# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

## HANSARD

24 June 1992

**Wednesday, 24 June 1992**

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

## PUBLICATIONS CONTROL (AMENDMENT) BILL 1992

**MR STEVENSON** (10.31): Madam Speaker, I present the Publications Control (Amendment) Bill 1992.

Title read by Clerk.

**MR STEVENSON**: I move:

That this Bill be agreed to in principle.

Madam Speaker, education does not work. That is an alarming statement, but that is what we are led to believe by those people that push pornography. We are told that what we see does not influence what we do. TV stations that charge many thousands of dollars for 15-second advertisements would maintain at the same time that pornography does not affect people.

We have been lied to about what pornographers call non-violent erotica. This same non-violent erotica is what child molesters show to children. Brisbane Crown Prosecutor Leanne Hurley told of a case where a man showed his 11-year-old de facto stepdaughter non-violent erotica. People were having fun in it; they were smiling. He then repeatedly raped the 11-year-old girl. What non-violent erotica and pornography show us is a lie. When this stuff is used by child molesters to show young girls and young boys, the children are taught to do what they have been taught to do all their lives - to imitate adult behaviour. That is what children do; that is how children learn.

We are told that non-violent erotica does not cause any problems. The Australian Institute of Criminology says that "normal, loving sexual relationships" do not cause any increase in violence. I am quite sure that they are right, but the problem is that at the time they were referring to the alarming increase in rape in Australia and evidence that it ran parallel with an increase in so-called non-violent erotic X-rated videos. They said that normal, loving sexual relationships do not cause any problems, do not cause some people to commit violence.

What do these videos show? We all know that it is illegal to have children appear in X-rated videos. What they show are pseudo-images of children. These are passed by the Chief Censor. They would show a video called *Little Girls Blue* which on the back of it has a caption that states, "The sports coach of a girls school has a wild night of sex with two students". This is the good, clean, family, non-violent erotica that we allow to be spread throughout Australia because it harms nobody. There is nobody that would be influenced by watching, by doing what they see.

X-rated videos, such as *Dungeon of Pain* - "Journey into this kinky world of bondage and domination" - show our women being chained up.

**Mr Berry**: Whose women?

**MR STEVENSON**: In Australia and in Canberra they show women. It is our country, our city, Mr Berry. You might say our women and our children and our men and our boys. This is what they are shown doing. It is perfectly okay to show them being chained up. I see some people smiling at these things. Obviously, they are men and women who do not care about these depictions of women. They do not mind that these - - -

**Mr Connolly**: On a point of order, Madam Speaker: Mr Stevenson really must address the Chair, not the gallery.

**MADAM SPEAKER**: Thank you, Mr Stevenson.

**MR STEVENSON**: I make the point that the debate should be addressed through the Chair. Where someone looks may be a slightly different matter.

What we have in this X-rated video is a so-called husband and wife and the husband is getting tired of plain old sex and he wants to do something else. He suggests to the actress, the wife, that they go to a dominatrix, and she says, "What is that?". He says, "It is some place you go to where you are dominated, where people are chained up and defecated upon". This is good, clean, non-violent erotica. This is what the Chief Censor passes in non-violent erotica - piss movies such as *Golden Rain* depicting good, clean, normal, loving sexual relationships, according to the Institute of Criminology. They show men urinating on women, men urinating in women's mouths - good, clean, non-violent erotica, normal, loving sexual relationships that do not influence anybody's behaviour.

They also show a lie in that they portray the idea that women are on heat all the time. They show that women are nothing more than animals that are on constant heat, ready to be used by men at their whim. This is supposedly not discrimination against women. We pass laws that forbid a calendar picture of a naked woman ending up on a factory wall, yet we allow so-called non-violent erotica that shows women being chained and whipped. This, of course, is non-violent whipping - flagellation. If you want to trivialise women and trivialise rape, keep allowing X-rated videos to be distributed throughout Australia.

At the University of Canada in Manitoba there were tests done. They took one group of people, men and women, and subjected this group to massive viewing of pornographic videos. Then they showed them a rape trial and asked them to give a verdict. They took another group whom they did not expose to massive non-violent erotic videos and asked them to hand down a verdict. In every case where this has been done, the group that were exposed to massive amounts of non-violent erotica, porn movies, gave half the sentence that the other group not so massively exposed gave. After all, it is just a rape; that is okay.

What is the massive exposure that this group was subjected to? The massive exposure was four hours 48 minutes of watching porn videos over a six-week period. I would normally make the point that we need to be concerned not about everybody being affected by videos but about those people who are loosely hinged, deranged, being affected. Yet what they showed is that not only the men

but also the women gave lesser sentences. They too felt that rape was not so bad. What they showed with these groups was that the people looking at the rape trial felt that the woman was of a lower class, a lower level, to be involved in such a thing. After all, it was just a rape. The Canadian Supreme Court, on 27 February this year, determined that pornography which subordinates or degrades women or which has as a dominant characteristic the undue exploitation of sex is obscene and that it harms women. This was a unanimous decision by the Canadian Supreme Court - not most, not nearly all; but unanimous.

The *New Scientist* on 5 May 1990 carried a feature article about the alarming increase in rape and talked about the power of pornography. We are told that there is no connection between an increased level of pornography and increased rape. That statement is an absurdity. It is made by people who profit from pornography, the smut peddlers or the loot from lust people, as they have been called. What that *New Scientist* article showed is that where you have a 2 per cent increase in pornography in a community, in a society, you have a one per cent increase in rape. I have studied for hundreds of hours the research and the studies done around the world on pornography. What I have found is that where you have an increase in pornography in a community you have an increase in rape; where you have a decrease in pornography you have a decrease in rape.

One major study for a 10-year period from 1964 to 1974 showed that those countries that have had the highest increase in rape have also had the highest increase in pornography. Australia and America during that time have had tremendous increases in pornography and a corresponding increase in rape of 139 per cent and 160 per cent. In those countries that had slight increases in pornography availability and usage, there was a slight increase in rape. In Japan, where they came down very strongly against pornography over that 10-year period, you had an amazing 49 per cent decrease in rape. In most other countries in the world, rape is increasing alarmingly.

The *New Scientist* article showed that those States in America with the highest pornographic sales have the highest rape rates. Indeed, South Australia has a rape rate five times higher than that in Queensland. If I said that America had the fourth highest sex offence rate in the world and Australia the twenty-eighth highest, many people would say, "That is not particularly surprising". It is not true either. Australia has the fourth highest sex offence rate in the entire world and America has the twenty-eighth highest. Where did these figures come from? Interpol - the international police force. They do not have any particular axe to grind; they just look at the statistics and report them. There are many publications and videos on sale in Canberra that you would go to gaol for selling in many places in America, and they have the twenty-eighth highest sex offence rate and we have the fourth highest. What are we trying to do? Become No. 1 in the world? Is that the goal? If we leave things go a little while longer, it is highly likely that we will end up there.

What people do when they look at pornography is store these images in their minds. Get a picture in your mind of pornography that you have seen in the past - and everybody listening has pictures of pornography mentally imaged in their minds. It is totally out of their volition. That restimulator, that command, if you like, that I gave causes those images to be recalled. There are other things in society that will cause those images to be recalled: Women, little girls, boys, and in some cases men. Some people, particularly men, looking at women immediately have a recollection of earlier pornographic images. If they have

been massively exposed to X-rated videos - and that is just under five hours over six weeks - who would say that none of them will be affected? Will these people who are already confused by sexuality, these people who are already immature and emotionally upset in many cases, go out and kidnap a 12-year-old girl, as happened with young Sian Kingi? Will they rape her over a period of time, torture her, and then kill her and bury her in a ditch? Is this what we want? Do we want people to be influenced by pornography to treat women and children as sexual playthings?

There are many victims of pornography. It may be a wife whose husband has watched pornography and wants her to do the things that are shown in the pornography, to do the things that people are paid to do - to be urinated on, to be chained and tied. I see some members, particularly the women members in the house, with a distasteful look when I mention these things. I can absolutely agree that it is distasteful, but I think it is important that we know what we are talking about.

**Mr Berry**: Bored.

**Mr Moore**: Boring.

**MR STEVENSON**: We have a number of comments from some of the Labor members and from Mr Moore that it is boredom. I will leave that comment rest; people who read the *Hansard* can make their own decision.

A noted American psychiatrist, Dr Melvin Anshell, said after seeing 250-odd sex offenders in his practice in the Hollywood area in America, that there were four characteristics that these people inevitably displayed. These are not in any order. He said that these sex offenders were all involved in pornography. They tended to become desensitised to the pornography. What was once of concern to them was no longer of concern after looking at pornography. This is probably why people who have been massively exposed to X-rated videos, non-violent erotica, porn movies, hand down lighter rape sentences and think that in some degree the girl got what she deserved.

Dr Anshell also said that people tend to become addicted to what they see. Many people find it hard to imagine that someone could become addicted to pornography, but I have seen it in the research many times in regard to people who have to look at pornography every hour or two at work. In my office one day there was a 31-year-old man who told me how that had come to be his situation in life. Every hour or two in his job, through every day, he would have to look at pornography. That is what they call an addiction. There is also an escalation of the amount of material. It might start out as just a couple and then it escalates. These things, Dr Anshell showed, were almost inevitable. Then there is a tendency to act out that which is seen.

In Canberra we thought we might get somewhere between $3m and $5m from taxing porn pushers. We got $375,000 in the 1990-91 year and only $108,000 so far this year, which is nearly over. The Northern Territory would not allow our pornography manufacturers to go up there. They said that they did not want to become accessories to laws being flouted throughout Australia. Madam Speaker, I ask that members rethink their position on X-rated videos and ban them, as every State in Australia has done.

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

## MOTOR TRAFFIC (AMENDMENT) BILL 1992

Debate resumed from 17 June 1992, on motion by **Mr Westende**:

That this Bill be agreed to in principle.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.52): Last week I was caught by the clock, which ticked around to 12.30 pm when I was about to wrap up my remarks; so I will be very brief this morning.

**Ms Follett**: No, take your time.

**MR CONNOLLY**: Perhaps I will take my time, in that case.

**MADAM SPEAKER**: You have 13 minutes, Mr Connolly.

**MR CONNOLLY**: I am sure I can say what I need to say in 13 minutes. As I indicated last week, the Government is opposing both of these amendments. In relation to the "keep left" proposal, we believe that it is unnecessary to legislate. We said that there were some potential problem areas in the ACT. It applies only in above 80 kilometres an hour zones. It could make more sense to the ordinary citizen if we were applying it universally, although I would say that there would be massive traffic problems if we applied it universally, because of the right-hand lane.

Given that it applies only in areas of over 80 kilometres an hour, we are really talking about the Tuggeranong Parkway and the Eastern Parkway. There is one point on the Eastern Parkway where it is possible to make a right-hand turn from a 100 kilometres an hour zone, where you come into Johnson Drive. Obviously, nobody is doing 100 kilometres an hour when they turn, but under Mr Westende's proposed amendment it would be an offence to be in that lane proposing to do a right-hand turn rather than in the left-hand lane. So it would cause some traffic confusion.

I acknowledge that Mr Westende identified something of a problem in that there are spots on the parkway, particularly coming into town, where as you come up that slight hill out of Kambah it can be frustrating if slow-moving vehicles are in the wrong lane. However, generally speaking, I think the problem on the parkway is people travelling above the speed limit rather than below the speed limit. We do have quite a lot of accidents there, particularly in bad weather. I suggested that we try the approach of putting some signs up at those choke points, asking people to keep in the left-hand lane if they are in a slow vehicle or are overtaking. I would suggest to the Assembly that it is more sensible to adopt that educative approach here, acknowledging that there can be a potential problem at some choke points, rather than introduce a law which would have the effect of turning a two-lane highway, which is the principal way of commuters getting from Tuggeranong to the city, into one lane. That would not be a sensible reform.

In relation to the extension of the traffic infringement notice payment period, members will recall that I announced some weeks ago that the Government was reviewing the issue of parking infringement notices and traffic infringement notices which have been reformed over the last few years to provide for the principal penalty being loss of licence or loss of registration as opposed to, potentially, a period of imprisonment or a fine. One of the issues that will be addressed, as well as rights of appeal in relation to parking offences, is this issue of discretion to extend payment periods.

I would have thought it would be more sensible if the Assembly could wait until the next sitting period, when it is likely to have a comprehensive package of reforms to this whole area, rather than adopt this bitty approach of thinking of one issue and coming up with an idea and legislating it through, and perhaps then having to re-examine it in a couple of months' time. However, while urging members to leave it alone for the moment, if members are determined to do some tinkering here in advance of a comprehensive review it would be far more sensible if we had an extension of that appeal period, say, to 56 days, rather than an unlimited period of extension.

I heard Mr Humphries, I think it was, waxing lyrical on this the other day on one of the radio news programs. There is this extraordinary dichotomy in the Liberal Party, who on the one hand run around saying, "Let's get tough on law and order", getting hard on criminals, and on the other hand proposing unlimited periods to pay speeding fines. Speeding offences are comparatively serious. We recently quite dramatically increased some of the on-the-spot speeding fines, particularly in relation to speeding through school zones. The approach that we should all be nice and cuddly on this and give people unlimited time to pay their parking fines does sit rather oddly with the general rhetoric we hear from the Liberal Party on these issues.

Be that as it may, I would suggest, firstly: Let us leave it alone because we are reviewing the whole process, and a systematic overview of this whole scheme is more sensible that a bitty approach. However, if members feel it necessary to change from the current 28-day period - and I understand that this may be moved by either a Liberal or an Independent member - let us have an additional prescribed period rather than an unlimited period of discretion to pay parking fines at the level of the discretion exercised by a police officer.

**MR HUMPHRIES** (10.57): Can I speak again on this matter, Madam Speaker?

**MADAM SPEAKER**: If you wish to speak again you have to have leave, Mr Humphries.

Leave granted.

**MR HUMPHRIES:** Madam Speaker, I want to respond to a couple of things the Attorney-General has said about this matter. First of all, with respect to the 100 kilometres per hour zone and keeping to the left-hand lane, the Attorney raised some points which in an abstract sense might well persuade someone to think that this is a matter we need to give some consideration to. It is, I suspect, a classic case of saying that this thing does not work in theory, although it works perfectly well in practice.

This is a principle which applies on roads throughout this country. It is not as if we are taking a startling new invention and proposing some device which has not been tried before. We are just picking up what other States are doing, and that was the line, as I recall, that was used very extensively by the Attorney-General last night with respect to abortion. As far as I can tell, we are doing exactly what occurs in New South Wales and other places. It works perfectly well there, as far as I can see, and it does engender a certain degree of responsibility on the part of drivers to be aware of the need to keep that right-hand lane free for people who are travelling at or near the speed limit. Yet the Attorney says that it does not work. It seems to me that it works perfectly well elsewhere, and I do not see why we should not be doing it here.

The Attorney made an interesting comment about waiting. He said, "With respect to that extension of time for traffic fines, let us wait until the next sitting period, when we will have a comprehensive package to look at". I point out that that phraseology is almost exactly the same as the words the Attorney rejected about 15 months ago when we were looking at the Food Bill.

**Mr Connolly**: Yes, but the difference is that we were able to introduce the Food Bill and you were still tinkering around with it.

**MR HUMPHRIES**: No, the difference is that you did it many months after you said you were going to do it. Madam Speaker, the Attorney said then, "There is no reason to wait. This is something which needs to happen now to alleviate the problem. We should get onto it right now. I do not accept that we should wait for the Government's package to come down". I would like to hear one single good reason why we should not do exactly the same today and reject the Attorney's plea for time to be given to the Government to bring down its comprehensive package.

We have, with respect, heard that phrase before. You say, "Hopefully, in August we will see this package". I think it was hopefully in August that we were going to see the Food Bill. We did not see it in August of last year at all. It came in in May or June of this year.

**Mr Connolly**: We did not see it at all in the 18 months in which you were going to deliver it.

**MR HUMPHRIES**: That is a nice, cute point; but it does not avoid the fact that you argued against leaving this matter on the table because it could be dealt with straightaway, and I would say exactly the same thing to you now. Putting aside the rhetoric, what is the reason we should wait for your package when you did not believe that you should wait for a package from the former Government?

Madam Speaker, this second part of the Bill is a sensible amendment. It is not a matter which sits oddly on the lips of the Opposition at all. The suggestion that a party which is tough on law-breakers should not in the same breath argue that law-breakers should have extensions of time to pay parking and traffic fines is a rather incongruous point, when you consider it. There is no question of letting law-breakers off or not dealing harshly with law-breakers where that is appropriate. Of course we should. The question of time to pay parking fines is a very real question of, in some cases, social justice. You could be looking at a situation where, for example, a person is unemployed, as was the person I referred to on the previous occasion on which we debated this.

**Mr Connolly**: These are not parking fines; these are speeding fines. Parking fines are dealt with very differently.

**MR HUMPHRIES**: I beg your pardon; traffic fines. Whatever the offence, the best of us can be in the position where we are obliged to pay such a fine, and some people who are not as well paid as I or the Attorney cannot meet that payment straightaway. I have no hesitation in entrusting to the police force of this Territory a discretion to grant longer extensions of time to pay traffic fines. I really wonder why the Attorney does not feel that he can grant that discretion to the police. As I have said previously, I am very much opposed to discretions invested in public servants of whatever kind that militate against the rights and liberties of citizens of this Territory. A discretion to extend the period of time in which to pay a parking fine does not do that. On the contrary, it gives those citizens additional capacity to exercise time to pay, and I think it is entirely appropriate for the Assembly to do that.

I accept that there is going to be an amendment coming forward that we should limit that discretion to 56 days. I cannot, for the life of me, work out why that should be. Is it not possible that some people could well deserve an extension beyond 56 days? If they do deserve an extension beyond 56 days, why should they not get it? For what conceivable reason should they not get it? We are prepared to accept that some version of this should go through today, Madam Speaker; and, if that is what the Assembly wants, that is what the Assembly will get. However, I do think the Attorney should consider that, as far as keeping to the left is concerned, he is trying to argue that something which works perfectly well in practice somehow should be rejected because it does not work in theory.

**MR MOORE** (11.04): Madam Speaker, I rise to speak to the in-principle stage of this Bill. There are really two sections to the Bill put up by Mr Westende. The first part, which is the notion of people keeping to the left-hand side unless overtaking, does get some sympathy. Many of us who have driven long distances in particular have been in the position where road police officers feel that it is their role to drive in the right-hand lane of a dual carriageway and, where the speed limit is 100, to sit on 96 or 97 - not quite reaching the speed limit - to ensure that nobody else goes to 100 or that somebody who is passing does not accelerate to 105. Of course, that is not their role.

I guess that the problem Mr Westende is trying to resolve is the frustration that other drivers feel. Once drivers start to feel frustrated, we bring in an element that will turn what might otherwise be a quite good driver into a driver who takes risks. It is the removing of those risks that is the aim of this Bill. If it applied to the road between here and Sydney, for example, or between here and Melbourne - - -

**Mr Humphries**: Which it does.

**MR MOORE**: I acknowledge that it does - then it would seem to be a very sensible amendment. Within the ACT, however, there are very few cases where that is the situation, although there are some associated problems, and I know that Mr Connolly has drawn attention to some of those. I think the problems would actually outweigh the benefits for the ACT if we go with this part of the Bill.

Although I support the concept of the Bill, I actually oppose the second section on keeping to the left-hand lane. At the same time, I urge Mr Connolly to ensure that there is a greater process of education applied to drivers and that more signs are put up on the roads to indicate that vehicles that are travelling more slowly should use the left-hand lane, particularly going up hills, and that applies particularly on the Tuggeranong Parkway where it crosses Hindmarsh Drive.

I now move to the traffic infringement notices. Mr Connolly drew attention to the notion that the "not exceeding 28 days" section could be expanded, as Mr Westende suggested, to allow any further time to apply. When you read the principal Act you realise that it is not 28 days that people have to pay; it is actually 56 days. There is an initial 28 days and then a further 28-day period. I think it would be very generous of us to say, "You have any further time to pay that the Commissioner of Police allows after the expiration of the first-mentioned period", according to the principal Act. If we change that from 28 days to any period, that puts an unnecessary responsibility on the Commissioner of Police, and I do not think there is any need to do that. I understand that Ms Szuty has indicated to members that she is prepared to put up an amendment for a period not exceeding 56 days. If that is acceptable to Mr Westende, I would be prepared to support that amendment. It does recognise that times are difficult financially and it gives an extended time, which is the point Mr Westende is raising in his amendment.

When Mr Connolly comes back with his totally refurbished look at all these areas and has some further suggestions, I will be quite happy to consider that. It may well be that over the next few months we learn that there is some terrible problem and that what we have done is causing difficulties. I think it is more likely that we will find that it has actually improved the situation for people who need that extra bit of time to save the money when they have done the wrong thing and have to pay a fine. It may well be that this is a model Mr Connolly can look at and assess whether or not it is an appropriate way to deal with fines. If that is the case, we will be able to work with that extra bit of knowledge in mind.

In summary, Madam Speaker, I support the concept of the Bill in principle. I will be supporting the amendment in clause 4, although I will be opposing the amendment in clause 3 on keeping to the left-hand lane. Having these double-barrelled Bills does make things difficult in many ways, but I can understand why it is done in that way.

**MR WESTENDE** (11.10), in reply: Madam Speaker, this is a piece of legislation that I would have thought had enough commonsense in it to appeal to just about everyone, and it surprises me that the Government is opposed to it. When we checked with the Minister's office in the early stages - and I mean the Minister's office, not the Minister - we had an indication that they would not oppose it. In fact, they seemed to be fairly enthusiastic about it. So it did come as a surprise when the Minister announced the Government's opposition.

**Mr Connolly**: Who said that?

**MR WESTENDE**: Your office indicated that you would not oppose it, Mr Minister. Mr Connolly in his address on this Bill made the comment that the ACT expressways encourage people to drive as fast as the law provides. I would argue that this is not the case, and that the truth of the matter is that people drive faster than the permitted speed at times. It is not uncommon to be caught up in a flow of traffic that is exceeding the limit. I suggest that one of the reasons for this

is that drivers, in not keeping to the left, believe that the right-hand lane is a speed lane and drive accordingly. However, I do acknowledge Mr Connolly's point about the effectiveness of this law in peak times when both lanes are fairly busy and are required to accommodate traffic demands. While the Government has indicated its opposition to the Bill, it is noted that the Minister has undertaken to look at the matter of signage, such as "keep left unless overtaking", or something similar. It is also noted that the Minister has undertaken to monitor traffic flows on these expressways in the ACT to assess further the matter addressed in this Bill. I also acknowledge that driver education is a very necessary ongoing need, and I would be very interested in seeing further developments along these lines - education not only in general driving courtesies but also in driving skills.

Ms Szuty pointed out that it is an offence to hinder traffic and that in theory a police officer could book a driver for this kind of behaviour. However, the point is that this is rarely done. When people notice a police officer they normally slow down and if they are not in the left-hand lane they usually move there fairly decisively. I believe that people do realise that it is the correct practice to drive on the left when not overtaking; but they tend to be rather lax about it because there is nothing to encourage them to do so, apart from general courtesy. I suggest that courtesy is not a strong point amongst most drivers. It seems that all speakers believe that education is an important issue and, as such, it should be given further attention by the Assembly.

I further suggest that the Minister look into the training program for driving instructors, who currently do not - I emphasise that - encourage their pupils to keep to the left. We can accept signs as the first remedy; but, if that does not work, will the Minister agree to resurrect this Bill and make it into law? If the Minister will not give this undertaking, must we therefore assume or draw the conclusion from this debate that no Bill is any good unless it emanates from the Government; in other words, that private members' Bills do not rank, whatever they are about? As to the second part of the Bill, I understand that we may not get support on those fines, and we will wait until the amendment is moved to see whether we support it.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

| *AYES, 8* | *NOES, 7* |
|---|---|
| Mrs Carnell | Mr Berry |
| Mr De Domenico | Mr Connolly |
| Mr Humphries | Ms Ellis |
| Mr Kaine | Ms Follett |
| Mr Moore | Mrs Grassby |
| Mr Stevenson | Ms McRae |
| Ms Szuty | Mr Wood |
| Mr Westende | |

Question so resolved in the affirmative.

Bill agreed to in principle.

**Detail Stage**

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 negatived.

Clause 4

**MS SZUTY** (11.21): I move:

> Paragraph (b), omit the paragraph, substitute the following paragraph: "(b) by inserting in paragraph 5(a), after "further period", the words "(not exceeding 56 days)".

I believe that it is in the interests of this Assembly that we compromise on this matter. The existing legislation allows 28 days for payment of fines. Mr Westende has proposed in his amendment to the Motor Traffic Act 1936 that that period of 28 days be extended indefinitely. The effect of the amendment will be to extend the period to 56 days. As Mr Connolly has foreshadowed, a review of traffic fines is coming before this Assembly in the near future. However, in the interests of the Assembly, I think the acceptance of this amendment to change the period for payment from 28 days to 56 days is sensible.

**MR HUMPHRIES** (11.22): Madam Speaker, I think the Opposition will accept this amendment. I still would argue that it is a bit woolly-headed. It provides an extension of time for a limited period, and I repeat my question: Why should citizens of the Territory not be entitled to a further discretion than that? What reason is there not to have a further discretion? We would all accept on social justice grounds that circumstances could exist where there ought to be an extension beyond 56 days. I cannot see why we cannot accept that; but, if that is wish of the Assembly, so be it.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.23): The Government will not be supporting this amendment. We prefer to leave the whole matter alone. Certainly, if it is supported by the majority of members, it provides a far more sensible solution than that originally proposed.

