



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 December 1992

Thursday, 10 December 1992

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

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Casino Premium**

MR LAMONT (10.31): It is with much pleasure that, pursuant to order, I present the Standing Committee on Planning, Development and Infrastructure's report No. 9, "Inquiry Into the Possible Use of the \$19m Casino Premium", together with extracts of the minutes of proceedings. I move:

That the report be noted.

The investigation of the Standing Committee on Planning, Development and Infrastructure into the possible uses of the casino premium had to consider the report of the Select Committee on Cultural Activities and Facilities of June 1991 and the ACT Government's stated objective to commit the funds to cultural and heritage facilities. This committee examined the select committee's report in great detail in relation to possible uses of the casino premium, and a summary of each submission to that committee is provided as an appendix in our report.

The committee acknowledged that certain developments have occurred since the select committee reported, altering the perspective of the casino premium inquiry. Firstly, the casino has been sited away from section 19, Civic, thereby removing the focus the casino was to originally provide for the cultural centre proposed for section 19. Secondly, a new community theatre is under construction at the corner of Childers Street and University Avenue, providing an alternative axis for the development of cultural facilities. Thirdly, the Legislative Assembly has decided to site its permanent home in South Building on section 19. Finally, the Cultural Council has been established to advise the ACT Government on cultural matters.

The committee was certainly not short of suggestions from the community on how to spend the casino premium, and the committee thanks the 68 groups and individuals who made submissions. The committee believed that it was important to summarise the key elements of each submission within the body of the report, and this is done in chapter 2. The committee believes that this summary will assist the community to understand the diversity and range of cultural pursuits that exist in the ACT.

The committee adopted a very broad definition of the term "culture" to look beyond the fine arts and to examine culture at all levels. The community also took a broad interpretation of the committee's terms of reference, including requests for funding of correctional facilities, public housing and expanding concessions for low income earners.

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In some cases extremely detailed reports were made within a short timeframe, and this information was very useful to the committee. Of particular value to the committee were the submissions and evidence given by the Cultural Council and the Arts Council of the ACT. Both submissions were based on principles which concentrated on the long-term viability of the arts and culture by promoting cultural diversity, improved access to arts facilities, and cooperation with related organisations and commercial enterprise. These submissions also raised questions concerning recurrent funding and ongoing management which the Government will need to consider carefully when examining the recommendations in this report.

A collation of the value of each request for funding from the casino premium added up to approximately \$178m. Thus the committee was faced with the difficult task of dividing a mere \$19m among many worthy projects. The members of the committee agreed that it would be inappropriate to recommend that the whole casino premium be allocated to just one project. Members were also mindful of the one-off opportunity the casino premium provided for the ACT to fund projects that, while of great benefit to the ACT community, might not otherwise have access to capital funds.

As chair of this committee I felt very strongly that the recommendations of this report should provide for equitable distribution of the casino premium. That sentiment was endorsed and adopted by the other members of the committee. The processes followed by the committee allowed for this. Every submission was examined on its merit, whether representing a well-established organisation with a large bid for capital works, such as the Canberra Theatre Trust, or representing a smaller grassroots cultural group requiring minimal assistance with funding, such as the Canberra Community Orchestra. A variety of groups were also invited to give evidence at the public hearing and the members heard a great range of requests and opinions concerning current cultural facilities and concerns for future arts activities in the ACT.

As part of distributing the premium equitably, the committee agreed that the recommendations should not only provide for a centrally located facility but also make provision for regions to access funds for cultural development. Demographic trends indicate that facilities will be required more and more within the regions. However, it is necessary for further community consultation to occur before decisions are made as to exactly which facilities are required within those regions. Community facilities that the committee believes are currently underutilised are local schools, and we would like to see a closer examination as to whether these ideal neighbourhood facilities may be able to serve a dual purpose. The committee is satisfied that the seven recommendations contained within this report take into consideration all sections of the community and provide for an equitable distribution of the casino premium.

Today, which is the official launch date of the International Year of the World's Indigenous Peoples, I am also pleased to announce that \$2.5m of the casino premium has been recommended to be allocated to establishing a local Aboriginal cultural centre, referred to by the Ngunnawal people as a "keeping place". If this project proceeds, it will provide a place to keep local Aboriginal culture alive, a place where Aboriginal groups can meet, and a resource centre for Aboriginal education. It will be a facility which will draw tourists, and one that the whole ACT community can benefit from.

Most importantly, it will provide the Aboriginal people with a facility to share their culture and to pass on to future generations the value of their culture. Similar keeping places have been established in other States, and I, in particular, will be very proud when the ACT can claim to have also supported such an important facility.

Madam Speaker, I also wish to place on record at this time the extremely difficult task that this committee was confronted with. In a very short reporting period we were required to assess a previous inquiry conducted by this Assembly, which ranged over an 18-month period. We also undertook to hold further public consultations to assess whether or not those submissions were still current and still appropriate. Thanks to the diligence of committee members, but in particular to Rod Power, the secretary of this committee, and also Katrina Wilson, who ably assisted Mr Power, I think we have been successful in giving due and proper consideration to this issue. In addition to those two who assisted us in the committee hearing stages, Karen Pearce from the secretariat staff provided invaluable secretarial and other assistance. My heartfelt appreciation is extended to those three officers who, quite clearly, above and beyond the call of duty, ensured that this report was able to be produced and received here this morning.

Madam Speaker, if members turn to page ix, they will see the recommendations outlined quite clearly. For the record I will go through those. The committee recommends that:

\$2.5m of the casino premium be allocated to assist in the provision of an Aboriginal Keeping Place/cultural centre in the ACT as proposed by the Ngunnawal aboriginal people and the Bogong Regional Council. The Committee understands that this project may attract some additional funding from the Commonwealth.

We recommend that:

a trust arrangement along the lines discussed in this report be established to hold \$2.75m of the casino premium pending the development of appropriate plans for regional facilities. These plans should result from extensive community consultation and negotiation, and take account of the diverse range of community and school-based needs that are demonstrated in the submissions to this inquiry (including submissions from Calwell High School, Stromlo High School, Pearce Community Centre, Tuggeranong Community Arts Association, Woden Senior Citizens Club, and other submissions). In recommending the plans take account of the role of schools in the provision and servicing of cultural amenities throughout the ACT, the Committee recognises that, in the first instance, this would entail a reappraisal of existing policies relating to the community use of schools.

We recommend that:

\$1.5m of the casino premium be devoted to the NATEX site to provide for essential maintenance and a basic refurbishment program.

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We also recommend that:

the Government vary its land use policies in the Childers Street/Kingsley Street area to promote a mix of cultural and commercial activities, perhaps along the lines of encouraging the provision of cultural facilities on the ground and first floor of new developments while allowing commercial activity on all other floors. Also, the Committee recommends the Government consider locating in the Childers Street vicinity those cultural/community facilities that require a city-based location.

Madam Speaker, we also recommend that:

\$250,000 of the casino premium be allocated to equip the new community theatre on the corner of University Avenue and Childers Street, City.

Madam Speaker, in respect of the two largest recommendations, we recommend that:

\$5m of the casino premium be allocated to upgrading the Playhouse Theatre to a 600-650 seat theatre and partial upgrade of the Link; and \$7m be devoted to providing a cultural and heritage facility in the city centre, to be located either in the North Building of Civic Square or in the Childers Street/Kingsley Street area. The Committee's preferred location is North Building as this complements the civic nature of the area occasioned by the move of the Legislative Assembly to South Building in 1994. In relation to facilities in the new centre, the Committee considers it should house the type of activities noted in paragraph 3.42.

Finally, Madam Speaker, we recommend that:

the Government facilitate the provision of space in the Kingston Foreshores area for visual and community performing artists, it being recognised that such space is provided on an interim basis pending the finalisation of plans for the whole Foreshores area.

Madam Speaker, I think you would appreciate that the breadth of the recommendations is significant. The committee has taken into account all of the submissions that were received in time and were able to be considered by the committee. The most significant in terms of allocation of funds in what we are proposing is a total of \$12m for the upgrade of the Playhouse and the establishment of a cultural precinct. The committee's preferred view, a strongly held preferred view, is that that area be the North Building; but we acknowledge that that is a decision for the Government, taking into account its current needs for that building. We do believe that if it is able to be located in the North Building it will provide an adequate and proper focus to the options and operation of the city centre.

Madam Speaker, I congratulate and extend my great appreciation to the members of the committee - Ms Szuty, Ms Ellis, Mr Kaine and Mr De Domenico - for the way in which they, along with me and the staff of the secretariat, were able to proceed through a very complex set of submissions and come up with what I regard as a well-rounded, well-thought-out set of recommendations for the Government to consider. I commend this report to the Assembly.

MR KAINE (Leader of the Opposition) (10.43): It is amazing how quickly time passes, is it not, when one looks back on this process? I hope that we are now at the end of it. It was nearly five years ago that the first announcement about a casino in Canberra was made by a Federal Minister - before self-government - and that Minister gave an indication of what the premium would be used for. It has taken us this long to get to this point. As I say, I hope that this is the end of the process and that the Government adopts these recommendations and implements them.

The chairman of the committee has outlined in broad terms the nature of the problems that we were confronted with - \$180m worth of wish lists on the one hand and \$19m available on the other. I believe that the committee has done a very worthwhile and practical job in condensing the list of applicants to the ones that we have recommended. There are seven recommendations, and five of them have to do with the actual disposition of the money. The other two are recommendations to the Government about the use of existing facilities - for example, the Kingston foreshores and endorsement of a recommendation from the earlier select committee about some concentration of cultural and heritage facilities in the Childers Street/Kingsley Street area. I do not intend to pursue those. I think that those recommendations stand on their merits. I think they have long been in the minds of a lot of us as areas that should be developed and should include at least some cultural, heritage and community facilities.

I do want to comment on a couple of the recommendations about the money, because that is what this exercise was really about. I think the committee had in mind, and there was clearly a strong community belief, that we should have regard for the facilities that exist already. I do not think it was open to us to ignore the existing facilities and charge off like the rider who jumped on his horse and galloped off in all directions. We had to have regard to the facilities that are there and how they might best be used in the future in a total plan for cultural, heritage and community commitment. We had to note the fact that there is, for example, a theatre complex in Civic Centre. We could not simply ignore that. There is a community theatre which the Government has already funded in the Childers Street area. These are realities and they cannot be ignored. You have to take account of how they fit into the scheme of things. So, there were givens. We did not have a tabula rasa to start with.

I would like to note particularly, Madam Speaker, that the committee was unanimous in the view that the first priority in spending this money should be recognition of the Aboriginal community. That, I believe, was the unanimous view. I believe that that was so, not so much because of what is happening across Australia but because a small number of Aboriginal people came to the committee and eloquently stated their case. I think that people like Jirra Moore and Matilda House are to be complimented on their commitment to ensuring that this community recognises its responsibilities and its commitment to our Aboriginal and Torres Strait Islander people. That is why that is the first recommendation. It is no coincidence; it is not an error and it is not something that just happened. It is there because we were convinced by these people of the justice of their case.

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Madam Speaker, in connection with the \$2.7m that we have recommended be established in some sort of a trust arrangement, I think I can again reflect the community view - the chairman has referred to this - that all the money should not be spent in one place. We are talking here about community affairs, and the community is not in Civic Centre; it is out where people live. There were many proposals, some of them requiring only relatively small sums of money. We had a bit of a dilemma in trying to figure out how we could accommodate some of those small applicants when we have \$19m. There were some very large applications in terms of money value that did have merit, in every case, I believe; yet we had to have regard for those small community organisations and groups who have just as much claim to some of this money as the bigger organisations. There were a number of very small applicants about which I think we would all like to have said, "We will commit \$20,000 or \$30,000 or \$40,000 specifically to that".

Looking at it in a realistic way, we had to conclude in the end that that was not the way to go; that the community itself ought to determine which of those small competing groups should get the money. That is why we opted for the alternative of establishing a trust fund. Then you can set up management arrangements and those smaller groups and people who need only small sums of money are not competing with the biggies. We are recommending an allocation of \$2.75m; and those small groups can compete amongst themselves, but they are not competing with those that were seeking larger sums of money. That is a process that the Government still has to put in train. There is a list of all of the people who applied; there is a summary of their submissions; and there are details of the amounts of money that they have asked for. What I am saying is that the Government should not determine that. We should set up a community committee, a community body of some kind, so that the community itself determines its priorities and allocates that money. It does not matter if it takes them some years to allocate it; the money will be there and it will be earning interest if it is properly invested in a trust fund.

Madam Speaker, there is only one of the recommendations about which I personally have any reservations. My reservations are not expressed in the report; it is a unanimous report. But I do have a minor reservation about committing \$1.5m for essential maintenance and basic refurbishment of Natex. I cannot think of any expenditure of that kind that ought not come out of normal government works budgets. That is a community asset out there and it should be being maintained. But I recognise that if the Government cannot find the money in its budget it would be criminal for us to allow that facility to run down and become degraded. For that reason I support this minimal amount of money in terms of what is required at Natex in the longer term. If there is any part of this report about which I have any personal reservations, Madam Speaker, that is the only part.

Mr Lamont: But you endorse the recommendation?

MR KAINÉ: I endorse the report. I am not withdrawing any support from the report, Madam Speaker; I made it clear that this is a unanimous report. I suppose, within the context of the total picture, we may all have some personal reservations about some parts of it. That does not denigrate the report in any way.

Madam Speaker, we recommend that \$250,000 go to the Childers Street theatre. That is by way of capital funds. It is a recognition of the fact that the Government has funded the theatre, but we were told that the theatre would not be viable, in fact could not be used, unless they had an additional \$250,000 to put some equipment in it. We accepted that, as a community theatre, and the necessity for that.

The bulk of the money we recommend for the Civic Square area - the upgrade of the Playhouse theatre and the establishment of a true community centre in that area. The committee has expressed its preference. I might add that that is also my own personal preference. I believe that we had to look again at the broader picture because we are moving the Assembly into the South Building - that will become the permanent home of the Assembly - and we are talking about spending a considerable sum of money on that. When you add that and the amount that we are recommending here, we can create a true city centre because we are spending, in total, if the Government accepts this recommendation, about \$25m in that area. From that money we should be able to create a first-rate Civic Centre with the legislature, with a performing arts centre and with a community, cultural and heritage facility that we can look to in the future and say, "That facility essentially came from the casino money".

At the end of the day there will be a tangible structure that people can see. It is not by any means all of the money, but I believe that we had to have something at the end of the day, something tangible that can be shown to be the end product of this exercise. We have made provision for other expenditures and, in the end, that money may be spent over a period of years and, at the end of the day, there may be nothing tangible that you can put your hand on and say, "That is what we got for our money". There may be a great impact on community theatre and all sorts of community facilities out there, but you will not be able to actually see them. Even if it does mean some inconvenience for the Government, and recognising that they have just spent a good deal of money upgrading the North Building, I think that my strong personal preference is to see that area developed so that we can see what we have at the end of the day.

Madam Speaker, as the chairman has said, I think that the secretariat members - Rod Power, Katrina Wilson and Karen Pearce - are to be commended. They had a very short period in which to produce this report. It is very easy for the committee members to sit there and listen to people and to talk, but in the end somebody has to do the work. Those people did the work and I think it is a report that they can be proud of. It is a report which I commend to the Government, and I would like to see some response from them, very quickly, indicating that they endorse these recommendations.

