency annual reports.

The new format also traces the changing characteristics of our workforce over the last three years rather than simply reporting on the most recent quarter.

I table this report for the information of members.

APPENDIX 16: Incorporated in Hansard on 25 September 1997 at page 3331

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

EXECUTIVE CONTRACTS

To be delivered by:
Kate Carnell MLA
CHIEF MINISTER

Mister Speaker, I present another set of Executive Contracts. The contracts are tabled in accordance with Sections 31A and 79 of the Public Sector Management Act, which require the tabling of all Executive contracts. You will recall that I previously tabled contracts on 4 September 1997.

Today I present 1 short-term contract, 2 Schedule D variations and 1 new performance agreement. The contract relates to a short term executive arrangement for the office of Director, Housing Services in the Department of Urban Services.

The Schedule D variations relate to the extension of current short term contract arrangements for the offices of Executive Director, ACT Housing in the Department of Urban Services and Director, Human Resources Branch in the Department of Education and Training.

The new performance agreement is for the office of Executive Director, Office of Strategy and Government Business in the Chief

Minister's Department. This new agreement supersedes the one previously tabled.

Finally, I would like to alert Members to the issue of privacy of personal information that may be contained in the contracts and performance agreements. I ask Members to deal sensitively with the information and respect the privacy of individual Executives.

LIST OF CONTRACTS/VARIATIONS FOR TABLING
25 SEPTEMBER 1997:

DEPARTMENT OF URBAN SERVICES

Suzanne Birtles (Schedule D - extension)
John Wynants (Short-term contract)

DEPARTMENT OF EDUCATION AND TRAINING

Anne Thomas (Schedule D - extension)

CHIEF MINISTER'S DEPARTMENT

Linda Webb (Performance Agreement)

APPENDIX 17: Incorporated in Hansard on 25 September 1997 at page 3332

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

Tobacco (Amendment) Bill 1997
EXPOSURE DRAFT

PRESENTATION SPEECH

Circulated by authority of
Kate Carnell MLA
Minister for Health and Community Care

Mr Speaker, I am delighted to table today a discussion paper which contains proposed amendments to two pieces of legislation: the *Tobacco Act 1927* and the *Business Franchise (Tobacco and Petroleum Products) Act 1984.*

The amendments which are detailed in these drafts, and explained in the discussion paper, are based on 'best practice' models for tackling the issues of juvenile tobacco access and tobacco advertising and promotion.

Each of these are important, as they typify the two facets of the Government's tobacco control strategy: controlling the supply and reducing the demand.

The development of these amendments has taken a considerable amount of time, during which tobacco issues have been firmly on the national and international agenda, and new provisions of the *Smoke-free Areas Act* took effect in the ACT.

Earlier this year, we had the launch of a national campaign highlighting the damage that each cigarette can cause to a smoker's health, and we have seen significant developments in the tobacco industry negotiations in the United States.

Given how much progress has been made in a number of areas, it is tempting to believe that the battle against tobacco use has been won. But the sobering facts are these:
- last week, Australian children under the age of 18 smoked more than 6 million cigarettes, many of them purchased from retail outlets;
- each year, seventy thousand Australian teenagers start smoking; and
- nineteen thousand Australians die each year from diseases caused by or related to smoking -- a habit which, for most of them, started well before they could make a mature decision about its long-term consequences.

Although many of the proposed changes to the legislation may seem innovative, I was interested to see that many of the options receiving serious consideration today have been on the public agenda since 1987, when they were suggested in an ACT Health Authority discussion paper.

Since that time, of course, a number of important changes have been made, reflecting the changing status of tobacco products and tobacco use in the community:
- The minimum age to be sold cigarettes was raised from 16 to 18,
- Most tobacco sponsorship of sport and the arts has been eliminated,
- Tobacco advertising in print media has been phased out, as has cinema advertising,
- The sale of cigarettes in packs of fewer than 20 has ended,
- Vending machines have been restricted to licensed premises,
- Restrictions have been put into place to prevent tobacco advertising from being visible in a public place, and
- People in the ACT are now protected from environmental tobacco smoke in enclosed public places and workplaces.