Amendment agreed to.

Clause, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

## NATIONAL WATTLE DAY

**MRS GRASSBY** (11.24): I move:

> That, to celebrate Australia's floral heritage, the Legislative Assembly for the Australian Capital Territory supports the observance of 1 September each year as National Wattle Day.

Madam Speaker, we do not have a national flower. I understand that the golden wattle, which in many States is regarded as the national flower, was first included as a decoration surrounding the Commonwealth coat of arms in 1912 on the recommendation of the Prime Minister, Andrew Fisher. Andrew Fisher, whose birthplace was Scotland, had obviously been a great lover of the Scottish thistle emblem and understood the importance of a floral emblem. As a young child, he suffered the hardships of poverty and would have recognised the beauty of the golden wattle, which was free to be picked in all parts of Australia. It would brighten up an otherwise dreary existence at the time of Andrew Fisher's youth.

The wattle has been in continuous use as Australia's floral emblem since the days of Andrew Fisher, or even early Canberra. The wattle has appeared in the design of many Australian stamps and awards. Indeed, the emblem on the Order of Australia is a single wattle flower in the form of a convex disc. The wattle reflects the national colours of green and gold seen so prominently in the uniforms of our Olympic athletes from time to time, and even the boxing kangaroo flag that became so famous some years ago is mainly green and gold.

Traditionally, flowers have been used as identifying symbols for many nations and cultures; for example, the chrysanthemum of Japan, the rose of England, the silver fern of New Zealand, the cedar of Lebanon, and the maple leaf of Canada, which is part of their flag. For thousands of years various plants have been associated with special meanings and mystical power. The hawthorn represents immortality; the lotus blossom is closely associated with the Buddha and the enlightenment of the soul. Many women have been warned that planting the humble herb parsley will help them fall pregnant. As a mother of only one child, I obviously did not plant enough parsley when I was young. But, of course, if ifs and ands were pots and pans, I suppose there would be no room for tinkers.

The importance of the wattle to early Australian settlers cannot be denied. We have all heard the term "wattle and daub" used to describe huts made from wattle sticks and mud. Many of the new settlers lived in these huts until they were able to build appropriate houses. Even today the wattle has many uses. Honey from bees that populate wattle trees is amongst the best in the world, and bark from the tree itself is reputed to have antiseptic and medicinal qualities.

Henry Lawson wrote a very famous poem, *Freedom on the Wallaby*, which refers to the first struggle against oppression and the battle to establish a republic in Australia - the Eureka Stockade. That battle continues in other forms today and is one that I believe we will eventually win. I quote the last lines of Henry Lawson's poem:

> We'll make the tyrants feel the sting
> Of those that they would throttle;
> They needn't say the fault is ours
> If blood should stain the wattle.

The wattle has been very much part of Australia's history and is the flower that best describes Australia. Its bright yellow colour is considered in countries such as Thailand to be a royal colour. Those opposite, who seem to feel that royalty is very important - they all have flags on their desks, representing royalty - I am sure, will agree that wattle should be our national flower. I have always felt that wattle is a bright flower and represents hope. The former President of the Philippines wore yellow as an independent and a republican, and because it brought a feeling of hope, of independence, to the republic.

The golden wattle is a most suitable floral emblem for Australia, and the proclamation of 1 September as Wattle Day will recognise its rightful place in Australian history and tradition. When we as Australians come to have our own flag, we could look at putting wattle on the flag, as the Canadians have put the maple leaf on their flag. I think we would all feel very proud to have a flag with wattle on it to serve under - a flag that represents all Australians, no matter what their ethnic background, rather than a flag that represents the ethnic background of only certain people who came to this country. With a Spanish and Irish background, I would love to see wattle on the flag.

**MR HUMPHRIES** (11.30): I greatly appreciated Mrs Grassby's comments; they were very edifying, although I have to correct her on a couple of small points. I could go to some lengths on this, but I am going to mention only two. My learned leader advises me, and I am sure he is right, that "wattle and daub" does not actually refer to wattle at all. It is an old English phrase. Wattle and daub houses are very common in England, or at least were at one time, and I do not think they grow much wattle in England. I am sure it is a reference to something else.

**Mrs Grassby**: You had better believe it. They do. I have seen many wattle trees in England.

**MR HUMPHRIES**: I am sure that the 400-year-old houses I have seen did not have any wattle in them when they were first made.

**Mrs Grassby**: Are you sure of that? Be very careful what you say. You had better check it out.

**MR HUMPHRIES**: I will be very careful when I hear anything from your lips, Mrs Grassby. I am sure that there is no such creature as a wattle bee, though. That I am absolutely sure about.

**Mrs Grassby**: There is South African wattle. There is wattle all round the world. It does not come only from Australia. I have checked it out, so be very careful.

**MR HUMPHRIES**: Indeed there is, Mrs Grassby, and I am sure you will have another chance to say that when you sum up in this debate. I think that Mrs Aquino, to whom you referred as the former President of the Philippines, is still the President of the Philippines.

**Mrs Grassby**: No, the new President was declared yesterday.

**MR HUMPHRIES**: Her term expires on 30 June, I think you will find, and Mr Ramos becomes President on 1 July. But that is not a matter of any consequence.

**Mrs Grassby**: You love splitting hairs, don't you - a typical lawyer.

**MR HUMPHRIES**: Madam Speaker, I think there will be more of Mrs Grassby in this speech than there will be of me, if we carry on this way.

**MADAM SPEAKER**: I was noting that, Mr Humphries.

**MR HUMPHRIES**: Thank you, Madam Speaker. I think I can support the content of Mrs Grassby's motion. It is desirable to have a national emblem, and the wattle seems to me to be an excellent candidate for that role. Mrs Grassby points out that in 1912 the then Prime Minister, Andrew Fisher, formally recognised the wattle as the national flower. However, I point out that it was Mr John Gorton, as he then was, when he was Prime Minister, who persuaded the State and Commonwealth Ministers responsible for tourism to agree on a set of national animal and plant symbols. That was an extension, if you like, of the idea. It was some time after that again that the golden wattle was formally proclaimed as the national plant. That occurred, as I understand it, only at the time of the Bicentennial. So it has really been a quite recent development, although for quite some time Australians have recognised wattle as the national plant.

Mrs Grassby referred to some of the history of wattle in the Australian identity. In an interesting article last year by Robert Boden in the *Canberra Times*, he ran through some of the history, based on a book by Maria Hitchcock called *Wattle*, which traced the role of the wattle. In particular, it argued the case for the wattle to be commemorated by National Wattle Day, which I gather has been settled, now on 1 September. Indeed, the first Wattle Day was commemorated on 1 September 1910 by Sydney, Melbourne and Adelaide only. I do not know whether it is any more extensive these days, but perhaps it should be. Back in 1838 we had the first reference to wattle as a symbol of Australian nationhood, or at least of Australian identity. People were encouraged in Hobart to wear a sprig of silver wattle blossom as a national emblem. We saw in 1889 the establishment of the Wattle Blossom League in Adelaide.

As Mrs Grassby mentioned, the wattle was recognised by Andrew Fisher on 19 September 1912. It became a very strong patriotic symbol, particularly during the First World War, when soldiers often wore it in their uniform. I imagine that that was not a terribly wise idea if you were going into combat, because of its bright yellow colour. Nonetheless, some soldiers did wear sprigs of wattle. Others when they were in hospital in Egypt had pressed sprigs of wattle sent to them by people in Australia. That was a morale boosting gesture for the Anzacs.

As Mrs Grassby mentioned, the Order of Australia now incorporates the wattle design, and I think that is wholly appropriate. I feel that I can support this motion by Mrs Grassby, but I also should contribute some poetry, since Mrs Grassby was kind enough to give us some. This first small poem comes from *A Little Sprig of Wattle* by A.H. Scott.

**Mr Lamont**: A fine Australian.

**MR HUMPHRIES**: I am sure. The poetry is pretty fine, so I assume that we can say that about the man himself - and I assume that it is a man. He was a member of the 4th Battery, Australian Field Artillery, who served at Gallipoli.

**Mr Kaine**: And probably born in England.

**MR HUMPHRIES**: Probably born in England, yes.

**Mr Lamont**: No, he was actually born in Australia.

**MR HUMPHRIES**: Mr Lamont speaks with authority about this, so I will take his word for it.

**Mr Kaine**: He came from Braidwood, did he, David?

**Mr Lamont**: No; but, if he had known it was there, he would have.

**MADAM SPEAKER**: Order! Mr Humphries has the floor.

**MR HUMPHRIES**: Thank you, Madam Speaker. The poem reads:

> My mother's letter came today,
> And now my thoughts are far away,
> For in between its pages lay
> A little sprig of wattle.

There is another one that is selective as between different Australian plants, and I might support part of that because I do not have much affection for some Australian plants. Another poem is by Amy Mack, who I think we can conclude fairly conclusively was a woman, in *A Book of Australian Verse for Boys and Girls* published in 1916. It reads:

> The Wattle is a lady, in her yellow satin gown,
> The Gum-tree is a gentleman, with suit of green and brown,
> The Hakea is a crosspatch, and he'll scratch you if he can,
> The Cabbage Tree's a vain coquette, with every leaf a fan.

As I said, I have a very long poem about other Australian plants that I dislike; but I will not read that today. I do indicate that it is a wonderful idea Mrs Grassby has brought forward, and I believe that we on this side of the chamber can support it.

**MR LAMONT** (11.37): Madam Speaker, I rise appropriately after Mr Humphries, on the basis of the eloquence of the poetry he read, because that will constitute the major part of my address on this matter. I think it is appropriate that we come to recognise the importance of the wattle to Australia's history. It has been a magnificent emblem of all those things that have made Australia. There is a poem Mrs Grassby referred to called *Freedom on the Wallaby*.

**Mr Humphries**: The wattleby?

**MR LAMONT**: No, it is not wattleby; it is wallaby. I would have expected you, with your education, to understand what it meant. What I will do is go through it and try to give you a short history lesson of Australia. It reads:

> Our fathers toiled for bitter bread
> While idlers thrived beside them;
> But food to eat and clothes to wear
> Their native land denied them.
> They left their native land in spite
> Of royalties' regalia,
> And so they came, or if they stole
> Were sent out to Australia.

That epitomises the early history of Australia. It talks about the struggle of the peoples from around the world in terms of their native lands. It indicates part of our British heritage, our English tradition, if you like; but it also recognises that Australians came from other parts of the world. It goes on:

> They struggled hard to make a home,
> Hard grubbing 'twas and clearing.
> They weren't troubled much with toffs
> When they were pioneering;
> And now that we have made the land
> A garden full of promise,
> Old greed must crook his dirty hand
> And come to take it from us.

What that really represents is those ideologies that saw this country blossom in this century. It talks about hard work; it talks about the ability of people in this country to toil, to achieve objectives, to prosper.

**Mr Moore**: That is a strange interpretation. We can interpret poems differently.

**MR LAMONT**: We can, which is one of the reasons why you have had to write your own. What it also epitomises, Madam Speaker, is that a philosophy has grown up in this country that not all things that appear to be successful are. As far as the acquisition of capital and gain are concerned, the way in which that has been done has not always been in the best interests of Australia.

Bearing all that in mind, we also need to talk about the spirit of Australia, and that indeed is what the wattle represents. It has been used as an emblem not only in times of strife, throughout the wars that Australia has been involved in, but also in the joyous times Mrs Grassby represented in her address. It is something that has made Australians proudly Australian, a unique symbol of their country, much like the Southern Cross, an emblem which represents true Australia, with all its myriad backgrounds and all the diverse cultures we have developed from.

**Mr Kaine**: And South Africa and South America. They see it too.

**MR LAMONT**: Yes, South Africa does see it, and it is good to see that an organisation as internationally respected as the African National Congress recognises why Australia would like to see the Southern Cross on its flag. They also recognise just how significant it is.

One of the things my own background leads me to is much passion about the last stanza of this poem. I will quote it and there end my address:

> But Freedom's on the Wallaby,
> She'll knock the tyrants silly,
> She's going to light another fire
> And boil another billy.
> We'll make the tyrants feel the sting
> Of those that they would throttle;
> They needn't say the fault is ours
> If blood should stain the wattle.

**MR MOORE** (11.42): After Mr Lamont's and Mr Humphries's wonderful renditions, I just have a few questions to raise: Wattle it achieve? Wattle it do? Wattle we debate? Wattle we smell? Wattle make us sneeze? Wattle make a better emblem? Wattle make us happy? Wattle provide a great symbol? Wattle provide the chance to forget our economic woes after nearly 10 years of Labor government? Wattle we come to if members keep reading poetry? Wattle you do, Madam Speaker and members, if I continue for the next 10 minutes in this vein? Wattle 1 September provide as a national floral day that 2 September would not provide? Wattle we do if Gary Humphries actually speaks so often without using his fully allotted time? Wattle we do for people who suffer hay fever from getting too close to wattle trees? Back to the main and most important question of all, wattle we really do to help make people happy?

**MS SZUTY** (11.44): Madam Speaker, I do not quite know how to follow that, but I will attempt to. I welcome Mrs Grassby's motion in private members' business today. I think it is appropriate for Australia to celebrate the first day of spring as National Wattle Day. I think it is more appropriate on the first day of spring and not the second day of spring, as Mr Moore suggested. It is also appropriate to support our national flower in this way, through the observance of 1 September as National Wattle Day.

**MS FOLLETT** (Chief Minister and Treasurer) (11.45): I will speak briefly on this matter. I also am grateful to Mrs Grassby for having brought forward the matter and for the indication from all speakers so far that they are in support of it. There is a broader context to this question, and it arose when the Federal Government - in fact, Senator Nick Bolkus, the Minister for Administrative Services - asked for a view from the ACT Government on whether a National Wattle Day should be celebrated on 1 September. He asked this question of all Australian governments.

**Mr Kaine**: Is this going to be another public holiday?

**MS FOLLETT**: I will come to that, Mr Kaine. Madam Speaker, I am surprised that so many members have glossed over the fact that it is 1 September, because our closest State, New South Wales, has always celebrated Wattle Day on 1 August. If members know their wattles they will realise that the most common wattle in this region, the Cootamundra wattle, is well and truly finished by 1 September. In looking at an alternative date, we might also have to look at alternative plantings in our region.

Members have spoken about the history of the wattle. As Mr Humphries, I think it was, said, it was only in August 1988 that the golden wattle, Acacia pycnantha, was declared as the floral emblem of Australia. In having a National Wattle Day, we will be celebrating all varieties of wattle, some of which we have heard about in the debate today. In the ACT we will need to establish which wattles we might have in full bloom for 1 September. I know from my own garden and my own area that it will not be the most common wattle, the Cootamundra wattle.

I believe that most States have responded affirmatively to Senator Bolkus's proposal for 1 September. Following this debate in this Assembly, I will be pleased to respond positively as well. I do think it is appropriate that issues of this significance should come to the Assembly for some debate and an indication of support amongst all the parties. I assure members that the proclamation of a National Wattle Day does not in any way mean that there will be a further public holiday. In fact, Senator Bolkus has gone to some pains to assure governments of that. He says:

> The national celebration would be on the understanding that neither a national holiday nor any commitment of Commonwealth funds would be associated with this proposal.

That hardly comes as a surprise to some of us. It should reassure members opposite and, of course, reassure the business community, who in general do not favour public holidays in any form. Having heard members' views on this, I will be in a position to respond positively to the Federal Government. I look forward to seeing some proposals from members on the celebration of our National Wattle Day - although I do not think I will be putting Mr Moore in charge of it, based on his remarks today.

**MRS GRASSBY** (11.48), in reply: I thank all members who spoke very nicely on this. I would like to let Mr Humphries know that the Spanish were here long before the Dutch, and we all know that the Spanish Armada was then wrecked on the south coast of England and Ireland and could very easily have taken the wattle back to England in that way. I think he had better look up his history. After all, the English found their way here on Spanish maps. I have seen wattle trees in England and also in Ireland. I am speechless about the comments made by Mr Moore. I felt very much in tune with the speech made by Mr Lamont as he quoted one of my favourite poems. My leader made an excellent speech. Mr Humphries recited poetry with much perspicacity, but an old bushie would say a poem this way:

> This 'ere is our wattle,
> as 'e 'eld it in 'is 'and;
> it's a symbol of our land.
> You can stick it in a bottle,
> you can 'old it in your 'and.

I shall finish with that, Madam Speaker.

Question resolved in the affirmative.

## FLAGS AND EMBLEMS

**MR KAINE** (Leader of the Opposition) (11.50): I move:

> That, in recognition of the sovereign status of the ACT, the ACT Government take early steps to adopt (a) a flag for the Territory; (b) a logo for the Territory; and (c) flora and fauna emblems for the Territory.

Members may have noticed that I sat quietly and did not participate in that last debate. I knew that people's attitudes would be that it is a great idea to recognise our national emblem by having a national day. Nobody disappointed me and it was not necessary for me to contribute to that debate. Now we have a second debate on much the same issue. What we are talking about here is symbolism - symbols that mean something to us. I presume that everybody will be just as supportive of my proposal as they were of the previous one.

I thank Mrs Grassby because it was actually her motion that stirred me to action on this important issue. It reminded me that as Chief Minister this was one of the major items of business on my desk the day I lost the no-confidence motion. As with lots of other initiatives taken by the Alliance Government, this one got put in the bottom drawer by the new Government. I think it is an important issue. An ABC reporter interviewed me recently and I made the comment that one of the occasions on which I noticed the absence of an ACT flag, for example, was when I went to ministerial council meetings. Every member around the table had a little State flag in front of him, the Northern Territory representative sat there with the Northern Territory flag in front of him, and the ACT did not have one. The reporter's comment was, "Did you feel naked?". No, I did not feel naked; but it was noticeable that everybody else came to that meeting, as people tend to do, with symbols that indicate who and what they are. It is pretty much human nature.

If you look around your circle of friends, they belong to all sorts of organisations, clubs and the like, and every one of them has a symbol. People wear jackets and shirts with symbols on the pockets to say, "I am a member of this club or that club". Members of sporting clubs, in particular, like to be identified with the club they belong to. Look at the ACT Government. Various organisational elements of the ACT Government have their own logos, their own symbols. Parks and Conservation has a great one. If you see a vehicle driving around with one of those gang-gangs on the side, you know immediately that this is an officer from ACT Parks and Conservation.

I think it is a human thing to want to use symbols that show other people what you are and who you are. I have mentioned a range of symbols here. The wattle has been adopted as the national flower. The ACT has that little purple thing - do not ask me to pronounce it; it is Latin, and I know that it does not have a common name. I do not know whether that has been formalised as the ACT floral emblem. I doubt that it has.

I started thinking about birds and animals, and the sort of animal we could adopt. I thought about the feral cat, which is pretty common in the ACT; but I did not think that would be too popular. I thought maybe a wombat would be good, because almost every other Australian native animal has been adopted by somebody or other.

**Mr Lamont**: Lionses and tigerses.

**MR KAINE**: If we turned all those zoo animals loose in Namadgi, perhaps we could adopt the elephant as the ACT's symbol. At least, if you turned them loose they would keep the hikers away and they would not damage the landscape. I am being a bit facetious; but I think there is a need for us to adopt some symbols that reflect this community, so my proposition is quite serious.

I would like to take up one point, Madam Speaker. Somebody asked how it is that members of the ACT Assembly can be diverted on such irrelevant issues as this when there are major issues before us. Of course there are, but I find it quite possible to deal with two or even three matters at a time. I can cope with the problems of a termination of pregnancy Act being repealed; I can cope with budgetary problems; I can deal with matters of planning. At the same time, I and, I am sure, other members of the Assembly are quite capable of dealing with a matter such as this. I think it is rather trivial for people to ask why we are wasting our time. The implication is that we are such imbeciles that we can deal with only one matter at a time and anything beyond that is too much for us. I do not accept that.

For the same reasons that were outlined eloquently by Mr Humphries, Mr Lamont, Mrs Grassby and others in the previous debate about the significance of the wattle to us as Australians, I think it is important that we adopt some symbols of our own so that when our sporting clubs and others go interstate and elsewhere they can display them. I point out that there clearly is a need. If you look around Canberra you see that a number of organisations fly that brownish-tannish coloured flag with the city emblem on it - the black and white swans. They adopt that because there is no other flag. It is not an ACT flag; it is a flag that was granted to the Federal Capital Commission when it was established in 1927, and it is a Canberra city flag. But people use it because they have no other. I think there clearly is a need. People see a need, and we should be doing something about it.

As to how we resolve what our flag should look like, we have had a number of competitions over the years and most of the results have been terrible. Many of them in recent years have incorporated the flagpole on top of Parliament House. I would think that is the last thing we want to adopt to represent the people of Canberra. It is a Federal symbol, not a territorial one. I have my own ideas about what we should put on our flag; but I will not force those on you, because most of you probably would not agree anyway. I will do a drawing for you and submit it to the Chief Minister.

**Mr Lamont**: It has not got a Union Jack on it, has it?

**MR KAINE**: No; but it is a good symbol, and for me it does encompass the history of Australia. The first migrants to this country came from the United Kingdom. Why do we want to throw that heritage away? I do not understand that thinking at all. I am afraid that I do not have much sympathy for those who want to throw away the past. It is our history, and I have no difficulty acknowledging that. I cannot understand why people now want to disassociate themselves from the fact that this country was settled by the British.

**Mr Lamont**: That flag is not the Irish flag; it is not the Scottish flag; it is not the Welsh flag. If you have a look at who was transported to this country, Mr Leader of the Opposition, there were not too many from England.

**MR KAINE**: Madam Speaker, do I have to enter into a debate with Mr Lamont on this issue?

**MADAM SPEAKER**: I am about to point out to Mr Lamont that you have the floor, Mr Kaine.

**MR KAINE**: Thank you, Madam Speaker. As somebody else said yesterday, will you protect me from this assault?

We are talking about symbolism. I accept that some people today no longer see that flag as being a symbol that they want to accept. That is fine; that is an opinion they are entitled to. I happen to think it is a good one, and I will not voluntarily surrender that just because somebody else thinks they have a better idea. They are going to have to convince me that it is a better idea, but that is exactly the point I am making. It is a symbol that a lot of us still find acceptable; others do not.

We in Canberra ought to have our own symbols, just as people elsewhere in Australia do. I ask members of the Assembly to support this motion, just as they supported the previous one. The principle is exactly the same, and I ask for your support for it.

**MADAM SPEAKER**: Mr Kaine, we have referred to standing order 42 a couple of times in the last days' proceedings. It states:

> Every member desiring to speak shall rise and address the Speaker.

The intent of that is to point out to members that they should not inadvertently show disrespect to the Chair by showing their backs. I realise that the set-up of this chamber is not conducive to that.

**Mr Kaine**: Perhaps you will allow me to stand down there and speak, then I will not offend.

**MADAM SPEAKER**: Mr Kaine, without argument, I understand your problems; but in part that was why Mr Lamont could address you so easily. I meant no disrespect to you, Mr Kaine, because I am sure it was inadvertent. However, I remind members that the intent of standing order 42 is to show respect to the Chair, whilst addressing the Chair, not necessarily looking at me for every minute of that address.

**MS FOLLETT** (Chief Minister and Treasurer) (12.00): I have no hesitation in indicating support for the motion Mr Kaine has moved. I regard his raising of this matter as really giving the Government a nudge along on another matter which is in the Government's court at this moment. The fact that Mr Kaine put the matter on the notice paper is less compelling than the fact that the Liberals all have another flag on their desks. I take it that when we adopt a flag for the ACT that is the one they will have on their desks. I do feel spurred into action on the matter. It is one the Government has been considering, and in fact it has been considered over many years, as Mr Kaine pointed out. It is not a trivial issue; it is

an issue to which the ACT does need to give attention. We need to take our place in every respect beside other States and Territories, and the adoption of these emblems, the adoption of a flag, is an important part of taking our place in that way.

There is quite a bit of history to do with the ACT's traditions and practices that I might point out briefly to members. As Mr Kaine mentioned, the city of Canberra does have a coat of arms. It is the one with which we are familiar and features the black and white swans. It appears on various flags around the city, but it is not the flag of the ACT. Nevertheless, because of the history of that coat of arms and because it was dedicated to the city of Canberra, it still has a place in our symbolism and we ought to find some place for that tradition. The ACT is not so overwhelmed with tradition and history that we want to throw out any of it. I would very much like to see at least that part of our tradition maintained.

The city also has some colours which have been nominated. They are blue and white, and again members might be familiar with those colours on various emblems. I do not believe that they are as well known as our traditional sporting colours of blue and gold, which are the ones you tend to see on teams representing the ACT. In fact, our city colours are blue and white. A further bit of tradition is the use of wahlenbergia gloriosa, or royal bluebell, as our floral emblem. Again, it is not a symbol that is widely known throughout our Territory. I think it ought to be; it is a particularly fitting symbol. It is pretty much exclusive to this region, unlike other bluebells, which are quite common. If we want to move in that direction, that is probably the floral emblem we should be looking at. To my knowledge, we do not actually have a faunal emblem, and that is a matter that I am sure members will have views on. I am quite sure that any debate on that matter would give rise to the usual level of wit. However, I point out to Mr Kaine that the hairy-nosed wombat is one of the faunal emblems of South Australia. So that one is taken, and we might still be stuck with a flock of galahs.