MS ELLIS (10.55): Madam Speaker, I would like briefly to address this report. It was a pleasure on my part to participate in this inquiry. I would like to pay particular attention to certain aspects of the inquiry. First of all, to repeat the words said by both Mr Lamont and Mr Kaine in relation to the Aboriginal community, I was very much impressed by the work that they put into, first of all, their submissions and, secondly, their presentation to the committee at the public hearing. There was no way that I could ever imagine a committee made up of people other than the five already there having a different reaction to those submissions by both the Ngunnawals and the Bogong Council. I very much support the recommendation in relation to the Aboriginal community as the first recommendation in the report.

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I would also like to commend the people who appeared before the public hearing for the time taken by them and the effort put into their submissions. I can guarantee on my behalf to those people, both individually and as groups, that every part of their submissions was taken very seriously. A great deal of credence was put upon all of the words they had to say to the committee. The number of submissions received from the community by this committee has to be acknowledged as a testimony to the value of cultural and heritage activities and the participation rate that we have in Canberra. I cannot imagine any other place in Australia having such an enormous input from the community into an inquiry of this kind, particularly given the timeframe in which we had to work. The importance that our Canberra community puts on cultural and heritage activities is worth noting. As I have said, this is reflected by the submissions received and the public hearings effort.

I would like to reiterate the praise and the thanks to the staff already mentioned by the previous speakers. We all know, as members of this Assembly and as participants in many committees, the amount of work that we have to do to try to keep up with the proceedings of all of our committees. That would be absolutely impossible without the dedication of the committee secretariat staff. In relation to this report, the turnaround time was very fast. I would like personally to thank those staff as well. We could not have deliberated as we did without their input.

In the last part of this report the approximate dollar value of requests, costed and uncosted, is given, and that, in some way, I think, puts into perspective the effort and the deliberations that we, as members of this committee, had to put ourselves through. It was not an easy process. I completely agree with the comments of Mr Kaine in relation to those many minor applications in terms of money when we are considering splitting up \$19m. I am very sorry that we could not have said, "Here is the \$5,000 you want" or "Here is the \$25,000 you want". In relation to \$19m, those sums appear fairly minor, but for each of those groups the money would have been manna from heaven. I am sorry that we could not do that, but I also agree with the theory of why we could not do it.

I look forward to the instigation of that trust system. I think that is a great idea in order to get around a problem. I think that the community in Canberra, given their interest in this sort of activity, will have no problem in going through the system that will be set up to adequately and appropriately hand out some of that money at different times to some of those groups. I wish those groups all the best in those endeavours. I also wish to commend this report to the Assembly. Given the time that we had to work in, I think we have come up with a very good and very fair report, and very balanced recommendations. I join the other speakers in commending the report to the Assembly.

MR DE DOMENICO (11.00): Madam Speaker, I will be brief in my comments. I endorse the comments made by the chairman, Mr Kaine and Ms Ellis about the magnificent work done by Rod Power, Katrina Wilson and Karen Pearce. As someone who is newly elected to this place, I do sometimes get the idea that some people outside this place tend to think that we are all moribund, that we never do any work and that we all have Olympic size swimming pools in our backyards. This committee had the daunting task of trying to allocate \$19m out of an ask of, I think, over \$300m. When it all boils down, there were over \$300m worth of requests, some of them albeit doubling up and what have you. It was a daunting task.

Noting also the pending change in our electoral situation in the ACT, it would have been very easy for some of us to be plugging various asks in various areas of Canberra.

Mr Connolly: Tuggeranong almost had the numbers. It did, really.

MR DE DOMENICO: In fact we did, Mr Connolly; but that is another story. Notwithstanding the fact that one might have had the numbers from time to time, the sensible thing was done and we suggested the creation of the \$2.7m trust fund. That is equitable, as Mr Kaine quite eloquently said, in that the smaller groups are not having to be competing at the same time with the bigger groups. I think someone else has said that the community out there expected some sort of monument, for want of a better word, somewhere. Let me strongly put forward my personal view that that area should be around the North Building and the South Building and the Civic Centre area. We are already spending, or are about to spend, some \$12m, I believe, to update the South Building to house us as the Legislative Assembly, and also to provide community facilities there. If we are spending that sort of money, and considering the infrastructure that is already there, it would be nonsensical for any government not to consider strongly making sure that that area is the focus.

Mr Kaine, Ms Ellis and the people who spoke before me also mentioned the decision about the Aboriginal keeping place. As someone who has been known to have certain views from time to time about various aspects, including the Aboriginal situation in this country, can I say that the professionalism of the submissions made by Jirra Moore and Matilda House was the thing that sold the committee on making sure that that was the first recommendation. The professionalism of that submission, the way it was presented and the case that they put forward to the committee were decisive.

Like Mr Kaine, I expressed concern at the fact that we needed to spend \$1.5m out of this particular allocation for the upkeep of Natex. There is no doubt that Natex needs to be upgraded because it is a wonderful community facility that brings in a lot more money to the economy of the ACT. But once again it is a pity that that sort of thing cannot be done from the normal public works budget. I also reiterate the comments made by the chairman. The thing that I learn from sitting on these committees is the bipartisan way in which sensible people can sit around a table and make sure that the right decisions are brought forward. It is now up to the Government to do what it needs to do, daunting as it is.

Mr Lamont: We have done the work, Tony.

MR DE DOMENICO: Yes, we have done the work, Mr Lamont; but I think the decisions need to be ratified now. I close by saying how strongly I feel, and I am sure the rest of my committee members feel, about the fact that the North Building, South Building, Civic area needs to be looked at to make sure that we can come up with a magnificent centre not only for the people of the ACT but also for people from within the region and the visitors that come to Canberra.

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MS SZUTY (11.04): Madam Speaker, members will recall that on 22 October I moved a motion which asked the Standing Committee on Planning, Development and Infrastructure to investigate and report on recommendations to the Assembly on the possible uses of the \$19m casino premium, having regard, as the chairman has stated, to the report of the Select Committee on Cultural Activities and Facilities, dated June 1991, and the ACT Government's stated objective to commit the funds to cultural and heritage facilities, and to report by this day, Thursday, 10 December 1992. I am delighted to confirm that the committee has completed its task in what has been an effective and efficient manner, with the assistance of the inquiry staff mentioned by all the other speakers - Mr Rod Power, Ms Karen Pearce and Ms Katrina Wilson. We have arrived at seven recommendations, as outlined by the chairman, regarding the expenditure of the \$19m casino premium, and I would like to comment briefly on each of the recommendations in turn.

Recommendation No. 1 is that \$2.5m of the casino premium be allocated to assist in the provision of an Aboriginal keeping place. There is no doubt that the committee afforded the highest priority to the provision of an Aboriginal keeping place proposed by both the Ngunnawal Aboriginal people and the Bogong Regional Council. It has been estimated that \$3m will be needed to establish the keeping place, and the committee has been mindful that money for the project may be forthcoming from the Commonwealth. It is noted that 1993 is the International Year of the World's Indigenous Peoples and that the ACT is one of the last remaining, if not the last remaining, States or Territories to establish a keeping place for its local Aboriginal community.

Recommendation No. 2 is that \$2.75m of the casino premium be allocated to regional centres in the ACT for the development of cultural facilities and activities. Many of the people who appeared at the public hearing of the committee, both individuals and representatives from various groups and organisations, recommended that a trust fund be established to facilitate the growth of the arts, and that this growth should most appropriately occur within the regional centres of the ACT, particularly Belconnen, Woden-Weston and Tuggeranong, and, in the future, Gungahlin. It is recommended that \$2.75m of the casino premium be set aside for this purpose of facilitating the growth of the arts throughout Canberra. The committee noted the many diverse requests for funding, and believes that a further consultative process will facilitate the appropriate distribution of these moneys, enabling all local community arts groups and organisations, including school groups, to apply for these funds.

Recommendation No. 3 is that \$1.5m of the casino premium be devoted to the Natex site. The committee acknowledged the current poor condition of the Natex site and has recommended that \$1.5m be spent on essential maintenance and a basic refurbishment program. I believe that the committee appreciated hearing about the wide range of activities, functions and festivals which take place on the Natex site and the revenue which Natex generates which contributes to the ACT economy.

Recommendation No. 4 relates to the land use policies in the Childers Street/Kingsley Street area. This recommendation acknowledges the view expressed by many people, who again appeared at the public hearing, which called for mixed use developments which would again enhance the growth and sustainability of cultural activities in the ACT. Particular attention has been drawn to the Childers Street vicinity, which is ideally situated to meet the needs of cultural facilities that require a city based location in the future.

Recommendation No. 5 is that \$250,000 of the casino premium be allocated to equip the new community theatre on the corner of University Avenue and Childers Street. It was obvious to the committee that the new community theatre situated on this site needed to be provided with further funds which would supply it with the basic equipment necessary to operate as a fully functioning theatre.

Recommendation No. 6, the major recommendation of the committee, is that \$5m of the casino premium be allocated to upgrading the Playhouse theatre and that \$7m be devoted to providing a cultural and heritage facility in the city centre. Again, many people, through appearances at the public hearing and in written submissions, called for the provision of a 600- to 650-seat theatre to provide a middle range venue between the larger Canberra Theatre and the several smaller theatres in the ACT. The Canberra Theatre Trust's proposal to demolish the existing Playhouse and replace it with this middle size range theatre seemed appropriate. The committee notes that there should be some funds left over at the conclusion of this work which would provide for some upgrading of the existing Link facility. The committee recommends that a cultural and heritage facility should be established in either the North Building of Civic Square or the Childers Street/Kingsley Street area.

The committee noted that a number of community arts groups are looking for more appropriate accommodation. I will mention them because Mr Lamont made reference to paragraph 3.42 of the committee's report. Some of these groups include the Canberra Youth Performing Arts Centre, Canberra Youth Ballet Company, Gaudeamus, Canberra Youth Orchestra Society, Canberra Boys Choir, Stagecoach, the Young Music Society, ACT Music Office, a writers centre, the Australian Garden History Society, and the National Trust.

Recommendation No. 7 is that the Government facilitate the provision of space in the Kingston foreshores area for visual and community performing artists on an interim basis. Members will recall that the Planning, Development and Infrastructure Committee has an inquiry into the Kingston foreshores area currently on our agenda. It may well be that, with appropriate development of the area, permanent space could be found for visual and community performing artists.

Madam Speaker, I believe that this inquiry process into the allocation of the \$19m casino premium has been a very worthwhile one. Over 60 submissions were received and over 20 people and organisations were represented at the public hearing. As noted in Appendix D of the report, the total value of all submissions received by the committee approximated \$320m. There is no doubt that a wide range of community interest groups took particular interest in participating in this inquiry, and their contribution has been a true reflection of what a highly educated and interested community can contribute to parliamentary and government decision making processes. The committee's recommendations will not please everyone. However, I believe that our recommendations reflect the most appropriate use of the \$19m casino premium at this time. I commend the report to the Assembly.

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

POSTPONEMENT OF ORDERS OF THE DAY

MR BERRY (Deputy Chief Minister) (11.11), by leave: Madam Speaker, I move:

That orders of the day Nos 1 to 10, executive business, be postponed until a later hour this day.

This motion will enable consideration of the Bail (Amendment) Bill (No. 2) 1992 to take precedence over all other executive business orders of the day. It will not affect the presentation of Bills or the consideration of Assembly business.

MR HUMPHRIES (11.12): Madam Speaker, the Opposition will support this motion. It will result in a Bill which was presented in the Assembly on Tuesday coming forward for debate in the Assembly today. That is a very short timeframe in which to consider it. It is something which we will be very reluctant to see happen very often, but we acknowledge that a very serious problem with the Bail Act has been identified for the last week or week-and-a-half. In the circumstances we think it is appropriate that steps be taken to rectify that problem as quickly as possible. At the present time I understand that the police are, in effect, charging people who breach domestic violence orders with assault. That is an interim measure and obviously it is not very satisfactory. I think that the sooner we deal with that problem the better. We support this motion for that reason.

Question resolved in the affirmative.

PAYROLL TAX (AMENDMENT) BILL (NO. 2) 1992

MS FOLLETT (Chief Minister and Treasurer) (11.13): Madam Speaker, I present the Payroll Tax (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, the Payroll Tax Act 1987 provides for the imposition of payroll tax on ACT employers where the Australia-wide wages of the employer or group of employers exceed the tax-free threshold - \$500,000 for the current financial year. In my 1991-92 budget speech I announced that the Government had accepted the recommendations of a joint ACT Treasury-Australian Information Industry Association report on the adverse impact of payroll tax on the computer industry. I gave a commitment that the industry, and employment agents generally, would be given the same tax exemptions available to other employers in relation to services provided by independent contractors.

The Payroll Tax (Amendment) Bill (No. 2) 1992 gives effect to my commitment in that employment agents will be given exemption from the payment of payroll tax, similar to those available under section 3B of the Payroll Tax Act to other employers, in respect of payments which they make to independent contractors engaged through agency arrangements. As these commitments were given in the context of the 1991-92 budget, it is proposed that the date of effect for these

exemptions be retrospective to the date of my announcement, which was 17 September 1991. Madam Speaker, the Bill addresses the possibility that the concessions proposed for employment agents might be exploited through contrived arrangements. The Bill therefore contains an anti-avoidance provision which allows the Commissioner for ACT Revenue to disregard contracts entered into with the intention either directly or indirectly of avoiding or evading payroll tax.

Madam Speaker, the Bill also introduces new provisions in relation to binding the Crown. Currently the Act applies to wages paid by public authorities of the Territory, other than wages paid out of Consolidated Revenue. ACT tax laws are being amended progressively to allow the taxation of the Crown in right of the ACT and the State and Northern Territory governments in appropriate circumstances. The Bill proposes that authorities of the States and the Northern Territory conducting business in the ACT will also be liable for ACT payroll tax.

Whilst departmental salaries and wages will continue to be exempt, the Bill contains provisions to allow for the payment of payroll tax by nominated government business enterprises operating from within the Territory public account. The taxing of activities undertaken by sections of the Government conducted along business lines is seen as a natural progression of the policy of imposing taxes on ACT commercial and business authorities. Madam Speaker, I present the explanatory memorandum to the Bill.

Debate (on motion by **Mr De Domenico**) adjourned.

AMBULANCE SERVICE LEVY (AMENDMENT) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (11.17): I present the Ambulance Service Levy (Amendment) Bill 1992.

Title read by Clerk.

MS FOLLETT: Madam Speaker, I move:

That this Bill be agreed to in principle.

This Bill amends the Ambulance Service Levy Act 1990. The Act provides for the establishment and conduct of the ACT Ambulance Service and for the payment of monthly levies by health benefit fund organisations insuring ACT residents to help fund the Ambulance Service. Madam Speaker, the Act contains references to the Ministers responsible for administering the Ambulance Service and for fixing the relevant levy rate which do not accord with the current titles of Ministers or the allocation of ministerial responsibilities under the Administrative Arrangements Order. This Bill, therefore, proposes to remove these references to obsolete ministerial titles. The Bill also proposes a change to the formula used in the calculation of the Ambulance Service levy in line with recent amendments to the New South Wales health insurance levies legislation.