But these efforts have not occurred in isolation, and have taken place in the context of continuing tobacco sales and marketing efforts.

Unfortunately, children are not immune from images that seek to portray tobacco use as normal and desirable. In fact, the evidence shows that they are far more vulnerable to tobacco advertising and promotion than are adults.

And because smoking is so overwhelmingly a habit that begins during childhood or adolescence, it is important that we focus on discouraging young people from starting a habit and ending up with a life-long dependency.

The tobacco industry says that it does not want people under the age of 18 to smoke and that smoking is an adult decision. This is a two-edged sword, of course**,** as children try to emulate adults and will be attracted by what is portrayed as adult behaviour.

I look forward to the support of the tobacco industry, and the support of local retailers, in facing up to the responsibilities associated with selling lethal and addictive products.

Tobacco products were once regarded as ubiquitous convenience products, like milk or bread. Changing the pattern of tobacco sales from their past status to one which reflects our present state of knowledge is an on-going task.

It is now accepted that, because of the addictive nature and detrimental health effects of tobacco products, it is appropriate for there to be strict controls on where and how these products are marketed and sold.

One of the problems in public health, or 'population health', is that it can be extremely difficult to attribute specific results or behaviours to particular health interventions, especially where people are exposed to many influences and particular initiatives, and some of those may have a delayed, rather than an immediate, effect.

It is reasonable to expect that carefully drafted legislation which achieves high levels of compliance will contribute significantly to a reduction in juvenile access to cigarettes though retail outlets and reduced exposure to tobacco advertising and promotion.

It is also reasonable to expect that this, in turn, will contribute to a reduction in smoking prevalence and smoking-related costs over the longer term.

One thing is certain: if we do not address these problems more seriously and more effectively, the ability of parents and schools to successfully impart health messages will continue to be undermined by what children see and experience in the community every day.

Updating this legislation provides an important opportunity to ensure that what happens in the community supports those health messages and supports young people who want to lead tobacco-free lives.

It has been conservatively estimated that the annual direct and indirect net costs of smoking to the ACT, based on our proportion of national costs, are in excess of $300 million.

For an individual, stopping or not starting to smoke will represent increased available income of about $35 or $40 a week. If a young person spends only half this amount, that still amounts to more than $900 a year that could be saved or re-channelled into other goods and services. If underaged smokers in the ACT are spending only $5 a week on cigarettes, that could represent well over a million dollars a year.

The exposure drafts tabled today are designed to provide constructive solutions to often difficult problems. It is imperative that the need for change be addressed in a way that will acknowledge both the needs of business and our commitment to public health.

Where the wording of legislation can be tightened up and made more clear, this has been proposed.

Where compliance strategies can be developed to assist retailers, these have been proposed.

Where better approaches to enforcement can be utilised, these have been proposed.

Where it is appropriate to adopt more stringent controls on advertising and promotion, these have been proposed.

In particular, the legislation aims to improve the present situation in several ways:

- Tobacco retailers will be provided with clearer requirements regarding their responsibilities in relation to not selling cigarettes to persons under the age of 18.

- Persons under the age of 18 will be deterred from attempting to purchase tobacco products, as an acceptable form of proof of age will normally be a prerequisite for such purchases.

- Persons under the age of 18 unaccompanied by adults will not have access to tobacco vending machines in licensed premises.

- Enforcement capacity will be enhanced and penalty options will be widened to include the linking of a retail tobacco licence with compliance with the *Tobacco Act.*

- A reduction in the number of tobacco sales points per retail outlet will reduce advertising exposure and increase retailers' ability to monitor tobacco sales.

- Clearer and more effective controls on tobacco advertising and promotion will help reduce children's exposure to tobacco advertising, while retaining point-of-sale product information for adult purchasers.

Mr Speaker, I am delighted to table these important amendments.