All of these matters, Madam Speaker, are of relevance. I think there is a very good case to be made for involving the community in some way in the selection of these symbols for our Territory. It is a matter I have had under consideration, and I have had some preliminary debate with some of my colleagues on it. No conclusions have been reached; it is probably not a matter upon which we would get consensus because people have such widely varying tastes and views. However, I will take Mr Kaine's hurry-up in the spirit in which I am sure it is intended and assure him that the Government will give the matter proper attention. I do regard it as a matter of significance to the ACT that we ought to be getting on with.

I think it is particularly important that we do this quite swiftly, because we are rapidly reaching the point where self-government is completed. This year we will be getting the courts; we have been asked to create our own public service. The matters for which the Commonwealth has responsibility have dwindled to almost nothing. In fact, as we all know, they have given us responsibility for our own electoral matters as well. So it is a good time to look at it. It is not a trivial issue. It is one to which all States and the Northern Territory have given the closest attention. If it is done right, it is a matter that I believe can build pride in our Territory, can build the identity of our Territory, and can be very important in creating cohesion in our community.

**MR HUMPHRIES** (12.06): Madam Speaker, the Opposition Leader and the Chief Minister have said just about everything that needs to be said about this, so I will comment only briefly. I, too, noticed the lack of an appropriately identifiable symbol for the ACT when I attended ministerial meetings. People would often ask me what the coat of arms represented, why there were swans on it, were swans native to Canberra - to my knowledge they are not - and so on. It kindled in me the idea that we ought to be developing appropriate symbols.

Although contributions have already referred - some seriously, some not - to the sort of symbols we should use, I would simply appeal for some thought to be given to symbols which are distinctively and unmistakably Canberran. The Opposition Leader referred to the flagpole over Parliament House. I would not accept that as a good symbol to use for the ACT. I point out, however, that it is the sort of symbol that is instantly recognisable around the country as part of the ACT. When he said it, I noticed that I was wearing a lapel badge that has that symbol on it, although not intentionally.

**Mr Kaine**: Rip it off!

**MR HUMPHRIES**: I will take it off later on. I think we should search for something that is recognisably ACT. The Northern Territory has a stylised flower, which either is inherently symbolic of the Northern Territory or has become that way since it was adopted. Perhaps we should look for something of that kind in the ACT, if such a thing is available. A book I have in my possession refers to the importance of flags by saying - - -

**Mr Lamont**: No more poetry!

**MR HUMPHRIES**: No, it is not poetry. It says:

> Flags incarnate the overcoming of nature, of fellow humans, of self, but an overcoming through comprehension and assimilation as often as by conquest and obliteration.

That is true. Flags have been both a symbol of oppression and a symbol of freedom, in a sense. As the Chief Minister points out, we now have a new freedom in the ACT and we should have an appropriate symbol to show that we are free of the hegemony of Commonwealth control and now have our own independence. I hope that this process will proceed quickly.

I think I heard the Chief Minister say that it would proceed by consultation with the public; perhaps another competition, perhaps not. Certainly, it should be something that reflects as consensually as possible what we should all be looking for in the ACT. I do not seriously suggest that there should be a Union Jack on the ACT flag, but we should have something that everybody can feel comfortable with as a good symbol of the ACT.

**MR STEVENSON** (12.09): I disagree with the motion. I can understand that there could be a competition for some sort of symbol that epitomised the ACT. I would suggest a large X. That would be well recognised throughout the land. Perhaps on a more conservative note we could run a competition to ask people to give us a symbol to denote increased taxes, reduced community services and increased borrowings.

Mr Kaine has raised matters such as a $73m deficit, which is nothing compared to what it will be in the future. That perhaps epitomises what Canberra has become in this unconstitutional attempt to increase the sovereign status of the ACT. We should be doing everything we can to reduce the sovereign status of the ACT and to get the Federal Government to accept their responsibility in looking after the State-type functions of the ACT. Most people in Canberra agree with having a local municipal council. Anything that recognises the sovereign status of this unsovereign, very large country town or small city would not be recommended.

**MR KAINE** (Leader of the Opposition) (12.10), in reply: I do not think anybody, including Mr Stevenson, has put forward any real argument against the adoption of this proposal. I think the predominant feeling is in favour of it, and I will leave it to the good sense of the members of the Assembly to decide.

Question resolved in the affirmative.

## INDUSTRIAL RELATIONS

**MR LAMONT** (12.11): I seek to have this matter adjourned, Madam Speaker.

**Mr Humphries**: Why? You are not ashamed of it, are you?

**MR LAMONT**: No, Madam Speaker, I am certainly not ashamed of the proposition appearing in my name.

**MADAM SPEAKER**: Mr Lamont, I refer you to standing order 128. We have to note the time to which you want to adjourn it.

**MR LAMONT**: I fix a later hour this day for the moving of notice No. 4.

## URBAN RENEWAL

**MR LAMONT** (12.12): Pursuant to standing order 128, I fix the next day of sitting for the presentation of notice No. 5.

**Sitting suspended from 12.12 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Government Service - Salaries and Staffing Reductions

**MR KAINE**: I would like to address a question to the Chief Minister. I go back to the budget overview statement and the budget speech of approximately a year ago. In the budget speech the Chief Minister said:

> Progress has been made towards implementing the crucial decision to make targeted reductions in salary expenditure of $6m in 1991-92 and $10m in a full year.

In the budget overview, at page 49, it is said that, consistent with some statistics that preceded it:

> ... expected average staffing numbers shown in Budget Paper No. 5, show an expected reduction in staffing in 1991-92 relative to 1990-91 of approximately 500 full time equivalent staff.

The fiscal year 1991-92 is just about over. Can the Chief Minister tell us how far she has gone in achieving the $6m reduction in salary expenditure and the reduction of approximately 500 full-time equivalent staff during this fiscal year?

**MS FOLLETT**: I thank Mr Kaine for the question. I would like to say at the outset that the extent of the Government's decision on staffing reductions in the 1991-92 budget involved a reduction in salaries of $6m in that year or $10m in a full year. Roughly translated, that is 250 positions. So that is the extent of the Government's decision about staffing reductions in the budget last year. The salary appropriations of the agencies affected were reduced accordingly. Mr Kaine, if he goes through budget documents, will see that that is the case. Each agency was asked to manage its work force to achieve those savings through targeted reductions in administrative areas. Nobody would pretend that that was not a difficult thing to achieve.

The Government, of course, gave an undertaking that no involuntary redundancies would be involved and that there would be full consultation with the unions. We also gave an undertaking that award provisions would be followed, particularly the triple-R award as it is called. Over the period since the last budget there was agreement reached with the relevant unions about how those staffing reductions would be achieved. I think all agencies with the exception of Health, which had its own staffing program ongoing, were affected. In the triple-R award, Madam Speaker, the emphasis is given to redeployment of staff and, indeed, that was the case in this exercise. But, where it appears that redeployment is not an option, there is consideration given to voluntary redundancy. Naturally, staff have a right to voluntarily accept or reject any offer. So, as I say, it is not an easy matter to manage, and I am sure that Mr Kaine is aware of that.

I can advise that a total of 241 occupied positions have been identified as potentially excess to requirements. So that is the number in the first place. After negotiations with the relevant unions, 229 of these have been formally declared as excess. There are 12 positions still subject to further negotiations with the unions. Of the 229 positions whose occupants have been declared potentially excess, 66 of those have been permanently placed in other positions, 24 are still seeking placement, and 139 have been considered for redundancy. I am advised that the majority of those 139 will, in fact, cease employment before the end of the financial year. That is the progress report that I believe answers Mr Kaine's question.

In the health portfolio a somewhat different process has been followed. That is due mainly to the very broad structural changes that are taking place in Health. ACT Health is working to a work force restructuring program which is supported by the unions and which includes reductions from hospitals consolidation and savings arising from its share of the $6m reduction. These are being achieved, in the first instance, through natural attrition, through redeployment and through offers of voluntary redundancy where that is appropriate. My advice to date is that some 90 staff have accepted voluntary redundancy and there have been others successfully redeployed. I do anticipate that further staff will accept offers of voluntary redundancy and redeployment opportunities, again before the end of this financial year.

Just to summarise, Madam Speaker, the processes that I have described are not easy. I require that they take place in consultation with the unions and, in that context and with very careful management of staff and resources generally, agencies are working towards achieving their 1991-92 salaries appropriations.

**MR KAINE**: I ask a supplementary question, Madam Speaker. Taking the figures that you have presented, that only 139 have been considered for redundancy, I think your answer was that they would all be out of the system by the end of the fiscal year. We are getting close to the end of the fiscal year and we do not know how many have actually gone. Is it reasonable to assume, since this is only just happening now, that the projected reduction of $6m in the salary vote is unlikely to be achieved, or anything like it?

**MS FOLLETT**: Madam Speaker, the actual outcome of the 1991-92 budget is obviously a matter that is still being worked upon and I cannot give final figures at this stage. I have given Mr Kaine the information that I have to date. Clearly, that position will be clarified over the period to the end of the financial year and immediately after the financial year.

## Financial Institution Fees and Charges

**MR LAMONT**: My question is directed to the Minister responsible for consumer affairs. Can the Minister inform the Assembly as to what steps have been taken to alert ACT consumers to the range of fees and charges applied by banks and other financial institutions?

**MR CONNOLLY**: I thank Mr Lamont for his question. There has been considerable public concern and agitation in recent months and years about bank fees and charges, and some degree of dissatisfaction with the practices of banks.

**Mr Moore**: We have already read this in the paper.

**MR CONNOLLY**: It is appropriate to let Assembly members know what is going on, Mr Moore, even if they do happen to read the *Canberra Times*. I am pleased to indicate to the Assembly that we have taken an initiative here, not to intervene in the market but to ensure that consumers are properly informed so that they can select a financial institution that offers them a good deal.

We have published in this month's "ACT Alert", which I hope all members are receiving - if you are not, contact my office and I will ensure that you do - a list of the 11 financial institutions operating in the retail market in Canberra. It sets out very clearly the variations between charges and services offered by institutions, and it is clear that if consumers shop around they can get a good deal to suit their particular budget. It is not a single market with a single fee. People with a substantial ongoing balance in their account might be happy with an account that pays a high rate of interest but imposes charges if your balance drops below a certain level. Other consumers who operate their savings account basically to run their household budget, with regular incomings from wages or benefits, would prefer an account with a lower rate of interest but which does not impose fees on a lower balance.

Armed with the information in this, which I note that the *Canberra Times* published on Saturday, updating to some extent the interest rates - it otherwise remains accurate in its original form - consumers are able to enter the market well informed and thus make a sensible decision. This is a useful service to consumers which, as far as I am aware, has not been provided previously by State or Territory consumer affairs bureaus. We intend to keep this service going.

## Urine Test Costs

**MRS CARNELL**: My question without notice is to Mr Berry. Could the Minister explain why a urine test carried out to determine whether a client on the ACT methadone program is using drugs other than methadone costs ACT Health more than $40, when the same test carried out on behalf of New South Wales Health costs approximately $7?

**MR BERRY**: Thank you for the question. The issue of costs for services provided in other States and those provided in the ACT would require closer examination, and I cannot answer the question. Mrs Carnell has obviously picked a best and worst case scenario for the colour of her question. I would be perfectly happy to have a look at it.

## Canberra Grammar School

**MS SZUTY**: Madam Speaker, my question without notice is to the Chief Minister, Ms Follett, and concerns the document "Canberra: Australia's National Capital: The natural place to do business", promoted by the Chief Minister's Department. Why was Canberra Grammar School chosen as the major illustration for the page on employment and education, with the accompanying caption "A major advantage of Canberra for families is the modern education system", when that school continues to reject the ACT's own Year 12 Certificate in favour of the New South Wales Higher School Certificate?

**MS FOLLETT**: Madam Speaker, that is an excellent question by Ms Szuty. I cannot answer it on the spot. I will be happy to take it on notice and respond to it in full as soon as I can.

## Belconnen Remand Centre - Psychiatric Wing

**MR HUMPHRIES**: Madam Speaker, my question is to the Attorney-General and refers to the Belconnen Remand Centre, in particular the much needed six-bed psychiatric wing, which has been constructed at an estimated cost of $750,000. Will the Attorney explain why the wing is still unopened even though it was scheduled for completion by March of this year? Is it the case that the wing has not yet been opened because the Government is unwilling to find the additional funds in this financial year to staff the facility? Can the Attorney give the Assembly an accurate amount as to how much has actually been spent on the facility to date? When exactly is it going to open?

**MR CONNOLLY**: I thank Mr Humphries for his question. That facility was somewhat controversial at the time. We reviewed, when we came into government, whether we would proceed with it; but the contracts had been let and work was considerably advanced from the original decision to place it there, which was made under your Government. I know that you were not the Minister responsible. Given your recent comments, which I broadly endorse - that the Belconnen Remand Centre has a limited life and, in the ideal world, should not be there and we should replace it with a new facility - perhaps if we had both had responsibility for the initial decision we would not have made that substantial investment decision. Nevertheless, the decision was made.

I do not have a recent update on when it was finished. I did ask officials some time ago what was the situation and have not got the final report back. I do not believe that it is the staffing matter, because staff have been employed. In fact, we have the qualified staff for that. At the moment they are doing other duties out at BRC, but not in the unit. I will certainly undertake to find out precisely what the current situation is with an opening date. Mr Humphries is accurate. The original projection was March and I have, from time to time, made inquires and have been told that things are progressing; but I have not yet got a date. I will also undertake to give Mr Humphries the detailed financial breakdown of the costs, both capital and salary. I would note that some of the trained salaried staff are already on budget and are performing other duties in the remand centre.

## Smoke Pollution

**MS ELLIS**: My question is to the Minister for the Environment, Land and Planning. What is the Government doing about smoke pollution caused by wood-burning stoves in Canberra, particularly within the Tuggeranong Valley?

**Mr Kaine**: They are putting a lid on it.

**MR WOOD**: Madam Speaker, there are many in the community who would wish us to put a lid on it. Winter again brings out one of Canberra's major air pollution problems, and that is the pollution caused by smoke from your household fire. The problem is quite noticeable for a variety of reasons, well known in Tuggeranong. It puts authorities in a difficult position. Wood-burning stoves are an important feature in the homes of many people. I am sure Mr De Domenico is one who goes home, puts his slippers on and has his glass of sherry brought to him in front of the fire.

**Mr De Domenico**: Yes, doloroso. You are right.

**MR WOOD**: I am disappointed to hear that. Wood-burning fires are an important feature of home life for many people and it is not possible for us simply to say, "That is it, folks; we are going to regulate you out of existence". Nevertheless, Mr De Domenico and others - I am sure he is a fine example - must attend to the pollution that their chimneys cause. It is the case in Canberra that, if you operate a factory or have an industrial chimney, there are limits on the emissions from that chimney. But there are no such limits on the tens of thousands of chimneys in suburban houses. I would suspect that some of those chimneys would emit more smoke than some of the better industrial chimneys, and collectively they add an enormous smoke load to the ACT environment.

If you are a jogger in Tuggeranong, or other parts of Canberra, and you do your jogging in the hours of dusk, you would certainly notice that. We get many complaints from people who are asthmatics or who are simply bothered by the smoke. It is a more significant problem, I believe, than many people realise. Education does not seem to be working, or it is working very slowly. We are trying that course. We do not really want to go down the path of regulation. That is a course that is not satisfactory. I doubt that we could go down the path of prohibition. So it does rely very much on education, on people doing the correct things with their stoves.

I will not go through the processes that people in Canberra need to follow. I think they have been fairly widely advertised and we will continue to do that; but, Ms Ellis, it is a problem. We are encouraging our inspectors to be attentive to it. I had cause only yesterday to send out an inspector to a particularly difficult chimney, as I was advised, in Tuggeranong. But we cannot tell that home owner to turn it off; we can only advise them. It is up to all citizens of Canberra with this facility in their home to take note of the problem and be very careful about how they use their stove.

**Sutton Park Driver Training Complex**

**MR MOORE**: My question is also to Mr Wood and it deals with an environmental matter. Recognising the importance of being good neighbours and the great care with which we must continue dealing with the people of Queanbeyan, will the Minister confirm whether or not the Sutton Park driver training track is to be approved for motor racing?

**MR WOOD**: Madam Speaker, this is one I can neither confirm nor deny. I have been following that closely in recent months. My department is at present working on a submission which will come to Cabinet in due course. Cabinet will be making a decision on the Sutton Park complex. That decision will be around the options of whether it becomes a road racing circuit, or is used as a driver education circuit, or whatever else may be explored. I do not think it will be too long before I will be able to advise you and the people in Queanbeyan who have contacted you, and other interested people, of what the outcome will be.

**MR MOORE**: I have a supplementary question, Madam Speaker. I presume, therefore, that before any such decision is made you will, in accordance with your normal policy, consult with people in Queanbeyan, particularly those at the Ridgeway. Are you aware that accepted noise formula calculations indicate that a racing venue should be at least four kilometres from the nearest houses, if the noise at the houses is to be limited to no more than five decibels above the background?

**MR WOOD**: Certainly, "consultation" is the operative word. I can assure the questioner, Madam Speaker, that residents of the Ridgeway keep in close and constant touch with us. Their views are very well known. I might say that they are very well respected. They are quite meticulous in the way they do it. I freely concede that there are no better people - they have the technical qualifications and interest - to advise us on the level of sound pollution. I accept that. We are attending very closely to what they say. I can let you be confident that the submission will reflect their views. Whether we accept all that they say is another matter.

## Milk Authority

**MR WESTENDE**: My question without notice is directed to the Minister for Urban Services. I refer the Minister to an article on the front page of the *Canberra Times* today in which it was announced that Mr Michael Sinclair had stood aside as chairman of the ACT Milk Authority, reportedly because of financial problems arising out of his accountancy practice. The Minister is reported to have kindly offered to restore Mr Sinclair to the position of chairman when and if he gets his affairs sorted out. Can the Minister confirm that the offer made is true? If so, how long does he have in mind for Mr Sinclair to get things sorted out? Who will be acting chairman in the meantime?

**MR CONNOLLY**: The report on the front page of this morning's paper did give me some concern. A person who accepts a job to chair or serve on a government committee, for which they receive remuneration but a remuneration often well below what they would get otherwise, comes into the public eye and so their private affairs, which would otherwise be their private affairs, can be the subject of some public agitation. Mr Sinclair and I spoke yesterday afternoon. He was aware that there would be some speculation as to his private financial affairs and he offered to stand aside as chairman of the Milk Authority.

Under the Milk Authority Act a person is ineligible for appointment, or to serve either as a member or as the chair, if they are formally involved in a bankruptcy proceeding. That is not the case with Mr Sinclair. However, to avoid embarrassment to the authority, which he has served very well as chair and which, in my view, has done quite a good job in keeping milk prices low in Canberra, he offered to stand aside. I think that was an appropriate course of action for him to take and I accepted that offer.

It should be stressed that he has not reached any point under which he is ineligible to serve. Subject to his financial affairs in his private business, which is his private business, being sorted out - if there is no statutory reason why he could not continue to serve - I would be happy to have him back serving the community on that authority. His private affairs now can be sorted out, absent from the public gaze and absent from any suggestion that it could impinge upon his role as chair of the authority or the authority's work. In the period in which he is not acting as chair, the normal process would be that the deputy chair would act as chair, and the deputy chair is Mr Tony Luchetti.

## ACTION Bus Drivers

**MR STEVENSON**: My question is to the Minister for Urban Services, Mr Terry Connolly, and concerns statements, recent and not so recent, regarding the ACT taxpayers subsidising ACTION at about $1m per week. I have been made aware of concerns by some ACTION drivers who feel that some of the cause of this may be directed towards them and what they are doing; that it might be their responsibility in some way. Could the Minister give some indication of the breakdown of the $1m between administration and production costs, and whether the ACTION bus drivers are in any way to blame for any increases?

**MR CONNOLLY**: I thank Mr Stevenson for his question. It is true that the ACTION subsidy is about $54m, and that roughly translates to $1m a week, although, as we have been at pains to point out, it is incorrect to say that that is all money that is being thrown away or wasted. Every State and Territory subsidises its public transport system, the ACT as well. The most recent Grants Commission report published - the May 1992 update - indicated that when all had been taken into account it was about a $15m oversubsidy. When you take into account what they accept as legitimate national capital influences, it comes down to about a $7.5m oversubsidy.

The goal of the Government has been to reduce that level of subsidy to what it should be, to a standard average, and we have achieved $2m in the budget just gone. We will achieve another $1m from 6 July with RAN, and we look forward in the current budget to further savings. So we are reducing that subsidy. Mr Stevenson had approached my office and asked some questions about the level to which the subsidy has gone up, and I had some prepared detail on that. The question he has now asked is whether I can give him a breakdown of where the subsidy goes. The best breakdown of that is in the annual report that I tabled some weeks ago.

It does show that salaries are a significant component; but salaries go not just to drivers but also to workshop staff and administrative staff, and we are looking at savings across the board - from the head office, senior management level, through to the drivers. There have been significant savings achieved from the new shift arrangements. It was the subject of some industrial disputation, but savings have been made. We are looking at savings in the workshops. We are looking at savings across the board. I would suggest to Mr Stevenson that the best breakdown of where the costs are, where that $1m goes, is to be found in the annual report. Of course, a further examination of that can be made in the Estimates Committee.

**MR STEVENSON**: I have a brief supplementary question. Could Mr Connolly also comment on the drivers' concerns, that some of them feel that they have been made the brunt of the cause for increases?

**MR CONNOLLY**: I certainly would not be blaming the drivers. What we have said is that all areas of ACTION have to work together to achieve some change. The TWU has been accepting that, as have the metal unions. I think everyone realises that it is in their interest to work with government for a process of change. We have a process going whereby all the unions are talking with a facilitator about workplace change and reform. I think everyone realises that long-term, secure, productive jobs in ACTION can be preserved and maintained if we work together.

My colleagues opposite in the Liberal Party seem to talk about privatising ACTION and potentially sacking hundreds. I think the unions and the workers, particularly the drivers, realise that it is in their interest to work with government to ensure their long-term secure employment. They are doing that, and the RAN system, starting on 6 July, is a significant savings measure.

## Health Services Complaints Unit

**MRS GRASSBY**: My question is to the Deputy Chief Minister in his capacity as Minister for Health. When is the Minister going to meet his election commitment to establish an independent complaints unit?

**MR BERRY**: Thank you, Mrs Grassby, for the question. I am personally committed to the establishment of a health services complaints unit. I have asked my department to develop a proposal for a health complaints unit that will provide support and advocacy services while resolving problems through conciliation. Some perceptions of complaints units arrive at the point where it becomes an adversarial model. I personally favour a conciliatory model because it has to be a model that earns the ownership of both those who are complained about and those who make the complaints. The unit will accept complaints from all users of health systems, not just from the clients of the Board of Health. That is one of the flaws in the complaints system which exists within the health system at the moment. There is no facility to deal with complaints from the private sector.

I am keen that members of the community have an opportunity to comment on this proposal. It may be controversial for some sectors of the community and we are keen to get as much input as possible. I am confident that we can establish a mechanism, with goodwill. If people are serious about improving the levels of service - not being defensive about the levels of service that they provide, but improving the levels of service - and guaranteeing to the community a legitimate avenue of complaint and resolution, then I am sure that they will support the model which I propose. It is a model which is aimed at enhancing the level of service provided to the community, of course, and also enhancing the image of health professions and institutions. It is, as I have said, based on a conciliatory model and I think that feature will be most welcomed by people who will be affected by it from one side or the other.

I intend to have a discussion paper ready for distribution for public comment shortly, and from that point we can work forward, after we have consulted with the community. I have a personal commitment to it. We made an election promise. We will develop it in consultation with the community, and it will be a conciliatory model which will earn the respect of the community and the professions.

## Revenue Increases

**MR DE DOMENICO**: My question without notice is to the Chief Minister. I refer the Chief Minister to various comments she has made about inflation at various times over the past two or three weeks. What is the projected inflation rate for the ACT? How does the Government come to that inflation rate? Why have the rates and charges that she announced yesterday not been increased in line with the CPI?

**MS FOLLETT**: The inflation figure that is being used is 3 per cent. That has been arrived at by my Treasury after very careful consideration of all the factors and also consideration of the inflation rate that is being used in other States. So 3 per cent is the figure.

Madam Speaker, Mr De Domenico is off track in his reference to fees and charges which were announced yesterday. Roughly 90 per cent of the fees and charges increased are increased in line with the CPI. Those which are not are the ones, of course, which have had attention drawn to them. If Mr De Domenico wants to raise particular fees and charges he might be best advised to address those particular questions to the Minister involved. On the general question, the overwhelming majority of fees and charges have been maintained at a CPI increase of 3 per cent only.

**MR DE DOMENICO**: I ask a supplementary question, Madam Speaker. Can the Chief Minister, then, inform the Assembly when she will table the results of those 90 per cent of fees and charges that she said are at CPI level?

**MS FOLLETT**: I will take that question on notice. I clearly have to consult with the Ministers who have responsibility for those fees and charges.

I ask that further questions, should there be any, be placed on the notice paper.

## PAPERS

**MADAM SPEAKER**: Members, I present, for the information of you all, a report provided to me by Mr Gary Humphries MLA on his study trip to examine private prisons in Queensland, which he undertook in June 1992. The presentation of this report, entitled "Private Prisons - Public Options", establishes a practice that all members will be required to follow when undertaking study trips on Assembly business. I believe that in this case some members already have a copy of this report. By my tabling it now, you will all be getting a copy.