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Madam Speaker, section 6 of the Act provides that the Minister for Health, Education and the Arts may establish and conduct the Ambulance Service. Since the change of government in June 1991 the Minister responsible for the services is the Minister for Health. Similarly, section 8 of the Act provides for the Minister for Finance and Urban Services to be the Minister responsible for fixing the rate of levy. Since the change of government, matters of taxation are my responsibility as Chief Minister and Treasurer.

Madam Speaker, to overcome ongoing difficulties arising from changes to Ministers' titles, the Bill proposes to refer simply to the functions under section 6 and section 8 being the responsibility of "the Minister" and allowing the Administrative Arrangements Orders to specify that the administration of section 6 of the Act, which relates to the conduct of the Ambulance Service, is to be with the Minister for the time being responsible for the service, currently the Minister for Health. The Minister, for the purposes of the rest the Act, including setting the levy rate, will be the Minister responsible for taxation issues. As a precautionary measure, Madam Speaker, the Bill also provides for the validation of the instrument dated 17 February 1992, Determination No. 14 of 1992, which set the current prescribed rate of 53c as the Ambulance Service levy under the Act, thereby ensuring that the ACT's revenue from the date of its effect, which was 1 March 1992, is protected.

Madam Speaker, the Bill also amends the formula specified under section 8 of the Ambulance Service Levy Act. When introduced, the ACT Ambulance Service levy scheme was deliberately modelled on that of New South Wales to minimise the administrative burden of the health fund organisations as they are, by and large, administering their ACT operations from New South Wales. Currently the levy is calculated using a formula which was identical to the one under the New South Wales Health Insurance Levies Act 1982.

Madam Speaker, the New South Wales Government recently changed the formula used under their Act after identifying a loss of revenue through an inherent weakness in the formula. The earlier formula was based on a notional number of contributors to a fund, calculated by dividing the total revenue received per month by the highest contribution rate offered by funds to clients for basic health benefits. New South Wales found that, because the old formula, which is the current ACT formula, was based on the highest contribution rate, funds which offered a range of health insurance packages, including ones for lower rates and discounted premiums tied to specified payments, were able to reduce the average levy paid by contributors to less than the relevant rates set by the legislation.

With the growth of these types of policies, New South Wales recognised that it was facing a reduction in revenue from the levy and increased subsidisation of the Ambulance Service from its budget. New South Wales has overcome this problem by replacing the notional number of contributors with the actual number of contributors at the commencement of a return month. New South Wales anticipates that persons currently contributing less than the relevant rate - 53c per week per single, and \$1.06 per week per family - will be required by their fund to increase their contributions by an estimated \$4.16 per annum for single contributors and \$8.32 per annum for family contributors.

Madam Speaker, as I mentioned earlier, the previous New South Wales formula is still the formula used to determine the liability of health funds to the Territory under the Ambulance Service Levy Act. The loss of revenue identified by New South Wales is therefore also being lost in the ACT. For this reason, and because it has always been intended that the schemes in New South Wales and the ACT be identically administered, the Bill proposes to align the ACT formula with that introduced in New South Wales. The change will have a positive revenue impact for the ACT - \$60,000 in 1992-93 and \$360,000 in a full year. To maintain parity with the New South Wales scheme it is necessary for the amendments replacing the formula to take effect from 1 February 1993. I now present the explanatory memorandum for the Bill.

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

UNIT TITLES (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.23): Madam Speaker, I present the Unit Titles (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

That this Bill be agreed to in principle.

Members will be aware of this Government's commitment to urban renewal initiatives. In part, this is being met by the identification of sites within the existing developed area of Canberra for urban renewal developments. Another important aspect of the process involves government facilitating redevelopment activity. Urban renewal policies exist, such as dual occupancy; but the rate of urban renewal could be encouraged through changes to existing arrangements.

The Unit Titles (Amendment) Bill 1992 will reduce the minimum number of units that can be strata-titled from four to two. In its simplest form, this would enable a lessee who builds an additional dwelling, in accordance with the dual occupancy policies, to unit-title the property and sell one or other of the dwellings. This would enable such lessees to meet some of the costs of redevelopment or provide such lessees with some return so that they can continue to live in the area, while reducing the cost of maintaining the property. Whereas before, if a lessee wanted to unit-title a lease, there had to be a minimum of four units, lessees will now have a wider choice of options in further developing their property. This should provide lessees with a greater incentive to upgrade and produce a better standard of development.

The Bill also makes a number of consequential amendments to deal with arrangements for corporations consisting of only two members. I present the explanatory memorandum for the Bill.

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

CRIMES (AMENDMENT) BILL (NO. 3) 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.25): Madam Speaker, I present the Crimes (Amendment) Bill (No. 3) 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, all members of the Assembly will be aware of the reports in the media concerning the level of public violence occurring in Civic, particularly in the vicinity of licensed premises and late at night or in the early hours of the morning. Tragically, only the weekend before last, a young man had his ear bitten off in a brawl outside a Civic nightclub, and the next night the body of a man was found at the bottom of the steps of another nightclub.

This Government is committed to ensuring that Canberra is a safe and secure community. As I told the Assembly during a recent debate on a safer Civic, the problem of public behaviour is a community concern and encompasses a broad range of issues which include, but are not limited to, the adequacy of the criminal law. I said in that debate that the Government was prepared to examine areas of the criminal law where there may be gaps or problems. This Bill is in response to an identified need for the creation of a new offence.

The Australian Federal Police have advised that there are real difficulties in gathering sufficient evidence to sustain a prosecution where persons are fighting in a public place. In such circumstances which might be dealt with as riotous behaviour under section 546A of the Crimes Act 1900, it is not unusual for the police to find that none of the persons involved in or viewing the fight are alarmed or in fear, as an element of the riotous nature of the offence, but rather are often actively encouraging and even enjoying the fight. They have advised me that in relation to laying charges of assault there are problems in identifying the aggressor - that is, who is actually assaulting whom, or are they both, or all, equally aggressive?

This Bill provides for a new section of the Crimes Act 1900, section 545A, which makes it an offence for a person to fight with another person in a public place, with a penalty of \$1,000. There is no requirement that the fight be within the view or hearing of other people in the public place, which is a requirement in respect of the current offence of riotous, indecent, offensive or insulting behaviour, on the basis that violent acts should be proscribed whether or not there is another person in the vicinity to be affronted by them. I can assure you that the Liberal caucus room is not a public place, so you are okay.

Madam Speaker, the section is based on an almost identical section in the Summary Offences Act 1953 from South Australia. It should be of particular use in the prosecution of the challenge to fight situation. Of course, the defence of self-defence will be available to a person charged who may not have been the

aggressor but may have been merely defending himself from an attack by another. Madam Speaker, obviously the creation of a new law will not be the whole answer to the problems of violence in Civic and other places of public resort. This amendment is very much a first and immediate step in a longer and more structured process of improving the safety and amenity of our city.

In the 1992-93 budget we announced our intention to proceed to establish a Crime Prevention Council and to develop long-term and substantive crime prevention strategies. I and my officers have met with the AFP and traders in Civic to discuss the problems and possible solutions, which I found very useful, and I have asked my officers to examine the problems that were raised and come back to me with an integrated and strategic plan to deal with the many facets of the issue, including policing strategies, improvement of the physical environment, and the regulation of the sale and consumption of alcohol. I commend the Bill to members of the Assembly and, Madam Speaker, I present an explanatory memorandum to the Bill.

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

**STATUTE LAW REVISION (MISCELLANEOUS PROVISIONS)
BILL (NO. 2) 1992**

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.29): Madam Speaker, I present the Statute Law Revision (Miscellaneous Provisions) Bill (No. 2) 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Madam Speaker, the Statute Law Revision (Miscellaneous Provisions) Bill (No. 2) 1992 makes corrections and technical changes to a number of ACT Acts. It also repeals a number of spent or redundant Acts. This Bill is the second in what will be a continuing series of statute law revision Bills prepared for the purpose of updating and improving the expression of Territory legislation.

The Bill does not change the substance of the law; it makes technical corrections only. It is a housekeeping exercise to bring the language of Territory legislation up to date and remove formal errors from the statutes of the Territory. The Government is committed to improving accessibility to legislation, and the modernisation of the language of legislation which is achieved by these amendments will further improve the ACT community's access to the law. The nature and purpose of many of the amendments is self-evident.

Broadly, the amendments make the following changes to the Acts dealt with in this Bill: First, typographical or transcription errors, resulting in misspelling or grammatical mistakes, or incorrect numbering of provisions, are corrected by the Bill. Secondly, the Bill amends ACT legislation to reflect modern legislative drafting practice by, for example, removing words which only complicate the text

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and do not add to the meaning of provisions and the replacement of references to years, months, dollars and provisions of legislation which have traditionally been expressed, at some length, in words, with references in numbers. Thirdly, the Bill also amends legislation to remove the definitions of various terms which are defined in the Interpretation Act 1967, thus avoiding unnecessary duplication of the definitions of such terms.

Fourthly, transitional, savings or similar provisions, the operation of which has been exhausted by the passage of time, are repealed by the Bill. References to repealed or redundant Acts or provisions are also removed by the Bill. Fifthly, the Bill also removes sexist language. Whilst there is a scheme in place for the systematic removal of sexist language from ACT legislation whereby such language is removed as legislation is substantively amended, where other amendments to the legislation, of a technical nature, are required the opportunity is being taken in this omnibus Bill to correct sexist language and replace it with gender neutral language.

The Government has an obligation to ensure that our ACT legislation is clear and accessible, and this Bill is an example of the Government's commitment to meeting that obligation. I commend the Bill to the Assembly and I present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.32): Mr Deputy Speaker, I present the Magistrates Court (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

The Magistrates Court (Amendment) Bill 1992 will amend the Magistrates Court Act 1930 in several aspects. The Magistrates Court (Amendment) Bill 1992 will remove the current requirement that a fee be paid for the issue of a summons and instead require that a fee be paid for the laying of an information. The amount of the fee will remain the same. Where that fee is not required to be paid, such as when the information is laid by the police or the Director of Public Prosecutions or remitted on hardship grounds, the Bill will allow the court to award a comparable amount in costs as against a convicted defendant.

Informations, which presently do not attract a fee, rather than the issue of a summons, are the basis of the voluntary agreement to attend court scheme. Under this scheme an alleged offender may have the choice of voluntarily agreeing to attend court rather than be ordered to appear by summons. The charge would then be heard on the basis of the laying of an information before the court. This scheme, which was announced at the time of the budget savings to the police budget, should enable greater efficiency in the use of both court and police resources.

A warrant of commitment to prison is raised where a person has not complied with a court order to do something or to pay an amount of money owing in respect of a conviction for an offence. The Bill will provide for a fee, to be determined and, of course, to be disallowable, to be payable by a person where a warrant of commitment is required to be raised, issued and served on that person. In many cases, the service of a warrant of commitment on a person is the means by which the person is finally compelled to pay a sum owing and those who pay within the time allowed will not be required to pay the extra charge.

The provision in the Act which deals with the offence of contempt in the face of the court is outdated. The terms of the provision dealing with this offence date from before 1960 and the penalty currently provided is a fine of \$50. The contempt provision has been redrafted and will be strengthened by the Bill. A penalty of a fine of \$5,000 or six months' imprisonment or both will apply and a magistrate will be able to make an order in relation to a person charged with the offence of contempt prior to a hearing of the charge.

Where a person is committed to prison for the non-payment of an amount of money ordered to be paid by the court, the period of imprisonment cannot exceed a period currently calculated at the rate of one day for each \$25 or part of \$25. The rate has been unchanged since it was set in 1977. The Bill will raise this rate to that of one day for each \$100 or part thereof, which will bring the basis on which the daily rate of imprisonment is calculated up to the rate currently applicable in New South Wales. This is a sensible reform, given that Territory fine defaulters generally serve their time in a New South Wales prison. The situation at the moment, Mr Deputy Speaker, is that a person from the ACT serving out time in a New South Wales prison will have to spend four times as long in prison for the same amount of fine, which is clearly inequitable.

The Magistrates Court (Amendment) Bill 1992 will also reform and extend the procedure under the Magistrates Court Act 1930 which allows a person charged with certain minor offences to plead to the charge by post and for the Magistrates Court to hear the matter without the need for the defendant to attend court. This is the pleas by post scheme. The Bill will amend the Act to include in the scheme offences created by a law in force in the Territory the penalty for which is a fine less than \$1,000; the Motor Vehicles (Dimensions and Mass) Act 1900 for which the penalty is a fine less than \$2,000; or an offence under the Motor Traffic Act 1936 to which a fine at or below the general offence penalty level of that Act may be imposed. This amendment will allow people charged with most minor offences in the Territory, including those created by Commonwealth legislation, the option of pleading guilty by post and being dealt with without having to attend court. That results in obvious savings.

The Bill will also amend the pleas by post scheme to provide that, without proper notice to a defendant, a penalty no greater than a fine may be imposed by the court where the defendant is not before the court or is not legally represented in court. In future, where the court intends to, for instance, cancel a defendant's driving licence as an additional penalty available under the Motor Traffic Act 1936, and the defendant or his or her legal representative is not before the court, the court will be required to adjourn and notify the defendant of a further hearing for sentence.

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This amendment will remedy a defect in the current procedure in which it is possible for the driving licence of a defendant to be cancelled at the order of the court without the defendant having the opportunity to put a submission to the court. The amendment to the pleas by post scheme will mean that people charged with minor offences who wish to plead guilty can, at their option, avoid having to attend court. It will allow for a more effective use of court time and resources in that most minor criminal matters may be dealt with administratively. I present the explanatory memorandum for the Bill.

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

MAINTENANCE (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.37): I present the Maintenance (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

The Maintenance (Amendment) Bill 1992 amends the Maintenance Act 1968 to provide that the Collector of Maintenance may appoint deputy collectors of maintenance. This amendment will assist in the administration of that Act and bring the appointment procedure into line with that in the Magistrates Court. The amendment is made in the interests of administrative efficiency. The Bill also updates the principal Act by revising references in the Act to make them gender neutral and to make minor drafting improvements to the Act. I present the explanatory memorandum to the Bill.

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

EVIDENCE (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.38): Mr Deputy Speaker, I present the Evidence (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

The Evidence (Amendment) Bill 1992 will amend the Evidence Act 1971 in several aspects. The Bill will repeal the sunset clause, section 11, of the Evidence (Closed-Circuit Television) Act 1991. Section 11 provides that the Act is to cease to have force after 31 December 1992. It is clear from the Australian Law Reform Commission's examination of the use of closed-circuit television technology in the Magistrates Court that the system should be retained.

Accordingly, this amendment will allow the continuation in force of this Act. Other issues raised by the commission will be the subject of consultation once the commission has issued its final report. I expect to put further proposals in respect of this Act before members in the next session.

Section 64 of the Evidence Act 1971 currently provides that the unsworn evidence of a child under the age of 14 years shall be disregarded unless it is corroborated by other evidence. This has resulted in cases not being proceeded with because of the lack of corroboration of the unsworn evidence of a child witness. I have been concerned about the effect of this provision for some time. Provisions similar to that which the Bill repeals have been widely criticised, on the grounds that they are based on false assumptions about the unreliability of children's evidence, and that it is unsatisfactory to have rigid rules that automatically exclude a child's evidence despite the fact that the evidence appears reliable and truthful. In recent years a number of other jurisdictions have looked at amending their laws of evidence in similar ways to that which is now proposed.