I believe that a crucial balance has been struck between the practical needs of business and the health of the community. The proposed measures are sensible, achievable and timely.

I believe they should be strongly supported, and I encourage members of the community to submit their comments to the Health Protection Service during the public consultation period which will run until the 15th of December 1997.

APPENDIX 18: Incorporated in Hansard on 25 September 1997 at page 3336

1997

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

COMMUNITY LAW REFORM COMMITTEE
REPORT NUMBER 13
RULES OF COURT: PRELIMINARY CONSIDERATIONS

TABLING SPEECH

Circulated by authority of
Gary Humphries MLA
Deputy Chief Minister and
Attorney-General

Mr Speaker,

One of the more significant issues confronting the reform of our legal system in the ACT is the Rules of Court. One of the references before the Community Law Reform Committee is the reform of the Rules of Court to make the administration of justice more efficient.

It is not often realised by the people who use the justice system that there are considerable differences which exist between the Rules in the Magistrates Court and the Supreme Court.

For example, as the report cites, a notice to admit facts in the Magistrates Court requires a response within 21 days, with a failure to respond being deemed an admission. The ACT Supreme Court, meanwhile, requires a response to a notice to admit facts within 14 days, but failure to respond does not indicate an admission.

Why, as the report asks, do we call a document requiring a witness to attend court in the Magistrates Court a summons, while in the Supreme Court, it is called a subpoena?

It is these differences which, although minor, can enable practitioners to manipulate proceedings by filing in one jurisdiction, using the rules to their benefit in that jurisdiction and then transferring to another jurisdiction. That sort of game is not at all in the interests of the administration of justice.

Mr Speaker, this report advocates a much higher degree of commonality between rules in each court. In doing so, the CLRC has identified an issue which is more appropriately brought to the Assembly's attention at this early stage.

The Magistrates Court's rules are essentially set by the legislature. Every time a rule is proposed to be changed, the Government of the day brings forward an amendment to the *Magistrates Court (Civil Jurisdiction) Act 1982* and the Assembly considers and debates the proposed change.

The Supreme Court, meanwhile, predominantly makes its own Rules. A Rules Committee, consisting of the Judges, makes statutory Rules of Court to aid proceedings. These Rules have the force of subordinate legislation and are disallowable by the Assembly, even though that provision is rarely, if ever, used.

This preliminary report makes the sensible suggestion that common rules of court could be formulated by a single rules committee. This committee could

be formed by adding a representative of the Magistrates Court to the existing Rules Committee of the Supreme Court.

This Joint Rules Committee would formulate common rules for all proceedings in both Courts but with exceptions for particular types of cases in one court or the other. These departures from the common rules will only be undertaken where necessary.

In my discussions with the CLRC Chair, I suggested the Committee release a paper on this subject so as to test the community's response to this suggestion.

The Government, the report argues, is a substantial litigant in the ACT's courts and therefore having the right to set the Rules which those who preside on matters must follow could be seen as a conflict of interest. Having said that, the Government's role as representatives of the community should empower it to at least consider issues relating to court procedures.

The balance recommended by the report is that all Rules of Court be set by the Joint Rules Committee, but that they all be disallowable by the ACT Legislative Assembly.

Before developing this reference further, I believe it is appropriate for the Legislative Assembly to consider the implications of this path. I cannot see much point in continuing what could be quite a long reference if the Assembly disagrees with the broad thrust of granting rule-making powers to both courts.

I commend the report to the Assembly and look forward to passing the views of members to the Committee for its further consideration.

APPENDIX 19: Incorporated in Hansard on 25 September 1997 at page 3337

PALM PROGRESS REPORT

TABLING STATEMENT

Gary Humphries MLA
Minister for the Environment, Land and Planning

PALM PROGRESS REPORT

TABLING STATEMENT

I have spoken previously about the establishment of the Planning and Land Management Group (PALM) and of the value of integrating the Territory's planning and land management. I am pleased now to respond to a request from the Planning and Environment Committee for a "progress report" on PALM's first year.