**MR BERRY** (Deputy Chief Minister): For the information of members, I present the ACT Forestry Trust financial statements, together with the Auditor-General's report and the report on operations for the year ended 30 June 1991.

## COMMONWEALTH-STATE HOUSING AGREEMENT
### Discussion of Matter of Public Importance

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

> That the Commonwealth-State Housing Agreement should be retained.

**MR MOORE** (3.03): This Assembly should call on the Federal Government to block proposals by the Federal Treasury to dismantle the $1 billion Commonwealth-State Housing Agreement. Many people are alarmed about reports that the Treasurer, Mr Dawkins, has been discussing with the Deputy Prime Minister, Mr Howe, the possibility of untying the grants for public housing. The option to replace the tied grants with direct rental assistance - a measure floated unsuccessfully by the Treasury before other budgets - is one of several proposals being considered in the lead-up to the Federal budget.

The Commonwealth-State Housing Agreement is the major avenue through which the Commonwealth distributes funds to the States for direct expenditure on housing. Housing programs funded through the Commonwealth-State Housing Agreement include public housing, capital funding for crisis accommodation, cooperative funding, mortgage relief, Aboriginal housing, youth housing, rooming houses and estate improvements. The Commonwealth-State Housing Agreement is a specific purpose grant from the Commonwealth to the States, most of which is matched on a dollar for dollar basis. Nearly $800m of the $1.05 billion housing grant is untied, with a balance dedicated to particular housing needs such as the aged, the disabled, Aboriginal housing, crisis accommodation, and local government and community housing. The impact of untying the Commonwealth-State Housing Agreement is what I shall now focus on.

The untying of all or part of the Commonwealth-State Housing Agreement funds would be devastating. All that has been achieved over the past 10 years would be lost. It would see the Commonwealth split its funds. A portion of the funds would become part of the pool of moneys which the Commonwealth provides to the States as general revenue. The other part of the funds would be used to provide a uniform rental assistance scheme to cover both the private rental market and a new social housing sector. Untying the Commonwealth-State Housing Agreement funds would provide no guarantee that present funding for public housing, present principles or the present range of programs under the Commonwealth-State Housing Agreement would continue. The State governments would become responsible for meeting the housing needs of people but would have no legal or financial obligation to do so. The States would be able to spend their allocation on whatever they see fit. Some States would undoubtedly desert their responsibilities for public housing.

The Federal Treasurer is knocking on the wrong door if he believes that the solution to the housing crisis is to dismantle the Commonwealth-State Housing Agreement and to replace it with a rental allowance subsidy. A 1989 Econsult study found that, over the long term, expenditure on a rental subsidy would be much less effective than sustained development of public housing. It found that, over a 20-year period, up to 65 per cent more households would receive assistance if funds were channelled to public housing rather than rental subsidy. A subsidy to renters in the private market obviously has the attraction of removing immediately the largest group of those defined as suffering housing stress. It is thus a political magic wand solution: Define housing stress, provide a subsidy to prevent people from being covered by this definition, and housing stress disappears. People in housing stress are those who are paying more than 25 or 30 per cent of their income on housing costs. It is highly likely that the result of a rent assistance subsidy in the private rental market will be an increase in rents. It certainly provides a measure of rent insurance for the entrepreneur.

Commonwealth-State Housing Agreement funds have recently been the primary source of finance for the housing construction industry. CSIRO research indicates that residential building has very high job multipliers because it is labour intensive and because it uses mainly local materials. A rental subsidy may lead to an increase in private rental accommodation, but a significant part of that increase will come from existing stock rather than new stock that is required. That new stock, newly built, almost invariably will be on the suburban fringes, if it is affordable at all for the lower income groups. This, then, will simply exacerbate the problems of isolation and lack of social infrastructure and reinforce the social

inequity that housing provision is intended to remove. It needs to be remembered, too, that private enterprise owners are not involved in housing provision for the social good. They are in it for private gain. Government should be wary of providing public moneys for schemes unless both means and ends are for the public good.

The Commonwealth-State Housing Agreement, initiated by the Chifley Government in 1945 to provide affordable housing, is the only hope low and middle income earners have of finding secure, affordable and appropriate housing. That housing is public rental housing. I think it is important here to distinguish between public rental housing and welfare housing. There are some who believe that it is only appropriate for us to provide welfare housing at the public expense. The great advantage of having a public housing scheme is that people who are involved in welfare housing, for want of a better term, are not isolated and made in any sense a scapegoat. The other advantage is a financial advantage. That financial advantage is that people who are not in welfare housing but are involved in public housing invariably wind up, in effect, subsidising people who are recipients of welfare housing. That being the case, there is less money coming out of Consolidated Revenue to support those.

ACOSS and other welfare groups around Australia strongly criticise such proposals. There are grave concerns that such proposals would signal the end of public housing in Australia. They state:

> ... direct construction of public and community housing is the only way that many low income earners can gain access to secure, affordable housing of a decent quality.

The suggestion to do away with direct government spending to build houses and replace it with rental subsidies represents a huge leap of faith in the market. The assumption is that the market delivers a perfect product for the public good. There is widespread concern that the market would not provide an effective supply of low cost accommodation in the areas where people want to live, unless tax incentives were offered to builders. There is also concern that some disadvantaged groups may be denied housing in the private market, while many low income people would lose the security of tenure offered by public rental housing. I think that security of tenure is a very important factor in ensuring that people have a sense of dignity about their lives.

With respect to the ACT, this Federal proposal would destroy the hopes of 5,700 people currently on the ACT Housing Trust waiting list waiting for secure public housing. About 13 per cent of Canberra's housing is publicly owned. It provides a billion dollar capital asset for the entire ACT community. As well, it provides secure tenure for the majority of Canberra's low and moderate income earning home owners. This is the only way that such people can have security of tenure - and the dignity of having security of tenure.

There are currently about 12,500 dwellings managed by the ACT Housing Trust, in addition to those managed under the supported accommodation assistance program, such as Ainslie Village, women's refuges and special needs programs such as halfway houses and so forth. I digress for one moment with reference to Ainslie Village - I have declared before in this house that I have an interest in it as a director and member of the board - to point out that there has been an increase in the numbers of people over the last year and a bit. There has been an increase

of 100 people who are being taken care of there, with absolutely no assistance whatsoever from government for that assistance. It seems to me that whenever things happen in this way it is only a short time before they reach breaking point. I just thought I would put that plug in.

The value of the Commonwealth-State Housing Agreement in the ACT is about $18m, with $6m matched by the ACT, on the horizontal fiscal equity formula. Without the Commonwealth-State Housing Agreement, $24m per annum would be up for grabs every year, with no commitment to ameliorate the housing crisis in the ACT and no guarantee to a community already very insecure and fearful. The waiting lists in the ACT have increased 100 per cent over the last year. It is as if the recession hit late and hard in the ACT, with drastic rises in unemployment, domestic violence and poverty. In May 1991, 3,500 were on the waiting list for housing. In May 1992, 6,431 were on the same list, with 1,496 actually needing a transfer.

The Commonwealth-State Housing Agreement was one of the best performing joint agreements, and over the years has resulted in considerable improvements to the quality, spread and diversity of public housing. Ending this agreement will lead to a decline in the quality of public housing, will decrease the number of publicly owned houses, and will eventually cause a major crisis in housing for low income earners in the ACT and elsewhere in Australia. Australia, when compared to other OECD countries, has too few publicly owned houses; yet public housing is the most effective way of subsidising low income earners' housing needs. The Federal Treasury's proposal for private rental subsidies through the use of rental vouchers is at best a stopgap measure and at worst a subsidy to private landlords. It would inevitably lead to a major reduction in funds for the construction of public housing, and remove the requirement for States to provide matching contributions to fund housing. The impact of that on jobs is self-evident.

The Victorian report on the housing affordability benchmark prepared by the Victorian housing and residential program concludes that assistance to private renters paying more than 25 per cent to 30 per cent of income in housing costs should not be drawn from funds allocated for public housing. Such assistance, it recommended, if it is going to be used, should be made in addition to those funds. The Victorian Planning and Housing Minister, Andrew McCutcheon, showed that the strategies proposed, with their resultant reductions, would result in less building, fewer loans, fewer houses purchased and less home finance support for low income groups. This will result in a dramatic increase in the incidence of homelessness in this country, not to mention the decrease in employment. Such reductions not only would reduce housing opportunities for those on low incomes but also would significantly impact on employment opportunities in the building industry.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.16): The Government commends Mr Moore for bringing this important matter of public importance before the Assembly, because it truly is a matter of public importance for residents of the ACT that there should be any change proposed to the Commonwealth-State Housing Agreement. Perhaps saying "any change proposed" is overstating the case. Some change to the Commonwealth-State Housing Agreement may be appropriate - beneficial change; movements at the margins; aggressive reform of that agreement, which is almost 50 years old. As Mr Moore indicated, it was a

Chifley Government initiative in 1945 - a truly remarkable landmark in public policy in Australia that has endured so long. It has gone through many changes during that period, but the cornerstone remains the same. It has been a process by which the Commonwealth commits itself to public housing and so commits the States to public housing, and that important cornerstone of housing policy in Australia should, in the view of the Government, be retained.

I am pleased to advise the Assembly that the ACT, in the last 12 months, really has taken the lead in the debate on this issue in strongly urging that that Commonwealth-State joint involvement be retained. We have always opposed moves to transfer to a financial assistance grant model of Commonwealth housing funding. We have always opposed moves to transfer to a general rent assistance special needs approach to housing funding from the Commonwealth, and have stressed that it is in the interests not only of the Territory but also of all other States and Territories in Australia that we retain that joint involvement under the auspices of the Commonwealth-State Housing Agreement. I am pleased to table for the information of members a letter that I wrote to the Deputy Prime Minister, Mr Howe, on 5 June strongly stating the ACT's commitment to this, and indicating as well the support of the whole Government, through the Chief Minister, for that. So there is a very strong commitment by the ACT to that joint involvement in housing.

It is a concern, Madam Speaker, that some of the longstanding bipartisanship on public housing matters seems to be under challenge in recent weeks in this Assembly. We have heard Liberal speakers, originally Mr De Domenico and Mr Westende, making remarks about flogging off public housing. I thought that Mr Cornwell had nailed them and had brought the Liberal Party back to its senses. But no, in recent weeks we have heard Mr Cornwell as well enthusing about his desire to flog off public housing. In comments made only the other week he was saying that we should be looking at cheap public housing out on the fringes of Canberra. He was terribly critical of our purchase of a house for supported accommodation at a cost of $190,000. He said that we should buy two cheap houses for that.

**Mr De Domenico**: With a 10-metre swimming pool, air-conditioning and en suites.

**MR CONNOLLY**: Madam Speaker, I have looked through this week's *Realtor* and I would challenge any Liberal to find me two $85,000 houses; they are just not there. These people are out of touch. I got the interjection about the swimming pool. Madam Speaker, at that house, which was an extraordinarily good purchase for its purpose, which is supported accommodation, is a rather old, rather dilapidated, small above-ground swimming pool which the group running the house maintains out of their own funds. Yet we had this sort of fantasy from the Opposition, trying to whip up hysteria out there.

**Mrs Grassby**: Like it had a jacuzzi and everything.

**MR CONNOLLY**: Jacuzzis, Mrs Grassby says. As if we were building Shangri-las for people in receipt of government assistance. That really is divisive. It is an attack on public housing and it is an attack on welfare housing; and it is not worthy of the Liberal Party.

Madam Speaker, I would commend to the Liberal Party a book that I have referred to in this Assembly before by Hugh Stretton. Mr Moore is very familiar with this. Hugh Stretton was a professor of history and philosophy. I do not know whether he was ever a member of the Australian Labor Party, but he certainly always described himself as a dedicated democratic socialist. The hero of this book in relation to public housing is Tom Playford, the longest serving, ever, Liberal Premier in Australia.

**Mr De Domenico**: A great Australian.

**MR CONNOLLY**: A great Australian, Mr De Domenico. I would be the first to say that. He established through the South Australian Housing Trust models for public housing that I wish this current Liberal Party would be prepared to embrace. It is that model of public housing - not as housing of last resort, but housing integrated throughout the community - the model of social integration, of blending public housing in with other housing, established in South Australia through the Housing Trust and endorsed extraordinarily well in this city over successive administrations, Labor and Liberal, that Stretton argues provides positive social justice for the Australian community.

He contrasts that style of public housing with some of the more unfortunate efforts of State governments of varying political persuasions, in particular Victoria and New South Wales, to establish some of the public housing ghettos of, particularly, the 1960s - large blocks of public housing. It really concerned me to get that sort of mentality creeping back in some of the comments from the Liberal Party in recent weeks; this suggestion that we should be flogging off inner city properties and concentrating on cheap housing on the margins of the city.

I would commend to all members - this document has certainly been circulated to them, but further copies are available from my office - the Housing Trust draft discussion paper on a stock management strategy which was distributed in May of this year. In particular, a paper at the back, attachment 4, refers to a social mix policy for public housing. That document sets out very clearly the thinking of the Housing Trust and the thinking of the Government on this issue of social mix. We see it as crucial that public housing be diversified throughout the community; that no suburb have no public housing in it and that no suburb have an overconcentration of public housing.

I was very concerned at some of the suggestions that I heard the other week about an automatic right to sell government housing, giving the Government no control over its stock. We have a conscious policy of allowing and, indeed, encouraging people to purchase their government house if they have been in there for a period, and I will not enter into that five-year or 10-year debate. We are happy about a stock management strategy involving some sales and some repurchase of government housing, but we will always reserve our right to refuse to sell a house if we want to use it for other purposes in a suburb.

Pursuant to the Commonwealth-State Housing Agreement we have been able to significantly expand the public housing starts program in the ACT in the last budget. Members would be aware that that involved some 243 commencements of new public housing in the Territory. That created many hundreds of jobs. Fifty-seven of those were house-land packages that we bought off the private sector, thus providing stimulus to the private housing industry at a time late last year when it was in decline. At the moment things are motoring along quite well in that sector and I think our assistance played some part in that.

Of those other commencements, a significant number of them were redevelopments. I will table, Madam Speaker, a chart setting out redevelopment sites committed in the 1991-92 financial year - projects commenced, pursuant to the Commonwealth-State Housing Agreement, to redevelop some of the inner city areas of Canberra. This is urban renewal at its best, Madam Speaker. It involved, in total, about 45 additional housing units on land that was previously owned by the ACT Government. What it has allowed us to do in Ainslie is, I think, one of the best examples. We owned six fairly run-down small houses. Under the Liberal strategy and an automatic sell off right, they could have been sold off; they could have been lost; bought by the private sector, redeveloped, and gone from the public housing asset. We were able to redevelop those into some 20 townhouses and garden flats. Similarly, in other suburbs, we have done it for aged persons units or other desirable social usage. By continuing public ownership of inner city Housing Trust assets, even if they are run down, we have been able to redevelop them to significantly increase the number of units in the inner city, and retain and build upon our social mix stock management policy.

This, Madam Speaker, is the goals and dreams of the Chifley Government's Commonwealth-State Housing Agreement translated into real social justice nearly 50 years later. It is building on a policy of social integration. It is building on a policy of public housing, not as some sort of welfare housing of last resort, which seems to be the philosophy that is currently pervading the local branch of the Liberal Party, with some of their recent rhetoric, but public housing as a vital part of the social development of a city.

In the ACT, as Mr Moore mentioned, something like 12 to 13 per cent of our total housing stock is public housing. Both Mr Westende and Mr De Domenico have been heard to mutter in this place that that should go down to national averages of something like 5 per cent; that we should be involved in a massive flog-off of public housing. The one thing that stops that at the moment is the Commonwealth-State Housing Agreement. Mr Cornwell, indeed, acknowledged that in the debate here some weeks ago where he said, "Well, of course the Liberal Party acknowledges their obligations under the Commonwealth-State Housing Agreement to retain houses in public ownership and, if you sell off one, you buy another".

I am concerned that if they had control of this in this town they would, consistent with the agreement, be flogging off inner city housing and buying housing at the margins. They said that. Under the agreement they could probably get away with that. I suspect that what they really want to do, certainly from Mr Westende's and Mr De Domenico's utterances, is to reduce the sum total of publicly held housing stock, and that they are prevented from doing by the Commonwealth-State Housing Agreement, as are any other governments in Australia that would take such a policy into their heads.

That has been a significant achievement of that agreement. It has kept State and Territory governments honest. It has kept a commitment to public housing and prevented State or Territory governments from seeing their public housing stock as merely a tool to fiddle with as part of budget balancing exercises where you flog off some public housing in tough times to balance your recurrent budget. That is prevented by the foresight of the Chifley Government in its agreement. It continues to be prevented by the current agreement. We will be arguing very strongly in Commonwealth forums to retain that agreement, because we believe

that the joint involvement of the Commonwealth and the States and the commitment to public housing that is contained in the Commonwealth-State Housing Agreement is the best way to achieve social justice through progressive and enlightened public housing policies.

**MR HUMPHRIES** (3.27): I indicate, first of all, that Mr Connolly, as, unfortunately, is his wont, has misquoted my colleagues behind me.

**Mr De Domenico**: It is not unusual, though.

**MR HUMPHRIES**: It is not unusual; but I think I might, perhaps vainly, put on the record one more time what the Liberal Party has actually said about the selling off of housing stock. What we have said, quite clearly, is that we intend to sell off surplus stock occupied by non-rebatable tenants. That is a very great difference from what Mr Connolly has said. It indicates very clearly that we do not see public housing in the same way that this Government does, and apparently Mr Moore does, namely, as an end in itself. Rather, we see it as a means to an end; as a way of delivering housing to those people who are in need of such housing, and also as a way of delivering a mix of housing which is appropriate for the Territory and which meets the basic need, I think, of all or most Australians to own their own homes. That has to be, in my opinion, Madam Speaker, the bottom line of any housing policy adopted by any government - to facilitate the maximum number of individuals having their own homes by whatever means are available to the government to do so.

The Minister for Housing engaged in a long diatribe about the rednecks on this side of the chamber, and how he really felt that we had to be, sort of, knocked into line; that we posed this great threat to the Commonwealth-State Housing Agreement. Let me make it quite clear, Madam Speaker, that the threat to the Commonwealth-State Housing Agreement does not come from this side of the chamber. The threat to the Commonwealth-State Housing Agreement comes at present from the present Federal Labor Government. I assume, Madam Speaker, that Mr Connolly was not lying in bed one night and suddenly thought, "Hey, I will write a letter to Mr Howe, the Federal Housing Minister, and tell him that we really think that the Commonwealth-State Housing Agreement is a wonderful idea". Mr Connolly's letter of 5 June was predicated on the threat to the Commonwealth-State Housing Agreement which his own ministerial colleague, whom he was photographed happily shaking hands with yesterday, happens to pose to that agreement. That is where the threat comes from.

I might say, Madam Speaker, to put it perfectly plainly on the record, that, unlike perhaps the Federal Labor Government, this party, the ACT Liberal Party - I think I speak to some extent also for even the Federal Liberal Party - does see the value in continuing Commonwealth-State agreements sustaining public housing across this country. That is an essential element. The last few words of the Minister's own speech, I think, reflected that sentiment. It is an essential element in maintaining high-quality, coordinated public housing in this country. It has to be sustained.

I am not saying, by any stretch of the imagination, that there is not scope for improvement in that arrangement. I think any of us would see that there is room for changes in policy from time to time which ought to address emerging needs in the Australian housing market. Obviously, things like a recession, changing patterns of land use, and the way in which energy and so on are consumed by

urban sprawls - all those sorts of factors - have to affect the way in which States and the Commonwealth do make arrangements for public housing. That is why I say that it may be, in the course of time, that different agreements or radically modified Commonwealth-State Housing Agreements have to be considered; but the question of an agreement in itself, I think, is not negotiable.

Mr Moore opposes the idea of untying grants to the States.

**Mr Moore**: In this case, with reference to housing.

**MR HUMPHRIES**: He says that we should not be untying housing grants to the States. Those housing grants are pretty large and you can well understand why the Commonwealth would be looking to untie them. There was something like $960m in the 1990-91 financial year committed to the Commonwealth-State Housing Agreement by the Commonwealth, and that, of course, is matched by the States; so it is a quite large sum of money that we are talking about.

I have to indicate that I think it is curious of Mr Moore to take that kind of approach. He seems to feel that the Commonwealth is more likely to be consistent in its responsibilities towards public housing than are the State governments, even though the Commonwealth has no public housing tenants of its own that I am aware of. It is entirely the States and the Territories who have those tenants and who have to deal with the day-to-day problems that arise from management of that kind of housing stock.

Mr Moore, in the same breath, says and acknowledges that it is the Commonwealth which at present is posing the biggest threat to the Commonwealth-State Housing Agreement. I have to say that if we felt it appropriate that there should be some arrangement in place which did not coincide with the Commonwealth's views about it, I would think that we should make our own arrangements, and that might not rely on any tied Commonwealth funding. It might be based on other Commonwealth grants which we, as a Territory, devote to public housing, and that should be our decision. From my point of view, it is regrettable that Mr Moore closes his mind off to a different way of delivering effective public housing.

**Mr Moore**: I never have a closed mind.

**MR HUMPHRIES**: You have said already, Mr Moore, that the Government has to keep a strong mix of welfare and non-welfare or rebatable and non-rebatable housing in order to be able to guarantee a certain balance as between the two sectors. I think the arguments you used were, in effect, that by having non-welfare housing you camouflage the welfare housing out in the communities; that if someone is a tenant of the Housing Commission or whatever, or the Housing Trust in the ACT, you cannot be sure that they are actually poor because they might be a non-rebatable tenant or something of that kind. There was also the argument that non-rebatable or non-welfare tenants were subsiding the welfare tenants. I have to say, Madam Speaker, that that kind of experience is not borne out by experiments elsewhere in public housing.

I think there is room for a number of developments in this field. I think, for example, that there is room for the private sector to be much more heavily involved in the delivery of public housing. That might sound like a contradiction in terms and something that Mr Moore finds very hard to accept, but I point him to the New South Wales Government's experiment with the AMP scheme that it

has adopted to provide public housing in New South Wales. Under that agreement the AMP Society has contributed something like $146m to acquire a portfolio of a thousand houses which are in turn used to house public tenants in the first instance. These are not necessarily non-rebated tenants; these are all sorts of tenants. The houses acquired are located all over the Sydney metropolitan area - not just on the fringes, not just in Redfern or Marrickville - and they are indistinguishable from other privately owned houses in the areas in which they have been purchased. This differs quite significantly from the old-style public housing estates and has the social advantage of integrating public housing tenants in the community - what Mr Connolly, I think, called integrated, socially-just housing.

Under that arrangement, once the first public tenant vacates the AMP Society has the option of selling the house, or having another public tenant in there, or doing a number of other things. It is a fairly flexible arrangement. The day-to-day management of the house, in the sense of dealings between the tenant and the landlord, if you like, is done by the New South Wales Department of Housing. So, in a sense, that tenant still is effectively, for all day-to-day purposes, a public housing tenant, a tenant of the Department of Housing or the Housing Commission of New South Wales. The advantage to the AMP Society is that they have an investment which is not in the commercial market, which I must say is probably a big advantage in today's world, and it gives them a chance after a period to sell the house when the public tenant goes and to recoup something of the investment. The State Government guarantees a return which is equivalent to a CPI increase for each year that the house is owned.

I would respectfully suggest to the Assembly that this agreement is working. It is clearly working and is providing effective public housing entirely, or almost entirely, through the private sector. It can be done and it needs to be explored outside New South Wales if it is working. Mr Connolly was very quick to tell us yesterday that we have to look at what developments are taking place elsewhere. This is one such development that needs to be carefully addressed. Subsidised housing, welfare housing, is not in itself an aim. What we have to look at is what the ultimate aim of any housing policy should be. I would suggest that that aim has to be providing for the aspirations of people across our community, and I think we can do that in more imaginative ways than we are doing it at present.

**MS ELLIS** (3.37): The Commonwealth-State Housing Agreement sets the stage for housing assistance throughout Australia, establishing the principles by which all Australians gain equitable access to a range of housing programs. The principles governing the delivery of housing assistance affirm the eligibility of those in need, particularly those people requiring support to live independently within the community. Through the Commonwealth-State Housing Agreement we are able to promote uniformity in the level and type of assistance available to people in need - a key issue for the ACT, due to our need to be aligned with services provided in New South Wales. The Commonwealth-State Housing Agreement also provides for housing assistance through a range of programs, including public rental housing and home purchase assistance. There are also a number of special purpose programs targeted for groups with special needs, such as pensioners and young people who have been particularly disadvantaged as a consequence of the economic downturn, and people from an Aboriginal or Torres Strait Island background.

The ACT Government and the Commonwealth Minister for Health, Housing and Community Services are committed to introducing greater flexibility into the forms of housing assistance, with a coordinated approach that provides better integration of assistance. The work of the National Housing Strategy has provided a solid base from which this Government can work with the Commonwealth and the other States to develop a new Commonwealth-State Housing Agreement.