This Bill amends section 64 of the principal Act by omitting subsection (3). This removes the requirement that the unsworn evidence of young children is to be disregarded unless it is corroborated by other evidence, and will make it easier to commence legal proceedings in cases of sexual assault of young children. The Bill makes a minor amendment to section 76F of the Act as a consequence of repealing subsection 64(3).

Clause 10 of the Bill repeals the Australian Capital Territory (Temporary Provisions) Act 1971, which provided for the validation of the principal Act consequent to the disallowance in the Senate of the Evidence Ordinance 1971, as it then was. Clause 4 repeals section 2 of the principal Act, which is no longer required, and substitutes a new section 2 which provides for the validation of the principal Act consequent to the repeal of the Australian Capital Territory (Temporary Provisions) Act 1971.

The Bill provides for a statutory prima facie right to the assistance of an interpreter in proceedings in the Territory. Section 63 of the principal Act, which provides for the giving of evidence in writing for a person unable to speak or hear, is repealed and a new section 63 substituted which provides for the giving of evidence in writing by a witness who is unable to speak or hear where the court is satisfied that the witness is unable to communicate effectively otherwise than in writing. New section 63A is inserted into the principal Act to provide for a right to the assistance of a competent interpreter in a defendant, party or witness to proceedings in any court or body which can hear and receive evidence in the Territory, subject to a discretion in the court or tribunal to dispense with the right where to do so would be in the interests of justice. In circumstances where a court intends to dismiss a charge brought against a non-English-speaking person there would be no point in delaying that conclusion in order to provide an interpreter.

In criminal proceedings, an interpreter is to be provided by the prosecutor, and in civil proceedings by the relevant party. Clause 9 of the Bill repeals section 54AA of the Magistrates Court Act 1930, which provided for the assistance of an interpreter but only in the Magistrates Court. Section 54AA is made superfluous by the provisions in the Bill. Mr Deputy Speaker, I present the explanatory memorandum to the Bill.

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

CRIMES (AMENDMENT) BILL (NO. 4) 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.42): Mr Deputy Speaker, I present the Crimes (Amendment) Bill (No. 4) 1992.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

The Crimes (Amendment) Bill (No. 4) 1992 will amend the Crimes Act 1900 to provide for a right to the assistance of an interpreter in a person the subject of questioning in an investigation into a summary offence in the Territory.

The Bill repeals section 354 of the principal Act and substitutes a new section 354 which will apply the provisions of Part 1C of the Commonwealth Crimes Act 1914. Part 1C of the Commonwealth Act, which was inserted into the Commonwealth Act by the Crimes (Investigation of Commonwealth Offences) Amendment Act 1991 (Commonwealth), provides for the requirement of the provision of an interpreter in the course of the questioning of persons in respect of certain offences. Part 1C of the Commonwealth Act applies to the investigation of offences in the Territory punishable by imprisonment for a period exceeding 12 months; that is, indictable offences. This means that the Commonwealth Act provides for a requirement to provide an interpreter in the investigation of an indictable offence in the Territory. However, Part 1C does not apply to the investigation of offences in the Territory punishable on summary conviction.

In order that the assistance of an interpreter is required in the investigation of summary offences in the Territory, this Bill will apply section 23N of the Commonwealth Crimes Act to the investigation of summary offences in the Territory. There are, of course, considerable advantages in the Australian Federal Police, who, as members will know, provide for the policing of the Territory under contract, working under one set of requirements in relation to the provision of interpreters in the investigation of offences. It is primarily for this reason that the relevant provisions of the Commonwealth Act have been adopted. Section 23N of the Commonwealth Crimes Act requires an investigating official, including a member of the Australian Federal Police, who believes on reasonable grounds that a person under arrest in respect of an offence is unable to communicate orally in English with reasonable fluency, whether by reason of an inadequate knowledge of English or a physical disability, to defer questioning or investigation until he or she has arranged for, and awaited the arrival of, a competent interpreter.

The reference to "a person under arrest" includes a person who has been lawfully arrested, and, by virtue of the application in the Bill of subsection 23B(1) of the Commonwealth Act, includes a reference to a person who is in the company of an investigating official for the purposes of being questioned if the official believes that there is sufficient evidence to establish that the person has committed an

offence; or if the official would not allow the person to leave if the person wished to do so; or a person to whom the official has given reason to believe, on reasonable grounds, that the person would not be allowed to leave if he or she wished to do so.

Where a person under investigation for an offence makes an admission or a confession, there is a higher requirement of proof that such a statement was in fact made. For this reason, the Bill provides for the application of sections 23U and 23V of the Commonwealth Act to the investigation of summary offences where an interpreter is present during the questioning. The effect will be that, if a person who is being interviewed as a suspect in the commission of a summary offence with the assistance of an interpreter makes a confession or admission to an investigating official, that confession or admission will be inadmissible as evidence against the person unless the confession or admission was tape-recorded or, where it was impracticable to tape-record the questioning, a written record was made and read to the person. The effect will be that the same requirement will be made in the investigation of a summary offence as is currently provided for in relation to an indictable offence.

The applied provisions will not apply to an offence under the Motor Traffic (Alcohol and Drugs) Act 1977 as such offences are of strict liability based on the evidence of a scientific instrument, that is, RBTs, or to an offence under the Motor Traffic Act 1936 for which a traffic infringement notice is to be issued, unless the police officer decides to proceed otherwise than by the issue of a traffic infringement notice. Such an offence would not normally require questioning of the kind for which an interpreter would be required. Mr Deputy Speaker, I present the explanatory memorandum to the Bill.

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

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE
Report on Renewable Energy**

Debate resumed from 19 November 1992, on motion by **Mr Moore**:

That the report be noted.

MR HUMPHRIES (11.47): Mr Deputy Speaker, I want to make some comments on this report. I was a member of the Standing Committee on Conservation, Heritage and Environment in the old Assembly, which did some early work on some of the issues that are touched on in this report. Obviously, a lot more has been done since I left the committee, but some of the elements did appear in work done by the earlier version of this committee. I want to raise some of the issues that occurred to me as I read through this report.

This report raises a series of important issues for the Territory and for the preservation of our environment, and for the minimisation of our use of non-renewable fossil fuels. However, I think the criticism can be levelled that it raises those issues without necessarily advancing them very much further. I am a little disappointed that there are so many recommendations in this report that are essentially recommendations to somebody else to take the matter a step further.

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Perhaps it indicates the weakness of the committee system in the Assembly that there are a limited number of people with limited amounts of time to perform tasks that are in many respects highly complex and highly technical, and which on some occasions might be, I would suggest with respect, beyond the means of our small band of 17 legislators.

I said that there were many recommendations that were no more than urges to have somebody do something else, and I want to quote a few. The recommendations include that the ACT Government recommend that the Australian and New Zealand Minerals and Energy Council consider measures, take steps to encourage, review, and undertake a concerted campaign to inform. It recommends that the ACT Government examine the feasibility of incentives, undertake a feasibility study into, investigate the feasibility that, recommend to the Australian and New Zealand Minerals and Energy Council that it assess, examine the feasibility of, sponsor research into, explore avenues whereby, consider the possibility of, and develop a program aimed at.

I think it is useful to have somebody to point out what is needed; but, for all the work that has been done on this, and it obviously has been quite considerable, the report does not do much more than that. It does a lot of finger pointing and a lot of saying, "There is the light on the hill"; but it does not actually get much further than the first few steps up the slope. It seems to me that this a real problem with our system. Some matters that we refer to committees in this Assembly are, I would respectfully suggest, too complex or technical to be dealt with in a short time by unqualified politicians. We saw this to some extent with the fluoride inquiry last year and the year before. An immensely technical matter was resolved, I think, more in a political way than in a technological way, and it does raise the question of just how appropriate some of those references are. We should very seriously consider this point in future before we rush into certain references.

There is, however, much good in this report, much that needs to be commended. There are many issues which are quite exciting and which I hope the Government will examine, with its greater resources and its better qualified assistance, and come up with positive action that will implement and progress the important issues that have been raised here.

Recommendations 3.2 and 3.6(1) essentially take into account the need for a national scheme to deal with problems associated with CO₂ consumption and emission levels. The point that it is making is a quite reasonable one: There needs to be a national approach to that sort of question. We simply cannot effect wonderful changes in the ACT and expect to improve our own environment. It is not as simple as that. We are a small island in a much larger community. Even if we were to try to isolate our own sources of CO₂ production and other harmful greenhouse gas emissions, we would still run up against the problem that there are vast numbers of interstate travellers who come to the ACT in trucks and who produce goods which they send to the ACT, which in turn produce greenhouse gases and CO₂. It is impossible for us to expect that we can somehow isolate ourselves from these influences. It is inconceivable. That is why the idea of having a national approach is absolutely essential.

Recommendation 3.3 talks about "include energy conservation and renewable and alternative energy studies in school curriculums". I do not agree with that, for a couple of reasons. The first is a very simple one. The ACT Government and the ACT department do not tell schools what will be included in an individual school's curriculum.

Mr Moore: Yes, but we can make suggestions.

MR HUMPHRIES: I will come back to that. It is purely a matter for individual schools. The recommendation does not say that individual schools should include those items; it says that the ACT Government should include those items. Perhaps that is just a bad form of words. I am not in favour, in our present system, of having mandated forms of curricula laid down from the central office of the Department of Education. If particular programs are developed which are valuable, they will be picked up, because they are valuable, by schools in our system and they will be used. With our present structure, I am opposed to the concept of saying, "This is going to be the flavour of the month. We are going to be following this particular line in our schools and you are going to teach this particular issue". That is not the way we work in the ACT.

I take issue also with recommendation 3.5(2), which urges the ACT Government to:

legislate for an additional minimum quantity of electrical energy to be supplied from renewable sources by the year 2000.

Let me say at the outset that I think it is fantastic that we are developing the option of providing electricity to consumers in the ACT from renewable sources. That is a very good piece of news for those of us who are concerned about the depletion of fossil fuels. At the same time, it is of concern that we should say that, in anticipation of a technology developing which will make it efficient for us to get a certain specified percentage of our electricity needs from this new source, we are going to legislate to require that it come from that source.

There are lots of ways, and they are mentioned in the report, of accelerating the development of this technology. Requiring that the market shall exist so that we can buy from that market is not one of them. We are setting targets and hoping that technology will catch up with those targets in time for them to be met. I do not think legislation is the answer. It raises certain questions: How will it actually work? Whose responsibility is it to supply this energy? What will it cost? What if renewable energy sources are available only from, say, outside the Territory, and perhaps a great distance from the Territory, so that we are looking at purchasing renewable energy from Sydney or Melbourne or something of that kind? What is that going to do to the cost?

The committee does acknowledge that there are problems with working out the costs of energy and that not all the social costs are reflected at the present time in the cost of electricity in the bill we get from ACTEW. For example, if you added into the present equation the environmental consequences and the environmental costs that are associated with consuming fossil fuels, you would certainly lift the amount people pay. This raises the question of what we are going to pursue in the way of a cost structure for this renewable energy. Is it going to be subsidised in some way? Is it going to be paid for at the cost at which it is actually produced?

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Again I have to say that if we get people to pay for this renewable energy in a mandated proportion from these particular sources, even if the technology is not at an efficient price to provide it at that level, people are going to get upset about the fact that their energy costs have risen. We are going to be saying to them, "That is because we want this particular source, but you have to pay extra for it". It is not going to assist the process of getting this kind of technology up and running. I urge the Government at least to delay implementation of this recommendation until it can satisfy itself that the technology is well established and capable of delivering competitively and at a reasonable price; otherwise we are putting the cart before the horse.

I do not wish to detract from the advances that have been made in renewable energy technology in recent years. They are obviously very impressive, and we have made enormous improvements in recent years. I read in the report, for example, that solar heaters in houses can provide 90 per cent of the household hot water of an average home, and that is excellent. It is worth noting, even so, that in the same paragraph we are advised that it would take something like five years in the average household for the savings to pay off the capital outlay on solar technology. It is still very expensive. We have to accelerate the technology without pushing up the costs to the extent that people begin to resent the kinds of changes that are taking place. That will retard the energy that is coming from the community at the present time to see change in this area.

The other question of great interest arising from this report is that of energy efficient housing, and there has been a great deal of discussion about that. The Minister for the Environment has had a lot to say about energy efficient housing in recent weeks. Those of us who have visited energy efficient housing would recommend heartily to people building homes that they should take on board the important technology, the important concepts that are now available.

We must also acknowledge that energy efficient housing, particularly at the time when one is building one's house, does come at a cost. It is an up-front cost, admittedly; but it does come at a cost. When you build a house and you build in all these factors which will reduce your long-term energy costs, you have to put more money up front. I know that at present people are finding it very hard to get the money together to buy homes in the Territory. First home buyers are particularly hard pressed. We are in the middle of a recession, money is scarce, and any measure that significantly adds to the cost of building new homes has to be looked at very carefully by any government or assembly.

We have to ask ourselves: Are all the elements that are referred to in the recommendations strictly necessary? The recommendations are quite important. They have not fudged the issue as much as I thought might have been the case. It would have been very easy to fudge this issue and say, "We must educate more; we must think more about these issues". What we have done in this recommendation is say that we should incorporate into the ACT Building Code the energy order provisions set out in the Draft Energy Guidelines of June 1992 promulgated by the Planning Authority. That is a very positive, very direct step. The third recommendation is:

incorporate mandatory energy efficiency standards for houses and commercial buildings in the ACT building code, the standards to include factors such as insulation of walls and ceilings, thermal mass and double glazing.

The report seems to me to be saying, "If you want to build a new house in the ACT you must have those sorts of things built into your home to begin with". I do not see any shaking of heads, so I assume that that is what it is saying. It does carry real questions about costs, and I am disappointed to see that there are no costings anywhere as to what that might mean for the average cost of a new home. I ask the Government to do some work, and present to the Assembly some idea of what the cost will be. It may be that we will say, having looked at those figures, that they are reasonable costs to impose on a new home builder; but I would like to know what they are before I commit myself to supporting that recommendation. (*Extension of time granted*)

It has been put to me by people in the insulation industry that it is entirely reasonable to require insulation of walls because walls are very difficult to insulate once the house has been built. But requiring ceiling insulation at the incipiency of a new house is a cost which is often very high to a new home owner who is struggling to get the money together for his or her deposit, struggling to make ends meet. It could have the effect of pushing back by some months the time at which a person gets a new home.

Ms Ellis: Lower fuel bills straightaway.

MR HUMPHRIES: Lower fuel bills come later, Ms Ellis. If they are building the house, it might be a year, two years or three years before they repay that initial up-front cost, and that is the problem. I am sympathetic to the concept we are trying to get here. We are trying to help people to pay for these things and to reduce their electricity bills, because that is in their interests and it is in our interests as consumers and as people who have to live and pass on to our children a world that can power the sorts of things we power in this time. There are factors here that have to be taken into account, and it seems to me that some of those factors are not fully amplified in this report. I would support, for example, a mandatory requirement for insulation of walls in new homes at the present time, I think; but I am not sure that I could support insulation of ceilings. Ceilings can easily be insulated at a later point, and, if people choose to save money by insulating at that later point, perhaps that ought to be their business, not the business of government.

To conclude, I think this report raises a great many valuable issues. It perhaps does not take the issues as far as they should be taken, and that may mean that there is another body to whom the ball should now be passed. It seems to me that there is a very heavy onus presently on the Government to work out where it sits with these recommendations. I do not see the Minister in the chamber; I do not know whether he is going to respond to these recommendations today. I assume that he will take some time to do so, and I think, with respect, he needs that time, because the recommendations are complex and impose very serious changes on the structure of the ACT's energy supply.