In a nutshell, I can say, that progress has been significant. PALM has achieved its objectives. Met its targets. Those objectives and targets were set by the Government, in response to and recognition of concerns from a wide cross-section of the community.

Now let me quantify those statements.

PALM has:

- implemented legislative change;
- furthered policy development;
- managed procedural review; and
- instigated improved management processes.

It has also enhanced consultation and other interactions with the community.

Indeed, in many areas, and especially in the development of urban and rural policies, PALM has exceeded the objectives set by the Government.

Any organisation is only as good as its leadership.

In the face of minority group criticism about "professionals" versus “managers", a new senior management team was recruited in 1996-97. These people have brought both technical and managerial expertise to PALM. Most importantly, they have been instrumental in moulding a new corporate culture from diverse foundations.

What we now have is an organisation with a shared vision...a new ethos.

And while much energy went in to these structural changes, 1996-97 was very much one of "business as usual" for PALM.

In this case "Business as usual" meant not merely maintaining its services to customers, but improving on them. After all, the decision to establish Planning and Land Management was very much driven by the need to make the ACT's planning and land management functions more customer focused.

And in the case of PALM, the customers are many and varied. Valuers and the legal profession; builders and contractors; architects and plumbers; students and real estate agents, but most importantly, PALM's services concern each and every Canberra citizen. A number of PALM's services benefit also people who live in the Canberra Region.

PALM is a unique organisation among Australian government agencies. It blends the strategic and operational functions of land and planning, with both a city and Territory focus. As Assembly Members will see from the report I am tabling today, 1996-97 has been a year of significant milestones.

I now highlight some key aspects of this report.

There was major change to the Land (Planning and Environment) Act and other pieces of legislation, particularly in response to the Stein Report. The recent introduction of new Regulations means these changes are now all in place. The impact of change will be monitored and evaluated during 1997-98.

There is more legislative change to follow. PALM has already undertaken extensive work on all aspects of unit titles legislation. A Unit Titles Amendment Act Exposure Draft is scheduled for release in late 1997. Similarly, public discussion papers for Parts 3 (Heritage) and 4 (Environmental Assessments) of the Land Act will be released this financial year.

The relevance of PALM as an integrated organisation has underscored the Government's response to the Stein Report. In its response, we acknowledged the need for an alternative system to deliver land and planning services. However, the statutory board models proposed by Stein were considered to work against an integrated and client-focussed system.

To balance this, the Government agreed to create a strong, independent statutory decision-maker as arbiter on land and planning matters. We have appointed a Commissioner for Land and Planning and the value of his office in managing quite difficult decisions is proven.

Government policy can be developed but will not move forward without strong operational policies and procedures.

This has been fully recognised at PALM and this report details the operational policy and process improvements. Chief among these are:

- the new timeframes for decision-making
- ongoing regulatory reform; and
- more effective public notification arrangements.

A highlight is, what I describe as, the monumental improvements that have been made to the response times on Development Applications.

Since the new Regulations became effective on June 24, PALM must deliver a decision on a Development Application in 30 working days, or 45 working days if there are objections. Let me remind the Assembly that, in 1995-96, the statutory time was **20 weeks.**

That is one example of the initiatives this Government has taken to provide a more responsive, cost-effective planning and land management function.

Consultation...our consultative requirements and processes is another area of significant improvement.

Consultation obligations and procedures were enhanced and clarified in the amendments to the Land Act. We have expanded the Local Area Planning Committees (LAPACS) and established a new Urban Development Forum.

Today, as a result of this Government's policies, PALM has minimum statutory requirements for consultation that exceed those of New South Wales and Victoria, which are generally held to be the models.

But PALM does not merely meet its statutory obligations. It is working progressively to enhance its links with the community on a number of fronts.