The economic downturn and the high cost and limited availability of private dwellings have placed additional pressure on the supply of public housing and other forms of housing assistance. The waiting list for applicants for public housing has increased significantly, growing from 2,534 at 1 July 1990 to 6,431 at the end of May 1992. That surely was not a period in which one needed to consider the supply of any surplus housing; I do not think surplus housing could exist under those sorts of circumstances. While the growth in demand increases the pressure and the responsibility of the Housing Trust to respond to community need, it also reflects the great faith that the Canberra community has in the public housing system as a means to achieve affordable housing. It is clear that the market has not responded to the greater demand for rental housing, despite significant reductions in the cost of investment. In fact, the levels of rent have been climbing in response to the tight rental supply.

The Commonwealth-State Housing Agreement has given the ACT the depth of resources and the capacity for the Housing Trust to house a substantial number of people off the waiting list by allocating to the vacancies occurring in existing stock. It is expected that over 2,300 vacancies will occur in this financial year. This represents an ability to house around 40 per cent of the current waiting list within a year, and turn over just under 20 per cent of the current tenancies. The Housing Trust has shown consistent improvement in making available vacant properties for allocation. Since May 1990 the average turnaround time for a vacant property has been reduced from 44 days to 21 days in May 1991. This suggests that the Housing Trust is correct in pursuing strategies to assist people into other forms of housing, that is home ownership, or share ownership for those able to afford other options, which in turn can contribute significantly to assisting more people waiting for public housing.

We have also expanded our activities in the area of private rental assistance, in recognition of the extreme costs experienced by some tenants. The rent relief scheme effectively allows people to remain in private rental housing while they wait for more long-term assistance. It allows the Housing Trust to use private sector resources to provide a complementary program to the public housing program, assisting over 2,000 households each year.

The range and effectiveness of programs under the Commonwealth-State Housing Agreement have enabled the Government to reinforce its commitment to social justice principles. Unlike approaches recommended by the Liberals at both Territory and Federal levels, the Commonwealth-State Housing Agreement recognises the necessity for a diversity of approaches. There is no misguided total reliance on the market or the private sector to provide a response to the problem of homelessness. The Liberals support the selling off of public housing at a discounted rate that will erode the capacity to allocate public housing as it becomes vacant. This is selling off the most effective asset this Government has

used in meeting the increased demand for housing. The prospect of wholesale sell-offs would become a reality if the Federal Government were to change. We would see a massive sale of public housing and an adoption of total reliance on the private market.

The private market has not shown a capacity to respond to people's needs; far from it. The supply of affordable housing is not a principle that the market holds dear. We often see incidents of discrimination because of a tenant's income or because of attitudes towards a tenant's suitability based on cultural perceptions. Under the proposals supported by the Liberals there is also no incentive to improve the supply of affordable housing, with the result that the rents in the ACT will continue to steadily climb, depriving even more people of affordable housing.

The Commonwealth-State Housing Agreement offers the Commonwealth and the States and Territories the most effective and efficient means of providing housing assistance. The range of programs and flexible approach offered by a joint Commonwealth and States approach to housing needs cannot be achieved by States acting alone or by single measures such as rent subsidies to private tenants. The economic activity generated by capital investment in housing is a valuable component of the Commonwealth-State Housing Agreement, contributing significantly to the ACT economy. Social justice is enhanced by a comprehensive approach to housing assistance, meeting the need of people in an appropriate and flexible manner. Only a continuation of the Commonwealth-State Housing Agreement, with suitable variations to meet the changing needs of clients, can provide a continuation of the range of housing assistance now provided by the Government.

I would like to warn people listening to continuing debate in this chamber to listen very carefully not so much to the Liberals' comments on the Commonwealth-State Housing Agreement in particular, but to the colour of comment in general terms on housing assistance across the board. I think that if they listen carefully to those comments they will share my alarm at the attitude that they display quite openly to people in our community who may, for one reason or another, require government-assisted housing.

**MRS GRASSBY** (3.45): Madam Speaker, I rise to speak on the importance of the Commonwealth-State Housing Agreement. As Minister for Housing and Urban Services in the first Follett Government, I was pleased to be able to use the funds that the Commonwealth Government made available for housing in the ACT. I was pleased because I knew that these funds were available for housing and would not and could not be diverted to other uses. This money from the CHA gave me, as Minister for Housing and Urban Services, the opportunity to demolish one of the greatest disasters in Canberra, namely, Melba Flats. In their place private and public housing will now be built in a more aesthetic style for Canberra. In the 1989-90 financial year 100 replacement houses were provided. You would be aware that this most successful program continued over the years. All residents of the Melba complex were successfully rehoused. Demolition has now been completed and the site is available for redevelopment.

Madam Speaker, the use of section 96 of the Constitution to give financial assistance to the States has enabled Federal governments to implement far-reaching policies over the years. The Whitlam Government, for instance, was able to implement programs in States, such as Queensland, that may have been

otherwise hostile to the Commonwealth. I cannot stress enough the importance of our tax money being used in such areas as housing. Without these grants some States may be tempted to use Federal funds in ways that do not benefit the whole community. Federal money should not be used for projects such as the Eastern Creek raceway, a potential white elephant that may yet have to be bailed out. However, that temptation would be there if the Federal Government did not say, "Here you go, here is your money for this year". It might be used for back roads in National Party areas to hold National Party seats.

Madam Speaker, what would happen if the State governments chose not to spend any money on housing? The Federal Government has a responsibility to the people of Australia and this responsibility is not just in international affairs. We all know that housing lists are becoming longer and longer in all States, as they are here. The fact that people are getting into difficulties with repayments and are having to sell their houses means that the call upon the Government to supply reasonable housing is a must. Housing is a right, not a privilege, to Australians. The Housing Trust - members of the staff are here - does an excellent job in looking after people in Canberra who do need housing. It is a difficult time. We all know that, no matter how much housing stock we have, still more is needed.

Some of the initiatives arising out of the housing policy review, the results of which are clearly evident in today's climate - I refer to the housing review policy that was done in 1989 under the first Follett Government - are as follows: Finalisation of arrangements to enter into the 10-year housing agreement with the Commonwealth Government; development of legislation to establish a Rental Bond Board, which is now up and running and has proved to be a great success; and establishment of a single share accommodation scheme to provide medium- and long-term housing for young people. It is good to see that stage two, an extension of this program, is now well in hand. This scheme was included in the wide range of improvements in services for homeless youth. Under the Follett Labor Government a very good scheme was set up for houses for homeless youth. Agreement was reached with the Church of England and the Rotary Club. This meant that not only the Government but also people outside were involved in looking after our homeless youth.

There were significant increases in terms of funding and programs in the home ownership area, such as an increase in home ownership assistance from $1.2m to $15.1m. Mortgage relief was provided to home buyers experiencing financial difficulties and there was the introduction of stamp duty exemptions for lower income first home buyers. I could go on and on talking about the significant things that the Follett Labor Governments have done, first with me as the Minister for Housing and Urban Services and now with Terry Connolly as the Minister for Housing and Minister for Urban Services. Madam Speaker, if it were left to a Federal Liberal government and the Fightback package I am sure we would see the Commonwealth-State Housing Agreement demolished. Those who do not have the opportunity to provide for themselves would be denied the one thing that everyone is entitled to - a roof over their head.

Madam Speaker, in closing, let me say that I do not believe that the people of Western Australia or Tasmania are entitled to more or less than the people of Canberra. The standard of housing and other community services throughout Australia should be as equal as possible. Therefore, I support the use of these grants to help to achieve equality in Australian housing and to give every Australian, no matter what their race, religion or creed, the right to have a roof over their head.

**MS SZUTY** (3.50): Madam Speaker, I see this matter of public importance today primarily as an issue of principle. I feel strongly that it is important that the Commonwealth, States and Territories continue to have a role in major policy arenas. That includes housing, the home and community care program, and the supported accommodation assistance program. The Commonwealth's role as the provider, overseer and manager of policy initiatives for the benefit of all Australians is indispensable. The States' and Territories' part in these agreements is to provide the on-the-ground support to these policy goals by administering the relevant schemes and responding to the needs of their local communities. We need to adopt sensible strategies, accommodating the roles of both the Commonwealth and the States and Territories in the policy formulation and administration of programs as well as in the development of new and innovative programs. The abandonment of the Commonwealth-State Housing Agreement does not serve these objectives at all well. I agree wholeheartedly with my colleague Mr Moore that the dismantling of the agreement would be a retrograde step.

Let us look at some related issues. The ACT Government recently made much of the Territory's high credit rating. That credit rating was based on many things, including the ACT's assets, which include about 10 per cent of the housing stock in Canberra. Here I include in the term "housing stock" all forms of public housing. What would happen to this stock if the Commonwealth were not to make the housing grants purpose specific and the funds disappeared into Consolidated Revenue? I also think that the idea of rental assistance vouchers as an alternative to the Commonwealth-State Housing Agreement is a step backwards. Charitable organisations no longer use vouchers, unless there is no other form of help available, because their use created a second class of citizens and made these people the subject of discrimination. How much more of an impact could such a scheme applied to the rental of accommodation have? There are questions of equity and access, of deals, as referred to by my colleague, which would have to be made to ensure that sufficient numbers of affordable dwellings were built, and with the possible consequence of the run-down of our current housing stock - a valuable asset.

There are times when an ACT government will be faced with a need to borrow from one budget to give to an area deemed to be more pressing. I put it to the Assembly that, as public housing is a long-term and slow moving sector in many ways, it is easy to see the potential for skimming from its resources to support other budget areas. We need to protect the asset we have built up over time, and the best way to achieve this is to keep Commonwealth housing funds specifically for this purpose. It appears that the Commonwealth is considering pulling the plug on funding for public housing and providing rental assistance in lieu to all tenants, both public and private. While the concern for tenants in the private sector who have to pay more than 20 to 30 per cent of their income in housing costs is laudable, pulling the plug on public housing is not seen to be the answer. The provision of some form of rental assistance across the board to all tenants would be extremely difficult to administer, and would require that the Commonwealth assess the adequacy of housing being rented by various household types and determine what is a fair rent level. This is not on. It is also economic suicide.

How can the demand for assistance be controlled so that it does not outstrip the funds available? What sort of structure would have to be established to police the system, and how would control be exercised over what people in the private sector choose as their homes? Would we, for example, have to have public servants tied up checking accommodation against a criterion of need for the number of bedrooms, house size and other considerations before the applicant for assistance could sign a lease? I feel that there would be long-term budgetary implications for any such arrangements, both in the short and medium term. Furthermore, the assumption underlying this proposal is that the marketplace will provide an adequate and appropriate level of stock in the right place and at the right time to meet the demand. This assumption is invalid. The marketplace cannot provide a perfect product. Invariably, it is the low income and disadvantaged households that miss out, and this is why we need a strong commitment to public housing. The answer is not to raid the public housing kitty but to provide more funds for housing assistance. The reality is that the demand for housing assistance is greater than the current supply.

The Commonwealth-State Housing Agreement was struck in 1945, immediately after the war, with the main aim of overcoming housing shortages and assisting low and moderate income households. It has been renegotiated on several occasions, most recently in 1989, and has served this country well in terms of providing well-targeted assistance to housing needs. This current agreement, according to the Australian Council of Social Service, National Shelter, the ACT Council of Social Service and many other community organisations, has been the most successful in regard to the outcomes for low to moderate income earners. The agreement was renegotiated in 1989 with the intent of improving the financing arrangements under the agreement and introducing new joint planning and user rights provisions.

The 1989 national housing policy review found that most States were not meeting their matching arrangements with real funds, but using loans instead. Under these circumstances, the States were using Commonwealth-State housing assistance funds to repay loans and were not building on purchasing new public housing stock. The 1989 agreement provides all grant funds for housing assistance, primarily for public rental housing, and is a long-term strategy for meeting the housing needs of low to moderate income households in Australia, including the ACT. The agreement also includes provisions for a joint Commonwealth-State planning process, and provisions to improve the rights of all applicants and recipients of assistance under the agreement to have decisions affecting them reviewed. This renegotiation in 1989 was a recognition that, although the States have been provided with specific funding for housing since 1945, not all States were living up to that responsibility. How, then, can the Federal Government now talk about walking away from this agreement in part or in whole?

The housing programs outlined by Mr Moore - public housing, crisis accommodation and cooperative housing, mortgage relief, Aboriginal housing, youth housing, rooming houses, estate improvements, and local government and community housing - may not have anywhere near the priority assigned to them by the Commonwealth in the different States and Territories. It has been the failure of State governments to implement new forms of public housing and their lack of urgency in addressing the problems of crisis, youth and alternative housing needs that has led to the modification of the agreement over time. The

Prime Minister has recently made a lot of mileage out of his One Nation statement, but it is now mooted that his Government will move away from one of the agreements which guarantees a certain level of assistance for low income earners for one of life's basic needs - shelter. I do not see how the aims and objectives of the One Nation statement are served by walking away from responsibility for this important program.

## COMMONWEALTH-STATE HOUSING AGREEMENT

Motion (by **Mr Moore**), by leave, agreed to:

> That this Assembly calls on the Federal Government to block any proposals to dismantle the Commonwealth-State Housing Agreement, unless an alternative agreement is in place.

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

**MRS GRASSBY**: I present report No. 8 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I seek leave to make a brief statement on the report.

Leave granted.

**MRS GRASSBY**: Report No. 8, which I have just tabled, details the committee's comments on the Rates and Land Tax Amendment Bill 1992, and I commend the report to the Assembly.

## PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) BILL 1992

[COGNATE BILL:

PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) (CONSEQUENTIAL AMENDMENTS) BILL 1992]

Debate resumed from 18 June 1992, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

**MADAM SPEAKER**: Is it the wish of the Assembly to debate this order of the day concurrently with the Protection Orders (Reciprocal Arrangements) (Consequential Amendments) Bill 1992? There being no objection, that course will be followed.

**MR HUMPHRIES** (4.00): In speaking to both of these Bills which are being debated cognately, I express my regret, first of all, that the Assembly is returning to the bullet train legislation process that we were engaged in the other day.

**Ms Follett**: Don't panic.

**MR HUMPHRIES**: I am not panicking, but I am less than pleased at the fact that we are once again asked to pass legislation that appeared in the Assembly only a few days ago. I remain of the view - and I repeat that view - that that is not the best way of managing government business. It is not the best way of making laws. Making laws is our occupation. We should be doing it properly and to a high standard. We are not doing so by considering legislation such as this so quickly.

I understand that the Independents support this legislation going through today. As a result, it appears that we will have to consider this legislation today. As I said before, it is regrettable. I have written, for example, to the Law Society about this and the succeeding two Bills. I wrote as soon as I knew that the Government wished to advance this legislation prematurely through the house this week. I have not heard back from the Law Society. I can only assume that no problems will emerge from that process. If they do, I have no doubt that we will come back with an amendment Bill at some stage.

Madam Speaker, looking briefly, as I must, at the Protection Orders (Reciprocal Arrangements) Bill, it seems to me, on a cursory examination, to reveal a sensible provision which deals with the registration of interstate protection orders - domestic violence orders. A person who migrates to the ACT from, say, New South Wales will be able to have an order made in New South Wales translated into the ACT, so that if the person against whom the order has been taken out happens to come to the ACT that order is easily enforced here, in much the same way as an order made by an ACT court. As I understand it from the presentation speech, that has been made possible by a national agreement reached between Attorneys-General - or Attorney-Generals, as the Attorney-General is fond of saying. I think it appears to have the hallmarks of a sensible arrangement.

Some issues cross my mind. One is the question of the difficulties that an interstate respondent to an order might encounter in representing himself or herself - generally himself - before an ACT court. That is a problem if the person concerned wishes to bring a matter to the court's attention. For example, circumstances might have changed with respect to the order. The person taking out the order, for example, might not wish to go back to the original court and ask for variations, or the respondent to the order might in fact wish for variations to take place. Effectively, the jurisdiction of that matter transfers to the new court. It is obviously more difficult for some people to appear in that court and represent themselves in that court.

If they need to engage counsel to respond on their behalf in the ACT, of course they will have to incur the costs of instructing counsel from outside the ACT, and that would be expensive. But the emphasis in these matters at the present time is on the person seeking such orders, generally a woman, and it would be appropriate in those circumstances to maintain a high degree of protection. As I have indicated, I cannot see any good reason why we should not agree to this Bill.

The other Bill, the Protection Orders (Reciprocal Arrangements) (Consequential Amendments) Bill, appears to have nothing of substance in it. It merely flows from the amendments that have been made by the other Bill. If it were not for the fact that those opposite would undoubtedly seek to misrepresent my position, I would be recommending in the circumstances that my party not support these two Bills at all. But that would undoubtedly be misinterpreted by those opposite.

They would say that the Liberal Party is not in favour of reciprocal arrangements, or is in favour of domestic violence or something emotive like that. Therefore, we are not going to oppose the legislation before the house today. But I repeat that it is not desirable to be engaged in this process. Those opposite are debasing the process of proper government when they force legislation such as this on the Assembly so quickly.

**MS SZUTY** (4.06): Madam Speaker, I am sure I echo the sentiments of most women when I applaud the Government for bringing this Bill to the Assembly. I recognise that it is part of a nationwide move to ensure the well-being of victims of domestic violence, particularly those who feel compelled to leave their homes to escape the perpetrators of these crimes. That is what we are talking about here - crimes of domestic violence, as defined under the Crimes Act 1900.

It has always been difficult for victims of domestic violence to come forward and ask for help. In the more violent and repetitious cases, women often despaired when told that they could not escape their perpetrators, as any protection offered within the ACT could not be transported across the border. This has, in the past, been the cause of much hardship, as many women found themselves trapped within the ACT because of the lack of portability of protection orders. The case quoted by the Minister, Mr Connolly, in his speech last week clearly shows that the victims of domestic violence have, until now, been unable even to contemplate interstate holidays, which in Canberra's case sometimes means a two-hour trip to the coast, as they feared that they would leave themselves open to further abuse. As has been demonstrated in far too many cases in recent years, domestic violence can often end in tragedy.

Of major significance is the clause adding to the list of matters which must be explained to the respondent in domestic violence cases. It is important that respondents in these cases understand that domestic violence is not acceptable behaviour. As the result of the passage of this Bill, it will no longer be of consequence whether a person lives here or interstate; a protection order, when registered with the appropriate authorities, gives victims of domestic violence the protection of the courts. All too tragically, this cannot protect all women against the perpetrators of domestic violence; but we need to do all that is within our legislative power to prevent its occurrence.

I am pleased to note that the Federal Government, following the meeting of State and Commonwealth Ministers for the status of women, will produce the first national strategy on violence against women in October 1992. It is well overdue; but I feel that, with the passage of this legislation, we are taking positive steps in signalling to all perpetrators of domestic violence that our society does not accept a person's right to mentally or physically abuse others.

A recent forum which attracted representatives from more than 40 national community organisations has also listed domestic violence among the priorities for the National Agenda for Women. This document, which was first produced in 1988, outlines long- and short-term objectives for policy development. This latest round of consultations will be the basis for policy development and evaluation to the year 2000. Education, employment, income security, the needs of special groups of women, and health are also high on the agenda.

Let us trust that those jurisdictions which have not yet acted to provide reciprocal arrangements with respect to protection orders will take a lead from our action on this matter, to ensure that the women of Australia feel that they have all the protection that can be afforded by our courts and the recognition that domestic violence is no more acceptable than any other assault.

**MR MOORE** (4.10): For many years, the police in the ACT have cooperated with domestic violence crisis workers in this area - the workers providing support and assistance for those having to deal with violence in their own homes and the police dealing with the perpetrators of violence. Although enormous changes must be made to the very disturbing and escalating problems of domestic violence in this society, this cooperation at least was a step in the right direction.

Madam Speaker, for the sake of saving time it is appropriate that I address my comments now to the first four Bills listed under orders of the day today, rather than addressing each Bill as the in-principle stage is reached. My comments on each Bill are very similar. It is only recently that police have really changed their approach to the criminal offence of domestic violence by not giving crisis workers the information they require to perform their duties. This has not only placed crisis workers, and naturally the victims, at a great disadvantage, but on occasions placed the workers at great risk. Workers, on one occasion, I understand, were not told that guns were in a house when they were called on to assist. It is a great step forward that the police are demonstrating a changing attitude. It is a changing attitude that we should feel very positive about, but there is still a long way to go.

The situation highlights the need for greater awareness and understanding by the police of the whole problem of domestic violence - and, of course, greater understanding and awareness on the part of all the community. A change of attitude to the phenomenon is urgently required. The change has started, and I hope it will continue. The police, the courts and the public need to focus more on the perpetrators, the law-breakers, in these situations. One small but obvious step, by way of illustration, is for the police to charge the perpetrator as if he had just assaulted a stranger on the street. For the police to press charges of assault rather than asking the woman to press those charges, often in front of the assailant, would be a major step forward. The police really should be there to inform the perpetrator of his position with regard to the law - and I use the term "his" because in about 97 per cent of the cases the perpetrator is a male.

These simple actions, which are not performed routinely at this time, would go a long way towards preventing those terrible revenge attacks - and some of us may have read of a case in this morning's paper - by informing the victims that they are witnesses and are required by law to provide evidence. The current situation really places a woman, often a wife, or a partner - or even a child - in the position of perceived betrayal, of dobbing in. That is a totally unacceptable process in the general order of our society. Women are also placed in a position where they are perceived as not protecting the very person that they have vowed to love and protect.

The police can and must make some fundamental changes in their underlying assumptions on this subject and their resultant treatment of both the assailants and the victims. I am speaking about the police because they are the people most involved and with a most difficult job to do. But, of course, assumptions need to be changed right across our community. A massive education program

supported by legislation must be faced in the very near future by governments all around Australia to deal with the frightening increases in criminal activity occurring in the home. That is why I consider this an urgent enough matter to deal with these Bills today rather than leaving them on the table longer. These Bills assist in protecting women and children, but particularly women, in their homes.

Dr Jocelyn Scutt in 1986 stated that, according to the statistics, the most dangerous place for a woman to be in Australia was in her own home. It is a sad indictment against our society. Not only is this situation a major indictment; surely it is an indicator of where our attentions should be focused for reform. It is for that reason that I congratulate the Government on introducing these Bills.

If domestic violence and child sexual abuse decrease, so too does the need to supply extra housing, refuges, counselling facilities, welfare payments and legal aid, not to mention the long-term problems, particularly psychological and emotional problems, created for children and women in these cases. If we are not motivated by the sheer enormity of the long-term social and emotional problems caused by this situation, then we should be very concerned about the extraordinarily large and growing bill that this country is paying and will have to pay for ignoring it. So often there is an economic as well as a psychological and emotional cost attached to such things.

Fifteen years ago it was considered cool or perhaps, at worst, mildly irresponsible for drivers to speed through a town under the influence of alcohol. A policeman in that era was likely to reprimand you, particularly in a small country town, if no accident had occurred, and possibly even escort you home. Now, with the help of a huge national campaign of education backed up by legislation and police support, the situation has changed dramatically. Now peers assist in policing drink-driving and encourage their friends to take a taxi home instead of running the risk of driving home over the limit.

It is my fervent hope that in the next century, in a decade's time, I will be able to look back at this time and identify it as a turning point - a time when national strategies were initiated to educate the populace on violence in the home, a time to educate the police force and those in our courts and a time when legislators recognised that criminal activity not only was increasing under our noses but also was tacitly condoned. To do nothing to address this situation is to support it in some form. With that, Madam Speaker, I congratulate the Government on introducing these Bills and feel proud to lend my support to them.

**MS FOLLETT** (Chief Minister and Treasurer) (4.16): I very much appreciate the support that I hear from both sides of the house for these Bills. Like Mr Moore, I feel proud that the Assembly is dealing with these matters. In my case it is a personal pride as well, because I brought this matter to the attention of heads of government myself and was able to get swift agreement amongst the States and Territories to the reciprocal arrangement on domestic violence protection orders. I had a personal hand in this reform. I think it is an advantage to have responsibility for women's affairs with the head of government. It enables you to raise matters at that level, and in this case it has borne fruit swiftly.

Essentially, as I am sure members know, the initiatives that we are debating concern the establishment of procedures by which the status of protection orders granted in another jurisdiction is maintained in the ACT. Mr Connolly has already pointed out in his presentation speech that there is bipartisan

commitment to implementing this portability scheme in all of the States and Territories. In Tasmania, where there is a Liberal government, the legislation setting up the portability scheme has already passed through the lower house; and it is expected to pass through the upper house in July, I believe, as a matter of course.

If the ACT passes this legislation today, we will in fact be the first jurisdiction to have what I regard as a vital piece of legislation in place. I consider that it is an important part of the ACT's establishment as a self-governing entity that we do set an example for the other Australian jurisdictions by maintaining and continuing to demonstrate a quite uncompromising commitment to social justice in our legislative proposals. I believe that such a commitment is reflected in our policy towards legal aid. Despite cutbacks in some States, Labor has maintained funding levels of legal aid in the ACT and will continue to do so. As an adjunct to this, special resources continue to be devoted to persons needing legal assistance in relation to domestic violence.

The portability scheme that we are debating can be seen as an integral part of the Government's action plan to reduce levels of violence in our community. This can only improve the position of women and children, as I am sure members of this Assembly are aware. As Mr Moore pointed out in his comments, most domestic violence is committed against women and children. I consider that Labor has an impressive record in this Territory of improving laws designed to enhance the safety of private citizens. I believe that this record shows that we have adopted a strategy on many fronts to reduce violence, including the development of a specific crime prevention strategy. The broader strategy to reduce the level of violence has seen the Government initiate reforms in relation to the confiscation of weapons in domestic violence situations and, more generally, the setting up of a weapons register to monitor the level of firearms in the community and ensure that suitability for a weapons licence is taken into account before such a licence is issued.