Mr Berry: So, he should go slow on this one? Go slow or go quick?

MR HUMPHRIES: Yes, it is not all black and white. Sometimes you have to do things quickly and sometimes slowly, and this is a matter where the Government has to consider the case very carefully before it proceeds. If you want advice from the Liberal Party on what to do, you will get it, and you are getting it now. You should not be rushing into anything in this case. I cannot say the same for all the other actions we see from this Government, but in this case the answer is: Be careful.

MR MOORE (12.05), in reply: Mr Humphries was quite right when he said at the beginning of his speech that what we are doing is raising the issues. I think he was quite wrong in saying that we are not advancing the issues. It is important to understand that one of the difficulties of the committee was that at the moment in Australia we are in the process of negotiating a national electricity grid and, therefore, recommendations coming from the ACT alone would have been as speaking into thin air. There would simply be no point in making such recommendations. The committee took that into account and determined that under the circumstances it would be best to suggest that the Government raise a number of issues through the Australian and New Zealand Minerals and Energy Council, the ministerial council that deals with energy matters. So, focusing on the fact that the committee is talking about national issues rather than simply ACT issues is appropriate.

Having explained that, I would like to take a couple of the points raised by Mr Humphries. For example, with reference to carbon dioxide emissions, it was important for the issue to be raised by the committee in the light of the national grid and the need for national action, and Mr Humphries recognised that. That was one of the issues that made writing the report difficult.

There are a couple of areas Mr Humphries missed. The first is that there is a certain amount of urgency about this, and the urgency does not come from whether we get it right in the sense that he was talking about. That it is a go-slow issue is an inappropriate comment; that it needs to be dealt with thoroughly is appropriate. Apart from Mr Stevenson, I understand, we are all conscious of the impact of the greenhouse effect on our environment. We are dealing with issues of great consequence to our offspring and their children, as Mr Humphries will perhaps find out in the not too distant decade or two and as Mr Connolly has worked out fairly recently, I judge, by the bags under his eyes.

The other thing Mr Humphries failed to understand that the committee was attempting to do was to break the nexus between the cost of technology and new technology coming on. One of the issues raised in submission after submission was that technology for providing renewable energy sources, such as solar hot-water heaters and thermal electric solar generating plants, for example, because there is a lower requirement for it, is very expensive. The way to get these things cheaper is to sell more. Whilst Mr Humphries has recognised that, he has also said, "Let us let it develop". The committee's opinion on that was that we needed, somehow or another, to break that nexus and to move it along. That was the reasoning behind the recommendation Mr Humphries was particularly critical of, namely, 3.5(2), which states:

legislate for an additional minimum quantity of electrical energy to be supplied from renewable sources by the year 2000.

That is left broad because, with the national grid coming on line, one way of achieving that could be to buy our electricity from Tasmania because electricity in Tasmania is produced by hydro-power. That is a possibility. The other possibility is that we could buy a bigger proportion from the Snowy Mountains scheme. That being the case, that legislative requirement could possibly have been met. That is not the intention of the committee, but we had to make our recommendations in the light of understanding that a national grid is being proposed and is likely to be adopted in the not too distant future. The concept the committee is trying to put across is that it is time for us to explore the way we produce electricity and where we buy our electricity.

Mr Humphries rightly raised the fact that the comparative prices on page 29, particularly with reference to coal and hydro, do not necessarily take into account the capital infrastructure that has been put into place. He recognised that, and quite rightly. Yet, when we look at the costs of any new system, that is taken into account. Generally, I think that is a great inadequacy in the way costs are presented. However, it also takes into account in real terms what we would have to pay. The issue that is raised, therefore, is how we break that nexus between accelerating technology and its not being able to be accelerated because people are not buying it because it is too expensive. That is why we felt that there was a role for legislation in that area.

Mr Humphries also dealt with energy efficient housing and said that it comes at a cost. He suggested that it was appropriate that the Government put a costing on that, and I think that is an appropriate request. The difficulty with energy efficient housing is that, in some cases, to achieve a great deal very little is involved as far as cost goes. Siting a house in an appropriate way is a method of improving energy efficiency significantly without any cost at all. On the other hand, when we look at ceiling insulation and wall insulation - and I will come back to this because Mr Humphries dealt with it at length - the initial cost of the house is likely to be covered within the first three or four years, for an average house. It is very difficult to put figures on these things because of the variety of different housing, the variety of sizes and the variety of building materials.

With reference to ceiling insulation, one factor that must be taken into account, Mr Humphries, is the notion that when somebody purchases a house with ceiling insulation in it, remembering that the vast majority of houses in the ACT are built by spec builders, that initial purchase price is usually covered under a mortgage, with the cost of borrowing much lower than anybody is going to be able to borrow at within the next two or three years. Whether they borrow through a finance company or a bank or whatever, the cost of a mortgage is, for most people, the cheapest way of borrowing money. Therefore, that \$1,500 would be included as part of the mortgage when the insulation is built into the house. I think that is a factor that it is very important to consider. It actually spreads the price of the insulation over a 25-year period or more - sometimes a 40-year period - whereas the savings are returned to the person within three or four years. I think that is a very powerful argument as to why we should make ceiling insulation mandatory from the outset.

Mr Humphries also raised the issue of schools.

Mr Humphries: You are picking on me.

MR MOORE: No; I think your criticism of the report is quite valid. I am just responding to some of the points. I find it very refreshing that you took the time and the trouble to continue with the debate. I am very pleased that you did, and I appreciate the fact that you have done that. I am attempting to answer some of the issues you raised. The intention of the report is to continue the debate and to continue with the issues.

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Mr Humphries quite rightly pointed out that curriculum in schools in the ACT is decided by the school, but I think there is a role for government to encourage environmental issues to be taken up in schools. You and I both know that environmental issues are already involved in the curriculum of schools. There are ways and means, through national frameworks and other processes, to encourage schools to include renewable energy in their approach to environmental issues. (*Extension of time granted*)

The issues raised by Mr Humphries on this report are primarily to do with those two factors - the breaking of the nexus between buying the technology and having the technology ready and cheap enough in the first place, and the difficulty the committee had in recognising the advent of the national grid and the national resources. At the same time, we have not resiled from what is necessary. That is why, Mr Humphries, we chose to look at what we could do in the short term and what we could do in the long term, and present our recommendations in that way. It surprised me that we did not get more criticism for presenting it in this way, because in some ways it makes them more difficult to read. We were conscious of that, but we also thought it was very important to recognise that some things are achievable in the medium term and some are achievable in the long term.

Mr Deputy Speaker, one of the things that made preparing this report easier was the fact that the Electricity and Water Authority was prepared to be frank with us. We provided for them one chapter, I believe, of the proposed study and said, "We would like to hear your criticism of that". One of the areas on which they chose to present a different view was the very recommendation Mr Humphries talked about. Recommendation 3.5(2) states:

legislate for an additional minimum quantity of electrical energy to be supplied from renewable sources by the year 2000.

In the initial draft, the committee had determined a specific percentage - either 5 per cent or 10 per cent. The Electricity and Water Authority said that they would not be able to meet that within that term without massive extra costs, and that the issue Mr Humphries raised about the balance between costs and environment would be able to be dealt with. That is one of the reasons why we left it as a broad issue to be discussed between the Minister for the Environment and the Electricity and Water Authority.

In summary, Mr Humphries has put his finger on the difficulties in saying that the issue raised the question of costs. It always is going to raise the question of costs. What we have to face, and I know that Mr Connolly has already dealt with it in terms of water quality at the Molonglo sewage treatment works, is that when we take action to ensure the protection of our environment it will not come without costs. We have to find a sensible balance between how much we are prepared to spend and what we are prepared to do to protect our environment. I think that is the basic philosophy behind the report, as Mr Humphries pointed out, and as matters come up before the Assembly we are going to have to deal with that issue again and again. We are going to have to face the reality that protecting our environment is going to cost us some more, and we ought to be prepared to spend it.

Question resolved in the affirmative.

Sitting suspended from 12.19 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospitals - Shift Systems

MR KAINE: I would like to direct a question to the Minister for Health. I would like to take him back to a little earlier this year, after the closure of the Royal Canberra Hospital, when there was a dispute about the shift systems in operation in the ACT hospitals. I remind the Minister that he agreed at that time to a six-week status quo period - those are his words - while a review was undertaken and long-term arrangements were negotiated with the trade unions about the shift arrangements. Why did it take the Minister five months to follow up on that so-called six-week status quo period to find out whether the matter had been adjusted or not? Is this typical of the attention that he gives to the management of his portfolio?

MR BERRY: Indeed, this is typical of the management - - -

Ms Follett: Good management.

MR BERRY: The good management that goes into the portfolio. Some interim arrangements were reached because an industrial dispute occurred when the Royal Canberra Hospital was about to close. That industrial dispute was sensibly managed in consultation with the union involved, the Australian Nursing Federation. Some interim rosters were agreed to. After some discussions with the union an agreement was reached whereby a review of those interim rosters would be carried out. We recently hired a consultant to look at all of the rostering arrangements and I expect some advice from that consultant on those rosters in due course. We will be continuing our discussions with the unions to ensure that the best result is achieved, not only for the unions and their members but also for the health system as a whole and the community of the ACT. Most of all, Madam Speaker, it comes back to sensible management of industrial relations, which has been the hallmark of this Government.

MR KAINE: I have a supplementary question. I take it from the Minister's answer that nine months after the six-week status quo period it still has not been totally resolved.

MR BERRY: No, no, no. You have it all wrong. This is an issue of some interim - - -

Mr Kaine: Do you understand my question, Minister?

MR BERRY: There were interim rosters agreed to, and a review was to be conducted after the interim rosters. The review is being carried out. We have hired a consultant to give us some further advice in relation to that matter. That advice will be with me shortly and we will again negotiate with the unions about the future for the rosters at the hospital. There is nothing unusual in that. That is a straightforward industrial relations negotiation matter and we are proceeding with it. I expect that there will be differences of opinion as we proceed down the track; but, again, as I have said, this is about sensible industrial relations based on consultation with the trade union movement, not confrontation.

International Year of the World's Indigenous Peoples

MR LAMONT: My question is directed to the Chief Minister. Can the Chief Minister tell the Assembly what the Government is doing to celebrate the International Year of the World's Indigenous Peoples?

MS FOLLETT: Madam Speaker, I thank the member for the question. I think it is a most appropriate question because today is Human Rights Day and it is also the day which has seen the launch of the International Year of the World's Indigenous Peoples. That year, as I am sure members know, will be celebrated throughout 1993. Madam Speaker, I would like to say also that it has always been my view that matters to do with Aboriginal and Torres Strait Islander peoples should be dealt with in a bipartisan manner. I know that the Leader of the Opposition, Mr Kaine, shares that view. It is certainly the way to achieve the best possible outcomes for those peoples and I welcome that bipartisan approach.

The year will be a very significant and exciting one, I believe. There have already been some important developments in Aboriginal and Torres Strait Islander affairs. I think those developments indicate that we are entering a period in which we will see some real social and economic change for the indigenous peoples of this country. That change will occur through the empowerment of those people. The international year will give renewed prominence to those kinds of initiatives. Some of the recent initiatives which members will be aware of include the responses to the recommendations of the Royal Commission into Aboriginal Deaths in Custody, the commitment to a process of reconciliation, and the endorsement, as I mentioned yesterday, at the inaugural Council of Australian Governments meeting, of the national commitment to improved outcomes in the delivery of programs and services for Aboriginal peoples and Torres Strait Islanders.

Madam Speaker, my Government is very firmly committed to improving the status and the lot of Aboriginal and Torres Strait Islander people in the ACT and will be using the international year to give further impetus to that improvement. To mark the start of the year today I will be calling for nominations to the Aboriginal Advisory Council, which I announced in the 1992-93 ACT budget context. That council will be a very important means of facilitating consultation between the Government and our local Aboriginal and Torres Strait Islander community. One of the items that I will be asking that council's advice on right at the start will be the international year and ways in which the ACT community, as a whole, can be involved in a year of recognition and of celebration of our Aboriginal heritage. The council will also be asked to provide advice to me on the distribution of funding for Aboriginal affairs, which again was announced in the 1992-93 budget. That will include celebratory activities as well as other actions in relation to the royal commission report.

Madam Speaker, I am pleased to advise members today also that I have announced jointly with the acting chair of the Aboriginal and Torres Strait Islander Commission, Mr Sol Bellear, a package of initiatives under the national Aboriginal health strategy. This package is aimed at improving the health and well-being of the Aboriginal and Torres Strait Islander community.

The package for the ACT totals over half-a-million dollars, and it includes funding for two houses for emergency accommodation, a full-time coordinator, an Aboriginal drug, alcohol and HIV/AIDS worker for the Aboriginal Health Service, and a hospital-based Aboriginal liaison worker. In addition, Madam Speaker, free immunisation will be provided for Aboriginal and Torres Strait Islander clients, and there will be a series of workshops conducted to educate mainstream health workers about the special needs of Aboriginal and Torres Strait Islander clients.

Madam Speaker, I need hardly tell members that, whilst the Government has yet to respond to the committee's report on the casino premium, I was absolutely delighted to see leading the committee's recommendations a recommendation for funding of an Aboriginal keeping place in the ACT. I was also delighted to see again the bipartisan support that that recommendation drew in the debate in this chamber. So, Madam Speaker, those are the kinds of issues that we will be dealing with during the International Year of the World's Indigenous Peoples, and I certainly trust that we will again, in dealing with those issues, continue to enjoy a bipartisan approach on them.

Youth Unemployment

MR HUMPHRIES: My question is to the Chief Minister. I refer the Chief Minister to today's youth unemployment figures in the ACT. In November 1991 youth unemployment in the Territory stood at 9.3 per cent. Today it stands at 46.3 per cent, a fivefold increase in 12 months, and that is up from 42.5 per cent in October. Does the Chief Minister concede that a rate of that kind is simply disastrous and that youth unemployment in the Territory is out of control? If she does not concede that, how high does youth unemployment have to be before she will so concede that, and what new steps will she take to arrest the spiral of youth unemployment, other than the clearly ineffective measures that she has announced already?

MS FOLLETT: Madam Speaker, I thank Mr Humphries for the question. The issue of youth unemployment is one that continues to be of grave concern. I make no secret of that fact. I think it is important at the outset, though, to bear in mind that we are dealing with a specific group in our community - 15- to 19-year-olds who are looking for full-time employment. So, it is a relatively small sector of our community and a very small part of the sample size. As I have said many times, the sampling in that area is subject to error, and I think all members accept that.

Nevertheless, Madam Speaker, the figures remain too high. There is no doubt whatsoever in my mind about that. In respect of the last set of figures I actually asked a question about how many people were involved in the sampling of youth unemployment and that confirmed the view that we are looking at a very small sample size. In fact, on last month's figures the ABS survey was based on a sample of residents of one in 115 households. That meant that there were about 2,090 persons interviewed, of which 252 were teenagers in the 15- to 19-year age bracket. So, we are looking at a small number of people and I think that is important.

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Madam Speaker, nevertheless, the Government has been aware of the problem and we have taken steps to address it. We are pursuing youth unemployment as a serious issue. We have established a number of initiatives aimed particularly at this segment of the work force. We have established a work force development scheme that will provide employment for some 30 young people in the ACT, and we have also provided an additional 10 places for ACT youth under the Australian traineeship scheme.