Highly successful communication initiatives to reach every Canberra citizen have been introduced in a wide area. These include use of the Internet (PALM is working in a joint venture with the CSIRO), Austouch, articles in community newsletters and stands at community fairs, a telephone/fax information "hotline", consultation over major issues such as retail services for Gungahlin, signposting of vacant land set aside for community or commercial purposes, and PALM's strong participation in the Chief Minister's Community Consultation Protocol. Indeed, PALM has exceeded the standards set by that Protocol. Sometimes the problem is decidign which avenue of consultation a citizen might use among the welter of options available.

Another area of innovation is the urban guidelines in the ACT Code for Residential Development (ACTCode). These are being revised to incorporate recent initiatives such as the B11 and B12 Guidelines. The ACT already leads Australia in requiring energy ratings in new homes. ACT Code will assist also in crime prevention and community safety, and draw on experience in the Gungahlin Town Centre urban design and housing code.

Over the second twelve months PALM will continue its improvement processes. Some key improvement steps mentioned in the report are:

- Discussions will be advanced with the Commonwealth Government to rationalise and refine relationships with the National Capital Authority, especially with regard to areas around Lake Burley Griffin.

- Building approval processes, revised in consultation with industry, will set a national benchmark.

- In August 1996 the Government instituted a "Future Directions" review for Building, Electrical and Plumbing Control (BEPCON) which proposed a number of extensive changes such as private certification and other alternate regulatory arrangements. Industry has commented on this review and I will be considering shortly the best way to implement major improvements here.

- Following regular forums with housing and building industry groups, PALM initiated in July 1997 a continuous improvement review of the Development Application process and especially applications dealing with design and siting issues. An eminent local government officer from NSW is undertaking that review.

Despite being more cricicised and impogned than perhaps any other class of ACT bureaucrat, officers of PALM have adapted to a year of change with dedication and professionalism. despite upheaval on a scale not seen since Self-Government, the Territory's planning apparatus is today stronger, better-focussed, more professional, better-skilled and, above all, more customer-oriented than ever before.

I am proud of the achievements of this arm of the ACT public service.

Mr Speaker, l am pleased to table this report and I urge Members to read it carefully and support PALM in the coming year.

APPENDIX 20: Incorporated in Hansard on 25 September 1997 at page 3350

Electronic copy of this page is not available but it is included in the printed Hansard.

The first International Conference on Health Promotion, meeting in Ottawa this 21st day of November 1986, hereby presents this CHARTER for action to achieve Health for All by the year 2000 and beyond.

This conference was primarily a response to growing expectations for a new public health movement around the world. Discussions focused on the needs in industrialized countries, but took into account similar concern in all other regions. It built on the progress made through the Declaration on Primary Health Care at Alma Ata, the World Health Organization's Targets for Health for All document, and the recent debate at the World Health Assembly on intersectoral action for health.

HEALTH PROMOTION

Health promotion is the process of enabling people to increase control over, and to improve, their health. To reach a state of complete physical, mental and social well-being, an individual or group must be able to identify and to realize aspirations, to satisfy needs, and to change or cope with the environment. Health is, therefore, seen as a resource for everyday life, not the objective of living. Health is a positive concept emphasizing social and personal resources, as well as physical capacities. Therefore, health promotion is not just the responsibility of the health sector, but goes beyond healthy life-styles to well-being.

PREREQUISITES FOR HEALTH

The fundamental conditions and resources for health are peace, shelter, education, food, income, a stable eco-system, sustainable resources, social justice and equity. Improvement in health requires a secure foundation in these basic prerequisites.

ADVOCATE

Good health is a major resource for social, economic and personal development and an important dimension of quality of life. Political, economic, social, cultural, environmental, behavioural and biological factors can all favour health or be harmful to it. Health promotion action aims at making these conditions favourable through **advocacy** for health.

ENABLE

Health promotion focuses on achieving equity in health. Health promotion action aims at reducing differences in current health status and ensuring equal opportunities and resources to **enable** all people to achieve their fullest health potential. This includes a secure foundation in a supportive environment access to information, life skills and opportunities for making healthy choices. People cannot achieve their fullest health potential unless they are able to take control of those things which determine their health. This must apply equally to women and men.