Madam Speaker, we have also given the Community Law Reform Committee a reference developed from a number of issues which were drawn to my attention by the National Committee on Violence Against Women. The impetus for the referral to the Community Law Reform Committee came from a forum on domestic violence held last year by the Women's Consultative Council. It was at this forum that grave concerns were raised that the law was not being administered in the way that had been intended by the domestic violence legislation.

So, too, I am certain that the gap which exists in the law in the confinement of the protection offered by a protection order to the place in which the order was granted and the obvious difficulties this causes a person who is forced to flee violence was an unforeseen problem of an otherwise effective protection mechanism, notwithstanding the drawbacks in its administration. As a result of the process undertaken by the Community Law Reform Committee, an important reform package has been developed to improve our domestic violence laws. In addition, crucial proposals for the reform of the sexual assault laws are currently being developed by the Government.

Madam Speaker, this Bill for which we are seeking support concerns a fundamental aspect of the law. It concerns access to protection from personal violence, without which our commitment to social justice must surely be brought into question. I believe that it is integral to the process of responsible government

that we ensure that members of the community are guaranteed such access. The portability scheme will provide special encouragement to those women who find it necessary to move interstate to escape violent personal relationships by ensuring that they have an enforceable order in the new jurisdiction without having to go through the rigorous process of obtaining a new order. Madam Speaker, I strongly support this Bill, and I am very pleased to see the degree of support that it has amongst other members of the Assembly.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.23), in reply: I will be brief in closing the debate. This is a significant measure, as the Chief Minister indicated in her remarks. The ACT can be justly proud of the leading role we have taken in getting this move uniform throughout the country. I am pleased that all members who have spoken have supported the Bill, however grudgingly in some cases. This legislation is important, and I look forward to its speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) (CONSEQUENTIAL AMENDMENTS) BILL 1992

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

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.

## DOMESTIC VIOLENCE (AMENDMENT) BILL 1992

[COGNATE BILL:

CRIMES (AMENDMENT) BILL (NO. 2) 1992]

**MADAM SPEAKER**: Is it the wish of the Assembly to debate this order of the day concurrently with the Crimes (Amendment) Bill (No. 2) 1992? 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.

**MRS CARNELL** (4.25): The Liberal Party will be supporting passage of both the Domestic Violence (Amendment) Bill and the Crimes (Amendment) Bill (No. 2). I must, though, start by concurring with Mr Humphries that more time is needed to properly consider amendments of these kinds. A few weeks ago the Government was caught without much legislation to present, even though they had an operational executive during the election period. In response, the Government seems to have gone overboard, and we now have a sudden rush of legislation to deal with within a limited timeframe.

There is an appropriate middle course, and that is to introduce legislation at a steady and consistent pace, allowing adequate time for consideration and consultation with the community. I realise that some of these Bills have been generated in response to urgent requirements of various government and non-government bodies. But we on this side of the house have only a certain amount of staff and a certain amount of time. In this situation we have had time to speak to only a limited number of interested parties. This severely impacts upon our capacity to do our job as representatives of the Canberra people. Nevertheless, we have done our best to consider these domestic violence amendments in the time available.

The Domestic Violence (Amendment) Bill allows a sensible procedure which went on in the past to continue into the future. The procedure was for police to alert Domestic Violence Crisis Service workers about incidents of domestic violence. The Australian Federal Police would provide the Domestic Violence Crisis Service with names and addresses of those calling about domestic violence issues. This was regarded as a satisfactory situation. It went on for some time and, as far as I am aware, without adverse effects on the community. In fact, it facilitated our goals of improving support mechanisms for victims of domestic violence. Anything that will do this must be a positive for our community. Unfortunately, this procedure was disrupted in a very arbitrary way by the enactment of the Commonwealth Privacy Act.

I note that this Bill does something more than allow the police to provide relevant details to the Domestic Violence Crisis Service. In particular, it allows the police to provide details to any organisation as determined by the Minister. Nevertheless, the Assembly has a chance to review the decision of the Minister in approving an organisation as a crisis support organisation. Mr Connolly has indicated that he intends to approve the Domestic Violence Crisis Service as an approved organisation, and we support that. I hope that the Minister will not test the patience of this Assembly by ever attempting to nominate inappropriate organisations. Despite this anxiety, it is still necessary to have the option of including other organisations in the future; and the amendment, as drafted, gives the Minister that leeway, subject to the Subordinate Laws Act. I see no problem in restoring to legality a perfectly satisfactory situation which has operated in the past. On behalf of the Liberal members, I indicate our support.

The Crimes (Amendment) Bill (No. 2) extends police powers. Section 349D of the Crimes Act currently allows police, when making investigations pursuant to sections 349A, 349B and 349C, to seize weapons found in the possession of a person. Police powers to seize weapons have been unduly restricted by the words "in the possession of", and the proposed Bill corrects this situation. Police will now be able to seize any weapon found on the premises or surrounding

grounds where a domestic violence incident has occurred. They will be able to seize a weapon located in or on a motor vehicle whose owner was connected with the domestic violence incident which is being investigated, and the police will be able to seize a weapon connected with the domestic violence incident regardless of who the owner is or whether the owner is known.

I think these kinds of amendments are necessary to turn the table on domestic violence, especially when it is life threatening. Domestic violence is pervasive throughout Australia and probably throughout the world, and this is no doubt the case in the ACT. It is important that the perpetrators of domestic violence should not be able to hide behind unintended loopholes in the law. It was not the original intent that police powers to seize weapons in these circumstances should be so constrained, so we support the amendments which will clarify this situation.

Debate interrupted.

## ADJOURNMENT

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

That the Assembly do now adjourn.

**Mr Berry**: Madam Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

## DOMESTIC VIOLENCE (AMENDMENT) BILL 1992

[COGNATE BILL:

CRIMES (AMENDMENT) BILL (NO. 2) 1992]

**MRS CARNELL**: I note that New South Wales recently passed the Firearms Legislation (Amendment) Bill. This will allow the police, with a warrant, to enter a house where domestic violence is threatened or police suspect that it will occur and to confiscate any weapons that might be used. It should be stressed that this is before any incident has occurred. It is aimed at preventing domestic violence rather than simply redressing the situation after it has occurred.

I understand that this power already exists in the ACT legislative framework, and the amendments before us today will increase police powers to take preventive action as well. Along with all other members of the Assembly, I am sure it is the preventive action that we are looking for with this legislation. Members of the Assembly should be aware that under the ACT framework a police officer can, in urgent circumstances, enter a house without a warrant if a serious breach of the peace is likely or a person is in imminent danger of being injured. That is a particularly sensible approach. We will be supporting the amendment to the Crimes Act in addition to supporting the Domestic Violence (Amendment) Bill.

**MS SZUTY** (4.32): Madam Speaker, following the introduction of the Commonwealth Privacy Act in 1988, the Australian Federal Police and the Domestic Violence Crisis Service found that they were unable to communicate and liaise on incidents of domestic violence. While the police have used interim practices to call the Domestic Violence Crisis Service and to obtain assistance, these have of necessity been restrictive and, unfortunately, not in the best interests of the victims of domestic violence. The passage of these amendments to the Domestic Violence Act allows the exchange of information so that services can be delivered quickly and effectively.

My advice is that relationships between the Australian Federal Police and the Domestic Violence Crisis Service are improving due to greater communication between the two organisations. This is encouraging for the future well-being of the functioning of the two groups. By removing an impediment to the transfer of information from the police to the Domestic Violence Crisis Service, we must be improving the circumstances under which both operate in these situations.

I would like to impress upon the Assembly the work done by the Domestic Violence Crisis Service. In the first four months of this year, counsellors have handled 548 contact cases, consisting of 276 crisis visits, 207 court appearances and 65 follow-up cases. These are figures for only the first four months of this year. Think about it: 276 new crisis cases in four months, 276 people who were victims of domestic violence in their own homes at the hands of relatives or the people they live with. Statistics over the past four years show that the Domestic Violence Crisis Service can be called on to give assistance to between 40 and 90 cases in any one month. Domestic violence is a much understated crime in our society, and anything we can do to assist its victims and those who help them deal with the trauma and reconstruct their lives is important.

On top of this workload, which represents almost 552 hours of direct contact in extremely stressful situations, the service also received in the same four-month period 1,147 phone calls on the domestic violence crisis line. These were new contacts, not follow-ups. So, 1,147 people, predominantly women, felt the need in the first four months of this year to contact someone for assistance after they were assaulted. On top of this, 276 women needed crisis intervention assistance with or without police. Just to elaborate, there are times when the perpetrator leaves and the victim calls the Domestic Violence Crisis Service rather than the police. There are many reasons for this - as many as there are people affected by domestic violence.

The figures I have quoted are not abnormal. A review of statistics since 1989 shows that 1992 is a typical year. There have been some particularly frightening months for statistics concerning domestic violence. In December 1990 there were 99 crisis calls and in the following month, January 1991, 93. These are not just numbers. They represent people who have been abused by those closest to them. But these figures do show what an enormous problem domestic violence is in the ACT not only to those victims directly affected but also to relatives and friends of those victims.

The issue on which these amendments are based has been a concern for confidentiality, which has been addressed by the Privacy Act. The amendments before us recognise that need by providing for accreditation of various groups as crisis support organisations. I am confident that its record will ensure the

Domestic Violence Crisis Service immediate approval and recognition under the Act. Its record of confidentiality is reported to be of the highest order, and warrants its inclusion as a provider of crisis support.

I now turn to the amendments proposed to the Crimes Act. I am pleased that we are now taking steps to ensure that weapons are removed from the homes and surroundings of alleged offenders. Unfortunately, efforts to date to ensure that alleged offenders do not have access to weapons have been proven to have some loopholes, and it is pleasing that these are now being addressed. It has been of concern to many of us that the New South Wales police force has been advertising on television, indicating the fact that weapons are seized as a result of a call relating to domestic violence incidents. These amendments will mean that there is no confusion in this aspect of the policing of domestic violence incidents.

I do not profess to fully understand the New South Wales legislation. However, I am aware that there are differences. I am sure that the Minister, Mr Connolly, will assure us that the ACT is in fact leading the way in addressing these issues. What will become the norm after these amendments are passed is that the impression given by the police advertisements in New South Wales will also be a reality in Canberra, with the added bonus that police will be able to search for weapons if they believe that the alleged offender has them anywhere on the premises.

Power already exists under the Weapons Act 1991 for the registrar to refuse a weapons licence to people subject to a protection order under the Domestic Violence Act. The registrar also, under section 51 of the Weapons Act, can cancel a licence once he or she is satisfied that a ground exists in relation to the licensee on which the registrar may refuse to grant a licence. Clearly, the Government's intention when this law was passed was to take weapons out of the hands of people who are subject to court protection orders. While this was a laudable aim, it fell short. As we all know, many people do not agree with gun licences and the non-existence of a licence does not guarantee that a weapon does not exist.

I am pleased to support these amendments to the Crimes Act. I applaud this Government for its recognition of what is a significant problem and for taking another step towards making the ACT a safer place for women, children and all those who are affected by domestic violence.

**MR HUMPHRIES** (4.38): Madam Speaker, I will not repeat the comments I made earlier this afternoon. I think they should have sunk in by now. On my cursory examination of this legislation, a couple of comments spring to mind. The Domestic Violence (Amendment) Bill appears to be a reasonable and sensible extension of the power for the police to notify certain organisations of an impending or just completed act of domestic violence. Although that is a compromise with the principle that people are entitled to a certain degree of privacy, it is probably not a compromise which is unwarranted in the circumstances. There will, of course, be complaints in due course. Information will be conveyed that someone does not wish to have conveyed and there will be somebody who does not wish to be considered a client of a domestic crisis organisation. There will be hiccups such as that, but we hope that those sorts of cases are far outweighed by the number of people who achieve something positive and get benefit from this kind of provision.

The other enactment we are considering is the Crimes (Amendment) Bill (No. 2). As I read the provisions of this Bill, it struck me that we have in this Assembly a very strange, almost schizophrenic attitude towards the police. It was not so long ago - I think it was in the last Assembly - that we considered an extension of the move-on powers legislation. We debated at great length, and with great heartburn and heart-rending statements, the question of whether we should give a policeman the power to move on somebody who had the potential to commit a crime, a person who might be a potential law-breaker.

In the end, we felt that the police should have the power to move that person on, although those opposite, members of the Labor Party, voted against that. They felt that it was too much of a responsibility, too great a risk, to allow a policeman the capacity to take that kind of attitude towards citizens of the Territory. Similarly, earlier today, we declined to give the Commissioner of Police the power to grant extensions of more than 56 days in respect of motor traffic offences. We really felt that police should be kept in their place on those sorts of things.

But here, in the Crimes (Amendment) Bill (No. 2), we are saying that on the suspicion that a domestic violence incident might be about to take place or has taken place, a policeman is entitled to enter premises or surrounding grounds of those premises or a motor vehicle under the control of a person who ordinarily lives on those premises or is apparently connected with the circumstances giving rise to the entry of the police officers onto the premises, and then to engage in a number of activities, including searches, and to seize particular things, namely, weapons.

A weapon may be seized by a police officer, despite the fact that the owner of the weapon is unknown and irrespective of whether the owner of the weapon is connected with the circumstances giving rise to the entry of the police officer onto the premises of that person. A police officer can effectively hold the weapon or weapons for 60 days. We seem to feel that in these circumstances, where the police are on the side of the good guys, to use a figure of speech, wide powers are entirely justified. Yet, when it comes to other circumstances, the police getting wide powers is a no-no.

I am sure that the Attorney-General has some rational explanation as to why we take such widely differing views about this, but it would appear to a casual observer that we are not being particularly consistent about these sorts of things. In some circumstances the police have very wide powers to deal with the commission of crime and to prevent the commission of crime; in others we feel compelled to restrict those powers.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.43), in reply: I thank members for their contributions. Both Mrs Carnell and Ms Szuty said that the seizure of weapons provision was a good move, but there may be more to be done and more areas to be looked at. I basically agree with that. Members should recall that these Bills are Bills that are part of the output of the Community Law Reform Committee. We are establishing a tradition in this Assembly whereby that committee brings to this Assembly Bills already drafted for our consideration. In most cases they follow a substantive report.

The matter of domestic violence was referred to the committee by this Government late last year. I received a letter from the chair of the committee, Justice Kelly, saying that the committee had identified two specific problems which they thought required urgent attention. The first was the privacy issue. Yes, I agree that Mr Humphries makes a point that there are privacy considerations here, but he agrees with us that, on balance, it is acceptable that we favour the potential victim of domestic violence. I think the whole issue of domestic violence and privacy is one about which we have correctly turned full circle. Only a decade ago domestic violence was seen as a private problem - something that happened behind closed doors - and society did not intervene. Quite properly, now we intervene strongly to protect women who are subject to domestic violence, and I am quite comfortable with the privacy aspects.

The weapons aspect is a specific response. I fully expect that when we get the report of the Community Law Reform Committee we will be looking more broadly at other aspects of seizure and control of weapons which may go along the path of the New South Wales legislation referred to by Ms Szuty or even other paths.

Mr Humphries said that we are giving the police broad discretion here when we are otherwise nervous about giving them such discretion. I am quite happy to say that yes, generally speaking, I do have some nervousness about broad discretion for police officers. I think a society ruled by law likes to have its law enforcement officers under fairly tight statutory guidelines. But, because of the potential harm to be done and because of the proven link between so-called sporting firearms and victims of domestic violence, it is appropriate to give these broad powers. I am pleased again that, despite some reservations, all members who have spoken support these reforms, which, as I say, implement the Law Reform Committee's recommendations for urgent action.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## CRIMES (AMENDMENT) BILL (NO. 2) 1992

Debate resumed from 18 June 1992, on motion by **Mr Connolly**:

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.

## NRMA-ACT ROAD SAFETY TRUST BILL 1992

Debate resumed from 18 June 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR WESTENDE** (4.46): Madam Speaker, once again we have a Bill to consider that is hot off the printer. This is becoming a very familiar tune, but we will keep hammering home the point that this is not the way to conduct the business of this Assembly. It so happens that we have been able to do a bit of consulting on the run with this Bill, because we were aware that it was going to come before the Assembly - not because of any courtesy of the Government, I might add. This advice came from the industry. It is really great to hear about a forthcoming piece of legislation from outside the Assembly!

We understand that this Bill will achieve two main objectives. It will legally establish the NRMA-ACT Road Safety Trust as a charitable trust and it will indemnify the trustees, the NRMA, the Territory and any person acting under their direction. The Bill sets out the objects and purposes of the trust, and we have no objections to those. Once the trust has been legally installed, it intends to call for public submissions from any interested groups or individuals who are seeking financial assistance for projects dealing with road safety matters.

The NRMA have indicated to us that they already have some applications for assistance which can be considered by the trust. They have also indicated to us that they expect that it will take a while to get enough projects to consider. They will also allow time to evaluate the effectiveness of projects before dispensing too many grants in the initial stages. Not only will the trust be the sole funding body for all projects; it will also consider partly financing existing projects. Madam Speaker, the NRMA has a commendable project in the establishment of this trust, and I expect it to produce some very worthwhile results in an area that has always required more attention, that is, road safety. This Bill will set that process in train, and we support it.

**MR MOORE** (4.49): The Bill aims to allocate the excess profits acquired from third-party insurance premiums - an amount of $10m - into a trust fund to be spent on projects which enhance motoring safety in the ACT. The additional objects and purposes of the trust are identified in Part 3 of the schedule to the Bill. They are to promote and stimulate research and investigation on road safety and a series of other things that are in themselves very worth while. But the important part about this schedule is that it does not narrow the principal object, which is to enhance road safety for the benefit of the Australian Capital Territory road using community - really a more directive area. I hope that other ideas come from the community that will be useful in using this money in line with that principal object. By and large, the Bill is what I perceive as a machinery Bill that fits in with the announcement made by the NRMA that they were prepared to put money to use in this way. An announcement was made, I guess, nearly a year ago. I am quite happy to support the Bill.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.50), in reply: I am pleased that members of the Assembly have seen fit to support this Bill. I note again the Liberal Party expressing concern that they have not had enough time to look at it.

We were criticised, I seem to recall, last sittings for not having enough Bills before the Assembly. Now we are being criticised for the brisk pace of reform under this reformist Follett Labor Government. So it is very difficult to please these people. Nonetheless, the Bill before the Assembly means that the NRMA-ACT Road Safety Trust can start on the job of assessing applications and distributing funds which were, through successful negotiation between the Government and the NRMA, returned to the community of the ACT. This was really a first in negotiations between a government and an insurance company, and again I commend the NRMA for their sensible approach.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## ESSENTIAL SERVICES (CONTINUITY OF SUPPLY) BILL 1992

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

That this Bill be agreed to in principle.

**MR WESTENDE** (4.52): Madam Speaker, the beginning of my speeches might start to sound monotonous to Mr Connolly, but this Bill is another very good example of the Government pushing through legislation without due consideration and consultation. This Bill looks, on the surface, to be a simple matter - one of extreme goodwill and one that is sensible. However, this Bill is in fact quite complex, with many inherent problems. Madam Speaker, the Government, in attempting to push this legislation through, is taking for granted the process of this Assembly and the role that we all play in it. Much has been said in this Assembly recently about the seriousness of the policy being adopted by the Government in not allowing due time for consideration of Bills. The most recent Dog Control (Amendment) Bill moved so quickly through the Assembly that there was hardly time to read it, let alone assess it. Now, on this occasion, we agreed to let the legislation proceed because of the timing requirements of its introduction. However, it is not our intention for this to become in any way common practice. It is not democratic and it is bad management.

In terms of the intention of the Bill before us, we believe that ACTEW already has discretionary powers in the area of leniency with the payment of bills. The same is the case with AGL in the supply of gas. AGL is already extremely lenient with its clients. They seem to be managing this very well. They monitor delays in payment and they offer extensions. AGL encourages people to always keep them informed when they are faced with a difficulty in meeting an account and they, AGL, adopt a very lenient approach. AGL has a view that it is better to have late payments than none at all. This approach seems to be working, and I believe that AGL sets a very high standard in community relations. We see no reason why ACTEW and other government bodies could not proceed in the same way as AGL.

An uncertainty about this whole matter, Madam Speaker, is the question of how many people have in fact been found to be unable to pay their essential services accounts. Because of the lack of time, we have been unable to make our own assessment of this. There are also many questions concerning probable abuse of the leniency provisions of this Bill. It must be remembered that there are many people hurting out there. They are finding it very hard to weather this recession we all had to have. This means that many people would see themselves as qualifying for leniency. While we would naturally like to see genuine cases of hardship assisted, there will, without question, be a huge demand on the proposed Essential Services Review Committee. We want to know more about this.

There is a question of communicating effectively and accurately the assistance available to people through this Bill. This is an extremely important aspect that will require a lot of very careful consideration, and it is another matter that we have not been briefed on. Madam Speaker, the greatest danger of legislating to offer assistance to people is that it is a very overt and high profile way of letting people know, and it can have the tendency to build an expectation in the community that if things get tough the Government will bail them out.

The bottom line in all of this, of course, is that if the Government adopted a sensible approach in running the finances of the Territory the charges on people would be less. But here we have the ludicrous situation of the Government on the same day, on the one hand, presenting a Bill that will increase charges and, on the other, recognising that times are tough and offering people leniency in paying their essential services accounts. It is all a bit topsy-turvy; but with a roller-coaster-type government you never quite know what is up ahead and you will never be on a level plane until the end, and that is when you are going to tell about the rotten ride.

Madam Speaker, we would rather see this Bill debated after proper consultation, and we recommend that this debate be adjourned until the August sittings.

**Mr Connolly**: Until the end of winter.

**MR WESTENDE**: Mr Connolly said that it will be the end of winter, Madam Speaker; but I reminded him earlier in my speech that ACTEW has leniency provisions in place to take care of hardship situations. People undergoing hardship will find assistance available to them under existing leniency policies adopted by government bodies. At present, we do not support the Bill.

**MR MOORE** (4.58): I rise with great pleasure to support the Bill and to support what I consider to be the urgency of the guaranteed supply of essential services. The situation that currently exists gives the legal right to the providers of electricity, reticulated gas and telephone services to disconnect the service for non-payment of the account. Over the past two years, the number of people in the ACT community suffering extreme hardship due to poverty and unemployment has increased at an alarming rate. Where a household is in serious financial difficulty, disconnection of an essential service can cause further hardship and put at risk the health and safety of members of the household. The lack of essential services can disproportionately burden the very young, the very

old, the infirm and the very vulnerable - often those who have little or no control over household budgets and who put their trust in their carers to pay for the service. These are the people that the Liberals are not prepared to assist in protecting.

Let us take a couple of case examples that I know of. Upon discharge from hospital, a young single mother caring for a premature baby found her electricity disconnected. The mother was unable to pay the cost of reconnection. She was unable to use lighting, provide heating, sterilise bottles, heat milk and wash soiled nappies. I give another example. A woman's husband, a very violent man, frequently assaulted her. He did not pay the telephone account, so Telecom disconnected the service. As a result, she was unable to call for police assistance when she was next assaulted. Conversely, some households may make a decision to meet an essential service account at the expense of other necessities - such as food, clothing or consumer credit payments - to avoid disconnection. In this situation, many households turn to voluntary welfare agencies, such as the Salvation Army or the Smith Family, for support. This causes a significant drain on already overtaxed and limited community services that have experienced unprecedented demands for aid over the past year, with huge increases in requests for assistance in winter months.

ACT laws and agreements sanction several monopolies that provide services essential for the maintenance of an acceptable standard of living. The ACT provides some of these services, such as fire protection and police services, from taxes levied on the community and business. Individual users of the services are not required to pay directly for those services. Other services - such as the courts, the health system and the provision of low-cost housing - whilst provided by the ACT, also impose some costs on individual users. Sometimes these costs act as barriers to dissuade trivial or non-essential use of services. Sometimes they act as a signal to users of the cost of the services. Often, service providers impose these costs at the time the service is first sought - for example, a court lodgment fee - or as part of a structured system of regular payments, such as concessional rent payments.

The provision of milk and eggs, under monopolies established by the Milk Authority Act 1971 and the Egg Authority Act 1975, imposes costs on consumers at the point of sale. Consumers are able to make informed decisions about the cost of purchasing these goods. Water, sewerage and waste collection services are fixed cost services that are not withdrawn because of failure or inability to pay for the services. However, service providers can pursue debtors through the courts and, in some cases, outstanding debts become a charge on the land.

However, electricity, reticulated gas and telephone services are provided to consumers on the principle of supply first, pay later. For each of these services a consumer may run up high costs in a short period, without indication of the cost incurred. Some cost may even be incurred without the consumer being aware of it - for example, automatic reheating of water during a cold snap, or temperature controlled central heating. Some consumers are not aware of the costs incurred until an account arrives.

Let me deal with electricity. In 1990-91 ACTEW disconnected 1,489 domestic consumers of electricity. They reconnected 717 customers after they had settled their accounts and paid a reconnection fee of $10. The remaining 772 customers had left their premises. In a sample of Australians questioned in the National

Social Science Survey Exploratory Study of Economic Policy and Business Regulation, 93 per cent considered that electricity was an essential service. Domestic customers use electricity to power a range of appliances that are essential to healthy living - for hot water, cooking, refrigeration, heating and lighting. A 1977 study by the NCDC, the National Capital Development Commission, found that the amount of energy consumed in heating a house can be correlated to the coldness of the climate, which does not come as a great surprise to any of us.