Members will recall also that in the budget context I announced the creation of an ACT Youth Conservation Corps. That will provide 40 places this year and 80 places in a full year for young unemployed people. It will provide them with workplace experience and training that will fit them for further work. We have also, as an internal administrative measure, curtailed the external recruitment in the ACT Government Service of the ASO3 to ASO6 range. That has been done as a deliberate initiative to increase opportunities for young people at the ASO1 to ASO3 levels. We have deliberately altered the recruitment practices within our own service to give younger people a better opportunity to join the ACT Government Service.

We have put aside \$120,000 of additional funding for the employment and training grants program. That funding goes to community organisations. The community organisations, in turn, provide employment and training opportunities for the most disadvantaged in the labour market, and, of course, the most disadvantaged quite clearly includes young people. We have also in the budget put an additional \$50,000 into the new enterprise incentive scheme, which provides self-employment opportunities, again aimed at the most disadvantaged in the labour market, and again that includes young people.

Other community organisations which have been given additional funding to assist with employment initiatives include Jobline, for which we have provided an additional \$70,000, and Involve, which has received an additional \$46,000. Both of those grants are aimed specifically at assisting young people into short-term employment. Madam Speaker, we have also provided funding for a full-time program coordinator for the tradeswomen on the move program. We have done that in a deliberate attempt to expand the career opportunities for young women in the ACT as they move into the labour market.

Those specific initiatives for young people, Madam Speaker, have to be put beside the Government's expanded capital works program, our support for some private sector developments, including, for instance, tourism and the casino, and a range of other private sector initiatives, all of which improve the labour market generally. I think that those initiatives will, over time, see a reduction in the youth unemployment situation. I do regard it as a serious situation, and one which the Government will continue to address.

What Mr Humphries has not mentioned, of course, is that in respect of our general unemployment situation the ACT figure has again dropped this month to 6.3 per cent. That is the second month of reduction in general unemployment. It is also the fifth month in a row of considerable growth in employment, and I think that is very significant because growth in employment expands the whole of our labour market. Of course, a general improvement in our labour market and in our economy, a continued recovery from the recession, is probably what will prove to be of the greatest benefit to all of our unemployed people, including young people.

Disability Services

MS SZUTY: My question is to the Minister for Housing and Community Services, Mr Connolly. I gave the Minister notice that I would be asking this question today. The Minister's department has recently undertaken a public consultation process on a draft strategic plan for disability services. Can the Minister inform the Assembly of the results of the public consultation process and what steps remain to be taken in developing the final strategic plan?

MR CONNOLLY: I thank Ms Szuty for her question and her interest in this matter. The Government has gone through a process of consultation on a strategic plan for disability services as a consequence of the Commonwealth-State disability agreement and the move to clarify that the States and Territories have responsibility for the accommodation side and the Commonwealth has responsibility for vocational aspects.

The draft strategic plan for disability services was circulated for community consultation in October. Public meetings were held throughout October and November and 40 written responses have been received from consumers, parents, service providers, peak disability organisations and the unions responsible for covering service providers. A steering committee has compiled and assessed verbal and written responses received in the consultation process and pooled information on the availability of current services, both specialised and generic, for people with disability services in the ACT, identifying gaps in the service and in the areas of greatest need. The steering committee will now identify priorities for service development in the immediate future.

Recommendations on priority areas will be made to me by the end of this year and a notional allocation of funds available through that Commonwealth-State disability services agreement will be determined. We will then seek expressions of interest from non-government organisations wishing to apply for priority funding to meet some of these needs through, we hope, January-February of next year, and I would hope and confidently anticipate that successful groups will receive their first funding in April-May of next year.

Health Complaints Unit

MR STEVENSON: My question is to the Chief Minister, Rosemary Follett, and concerns the Health Complaints Unit. What is the role of the Health Complaints Unit? How was it established? Whom is it responsible to? In acknowledging the principle that justice should not only be done but be seen to be done, might the unit be seen to be more independent if it were established outside the Health Department, perhaps within the Attorney-General's Department?

MS FOLLETT: I will refer the question to the Minister responsible, Madam Speaker, the Minister for Health.

MR BERRY: Thank you, Mr Stevenson, for the question. The Independent Health Complaints Unit was promised by Labor in the election campaign and it is a promise that we are in the process of delivering. It will be an Independent Health Complaints Unit. It will answer directly to me. It will not be within the Department of Health and it will employ an independent person to deal with health complaints in a conciliatory environment. As far as this Government is concerned, it is most important to have the support of all of the people who might be interested in the activities of that Health Complaints Unit - the medical professionals, the nurses, and a full range of professionals in both the public sector and the private sector as well as complainants. The aim is to try to sort out differences on health matters between the parties in the first place, with that strong emphasis on conciliation rather than retribution. It will be an Independent Health Complaints Unit.

MR STEVENSON: I have a brief supplementary question. I thank the Minister for the answer. I deliberately chose to ask the Chief Minister initially and I had given the reason for that. Mr Berry, you said that it is going to be an independent body. If you administer the department and if they are only accountable to you, might it not be seen to be more accountable if it were in another department, perhaps the Attorney-General's?

MR BERRY: It is a Health Complaints Unit and it is most appropriately placed within the borders of responsibilities assigned to the Health Minister. Its complaints will be reported to me in one way or another, by way of annual reports and so on. I would expect that, if it came to the crunch and something needed to be done in response to a complaint, it would be a matter which the Health Minister would deal with. I should have mentioned in my initial response to your question that there has been a public meeting and an involvement in the development process by people who are interested - doctors and so on. I trust that we will be able to bring back to the Assembly something which sets out the entire framework arising from that consultation some time early in the new year. It is a body which is new for the ACT. I think it is fundamental as far as the delivery of health services is concerned. It is something that the Federal Government has committed itself to and is therefore in line with the general thrust of empowerment of people who use health care systems across Australia. To that degree, it is part of a move across the country, not only in the ACT, towards empowerment of consumers.

Soccer Match

MRS GRASSBY: My question is directed to the Deputy Chief Minister in his capacity as the Minister for Sport. Unfortunately, due to a very successful Christmas party of the Belconnen branch, I was not able to be at Bruce Stadium last night. Could the Minister report on the Young Socceroos v. Brazil match held there last night? I would like to have been there.

MR BERRY: Thank you for the question.

Mr Kaine: How much do you know about soccer, Minister?

MR BERRY: A lot more after last night. Madam Speaker, the Young Socceroos v. Brazil match was an outstanding success, with, according to the early counts, over 8,000 people attending. This is the largest soccer crowd at

Bruce Stadium since the quarterfinal of the World Youth Soccer Championships in 1981. The ACT Government was proud to support the event, which provided a unique opportunity for Canberrans to experience world-class soccer. The match was a magnificent curtain-raiser to the two World Youth Soccer Championship games to be held here in March next year and showed that Canberra has the facilities, organisational ability and community support to host international matches of this calibre.

The opportunity for us to host one of the four SBS Youth Challenge '92 games to be held in Australia was raised only a month ago. The whole event was organised and promoted within this short timeframe, with strong support from the corporate sector, the ACT Soccer Federation and the ACT community. In that sense it was a great team effort. Canberra put on one of its best nights, Madam Speaker, despite some fears earlier in the week that we might have some moisture. The weather was particularly kind.

Mr Kaine: Can you explain the offside rule in soccer, Minister?

MR BERRY: You do not have to explain that rule. The Liberals are always offside. Everybody knows that. It is becoming an increasingly popular view around the country - the Liberals are offside, and it will not be long before the whistle is blown.

Madam Speaker, last evening Black Mountain provided a spectacular backdrop. It was a beautiful evening and the - - -

Mr De Domenico: And the beer was cold too. Now can we get on with question time, please?

MR BERRY: The Liberals do not like good news either. The crowd was larger than anticipated and we had a little problem with ticketing, which was unfortunate and something that we will sort out. The soccer supporters throughout the Territory came out in their droves and they saw a sparkling, electrifying game of soccer between Brazil and the Australian team. It is regrettable that we could not win, but there cannot be two winners all the time. I think basically that soccer won and so did the ACT. So did the Liberals, to a very small degree.

Supply and Tender Agency

MR WESTENDE: Madam Speaker, my question without notice is directed to the Minister for Urban Services. It is my understanding that a firm of consultants, to wit, Deloitte Ross Tohmatsu, has been undertaking a study into the establishment of an ACT supply and tender board. Can the Minister tell the Assembly whether this study has been completed? If not, when will it be completed? Will the Assembly have access to this report and when does the Minister expect departments to start asking local suppliers for quotations?

MR CONNOLLY: I thank Mr Westende for the question. I do not have at my fingertips details as to where that matter is, but I will certainly make sure that I make inquiries and get back to Mr Westende as soon as possible.

ESL Programs

MR MOORE: My question is addressed to Mr Wood, the Minister for Education and Training. It is a question of which I gave him some notice. Why did the ACT Department of Education and Training implement its new model for ESL resourcing after the issue of annual staffing information to schools, upon which schools had already done their planning, and what will be the exact nature and impact of the ESL programs in Caroline Chisholm High School, Hawker College, Belconnen High School and Kaleen High School?

MR WOOD: I thank Mr Moore for his notice and his question, though I do not think any notice was necessary. The process was one that I am sure he, as a teacher, would have been well aware of over many years. There is no change in the process this year from what happens normally, and that is that in August the department gives preliminary advice to schools as to the staffing arrangements come February. All schools know that that staffing is then dependent upon enrolments in February. It is a sensible way of proceeding. Schools are aware of the projections - because that is what it is based on in August - and they are aware of the fairly general numbers that they might have. All schools know that, come February, when the actual student numbers are known, there is some refinement. That is a normal process.

In respect of the ESL review, schools knew that there was that review. They also knew, and it is even more the case with ESL staffing, that you add up your ESL numbers come the year. They are just as uncertain as any other numbers. There was never any expectation in schools in August that the number of potential teachers they were given was anything like a precise and definite number. That has never been an expectation in schools.

In terms of an ALP election commitment, we reviewed ESL arrangements in the schools to see how best we might deliver that service. The Government, understandably, is under constant pressure to increase resources in ESL. This is not an era when we can increase resources; so we had a look to see whether those resources were being most efficiently administered. We proposed a fairly minor change. We did two things. We set a limit, a ceiling of seven years, for which a school may receive staffing points for students with an ESL background. Hitherto it has been much more open than that, but we reckon that after seven years that sort of assistance has run its time and if they are still needing help there is another problem. So, we put a limit on that. We also increased the size of classes from 10 to 12 for the introductory English centres. That gave us sufficient points for four more teachers. So, it is not a massive change - four more teachers. We have allocated those teachers to language understanding across the curriculum program where we think the effort will be more appropriately spent.

You asked a question about the effect on those four schools. I thank you for giving notice, because I did need to check this. Bear in mind that 20 points in our staffing formula delivers one classroom teacher. Caroline Chisholm High School may lose six staffing points. Again, this is dependent upon enrolments next year, but this is the data provided to me. Caroline Chisholm may lose six staffing points, Hawker College may lose two, and Belconnen and Kaleen may lose four. So, it is not an enormous impact on those schools. Bear in mind also that this accommodates some transition in the arrangements because of the concerns of the schools.

Health Budget

MR DE DOMENICO: Madam Speaker, my question without notice is to the Minister for Health, Mr Berry. I refer the Minister to the answer of the Chief Minister yesterday to Mr Kaine's question, and also to Mr Berry's interjection - because he never answers questions - in which he said of his portfolio, "It is all about knowing what is going on". Seeing that the Minister knows exactly what is going on in his portfolio, I ask: How much money has the ACT health system spent since 1 July this year, and what is the current blow-out?

MR BERRY: I thank Mr De Domenico very much for his question because it gives me the opportunity to point out a few things. First of all, your health spokesperson was supplied with the most up-to-date figures for the most recent quarter, as I promised I would. I have already indicated to her that when the next quarter's figures come out there will be a different approach to how those figures are provided, in accord with her express wish. So, each three months these figures will be provided not only to the Assembly but specifically to the Liberal Party. We will keep you informed and up to date all the way along.

Mr Kaine: That will be a big change.

MR BERRY: Mr Kaine interjects, "That will be a big change". No; since Labor has taken office we have continually kept you across the expenditure in Health by way of information which has been unprecedented. You will be kept up to date all the time.

In relation to expenditure within the hospital system, there has been an attempt to create the impression that something absolutely outrageous is occurring in Health. I have told you that for this time of the year expenditure is predictably higher than at other times. If expenditure continues at a higher rate, then, of course, there would be expenditure beyond the limits of the budget by the end of the financial year. But, as usual, the board and management have to take action to pull back the spending effort of Health and I announced only a couple of days ago the Christmas bed closures which will result in a change in expenditure patterns.

You cannot get away with creating this false impression that something is altogether wrong. Yes, there is pressure on the health budget. That was made very clear to you when the question was raised with the Chief Minister. The pressure is on because there is less money in the health budget this year to deliver services which are increasingly pressured towards a growth rate. We have less money to provide services for which there is increasing demand. I think, Madam Speaker, that Mr De Domenico ought really to come to grips with the issues in Health before he raises questions about them, because, as I have informed this Assembly before, the health budget is a complex area. We will keep this Assembly informed on a quarter by quarter basis on the expenditure patterns in Health. Mrs Carnell has raised a particular issue with me, in the company of Mr Moore, and I have agreed to provide extra figures - - -

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Mrs Carnell: You said that you had.

MR BERRY: I said that I have agreed to provide figures - - -

Mrs Carnell: You said that you had a minute ago.

MR BERRY: Well, I have provided figures. I provided figures for the September quarter and there will be later figures as well. You got quarterly figures. You got the performance report of the Board of Health and three months later you will get it again.

Mrs Carnell: I got the activity report.

MR BERRY: That is right.

MR DE DOMENICO: Madam Speaker, I have a supplementary question. I ask the Minister again: How much does this mean? I do not want degrees. You said that you were over your portfolio. You mentioned yesterday knowing what is going on. How much in dollar terms has your department spent since July? We have not had September quarter figures yet. How much has it spent and how much has it overspent?

MR BERRY: You have had the figures provided. The performance report was provided to you.

Mr De Domenico: That is not true.

Mr Kaine: The fact that it does not tell you anything is irrelevant.

MR BERRY: Would the galahs opposite stop screeching, in order that I can answer the question? You had your chance to ask the question. I sat in silence while you asked it. Now let me answer it. You had the performance report for September. You will get another performance report in three months. It will include the extra information that Mrs Carnell has asked for.

Nightclub Security Personnel

MS ELLIS: My question is directed to the Attorney-General. Can the Minister inform the Assembly what steps have been taken in assessing the need to license nightclub security personnel?

MR CONNOLLY: I thank Ms Ellis for the question. Some months ago I indicated that the Government was looking at the need to have some form of regulation of the security or bouncer industry in Canberra. There was some comment at the time that the Labor Government once again was being overregulatory, or some such criticism; but recent events have shown that this is an area of some concern.