MEDIATE

The prerequisites and prospects for health cannot be ensured by the health sector alone. More importantly, health promotion demands coordinated action by all concerned: by governments, by health and other social and economic sectors, by non-governmental and voluntary organizations, by local authorities, by industry and by the media. People in all walks of life are involved as individuals, families and communities. Professional and social groups and health personnel have a major responsibility to **mediate** between differing interests in society for the pursuit of health.

Health promotion strategies and programmes should be adapted to the local needs and possibilities of individual countries and regions to take into account differing social, cultural and economic systems.

HEALTH PROMOTION ACTION MEANS:

BUILD HEALTHY PUBLIC POLICY

Health promotion goes beyond health care. It puts health on the agenda of policy makers in all sectors and at all levels, directing them to be aware of the health consequences of their decisions and to accept their responsibilities for health.

Health promotion policy combines diverse but complementary approaches including legislation, fiscal measures, taxation and organizational change. It is coordinated action that leads to health, income and social policies that foster greater equity. Joint action contributes to ensuring safer and healthier goods and services, healthier public services, and cleaner, more enjoyable environments.

Health promotion policy requires the identification of obstacles to the adoption of healthy public policies in non-health sectors, and ways of removing them. The aim must be to make the healthier choice the easier choice for policy makers as well.

CREATE SUPPORTIVE ENVIRONMENTS

Our societies are complex and interrelated. Health cannot be separated from other goals. The inextricable links between people and their environment constitutes the basis for a socio-ecological approach to health. The overall guiding principle for the world, nations, regions and communities alike, is the need to encourage reciprocal maintenance - to take care of each other, our communities and our natural environment. The conservation of natural resources throughout the world should be emphasized as a global responsibility.

Changing patterns of life, work and leisure have a significant impact on health. Work and leisure should be a source of health for people. The way society organizes work should help create a healthy society. Health promotion generates living and working conditions that are safe, stimulating, satisfying and enjoyable.

MOVING INTO THE FUTURE

Health is created and lived by people within the settings of their everyday life; where they learn, work, play and love. Health is created by caring for oneself and others, by being able to take decisions and have control over one's life circumstances, and by ensuring that the society one lives in creates conditions that allow the attainment of health by all its members.

Caring, holism and ecology are essential issues in developing strategies for health promotion. Therefore, those involved should take as a guiding principle that, in each phase of planning, implementation and evaluation of health promotion activities, women and men should become equal partners.

COMMITMENT TO HEALTH PROMOTION

The participants in this conference pledge:

-- to move into the arena of healthy public policy, and to advocate a clear political commitment to health and equity in all sectors;
-- to counteract the pressures towards harmful products, resource depletion, unhealthy living conditions and environments, and bad nutrition; and to focus attention on public health issues such as pollution, occupational hazards, housing and settlements;
-- to respond to the health gap within and between societies, and to tackle the inequities in health produced by the rules and practices of these societies;
-- to acknowledge people as the main health resource; to support and enable them to keep themselves, their families and friends healthy through financial and other means, and to accept the community as the essential voice in matters of its health, living conditions and well-being;
-- to reorient health services and their resources towards the promotion of health; and to share power with other sectors, other disciplines and most importantly with people themselves;
-- to recognize health and its maintenance as a major social investment and challenge; and to address the overall ecological issue of our ways of living.

The conference urges all concerned to join them in their commitment to a strong public health alliance.

CALL FOR INTERNATIONAL ACTION

The Conference calls on the World Health Organization and other international organizations to advocate the promotion of health in all appropriate forums and to support countries in setting up strategies and programmes for health promotion.

The Conference is firmly convinced that if people in all walks of life, nongovernmental and voluntary organizations, governments, the World Health Organization and all other bodies concerned join forces in introducing strategies for health promotion, in line with the moral and social values that form the basis of this CHARTER, Health For All by the year 2000 will become a reality.