**Mr Connolly**: They probably paid a consultant to tell us that.

**MR MOORE**: Yes, they did. It also found that the major part of domestic energy consumption in Australia is for heating, followed in equal parts by water heating and other energy needs such as cooling and lighting. In Canberra heating accounts for 60 per cent, with the other parts using about 20 per cent each. Some consumers are not aware of the cost of a service until an account arrives. It can be difficult to budget for accounts for these services, say, from previous experience. Because of climatic variations, experience is not necessarily a good guide for the cost of a service, particularly for winter heating. Electricity is an essential service. It should not be disconnected where that would cause substantial hardship. That is what this Bill is about.

ACTEW also has a statutory monopoly to supply water and sewerage services to consumers in the ACT. The provision of these services is vital to the well-being of the Canberra community. ACTEW adopts a different approach to the non-payment of water and sewerage rates. In such cases, domestic customers can apply to ACTEW for remission of water and sewerage charges under section 21C of the Rates and Land Rent (Relief) Act 1970. This section provides that where payments of rates could "cause undue hardship" payment can be deferred or remitted on the decision of ACTEW. The supply of water and sewerage services to consumers in the ACT is also an essential service.

What of reticulated gas? AGL reticulates natural gas to domestic customers in the ACT under an exclusive franchise agreement entered into between its parent company and the Commonwealth in 1980. The ACT has the capacity to make legislation that affects AGL's operation. AGL submits that gas is not an essential service as there are many alternative energy sources available - most notably, heating oil, LPG and wood. However, it is unlikely that appliances suitable for these alternatives are installed in the household. In 1990 there were 838 non-paying customers; 228 had their meter disconnected. A substantial proportion of non-paying customers paid once legal action was taken. The company enters into payment plans with customers who have difficulty in paying an account where they notify AGL and do not have a pattern of default. That is an issue that was raised by Mr Westende. Gas supplied to domestic consumers should be considered an essential service where a household relies upon it as a source of energy for key appliances - for example, for heating or food preparation.

What about telephones? Because Telecom is a Commonwealth statutory authority, there is doubt about the ACT's power to legislate for it. However, Telecom relies on Territory law and courts for collection of debts. Telecom may voluntarily submit to ACT jurisdiction as part of its practice of being a good

corporate citizen. The telephone is an essential service, particularly for the housebound, chronically ill or elderly. For those people, the telephone service provides a primary method of communication and a lifeline to emergency services in times of crisis.

In summary, at a time when the number of low income, unemployed and struggling people in our community is increasing daily, when single parents and those caring for others in their homes on meagre resources are already fighting against all odds, this Government must demonstrate that it cares for these people, especially over the bitter winter months, by ensuring that essential services remain available to them. The power to withdraw the supply of an essential service to a household in the ACT should be tempered in cases where substantial hardship would result. That does not mean to say that people should not be pursued in other ways for their debt, and that is the issue that Mr Westende raised more than anything else. What it does mean is that the technique of pursuing that debt ought not to be withdrawal of a basic essential service.

I fully support the move that allows a person suffering substantial hardship to apply to an Essential Services Review Committee which has the power to halt disconnection action, to make arrangements for the payment of the debt or to waive part or all of the debt. I promised a continuity of supply to the Government in this Assembly. I am pleased that they, in turn, with my assistance, promise continuity of supply to the needy in the ACT.

**MS ELLIS** (5.08): Madam Speaker, over the last few weeks, winter has well and truly set in. As we sit in the safety and the comfort of our homes and this heated building, it may be hard at times to come to terms with the misery facing other Canberrans. There is no joy in living in a house with no power. No power means no lighting, no heating, no washing machine, no refrigerator, no television, no radio. Threatened or actual disconnection of an essential service is often the trigger for a disastrous worsening of an individual's living conditions. Disconnection of an essential service can be a cruel penalty of poverty. The costs of heating and electricity, particularly in winter, impact heavily on those who are financially disadvantaged. Families in financial difficulty sometimes find that they simply cannot afford to pay power bills. Disconnection of essential services causes great hardship.

The interstate media paint a picture of a pampered Canberra. People who should know better pretend that there is no poverty in the nation's capital. But in 1990-91 ACTEW listed 2,156 domestic customers for disconnection and disconnected 1,489 of them. In 1990 the Natural Gas Co. made 838 collector calls to non-paying customers, which resulted in 223 disconnections. This year is looking like it will be worse. People seeking emergency assistance strain the budgets of welfare agencies. The Salvation Army in the ACT estimates that it disbursed $12,000 worth of assistance to those households that had an essential service withdrawn last financial year. In May this year the Smith Family recorded the highest ever number of applications for assistance. The Smith Family are close to exceeding their June budget. This augurs very badly for the July to September period, which in the past has been a time of greatest pain for the community.

When the ACT Community Law Reform Committee looked at these issues in its report on essential services, it had to consider a number of questions. Should a monopoly providing electricity, gas or telephone services disconnect a service if a household cannot afford to pay a bill? Is disconnection just a necessary part of

doing business, or is a monopoly imposing unfair penalties on the poor in the form of loss of service and additional reconnection costs? The answers suggested by the committee include a range of measures, both short term and long term. From a longer-term perspective, the committee made a number of suggestions about the heating efficiency of government rental stock. The committee found that in new construction of government housing stock the Housing Trust is conscious of energy efficiency principles and that the major problems of energy efficiency and affordability exist in the Housing Trust older stock. However, these longer-term problems cannot be addressed overnight. The Housing Trust will continue to examine new trends in energy efficient principles and to this end will continue to investigate features that are achievable, cost-effective and worthwhile inclusions in new housing stock.

Debt relief measures are not new in the Territory. The Government, through the Housing and Community Services Bureau, already provides electricity concessions to pensioners, war widows and veterans who satisfy eligibility requirements. These concessions provide continuing but limited assistance to alleviate the circumstances of those in need. They can be of little help when an essential service is threatened with disconnection. In such cases, the bureau and other welfare agencies can apply only limited cash reserves to meet emergency costs. In some cases, ACTEW and welfare agencies or customers are able to negotiate some relief through extended time for payment of the bill. ACTEW has also implemented a budget plan and is pursuing other initiatives.

The Community Law Reform Committee found that a lack of systematic approach in this area imposes additional pressures and costs on agencies and other people affected by disconnection. To remedy this situation, the Community Law Reform Committee recommended a debt relief scheme in the form of the legislation being considered by the Assembly. The legislation will establish a statutory independent review body, the Essential Services Review Committee. People suffering serious financial hardship who are directly affected by the disconnection of a domestic essential service will be able to seek relief from this committee when a service is disconnected or a threat to disconnect is made. The committee would have the power to provide relief, subject to conditions.

The Essential Services Review Committee will have the power to give extensive relief, from extra time to pay right through to the waiver of part or all of the bill. Under the proposed legislation the Essential Services Review Committee may agree to the option which best suits the particular case. Debt relief may come with conditions. A person may be required to undergo debt counselling or enter a debt budgeting scheme. Alternatively, more regular indications of the service may be provided to a household in the form of more frequent billing information. When technology catches up, this may include visible indications of the cost of, say, an individual heater or dryer.

As with all debt relief schemes, a problem lies in countering possible abuse of the scheme. In considering debt relief, the Community Law Reform Committee carefully considered the possible abuse of the scheme. Abuse can take many forms. It may take the form of a consumer simply delaying the payment of an account for the longest possible time. It may amount to fraudulent behaviour when an application is made for reasons unrelated to hardship. Abuse of debt relief schemes generates costs to the service provider and other consumers. We all suffer when someone rips off the system. The scheme proposed by the committee, and which we are considering, has a sting specifically designed for

those people who set out to test government measures for their own selfish reasons. People who "try out" this scheme will find themselves staring at a financial penalty as well as disconnection.

This proposed legislation is a necessary and welcome addition to debt relief measures which are already in place in the Territory. It is an important reform. It signals this Government's continuing commitment to social justice in practice. With careful administration, the scheme will be a blessing for those Canberrans who are facing their hardest winter yet. Madam Speaker, I commend this Bill to the Assembly.

**MS SZUTY** (5.15): Madam Speaker, I am extremely pleased to be able to assist the passage of this very important piece of legislation, which once again gives Canberra a chance to demonstrate that it has compassion and concern for those people in our community who are suffering hardship, especially during the current recession and through continuing cold winters. It is not so long ago that the ACT was populated mostly by itinerants, people who came for a few years to advance their employment or political prospects. It was a place where the native born population was less than 20 per cent. The number of people who now call Canberra home is much greater than it was 15 or 20 years ago, and as a result our social mix is increasing. So when hard times hit the national capital and people lose their jobs there is no "home" to return to; we are all here, and we need to help each other. The Bill before us now gives us another chance to do this.

Much has been said in recent times about the harshness of Canberra's winter climate and the fact that in 1991 welfare agencies recorded a 40 per cent increase in calls for assistance. This year calls are already running at 30 per cent over last year's record. It seems fairly obvious to me that there is a need to recognise that the most disadvantaged people in Canberra are going to be unable to meet some of their commitments during this time of high unemployment and recognised high underemployment. Some people who will have cause to use the provisions of this Bill, once it is passed into law, will have little or no control over the rate at which they use the services deemed to constitute essential services. The housebound, through illness or poverty, are more reliant on their telephones for outside contact and use more fuel to keep their homes heated, lit and provided with hot water.

I read with interest the recommendations of the ACT Community Law Reform Committee, particularly the recommendation that, as ACT Electricity and Water will be the service provider most involved, secretariat support for the proposed Essential Services Review Committee should reside with that organisation. ACTEW has a high stake in this issue through unpaid bills. Figures supplied in the Law Reform Committee report show that in 1990-91 ACTEW had approximately 100,000 customers paying an average of $120 every two months for their electricity supply. Of more than 1,400 who defaulted on their accounts, 771 had their electricity supply cut off, then reconnected for a $10 fee, plus they then had to meet the outstanding payment; 440 customers paid late, following intervention by welfare agencies; and 1,227 paid when the collection officer called.

Altogether, this represents almost $400,000 collected from people who had not paid on time or made alternative arrangements. The figure appears large, as unpaid bills averaged between $160 and $180 per two-month period. This represents approximately 3.3 per cent of the bimonthly revenue from domestic

accounts. A further 772 did not pay, and many shot through, leaving ACTEW with a $120,000 write-off. That is about 4.4 per cent of revenue from domestic accounts every two months that ACTEW has to chase and recover. It is estimated that if the proposed review committee decides 1,000 cases a year the cost will be around $100,000. If, for the sake of the argument, we take all ACTEW disconnections recommended in 1990-91 as being for unpaid bills and assume that all these went before the committee for a similar outcome, this would mean a cost of $216,000. From these figures, the review committee must be a bargain.

Another issue which has been addressed by the Community Law Reform Committee report is the fuel usage of Canberrans, as contrasted to users in other capital cities. In Hobart, for example, homes use only 10 per cent less electricity than Canberrans; in Melbourne, they use about 22 per cent less; and in Adelaide, 30 per cent less. The report stated that submissions to its inquiry had indicated that substantial problems existed with the thermal efficiency of public housing stock. The report made six recommendations on the design and fitting out of public housing. While this will take a considerable time to achieve across the whole range of housing stock, I know that the Government is moving to rectify the situation, and I congratulate it on these efforts.

AGL has argued that people who have accounts with that organisation are not totally dependent on the provision of that service, as other forms of cooking, water heating and room heating are available, and a substantial proportion of defaulters pay once legal action is taken. If this indicates an understanding of the situation in Canberra, I can only assume that AGL is not paying attention to the coverage of welfare organisations, which are saying that an increasing proportion of the Canberra population is seeking help in paying bills and buying food. At least some small percentage of these people seek help with gas bills, as disconnection would leave them without heating, hot water and/or cooking facilities.

I also welcome the inclusion of telephone services within the scope of the Bill. As I mentioned earlier, many housebound people are increasingly reliant on this form of communication for basic services. I also fear that, as more and more people are discharged from hospital after ever decreasing recovery periods, and as the dependence on day surgery increases, the telephone will become an even more important part of our health system back-up structures; and, as our aged population increases, I expect that telephone communication will in some cases supersede a lot of social interaction as many elderly people choose to stay in their own homes.

Turning to the legislation itself, my one wish is that it be gazetted and the necessary forms be also published before increased electricity charges are introduced on the 1st of next month. I am pleased that the committee did not recommend differential rates or a voucher system, for all the reasons stated in its report. I am also pleased that the pleas of ACTEW about the possibility of increased costs were not found sustainable and that the committee rejected the notion that the evaluation of claims of exceptional hardship should be made within the welfare system at a cost to the welfare budget. In my view, the lack of flexibility in the service delivery organisation, where costs are incurred before payment and there is little way to gauge consumption, is one of the causes of hardship, even taking into account the arrangements which ACTEW has for people to meet large electricity bills and unpaid rates. It would seem to me that

in a civilised society a service provider should not have to be compelled to accept that some people cannot meet their fuel costs. It is to be noted that ACTEW made a considerable profit in 1991 and paid a dividend of $19m to the ACT Government in that year.

A return to final notices and a system of notification that informs people about the existence of the Essential Services Review Committee to decide genuine hardship cases is recommended in the legislation. I am sure that the Government will also keep a watching brief on the implementation of this legislation, to ensure that minority groups, such as those identified in equal opportunity legislation, have equal access to relief under the Act and are able to pursue their right to have the Essential Services Review Committee hear their cases.

I wish to draw attention to clause 18 of the Bill, which concerns representation. It may appear that either a client or an agent or advocate can represent a client's interest. It is to be hoped that the Essential Services Review Committee's interpretation of this clause will mean that both the client and the agent can speak on the client's behalf. I am sure it is not intended that this clause be mutually exclusive of the client and agent as regards representation. Indeed, every encouragement should be given to both the client and the agent to represent the case to the Essential Services Review Committee. The Government may also need to consider increasing funding to appropriate counselling services, as under paragraph 23(c) the committee can direct the client of an essential service provider to obtain financial counselling. I know that the CARE Credit and Debt Counselling Service are not the only such counsellors available in the area. However, it is noted that it takes 13 weeks to get an initial appointment with that agency, and I am sure that the resources of all other such counsellors are equally stretched.

I am pleased that the committee reviewed the health of consumers in its financial considerations section. I am convinced by the evidence of the link between increased community ill health and the stress of financial hardship. If by introducing this Bill we can make the system of obtaining and maintaining essential services easier, especially on those occasions when an adverse financial situation exists, then we are moving in the right direction. Madam Speaker, I commend the Bill to the Assembly.

**MR HUMPHRIES** (5.25): Madam Speaker, I rise to correct a misapprehension that Mr Moore might have about what the Liberal Party's intentions are on this Bill. Mr Moore made a remark to the effect that the Liberal Party does not care about people in the community who might suffer because of their inability to pay electricity bills and who, therefore, might have their electricity cut off during winter. Mr Moore did not listen very closely to what Mr Westende had to say about our reasons for not supporting this Bill. It is not that we have any lack of concern about the people that this Bill is designed to help. Indeed, what Mr Westende said - and I will repeat it for your benefit - was that this Bill is "one of extreme goodwill and one that is sensible". He went on to say:

> People undergoing hardship will find assistance available to them under existing leniency policies adopted by government bodies.

We are obviously concerned there. He made a number of references in his remarks to the fact that the Liberal Party is concerned about the consequences of utility suppliers cutting off supplies, particularly during periods when it would be most serious, such as winter. It is not the intention of the Liberal Party to

oppose this Bill because it has any view that this Bill is, in its general intent, not a good thing, although we would certainly like to be able to debate certain aspects of it. The Liberal Party's concern centres around the lack of time that we have had to consider this legislation. That, I thought, was made quite clear by Mr Westende; but I will make it clear, if it is not clear already. This is a complicated matter. This is a very important and very significant piece of legislation. It is landmark legislation, and we saw it for the last time only a few days ago.

Mr Moore said that a number of utilities might become subject to this Bill over a period of time. There is power in the Bill for the Minister to prescribe certain essential services. We have already talked about gas. We have talked about telephones. We might talk about other things as well. At the end of the day some service providers will not be government agencies. They might not be large suppliers but in fact quite small suppliers. They might be private enterprise businesses trying to make a living. To talk about them being regulated by the Government is a serious step. Yet that is possible under this legislation. Not unreasonably, we felt that we should have the time to examine the implications of that kind of move. The prescribing of suppliers might or might not be subject to disallowance in this Assembly - I cannot recall from my reading of the legislation.

**Mr Connolly**: It is disallowable. It is done by regulation.

**MR HUMPHRIES**: I am assured that it is; but the fact of life is that it does present a very serious set of circumstances, one which the Assembly has to be prepared to debate - at short notice, perhaps - and which has implications for the way in which people conduct their business in the ACT, something which we are a little lightly putting to one side.

I am not saying - I repeat: I am not saying - that we do not have a deep concern about the unjustified and unwarranted withdrawal of services from people in genuine need. But it is one thing to say that in principle we are in favour of a compassionate approach by government and quite another to say that this legislation, in all its complexity and detail, ought to be rushed before the Assembly. Let me repeat that we will come to rue the haste in which we are considering some of these pieces of legislation. When amendments come forward - - -

**Mr Moore**: We have had the Law Reform Committee's report for ages.

**MR HUMPHRIES**: That report was tabled in the Assembly - - -

**Mr Moore**: But it is available. It has been available for months.

**MR HUMPHRIES**: I am sorry; I do not recall having seen it before. It was tabled in the Assembly only this week, as I recall, or late last week. Presumably, it was produced in the last three-week sitting break. Even if it was not, the Government had announced no intention of rushing this legislation through the Assembly in this sitting fortnight.

**Mr Lamont**: It is winter.

**MR HUMPHRIES**: That is not the point. I have a suggestion - - -

**Mr Lamont**: That is typical of you, though. You do not accept the point of the legislation. You do not understand why it is being done.

**MR HUMPHRIES**: Madam Speaker, it is winter, as Mr Lamont astutely observes. Let us adjourn the debate on this Bill for two weeks and come back in two weeks' time and debate it then.

**Mr Lamont**: So in two weeks' time you want the house to sit again?

**MR HUMPHRIES**: Two weeks, yes.

**Mr Lamont**: You want the house to sit again?

**MR HUMPHRIES**: Absolutely.

**Mr Lamont**: You want to put us to the expense of coming back in two weeks' time?

**MR HUMPHRIES**: What expense?

**Mr Moore**: Go on through the night.

**MR HUMPHRIES**: Hang on. If you were serious about letting this issue be properly debated by the community, then we would come back in two weeks' time. I think, Mr Moore, you might be heading somewhere further north, somewhere like Cape York Peninsula, for your winter holiday, well away from the cold that other Canberrans might be experiencing. Perhaps you would not be too keen about coming back for a sitting in two weeks' time. But I have to say to you: Do not pretend that we have no option but to pass this right here and now. We do have other options. We could come back, if we wanted to; but obviously some of the people here are prepared to accept on face value that if a thing looks like a good idea we should rush ahead and pass it. That is not the principle on which you make good laws. We will keep saying that again and again, and I hope that the Government eventually will listen.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.31), in reply: Madam Speaker, the poor old tories! They have only one record. It is a cracked one and we hear it over and over again: "No time to consider things". Nothing could more starkly show the distinction between this reformist Labor administration and this tired Liberal Opposition than today's legislative program. We have brought forward four significant Bills implementing Labor's social justice agenda on domestic violence and the response has been, "We have not had time to look at it; we grudgingly support it". Now on this landmark legislation, as I think Mr Humphries himself called it, their only objection is that they have not had enough time to look at it. Their speeches basically said, "We have not had enough time to look at it. It is all too hard. We have not had enough time to consider it". By comparison, Ms Szuty and Mr Moore made long, erudite and detailed contributions. They seem to have had plenty of opportunity to do their research, do their work and come up with some very sensible contributions to the debate.

As members would be aware, this Bill is implementing the recommendations of the Community Law Reform Committee. Although I tabled the report with the draft legislation only last week, the report itself, without the draft legislation, was made available in December of last year. The report set out the policy parameters

and the committee's recommendations. There was considerable press agitation about it. I recall doing media interviews and seeing reports in the *Canberra Times* and all the rest of it. So people interested in this area, people interested in social justice issues - - -

**Mr Moore**: That excludes the Liberals.

**MR CONNOLLY**: As Mr Moore says, that would exclude the Liberal Party. But I had hoped that there would be some members interested in social justice issues who would have been aware that this matter has been under consideration for some time. This model of legislative guarantee of essential services has been under active consideration and members should not have been too surprised at the proposal. Certainly, Mr Moore and Ms Szuty were able to canvass in considerable detail the issues surrounding it, as opposed to having a grizzle that we were bringing up reform proposals too fast.

This is landmark legislation. Perhaps if we were debating this in November or December, I would be quite comfortable about an adjournment for a couple of weeks; but we are debating this in June. It is a Canberra winter. The principal agent which will be affected by this, ACTEW, after discussion with me, has been gearing up with a view to being able to start implementing this measure as soon as it goes through the Assembly. I do not see why Canberra families in crisis should have to endure the threat of their power supply being cut off when we have it within our power to give them the benefit of this remarkable reform. It is in a form that I hope all members would be proud to implement as landmark legislative reform.

I should address a couple of specific points. Ms Szuty raised a concern that clause 18, which is the representation clause, could be interpreted restrictively so as to mean that people must choose between appearing themselves or having an agent. I assure Ms Szuty that that is not the intention of that provision. That is a fairly standard form of clause. It is meant to be interpreted widely. We have adopted the widest form of representation clause. We have not adopted the form occasionally found which specifically excludes certain types of representation. People could be represented by a solicitor if they, for example, called on the aid of the Welfare Rights and Legal Centre or the Legal Aid Office. Welfare Rights, one could well imagine, may be able to offer a service of advocacy before the Essential Services Review Committee.

The Scrutiny of Bills Committee report that Mrs Grassby tabled yesterday raised one issue. Whenever that committee raises concerns, we look at them extraordinarily seriously because of the respect we have for Professor Whalan and members of the committee. We note that he was concerned that a reading of the power of the review committee under clause 22, when compared with clause 26, could suggest that the committee can discharge liability only for a total amount rather than for partial amounts. I am advised that that is not the intention, as can be understood from a literal reading of clause 22. It talks about a specified amount. Therefore, if a bill is for, say, $200, the committee could discharge liability for the specified amount, say $150, leaving $50 to be paid.

It is, on balance, probably prudent to pick up Professor Whalan's comments and clarify that. I have circulated a brief amendment which I will be moving in the detail stage to subparagraph 22(a)(ii). It proposes to delete the phrase "all liability in respect of the account", which the Scrutiny of Bills Committee felt could give

rise to an interpretation that there is no flexibility, and substitute "liability in respect of the account in accordance with the declaration", which makes it clear that the review committee can make a decision as to the extent of liability that it waives. That wording would then be consistent with clause 26, which makes it clear that the liability is discharged in whole or part. That minor amendment picks up that concern.

One point should be finally reiterated. Mr Westende had concerns about people abusing this social reform. He made some references to people thinking that government is there to solve all their problems. His remarks really reflected general Liberal Party philosophy that social welfare will always be rorted and people will assume that government will solve all their problems. The issue of potential abuse of this proposal has been very carefully gone into. As Ms Ellis commented, we have gone to the point of having a penalty clause, so that a person seeking to abuse this provision will suffer a financial penalty. This is extraordinarily realistic. I doubt whether there will be much abuse of the system. This is not that sort of approach that the Liberals often criticise reformist governments for on the grounds that they are naive and producing systems that will be abused. We thought of abuse, and we have a penalty.

So this is very carefully thought out, reformist legislation. It will be of real benefit to Canberra families who find themselves in financial distress this winter. I commend its passage to the Assembly. This Bill, if passed, will mark a signal day in law reform for this Assembly because, if we deal with this Bill this afternoon, we will have dealt with five very significant pieces of legislative reform with a view to ensuring greater social justice in the Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail Stage**

Bill, by leave, taken as a whole

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.39): Madam Speaker, I move:

> Page 8, subparagraph 22(a)(ii), line 5, omit "all liability in respect of the account", substitute "liability in respect of the account in accordance with the declaration".

I have taken what we may perhaps adopt as a standard practice when we move amendments which implement a Scrutiny of Bills Committee report. I have added in handwriting to the circulated amendment a somewhat informal explanatory memorandum which says:

> This picks up the comments of the Scrutiny of Bills Committee.

Amendment agreed to.

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

Bill, as amended, agreed to.

**ANIMAL WELFARE BILL 1992**
**Detail Stage**

Clause 4 and proposed amendment thereto

Debate resumed from 16 June 1992.

**MR LAMONT** (5.41): I understand that Mr Moore has deferred to me to allow the debate to proceed. Madam Speaker, the other night, when this matter was most recently canvassed in the Assembly, I was surprised at the comments of the Opposition Whip when he said something which was disarmingly honest. After Mr Wood had stated that animal acts were demeaning, Mr De Domenico said, "Well, why do you want to ban circuses?". I must say that I was quite floored by this. Mr Wood said that exotic animal acts in circuses are demeaning, and the Whip said, "Why ban exotic animals?". What was the Opposition Whip saying?