I have today published, and I will circulate for all interested members, a major discussion paper prepared by my department, setting out the issues involved in licensing the security industries and, in particular, bouncers. A theme which emerges from this is that, although the ACT is one of the few jurisdictions which do not have any licensing of the security industry, in those States where licensing has been in place for some years it seems to have become merely a bureaucratic process of obtaining a piece of paper. While it had a short-term benefit,

in the long term it does not seem to have got on top of all the problems. This paper therefore is useful not only in the ACT but also for other jurisdictions. It points as the way forward a cooperative arrangement between industry and government, with a particular focus on responsibilities of employers of security personnel, in particular bouncers, and the responsibility for appropriate training and control of persons who may be put in charge of certain crowd control functions.

Madam Speaker, given the importance of the issues raised in this discussion paper and the importance in the context of the Civic violence problem, or the perceived Civic violence problem, I will be encouraging a wide dissemination of this discussion paper and encouraging industry to come again to talk with government about the best way to control this industry which, if left uncontrolled, can pose dangers to the public.

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

INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLES Statement by Member

MR KAINÉ (Leader of the Opposition): Madam Speaker, I seek leave of the Assembly to make a short statement in connection with the International Year of the World's Indigenous Peoples.

Leave granted.

MR KAINÉ: Madam Speaker, I sought leave because the Chief Minister in question time made reference to this matter and some things that the Government intends to do for our own indigenous people during this international year. I thought it rather unusual for a government to announce a program in answer to a dorothy dixer question during question time. The fact that I stand here by leave of the Assembly to comment, I think, speaks for itself. One would have thought that the normal process would be for the Chief Minister to make a ministerial statement on the matter and it would have been each member's right then to respond in some fashion. We find instead a dorothy dixer. This seems, presumably, to be the new pattern for introducing statements about government policy. Each member who wants to make any comment on that very important matter is put in a position of having to seek leave of the Assembly to do so. I find that a little unusual and unorthodox, to say the least. I would have preferred the opportunity to comment on this matter without seeking leave. I think that it is a very important matter and I am surprised that the Government has chosen this way to go about introducing it.

I acknowledge that at 2.10 pm I received a memo from the Chief Minister telling me what the Government was intending to do in this matter and attached to it were what I assume to be two media releases. If the Government is proud of its program, surely those media releases would have been made available to every member of the Assembly, to every person in the visitors gallery and to anybody who wanted to have a copy. Not only did she not do that, but she did not even table them.

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There are some things which I would like to refer to specifically in what I presume to be these two draft press releases. The Chief Minister, in answering her question, made a comment that she presumed that there would be bipartisan support for what the Government is doing. The answer is yes, there is, particularly in this International Year of the World's Indigenous Peoples. I would hope that governments throughout the world are taking steps to alleviate the difficulties and disadvantages suffered by their indigenous people, not only here in Australia with our own Aborigines and Torres Strait Islanders but in other places where, perhaps, the indigenous people are in even worse conditions than our own. So, it is a matter on which there is bipartisan support and I cannot imagine any member of this Assembly saying otherwise.

I note that the Chief Minister intends to call for nominations for an ACT Aboriginal Advisory Council. The ACT has advisory councils on a wide range of subjects and it is appropriate, now that we finally recognise that we do have an Aboriginal community in this city, that there be an advisory council to advise the Chief Minister and the Government on the things that those people think are important and what they think should be done in their interests, just as we have advisory councils on a whole range of other things. So, of course we support that initiative. The Chief Minister points out that this was funded in the 1992-93 budget. I guess my only regret is that she has taken five months to get around even to calling for nominations for people to sit on it. I would have thought that it would have been well and truly established by now and would, perhaps, have been a functioning committee. No doubt it will still take a couple of months or more to get nominations and to get that committee in place.

Madam Speaker, I have to assume that they are draft media statements - there is nothing to indicate that that is what they are - but in the second document attached to the Chief Minister's memorandum to me she outlines a number of initiatives that the Government is proposing to take as part of the Aboriginal health strategy. I do not find any difficulty with any of these things. They include a housing support worker. They include a full-time paid coordinator for the Aboriginal Health Service. They include an Aboriginal drug, alcohol and HIV/AIDS worker and a series of workshops to educate mainstream health workers about the special needs of Aborigines and Torres Strait Islanders. All are worthy projects. All are things that we would support being funded.

I guess I have a question, Madam Speaker, in terms of how far the Government's commitment to our indigenous people goes, because this talks almost entirely about health. I am quite sure that our ACT Aboriginal and Islander population, small as it may be, has the same kinds of problems across a whole range of disabilities as Aboriginal communities elsewhere in Australia. I do not believe that they are confined entirely to health matters. With one exception - an initiative to provide two houses for emergency housing for Aborigines and Torres Strait Islanders - these initiatives are to do with health. I believe that our Aboriginal and Torres Strait Islander community would have a whole range of problems, as I say, going way beyond health, on which the emphasis is placed here, and accommodation. I am quite sure that the Chief Minister, when she sets up her advisory council, will discover the breadth of the difficulties and disadvantages encountered by the indigenous people here in the ACT.

Madam Speaker, I have one question which the Chief Minister may feel inclined to answer in some other fashion. She announces the expenditure of a sum of \$528,400 this year. I presume that that is to be spent this year. It is a joint funding package from the ACT Government and ATSIC. The statement does not indicate how much of that money is coming out of the ACT budget. Perhaps the Chief Minister might answer that question so that we will know precisely how much of that money is coming from the ACT Government and the ACT taxpayer.

To conclude, Madam Speaker, I take up the notion put forward by the Chief Minister - that this will receive bipartisan support. Indeed it does. But if we had been involved at an earlier stage we might have suggested some additional things that might be included in the Government's program during this year. That is based on the discussions that some of us have had with representatives of the Aboriginal and Torres Strait Islander groups in the ACT, and some bipartisan approach might be of benefit. It is a good initiative; it is something that we should do. But I am a little surprised at the manner in which the Government has announced it.

PERSONAL EXPLANATIONS

MRS CARNELL: Madam Speaker, I seek leave under standing order 46 to make a personal explanation.

Leave granted.

MRS CARNELL: During question time today Mr Berry indicated to the house that he had provided me with full figures for the September quarter, indicating that they were financial figures.

Mr Berry: And he did. He provided financial figures.

MRS CARNELL: I have not received full financial figures for the September quarter, unless Mr Berry has provided them since question time started. I would like to put on record that I do not have the full financial statements that Mr Berry promised Mr Moore and me at a meeting, I think, on 18 November.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I would like to make a short statement in response to that.

Leave granted.

MR BERRY: You cannot get up here and say something that is not true and get away with it. There were figures provided to the - - -

Mr Kaine: I take a point of order, Madam Speaker. We have had a debate about this matter of what is true and not true on a number of occasions and you have made rulings in connection with the fact that people are not entitled to say that something that has been said is not true.

MR BERRY: It does not matter. I withdraw it. We do not need a ruling.

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MADAM SPEAKER: That is correct, Mr Kaine. Thank you for withdrawing, Mr Berry.

MR BERRY: You cannot get up in this place and make statements which cannot be rationalised against the facts. Financial figures have been provided to Mrs Carnell. There have been performance figures, hitherto not presented in the form that they have been - - -

Mrs Carnell: Do you mean the graph? It has no figures.

MR BERRY: A total package of figures which indicate the performance of Health, which have never been provided before, and the Liberals have not stopped whingeing since. Since then Mrs Carnell has come to me, with Mr Moore, and said, "I want more figures", and I have said that I will give her those figures in the next report. Those are the facts of the matter and nobody should be allowed to create the impression that that has not been done. It has all been done.

DOMESTIC VIOLENCE - COMMUNITY LAW REFORM COMMITTEE Paper

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.19): Madam Speaker, for the information of members, I present the Community Law Reform Committee of the Australian Capital Territory Discussion Paper No. 2 of 1992 entitled "Domestic Violence", and I move:

That the Assembly takes note of the paper.

Madam Speaker, this paper has been prepared for the ACT Community Law Reform Committee in connection with its reference on domestic violence. The terms of reference for the committee's consideration are wide ranging, allowing for a comprehensive review of these laws. The ACT's domestic violence legislation has now been in force for about six years. However, it is clear that the incidence of domestic violence remains alarmingly high. It has been estimated that there are about 100,000 adult women in Canberra. Each year approximately 3,000 contact the Domestic Violence Crisis Service at least once, but sometimes more often, to report beatings by their male partners or another household member. This figure is shocking enough on its own, but it is likely to be a significant understatement of the actual incidence of domestic violence because many survivors never report acts of violence against them.

This discussion paper covers many of the issues of concern which have been raised by the community. It discusses options for improving the laws and services offered to survivors of domestic violence and raises strategies for the prevention of criminal assault in the home. It is also my hope that this paper itself will raise awareness about the nature of domestic violence. The message that domestic violence is unacceptable and criminal behaviour must continue to be made. It should be made clear that changing unacceptable attitudes about domestic violence is a matter for the whole ACT community. One of the most disturbing aspects of the report is a survey done a couple of years ago that shows that a third of respondents still regard domestic violence as a matter to be dealt with in private and not a matter of legitimate concern for the law, government or outsiders. That, clearly, is unacceptable.

I must stress that this paper is a starting point for reform. No issues will be settled until there has been full community consultation. In the course of this consultative process, the Community Law Reform Committee will hold public hearings and consider all submissions put before it. It is expected that these hearings will take place in February and March of 1993. The committee will then make its final recommendations and put them before the Government, probably towards the end of next year. They will, of course, then come before this Assembly. Madam Speaker, I now table the discussion paper on domestic violence which has been prepared for the ACT Community Law Reform Committee, and, in so doing, commend the officers involved on the high quality of the work.

MR HUMPHRIES (3.22): I have had the opportunity of looking at the advance copy of the paper that was circulated last week, I think, to members. I have a copy. Clearly, as Mr Connolly indicates, this paper is a starting point for consideration of reform issues. Anybody who suggests that any document such as this is able to furnish in one go a complete set of answers to the problem of domestic violence is unaware of the true extent and nature of domestic violence in this community. The problems are deep seated, as a survey of community attitudes indicates. They are difficult to eradicate legislatively, and they will require some years of concerted effort on the part of community leaders and others to turn around.

Madam Speaker, in a sense I was disappointed to see that there were not many suggestions about change put forward in this paper; but I think that that, in fairness, is a reflection simply of the fact that the single most important element that has to be changed in order to affect the situation of domestic violence is public education and the perception that the Minister referred to - that in some respects domestic violence is an acceptable activity in certain circumstances, behind the closed doors of people's homes. I think we all in this place accept that it is not, and that the community has every right to step in, in these circumstances, and say, "If you breach the standards of human behaviour which the community as a whole accepts as necessary, then you are answerable for that situation, not merely to the members of your immediate family but to everybody".

There are some things that can be done. I draw attention to the fact that my party, only yesterday, tabled in the Assembly what we consider to be an important piece of domestic violence legislation; namely, a provision which would treat in a much more stringent fashion people who choose to breach domestic violence protection orders. I hope that that will be considered as part of this package. This document is a useful first step, and I hope that we can go down the path of finding other solutions, and in particular furthering the process of community education which is such an important element in fixing this problem.

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

INDUSTRIAL ACTION
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received letters from Mrs Carnell, Mr Cornwell, Mr De Domenico, Mr Humphries, Mr Kaine and Mr Westende proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mrs Carnell be submitted to the Assembly, namely:

Public condemnation of the Government's support for the industrial action in the ACT on 30 November 1992 concerning events in Victoria.

MRS CARNELL (3.26): Madam Speaker, it astonishes me how in times of difficulty we can be so divided in this country. Obviously, the pain is not great enough for people to see the need to pull together. Actually, I think that most people do want to do this, but certain union leaders and certainly certain political leaders seem to want chaos. They actually want disruption and unrest. They want to destabilise the workplace. One can only ask: Why? It can only be a raw and blatant lust for power or, alternatively, a fear of losing it. They are not satisfied with the democratic processes, as they probably fear for the very survival of their own positions.

Madam Speaker, it is my belief that ordinary Australians are desperately concerned about one thing and one thing only, and that is jobs. They are not interested in the selfish grandstanding of egotistical union bosses and the government members who seem to have lost the plot. The Federal Labor Government has well and truly sold out its own supporters. It has a leader who would sooner talk about flags and national anthems than jobs. Why? Because their policies have simply not worked and never will. In fact, their policies have driven Australia backwards. Australia now ranks in the bottom third of all OECD countries in terms of income per head, and we are still falling. Until the early 1960s we were close to the top.

As for the ACT Labor Government, it seems to be heading down the same path. Instead of taking leadership in terms of the local economy, it sits back and lets the world roll by. This Government, Mr Deputy Speaker, clearly has no direction, no guts to tackle the difficult issues, no sensitivity to the real needs of people and certainly no sense of priority. I think this was demonstrated once and for all by their support for the 30 November strike.

This Government is demonstrating its ineptitude right across all areas of government. On planning matters it is jealous of the initiatives and drive of private developers. It has no long-term vision or policy for the development of Canberra. On social issues it kowtows to the demands of minority groups on issues such as abortion, marijuana, pornography - and the list goes on. On environmental issues it becomes obsessed with such issues as the banning of circuses. On urban services it is content to run a bus service at an exorbitant cost to the community. On education it keeps underutilised schools open for noisy minorities. On health it has certainly lost the plot. It has lost control of the budget. It refuses to acknowledge the serious and critical problems that exist in health in Canberra. On crime it wants to keep slashing the police force and will not acknowledge the seriousness of the growth in crime in the ACT. On housing it refuses to address the rapidly growing waiting list with any fairness or equity. Most importantly, in this debate, on industrial issues it promotes unrest.

The stance taken by the Labor Government with regard to the 30 November strike was nothing short of unbelievable. The strike - and I quote a prominent union leader - was called "to support Victorian workers and to oppose the coalition's industrial relations policy". I cannot, for the life of me, understand what that has to do with the ACT.

Mr De Domenico: Can you see how concerned the Government is?

MRS CARNELL: Yes, it could not care less. (*Quorum formed*) In case no-one has noticed, the coalition does not hold Federal Government in this country yet, and I stress "yet"; so what was the supposed national day of action about from the point of view of ACT workers? Why did this Labor Government encourage and support ACT workers to go on strike? Certainly, and again I quote, "to support Victorian workers" makes very little sense if you believe in democracy.

The Kennett Government was elected with a very definite mandate to govern only a couple of months ago. It is obviously none of our business in the ACT how the Kennett Government implements its mandate. They have been elected to govern, and govern they must. The Kennett Government must do what they believe is necessary to get Victoria back on its feet. That is what they were elected to do. I am absolutely confident that ACT workers going on strike will not improve the dire economic situation that the Kirner Government inflicted on Victoria, and I am also sure that the national day of action did not produce one new job either in Victoria or elsewhere in Australia. The unemployment figures out today bear that out. Unemployment is now 11.4 per cent - the worst since the Depression. There are 979,900 Australians without a job, and a large number of these are young people. We have a whole generation of young Australians who are being denied their initial start in the workplace. That is a tragedy. Australia should have called 30 November the national day of disgrace.

The other supposed objective of the Labor Government supported strike was to oppose the coalition's industrial relations policy. I think today's unemployment statistics show how desperately Australia needs this policy. What has happened over a series of decades is that Australia has slipped further and further into the mire. We have massive structural inefficiencies which are causing this potentially wonderful country to be uncompetitive in the world market. A century ago Australia had the highest ratio of exports to gross national product in the Western world. Today the situation is the reverse. Australia's export orientation is less than half that of other OECD countries in relative terms and has barely advanced over the last three or so decades.