**Mr De Domenico**: "Why ban exotic animals?".

**MR LAMONT**: It was not quite as simple as that. Was he saying that the fact that something is demeaning is not an adequate reason to outlaw it, or was he saying that he did not see how the enforced antics of circus animals were demeaning? I have a strong suspicion, Madam Speaker, that it was the latter; that the Opposition Whip does not think that circus acts are demeaning for the animals. I cannot argue with the Opposition Whip or others who share this view. Either you believe that animals are not there to perform antics for our juvenile pleasure or you do not. The barrier of insensitivity which the Opposition Whip erects is one I cannot breach. Notwithstanding this difficulty, I will persist.

Leaving aside the ontological question of the purpose of other species, there are other questions of the caging and training of wild animals which cannot go unasked. Mr De Domenico and others in the Opposition apparently believe that there is no cruelty in caging exotic animals in this way. "They are not wild animals", they say. "They have been bred in captivity for nine generations. Before you know it, you will be wanting to release budgies from their cages", they cry. Madam Speaker, leaving aside the bewildering fact that the Opposition seems unable to tell the difference between caging a great cat and caging a budgie, perhaps the opponents of my amendment could explain how the Bengal tiger which was shot in Sydney last week fits into their definition of domesticity. It hardly fits into that category. Of course, the caging of these animals for transport is cruel.

I have been criticised for underestimating the size of cages. What bunkum! When I said that cages were 20 feet by 9 feet by 9 feet, I deliberately overestimated the size to avoid the charge which was levelled at me. Of course there are cages which are bigger, but these are usually occupied by several animals at once - or, I presume, Mr De Domenico's budgies. I suggest that, the next time they are near a circus, those opposite go and look at what goes on behind the scenes. They will not only find animals in badly cramped accommodation but also find them exposed in all weathers, and usually lying in the stink of their own faeces and urine. That is unpalatable but true, Mr De Domenico. That is the condition that you will find them in.

What about training these animals? You do not have to be an expert to realise that your average lion or tiger, as an example, does not roll over and play dead, let alone jump through burning hoops like some obedient dog who gets a pat on the head for his troubles. Let us look at what the experts have to say, Mr De Domenico.

**Mr De Domenico**: Who are the experts?

**MR LAMONT**: I am glad you asked. Alfred Court, the leading animal trainer of this century, regarded by the industry as such, described how to subdue a wild animal, as follows:

> If an animal attacks, he must be given severe enough correction for him to realise from the first encounter that he is not the stronger ...

Court went on to explain what this actually means. He described what to do when a bear refuses initially to submit to his will, as follows:

> I clenched my hand around the club and struck at the head with all my strength ... the bear had been struck where I had aimed, above the nostrils and between the eyes. Blood flowed from its mouth, its paws stiffened in a last convulsion and it collapsed.

This was Court's recommended approach in training exotic circus animals. Madam Speaker, how else, after all, could a wild animal be trained?

In the Assembly last night, members on this side were accused of getting their priorities wrong. Members opposite asked how we could legislate to prevent cruelty to animals when we were willing, according to them, to terminate the lives of humans because we were repealing the Termination of Pregnancy Act. In my speech last night on that matter, I made my position quite plain when I said that I did not believe that I could make moral choices for others. Madam Speaker, circus animals do not exercise free will; they do not have the ability to exercise that moral judgment. It is up to us to demonstrate our basic humanity in the way that we view and treat them.

The Opposition having made their argument, what should their position on this be? They say that we are hypocritical for supporting the prevention of cruelty to animals while supporting the liberalisation of abortion law. Surely their support for the retention of the existing abortion law does not mean that they must justify cruelty to animals. That is what they are doing. What a strange twist it is that they should claim that we are guilty of a profound cruelty; yet in its name they will perpetrate another. How sincere can they be when in their system of values they will trade one cruelty for another?

If there are weaknesses in my amendment, Madam Speaker, they are that it has taken until 1992 to make its appearance and that it does not go far enough. They are the two essential weaknesses. On a recent trip to the former Soviet Union I took the time to go and see the Moscow State Circus and several others circuses. That is the same place where the former Treasurer of the Liberal Party is about to go, I understand, on a study tour, is he not? I certainly hope that he has a look when he gets there, because with one exception, Madam Speaker, these circuses, the most famous in the world, have abandoned or are starting to abandon their use of exotic animal performances. There are now over 60 major municipal governments in Europe which ban animals in circuses. There are now over 50 local councils throughout Australia which also ban them outright.

We are behind the times on this, Madam Speaker. You would think the Opposition would know this too. After all, it was the Alliance Government which first agreed to this proposal in late 1990. Page 54 - I remind you, Mr De Domenico - of the report that Mr Kaine endorsed, the one that is there in black and white - - -

**Mr De Domenico**: He is on to you now, mate.

**MR LAMONT**: I am just trying to let you know, Mr De Domenico, what your predecessors have done. In black and white they said:

> ... the Working Group reached a consensus that ... the future code of practice for the showing and display of animals ... should recommend the prohibition of circus acts using non-domestic species of animals.

End of story - that is, until the latest ACIL advice to Trevor which told him to sell the line that there is no difference between a tiger and a budgie. That is the reason the Liberals have adopted the view they have. The shooting of that tiger last week should have been the last straw. Let us get on with banning this barbaric business, and let us do it now.

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

## ADJOURNMENT

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

> That the Assembly do now adjourn.

### Death of Mr Alan Jones

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.49): Yesterday Mr Alan Jones, who was the first chairman of the ACT Electricity Authority, passed away. There will be a thanksgiving service tomorrow. Unfortunately, it will be during question time, so members who wanted to attend will not be able to. Therefore, I think it is appropriate that we mark the passing of Mr Jones by some brief remarks in the adjournment debate.

Mr Jones had a remarkable career in that he joined the Federal Capital Commission in 1928, in the very early days of the construction of Canberra. He came up through the ranks to head the power supply area of Canberra before becoming the first chairman of the ACT Electricity Authority when it was created as a separate entity in 1963. Mr Jones was responsible for the fact that Canberra has the attractive features of backyard electricity supply and, in the suburbs that

were built from the mid-1960s on, underground supply. He established a 132,000-volt supply system, dropping down to 11,000 volts for distribution, which apparently, I am told by my experts - not understanding these things myself - is now the standard. When it was introduced in the early 1960s by ACTEA it was something of an innovation. It allowed us to get away from heavy complicated overhead wires and have the simple wire up the back of the blocks or the underground wire.

Madam Speaker, Mr Jones lived a very full life in Canberra serving the community. He retired from the ACTEA at the statutory retirement age of 65 in 1975. He was 82 years old on his passing. In recent years he would have been perhaps familiar to a large number of Canberrans who, during Heritage Week, undertook guided tours of the Kingston powerhouse. Mr Jones conducted those tours, having, as a very young cadet engineer, been involved in the early construction of that powerhouse. I think it is appropriate that we note the passing of a remarkable Canberran, and one of those people who have links to the very early days and establishment of this city.

## Death of Mr Alan Jones

**MR DE DOMENICO** (5.52): Madam Speaker, I rise to agree with Mr Connolly. Mr Westende and I personally knew Mr Alan Jones through our involvement in the Canberra Rotary Club. I endorse the remarks made by Mr Connolly. Alan Jones was always a committed person in everything that he did. He had a fantastic personality and a magnificent involvement in the charitable organisations that he took on after his retirement from the ACTEA. Mr Jones will be missed by my fellow Rotarians because he was always there with a chuckle and a joke. The jokes were usually not so clean, but they were still very funny, let me tell you. He will be sadly missed. He was a wonderful man and did a lot of good things for Canberra. He should be remembered for a long, long time.

Question resolved in the affirmative.

**Assembly adjourned at 5.52 pm**

## ANSWERS TO QUESTIONS

### Legislative Assembly Question No. 38

### Complaints against Police

Mr Cornwell - asked the Attorney General

(1) How many complaints have been made against ACT Police in:

(a)1990; and

(b)1991.

(2)What has been the cost to date of investigating the allegations in (1) above.
(3)How many convictions or charges against ACT Police have been made as a result of complaints in the years listed at (1).

(4)Does ACT legislation exist to allow the Government or an individual to take legal action for mischievous or vexatious complaints about the Police.

(S)If such legislation exists, how many charges have been laid to date by:

(a)the ACT Government; and

(b)to date?

(6) If no such legislation exists, why not.

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

(1)(a) 249 people made 430 complaints for the 1990 calendar year; and
b) 401 people made 711 complaints for the 1991 calendar year. I understand the increase is largely the result of complaints relating to AIDEX.

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(2) The costs incurred by the Australian Federal Police (AFP) to investigate complaints against ACT Region police are not directly charged to the ACT Government. These costs form part of the overall corporate charges which the AFP charges the ACT Government under the Policing Arrangement.

Costs incurred by the Commonwealth Ombudsmans Office in respect of such complaints are charged to the ACT Government by the Ombudsmans Office. The Ombudsmans Office maintains statistics on a financial year basis and therefore costings for the calendar years specified are not readily available.

The formula by which charges to the ACT are calculated operates on the basis of a workload factor derived from the previous years complaint statistics applied to the current year budget estimates. The first year in which the formula applied was for 1990-91 using 1989-90 statistics of 269 complaints -the cost was $318,234. The next year, 1991-92, the cost was $387,580 using 1990-91 complaint numbers of 342. Details are not yet available for 199293.

(3) (a) 32 charges resulting in 15 convictions.

(b) Nil as at 8 May 1992.
(4) No.
(5) (a) N/A

(b) N/A

(6) Complaints against members of the AFP, including those members performing community policing duties in the ACT, are pursued in accordance with the Commonwealth Complaints (AFP) Act 1981. Accordingly, any decision to amend the legislation to provide for legal action in respect of mischievous or vexatious complaints rests with the Commonwealth Government.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION NO. 86**

**Supported Accommodation Assistance Program**

MR MOORE - asked the Minister for Housing and Community Services -

(1) What has been the total funding provided by the Supported Accommodation Assistance Program (SAAP) to each service in the ACT for each of the following financial years; (a) 1989-90; (b) 1990-91; and (c) 1991-92.

(2) For each of the SAAP services which provide accommodation, how many beds are provided with those funds for each of the above years.

(3) For each of the SAAP services, what is the major target group, as defined in section 6(5) of the Supported Accommodation Assistance Act 1989, being addressed by that service.

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

(1) The total cash funding provided by SAAP to each ACT service is as follows:

ORGANISATION AND SERVICE NAME 1989-90 1990-91 1991-92

ACT YOUTH REFUGE ASSOCIATION

Canberra Youth Refuge 188 541 218 122 248 665

Castlereagh House 56 748 11 87 554 117 078

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ORGANISATION 1989-90 1990-91 1991-92

ASSISTING
DRUG
DEPENDENTS .
INC
ADD INC n/a n /a 27 078
AINSLIE AINSLIE
VILLAGE VILLAGE LTD
MANAGEMENT FROM 4/90)
P/L (to 4/90)

Ainslie Village 606 239 608 503 F 639 734

BARNARDOS
AUSTRALIA

Barnardos n/a 1 70 530 F116 428

BERYL
WOMENS
REFUGE
COLLECTIVE
INC

Beryl Womens 337 788 374 467 392
908Refuge Niandi Half 53 807 55 855 60 365

Way House

CANBERRA
COMMUNITY
HOUSING FOR
YOUNG PEOPLE

C.C.H.Y.P. 24 484 11 121 070 147 093

CANBERRA
INCEST CENTRE
COLLECTIVE

Incest Centre 149 953 157 551 166 437

1232

ORGANISATION 1989-90 1990-91 991-92

CANBERRA
RAPE CRISIS
CENTRE
COLLECTIVE

Rape 118 449 132 311 157 849

Crisis Centre

CUBA CASA
INC

Cura Casa 158 281 173 060 180 008

Cura Casa 83 747 80 783 85 558

Annexe

DORIS
WOMENS

COLLECTIVE

Doris Womens 240 975 1266 886 290 851
Refuge

Lucille Half 53 392 56 645 57 28
Way House

GALILEE INC

Lift Program n / a 69 224 53 322

HARE KRISHNA

Food For Life 19 28 3 596 10 172

LIONS AND
SALVATION
ARMY

LASA Youth 169 772 210 615 1 266 328

Centre

1233

ORGANISATION (  1989-90 1990-91  1991-92

LOW ANA
 YOUNG
WOMENS
SHELTER

 Lowana Young 222345 241 584 239 980
 Womens
 Shelter

Medea 248 908 270 661 298005

MIGRANT
RESOURCE
 CENTRE

 Access and 21 431 42 207 48 323
 Equity Worker
 NORTHSIDE
 COMMUNITY
 SERVICE

Transit Flat 13 521  115 564 133 569

Program

OPEN FAMILY FOUNDATION

Maguire House n / a , 10 734 119366

SHORTCUTS
INFORMATION
AND
ADVOCACY
SERVICE

 Youth Housing 75546 82 791 7104 547
 Outreach
 Worker

1234

Tables not available in electronic form but included in the printed Hansard.

Tables not available in electronic form but included in the printed Hansard.

Tables not available in electronic form but included in the printed Hansard.

Tables not available in electronic form but included in the printed Hansard.

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| TARGET GROUP | SERVICES |
|---|---|
| YOUNG PEOPLE | Canberra Youth Refuge |
| | Castlereagh House |
| | Transition Program |
| | Canberra Community Housing for Young People |
| | Lift Program |
| | LASA Youth Centre |
| | Lowana Young Womens Shelter |
| | Maguire House |
| | Youth Housing Outreach Worker |
| | Streetwork |
| | Burdekin Youth Housing Worker |
| | Living Skills Project |
| | Thomas Cahill Cottage |
| | Southside Youth Refuge |
| | Tumladden |
| SINGLE MEN | Ainslie Village |
| | Blue Door Drop in Centre |
| SINGLE WOMEN | Toora Single Wimmins Shelter |
| | Likaya Half Way House |

| | |
|---|---|
| WOMEN WITH OR WITHOUT CHILDREN WHO ARE HOMELESS AND/OR IN CRISIS AS A RESULT OF DOMESTIC VIOLENCE | Beryl Womens Refuge |
| Niandi Half Way House | |
| Heirs House | |
| Doris Womens Refuge | |
| Lucille Half Way House | |
| Medea | |
| Transit Flat Program | |
| Caroline Chisholm House | |
| Monica House - - | |
| Supported Accommodation for Women | |
| FAMILIES Cura Casa | |
| Curs Casa Annexe | |
| ACROSS ALL TARGET GROUPS | Access and Equity Worker |
| Food For Life | |
| Assisting Drug Dependents Inc | |
| OUT OF SCOPE SERVICE Incest Centre | |
| Rape Crisis Centre | |

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION NO. 106**

## Crisis Accommodation for Men

MR CORNWELL - asked the Minister for Housing and Community Services -
(1) How many mens refuges, or crisis accommodation houses, by name, are there in the ACT.
(2) How many (a) full-time and (b) part-time staff are employed by each refuge by name.
(3) How many persons can each refuge, by name, accommodate.
(4) What was the average (a) period of stay and (b) level of demand, for each refuge, by name, in 1991.
(5) What criteria for admittance does each refuge have.
(6) What government subsidy is paid per annum to each of the above, by name.

MR CONNOLLY - The answer to the Members question is as follows:
(1) There are four services available in the ACT to meet the crisis accommodation needs of adult men. These are:
Ainslie Village
Cura Casa
Cura Casa Annexe
Emmaus House.

NB. It is relevant to note that these services, other than Emmaus House, cater for other target groups as well as single adult men.

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(2) Under the Supported Accommodation Assistance Program (SAAP), the following salary allocations for workers are made available to these services:
Ainslie Village 8.56
Cura Casa 4.45
Cura Casa Annexe 2.825
Emmaus House Nil.

These refuges are run by autonomous community organisations who are fully responsible for their own employment matters.
(3) The persons each service can accommodate are as follows:
Ainslie Village 2 5 0
Cura Casa 14
Cura Casa Annexe 10
Emmaus House 8

(4)(a) Because of the nature of data collected under the SAAP program, it is not possible to provide data on the average period of stay.

(b) The information for the SAAP services has been aggregated in accordance with a long-standing agreement with SAAP services. It is also relevant to note that Cura Casa Annexe was closed for 2 months for renovations.
The data is:
82 002 bed nights provided with 1447 turnaways.

It must be remembered that these figures include people accommodated from targets groups other than single men and it is not possible to break them down into particular target groups.

Figures are not available for Emmaus House as it is not funded by the government.

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(5) For the services funded under SAAP, they are accessible, with the limit of available beds, to any person or persons that fits within their relevant target group/s.

Information is not available from Emmaus House as it is not government funded.

(6) The recurrent SAAP subsidy approved for these organisations in 1991-92 is as follows:
Ainslie Village $639 734
Cura Casa $180 008
Cura Casa Annexe $82 669
Emmaus House Nil.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION NO. 108**

**Crisis Accommodation for Women**

MR CORNWELL - asked the Minister for Housing and Community Services
(1) How many womens refuges, or crisis accommodation houses, by name, are there in the ACT.

(2) How many (a) full-time and (b) part-time staff are employed by each refuge by name.

(3) How many persons can each refuge, by name, accommodate.

(4) What was the average (a) period of stay and (b) level of demand, for each refuge, by name, in 1991.

(5) What criteria for admittance does each refuge have.
(6) What government subsidy is paid per annum to each of the above, by name.

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

(1) There are six crisis womens refuges in the ACT. They are:

Beryl Womens Refuge

Caroline Chisholm House

Doris Womens Refuge

Heirs House

Jireh House

Toora Single Wimmins Shelter

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(2) Under the Supported Accommodation Assistance Program

(SAAP), the following salary allocations are made available
to these services

Beryl Womens Refuge 8
Caroline Chisholm House 3.8
Doris Womens Refuge 6
Heirs House 6.75
Jireh House Nil
Toora Single Wimmins Shelter 7.5*

* This figure includes Likaya Half way House (1 staff allocation)

These refuges are run by autonomous community - organisations who are fully responsible for their own employment matters.

(3 ) The persons each refuge can accommodate are as follows:

Beryl Womens Refuge 2 3
Caroline Chisholm House 12
Doris Womens Refuge 12
Heirs House 8
Jireh House 12*
Toora Single Wimmins Shelter 10

*2 to 3 beds are designated -medium term.

NB: For Beryl, Caroline Chisholm and Doris, these figures represent both adult and childrens beds.

(4)(a) Because of the nature of data collected under the SAAP program, it is not possible to provide data on the average period of stay.

(b) The available information has been aggregated in accordance with a long-standing agreement with SAAP

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services. It is relevant to note that Beryl Womens Refuge was closed for a two month period for relocation, and Caroline Chisholm was closed for a two month period for renovations. The data is:

8 641 bed nights provided with 1 134 turnaways.

NB. Figures are not available for . Jireh as it is not funded by the government, for Heira as it was not established in 1991 and for Toora as it is not yet participating in the relevant data collection.

(5) For the services funded under SAAP, they are available to

any person or persons within their relevant target group.
The only restriction, other than availability of beds, is that
most womens domestic violence refuges have a restriction
on accompanying male children over a certain age.

Information is not available from Jireh House as it is-not government funded.

(6) The recurrent SAAP subsidy approved for these

organisations in 1991-92 is as follows:

Beryl Womens Refuge $372 277
Caroline Chisholm House $170 918
Doris Womens Refuge $269 645
Heira House $315 846
Jireh House Nil
Toora Single Wimmins Shelter* $403  358**

* Toora also receives funding from the ACT Department of Health.

** This figure includes funding for Likaya Half way House (4 beds, 1 staff allocation) .

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION NO 144**
**Housing Trust - Carpets**

MR CORNWELL- asked the Minister for Housing and Community Services
In relation to the recent report ( Valley View, 5 May 1992) that a Gowrie mother of three had no carpet in her ACT Housing Trust home - Is it Trust policy to provide housing without carpets: if not why was this property made available while still uncarpeted when the occupants already were housed elsewhere.

MR CONNOLLY- The answer to the members question is as follows:

It is the policy of the ACT Housing Trust to make houses available whether or not they are carpeted.

A policy to progressively carpet all Housing Trust properties was introduced in October 1990. Applications for carpeting of properties are assessed on a needs basis, and tenants with young children are accorded the highest priority.

In the period October 1990 to 30 June 1991, 767 properties were carpeted at a program cost of $1.1 M. In the period 1 July 1991 to 19 May 1992, 865 properties were carpeted at a total program cost of $1.17M.

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**MINISTER FOR EDUCATION AND TRAINING**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION 145**

**Government Primary Schools - Surplus Space**

MR CORNWELL - asked the Minister for Education and Training on notice on 19 May 1992.

Further to your reply to question on notice No. 6 concerning surplus places in ACT Government schools:

(1) What caused the decrease in school space capacity between 1990 and 1992 in the following primary schools (a) Curtin, 180 spaces; (b) Griffith, 120 spaces, (c) Higgins, 180 spaces and (d) Rivett, 300 spaces.

(2) If these spaces are being let, to whom are the spaces let and what return is obtained from each organisation by name.

MR WOOD - the answer to Mr Cornwells question is:

1. The decrease in capacity at the listed schools resulted from the following changes:

(a) Curtin Primary School - The Curtin School that is presently in use is a smaller school than the former North Curtin facility. There are six fewer classroom spaces at the current school which equates with a reduction of 180 student places from the 1990 figure.

(b) Griffith Primary School - A reduction in the capacity has been made for the presence of the Central Canberra Regional Support Office. The spaces deducted total four or the equivalent of 120 student places.

(c) Higgins Primary School - A reduction in the capacity has been made for the presence of the Belconnen Regional Support Office. The spaces deducted total six or the equivalent of 180 student places.

(d) Rivett Primary - The Department has placed a major long term non-commerical tenant in the former infants wing of the school which effectively reduces the operating capacity of the school by the equivalent of ten spaces or 300 student places.

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2. Details on spaces let, to whom and the return obtained are as follows:

(a) Curtin Primary - No spaces let.

(b) Griffith Primary - Departmental use of the equivalent of four spaces as listed above. .

(c) Higgins Primary - One space leased by the Yamaha Music School, rental paid $104.00 pw; and six spaces used by the Department as mentioned previously.

(d) Rivett Primary - Six spaces leased by the Noahs Ark Centre, rental paid $288.00 pm; one space is used for the Departments Itinerant Teachers of the Deaf; one space is used for Rivett Primarys after school care program on a daily hire basis.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 1S6**

**Minister for Education and Training -**
**Interstate Visits**

MR KAINE - asked the Minister for Education and Training on notice on 19 May 1992:

In relation to your response to question on notice No.58 that you made five interstate trips in the period 7 August 1991 to 31 March 1992
(1) How many public servants accompanied you on each of these trips, by name, position and function.

(2) What was the cost of each accompanying officer.

MR WOOD - the answer to Mr Kaine s question is:

Government service personnel accompanied me on four of my five interstate trips. _ Details are as follows:

i) CITY VISITED: Melbourne
DATE/S MINISTER PRESENT: 8 - 9 August 1991
REASON FOR TRAVEL: Australian Education Council

(1) ACCOMPANIED BY: a) Dr Eric wILLMOT
Secretary Department of Education and the Arts
Ministerial Adviser
b) Ms Martha Kinsman Acting Director
ACT Institute of TAFE
Ministerial Adviser

(2) COST: a) $83900
b) $870.00

ii) CITY VISITED: Adelaide
DATE/S MINISTER PRESENT: 2 - 5 October 1991
REASON FOR TRAVEL: Visit Schools in Adelaide
(this travel also included the
Animal Welfare Ministers
Conference)

(1) ACCOMPANIED BY: Nil Department of Education
and the Arts
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iii) CITY VISITED: Melbourne
DATE/S MINISTER PRESENT: 17 - 18 October 1991
REASON FOR TRAVEL: Australian Education Council
(1) ACCOMPANIED BY: a) Dr Eric wILLMOT
Secretary
Department of Education
and the Arts
Ministerial Adviser
b) Mr Norm Fisher
Director
ACT Institute of TAPE
Ministerial Adviser

(2) COST: a) $1111.00
b) $ 960.00
iv) CITY VISITED: Melbourne
DATE/S MINISTER PRESENT: 8 November 1991
REASON FOR TRAVEL: Ministers of Vocational,
Education and Training Meeting
(1) ACCOMPANIED BY: Mr Norm Fisher
Director
ACT Institute of TAFE
Ministerial Adviser
(2j COST: $503.00
v) CITY VISITED: Adelaide
DATE/S MINISTER PRESENT: 20 March 1992
REASON FOR TRAVEL: Australian Education Council
(1) ACCOMPANIED BY: a) Mr Max Sabatini
Acting Secretary
Department of Education
and Training
Ministerial Adviser
b) Mr Norm Fisher
Director
ACT Institute of TAPE
Ministerial Adviser

(2) COST: a) $124700
b) $1155.00

* Note: The Ministerial advisers attended additional meetings scheduled prior to those attended with the Minister.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 163**

**Government Primary Schools - Leased Space**

MR KAINE - asked the Minister for Education and Training on notice on 19 May 1992:

(1) How many commercial tenants occupy space in ACT Government Primary Schools with a.school population greater than 150 students. _ .

(2) Who are these tenants (list. by profession). ,

(3) How much space is leased by these tenants. (per square metre).

(4) What is the rent charged for this leased space (per square metre).

MR WOOD - the answer to Mr Chains question is:

(1) One at Higgins Primary School

(2) Yamaha Music School - music tuition

(3) 61.6 .square metres

(4) $1.70 per square metre per week

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