Let me give you some examples of the inefficiencies that the coalition's Fightback policy seeks to address. It would seem appropriate, I think, to start with Victoria. The Victorian railways are so inefficient that it would be cheaper to close them down and give every single commuter a small car than to run them. You think about that. The Victorian railways earn 12c in revenue for every dollar they spend, and that is supposed to be good business. They are going backwards, and they are going backwards quickly. They almost make ACTION buses look all right.

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Let us take a look at the waterfront. They were going to have a stop-work meeting on the Sydney waterfront last year, but there were not going to be enough people on deck on the job to actually call the stop-work meeting. They were all off on idle time. They had to wait until they came back the following week to have the stop-work meeting, so that they could have a strike the next week. Forty per cent of our waterfront is on idle time. You know some of the outlandish work practices and allowances that have been developed on the waterfront. When they were building Darling Harbour, that is, when the Darling Harbour waterfront was active, it was very close to Chinatown in Sydney. The smell of dim sims permeated the area and distracted the workers, so they had to have a dim sim allowance - the price of a Chinese meal each week - just to keep them on the job.

Mr De Domenico: And how many people are unemployed?

MRS CARNELL: Nearly a million. Also, people working in courtyards, quadrangles and shopping malls in some parts of Australia get abuse money because some of them are concerned that some people might swear at them or abuse them. So, they need abuse money. We pay ourselves more as a nation to go on holidays, with leave loadings, than we do to go to work. We have penalty rates and very little job flexibility. There are massive inefficiencies and these inefficiencies stop people getting jobs.

We all remember the report in May last year of the 63 Federal Government meat inspectors who live in towns that do not have abattoirs, requiring extensive and expensive travel costs. There is the union which demanded \$80,000 for each of its members taken off shift work, even though all of them kept their jobs. Where do you think that was? It was in Victoria. It was in the Latrobe Valley power industry. That State can ill afford that sort of inefficiency. Another example is that unions picketed a Western Australian wharf to prevent a private contractor loading potatoes at \$7.50 a tonne because union manned stevedores usually charge \$35 a tonne. That happened in May this year. That was not a long way in the past; it was only a few months ago. Right now we have a recession that has been created by those rigidities, impediments and cost disadvantages that have been accentuated by bad government policy.

Mr De Domenico: In one name, who caused the recession? Give me one name.

MRS CARNELL: Mr Keating. Fightback offers a whole new approach to industrial policy which will increase the scope of businesses and industry to grow and compete internationally. It will create jobs by radically reducing business taxes and regulatory constraints, by reducing the cost base of industry through efficiency gains in the provision of infrastructures such as energy, transport and communications, and by providing a new and legal framework for industrial relations which will promote a sense of common purpose and encourage greater productivity and individual enterprise, incentive and reward.

Mr Deputy Speaker, this Labor Government supported a strike which was motivated by fear - the fear of change and the fear of losing power. Yet change is absolutely essential to Australia's future. They supported a strike that cost Canberra businesses hundreds of thousands of dollars - money they could ill afford to lose in the worst recession we have had since the 1930s. This Labor Government should be concentrating on creating jobs and improving business confidence, not creating industrial chaos that will inevitably lead to further job losses.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.39): Mr Deputy Speaker, as was said at the beginning of this debate, what would Mrs Carnell know about this? Her speech has demonstrated clearly that she knows nothing. From somebody who said that she would sack a worker rather than provide a working environment where there was a designated work group under the new occupational health and safety laws that were introduced by the Labor Government - - -

Mrs Carnell: I did not say that.

Mr De Domenico: Can you repeat that for the record, to make sure that it is in *Hansard*?

MR BERRY: Mrs Carnell indicated very clearly that, rather than have a designated work group, she would ensure that her work force was only nine even if it meant disposing of a worker. This is the attitude that is behind the speech that we just heard on industrial relations.

When it comes to the demonstration by workers in the ACT recently, they among 100,000 other workers across this country demonstrated very clearly that they wanted to bring to the attention of all Australians the dreadful prospect of the then version of "frightpack" and all its appendages and the dreadful prospect of the spread of the conditions which had been imposed in Victoria by one Kennett. The sorts of conditions which were imposed there were imposed against a background where that particular Premier, when in opposition, said, "Nobody will lose a dollar". Immediately on coming into office he made sure that thousands upon thousands lost hundreds of dollars. It is very clear that thousands upon thousands will be put in a position of losing more, and all because of the policies which were put in place by the Liberals in Victoria, and all because of policies which are mirrored in the Federal "frightpack" policy and its appendages.

You have to know that there is a moving target there. Amongst some of the back-flips that we have seen recently, it is likely that the emphasis on industrial relations might change to suit the polls. But we know that at the end of the day it does not matter what they say before the election; it will be different after. It will be just like Jeff Kennett. They will promise one thing one day and do something else the next. That is the sort of approach that those 100,000 workers across Australia wanted to bring to the attention of Australian people in the lead-up to the Federal election. They know that the impact of the Federal Liberal Opposition's policies would be horrendous.

There has been some criticism of members of this Assembly for participating in that particular rally. I have to say, Mr Deputy Speaker, that those people can criticise all they like; it will not change my mind, because those workers and people from this Assembly have a right to demonstrate to draw attention to those problems. In the perfect world for the Liberals nobody would have the right to demonstrate. Nobody would have the right even to oppose them, if you take what Mrs Carnell was saying.

Mr Kaine: In a perfect Liberal world everybody would have jobs and there would be no need for it.

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MR BERRY: We have seen what benevolent dictators the Liberals are. Just look at Victoria. Thousands upon thousands have lost thousands upon thousands of dollars. That is what has happened in Victoria. The Liberals have set out to make sure that more workers are affected as they drag down wages and conditions and living standards across the country.

We have made no secret of our position in relation to this. The Liberals are setting out to create a cloud of dust to try to hide from people their real intentions, their hidden agenda. See the back-flips on the "frightpack". See Mr Howard changing daily on his industrial relations policy to try to change the emphasis and to hide what it really means. Who knows what will happen between now and the next election? Most importantly, if they were to win, what would happen after? That is what most Australians are concerned about. They are concerned about what would happen after the next election. So, they will not get elected.

The Labor Government understands the pain that workers have gone through and the struggle that union leaders and unionists have carried on to obtain better conditions. The labour movement will not betray the people who fought hard during the last 100 years or so to obtain one of the best industrial relations systems in the world, an industrial relations system which is the envy of many throughout the world. There is no question about that. As I mentioned, the 100,000 men and women who marched on that day of action sent a message to the conservatives, a message that will ring loud and clear across Australia.

Mr De Domenico: So, it was a strike. It was a lunchtime rally before.

MR BERRY: I heard Mrs Carnell say that they were on strike and I heard Mr De Domenico interject that it was a lunchtime rally. The Liberals do not know what they are doing. The fact of the matter is that people chose to take industrial action in relation to that. That is their right and it is their right to lose money for that industrial action because they feel so concerned.

Mr De Domenico: So, you support it, do you?

MR BERRY: I will not deny the right of workers to take industrial action. You would. If you adopt the Kennett model you would have them in gaol alongside other criminals. That is what you people would support. You would adopt the Kennett model.

Mr De Domenico: I did not say that. That is not true. Have you heard what I said?

MR BERRY: Nobody listens to what you say.

Mr De Domenico: Like hell!

MR BERRY: Who is listening? Not one.

MR DEPUTY SPEAKER: Order! Mr De Domenico, you will have your chance to speak shortly.

MR BERRY: I am sorry; Mr Deputy Speaker was. He is very diligent. We will not sit back and tolerate a situation where workers who strike for their rights will be treated like criminals. That is what the Liberals support. The level of disgust at the attack on Australian workers was highlighted by a recent opinion poll which asked whether people would prefer the Hewson-Howard "jobsack" policy or would prefer to retain the present system. Fifty-eight per cent were in favour of the present system. Only 34 per cent prefer "jobsack". That is what will govern the Liberals. They will change daily to suit the polls and after the election they will do a Kennett on them. The Liberals intend throwing out almost a century of developments that have established a modern and just method of industrial arbitration and wage setting in Australia.

Mr Humphries: This is a Berry poll, is it?

MR BERRY: It is ANOP, actually. The Liberals intend throwing out that system which has been developed over the last half-century. It has been a half-century that has served this country well in the development of an industrial relations model. It will develop over time, provided that there is the will to do it; but the Liberals do not have that will. All they have is the will for confrontation. That has been demonstrated. That is why Victorian workers are outraged at the disgusting behaviour of the Liberals and the turn of events which occurred around the election. Something was promised on the one hand and something was taken away after the election. The majority of Australians, Mr Deputy Speaker, have seen through "frightpack", and that is why we saw 100,000 workers out on the streets of Melbourne. Mrs Carnell would take away the right of people to strike. That is what she would do.

Mrs Carnell: No, I would not. It is a totally basic human right.

MR BERRY: No, no; Mrs Carnell would say, "Unions are necessary, provided they are nice and quiet". She would support a situation where the Mercedes and the BMWs were reduced in price so that the likes of her and all of her Liberal mates could afford them; but she would support, and has supported, a system where food would be taxed. People would go hungry because of a tax, but that could change. We will see whether they change it. Do you still support the food tax? Do you support the tax of 15 per cent on your tomatoes? Of course you do. They support it this week but not next week. This morning, Mr Deputy Speaker, on ABC radio - - -

Mr Kaine: Let us see your legislation to take non-existing taxes off food.

MR BERRY: Have a look at what has happened in the ACT. For two months unemployment has been falling - under a Labor government. This morning on ABC radio it was said that overall unemployment has fallen for two months running.

Mr De Domenico: Have a look at youth unemployment. It is the highest in the country.

Mr Lamont: I raise a point of order, Mr Deputy Speaker. Could you ask the rat pack opposite whether they could listen in silence.

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MR DEPUTY SPEAKER: Order! I ask you to withdraw that expression, Mr Lamont; but I would ask my colleagues on my right to cease interjecting.

Mr Lamont: I withdraw. They are not fit to be rat packs, so it is probably - - -

MR DEPUTY SPEAKER: Unequivocally, please.

Mr Lamont: I unequivocally withdraw any suggestion that they are a rat pack.

MR BERRY: This morning on ABC radio honest John Howard - he is honest in opposition, too, like Gary Humphries - was talking about how, under the "jobsack" policy - - -

Mr De Domenico: Tell us what Peter Cook said, too, and Bob Carr.

MR BERRY: The other day I heard the greatest election campaign ditty we could ever use, from a person of high standing and importance in the ACT, someone I will not name at the moment. Referring to the Liberals, with Gary Humphries as leader, it was, "Keep the bastards honest. Keep them in opposition". Honest John Howard was talking about how, under this "jobsack" policy, no-one will lose their holidays, maternity leave, minimum wages or penalty rates without their agreement. Fifty-eight per cent of Australians have not been fooled. They know that if you do not agree with the contract being offered you will lose your job, and that was made very clear by the Liberals. They said that in contract negotiations if you get to a point where you cannot reach agreement you go your own way; that is, the worker gets sacked and the boss goes out and gets another employee. That is the nature of "jobsack". It can be summarised, Mr Deputy Speaker, as, "Take a cut or lose your job". That is the position which has been adopted with "jobsack".

It is only fair that workers protest against those draconian policies. It is important that they draw the attention of the rest of Australians to what might occur if the Liberals were to succeed - and they will not. Demonstrations like that will draw the attention of Australians to it and, of course, they will not support it. Decent wages for a decent day's work are a part of Australian history, as is the right of workers to defend themselves in a system which provides conciliation in the first place and arbitration where all else fails. It is a system which has the confidence of Australian men and women and a system which has served us well. As I have said, it is the envy of many people around the world because of its success. It is a system which reduces confrontation.

What is proposed by the Liberals is a system which promotes confrontation as the ideal. We have seen just a little bit of it in Victoria, and more will come. You cannot have a policy which will rip workers off in the way which is supported by Mrs Carnell, unless you have a system of conciliation and arbitration to sort out the difficulties of the inevitable conflicts which occur between employees and employers. I think, Mr Deputy Speaker, that the workers of Canberra should be congratulated for turning up in their lunchtime and putting on a demonstration which the rest of Australia would see as very solid support for an industrial relations system which I think stands on its merits. It will stand as a good image for Australian industrial relations and practice well into the future.

MR DE DOMENICO (3.54): Mr Deputy Speaker, by any measure last Monday's political strike was a fizzer. In fact, when you look at page 1 of the *Canberra Times* on 1 December it shows that the major publicity went to the next Federal member for Canberra, Mr Stefaniak. He was there, by the way, demonstrating against the demonstration. Page 5 went to Ms Follett, who in fact was not there. Mr Stefaniak was there; but Ms Follett, the Chief Minister, as this afternoon, was not there. She was not there then; she is not here now.

It is interesting to note that Ms Follett was not there. The weekend before the strike she had virtually condoned it on ABC radio and other places as a political strike. She had obviously, and quite rightly, as a matter of fact, had second thoughts after hearing what some of her State and Federal colleagues had to say about the strike. We all know what Mr Carr, the Labor leader in New South Wales, had to say. He said that it was the most incredible nonsense that ever happened. Of course, they bucketed him because he was not allowed to say that. Ironically, Senator Peter Cook, the Federal Minister for Industrial Relations, was not very happy about the strike going ahead either. He said words to that effect as well. Carmen Lawrence, the Labor Premier of Western Australia, not a Liberal Party member or apparatchik, expressed concern at the day of action, or whatever it was, as well.

Martin Ferguson is the president of the ACTU, and the headline in the *Canberra Times* read, "Ferguson wants unions to negotiate with employers - Halt strike, says ACTU". The article read:

The president of the ACTU, Martin Ferguson, said yesterday that he would prefer - - -

(*Quorum formed*) Mr Ferguson was reported as saying:

I must say that I personally believe that we should now concentrate our energies at a workplace level about talking to individual employers about whether or not you are prepared to maintain the award system.

So, there is no doubt that it was a political rally on 30 November. It had nothing to do with working conditions for Territory employees. It is interesting that Mr Connolly said that it was no such thing. It was not a strike; it was a lunchtime rally. Mr Berry, on the other hand, said that it was only fair for workers to demonstrate. So, while Mr Connolly was suggesting that someone was having a sandwich in the park at lunchtime, Mr Berry is now saying that it was a demonstration, a day of action. You cannot have it both ways.

It is interesting, Mr Deputy Speaker, to see what the unionists who attended the strike or the rally, or whatever you want to call it, said. I quote one particular person who said:

We are happy knowing that our day of action has succeeded in putting coalition policies in a negative light.

That is what the unions thought it was. It is interesting, Mr Deputy Speaker, to see what Madam Speaker had to say about the rally. The Speaker, according to the *Canberra Times*, said that she did not attend the rally for fear of appearing partisan at a political rally during a sitting period. That was what the Speaker of this house, Ms McRae, said, and it bears repeating. She did not attend the rally for fear of appearing partisan at a political rally during a sitting period.

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So, let us get the facts on the record. Let us talk about exactly what it was; it was a strike that you supported. Ironically, page 5 of the *Canberra Times* carried an interesting little remark too. This is another quote. It said that the political rally attracted a united front from most sections of Canberra's trade union movement and had the unqualified support of the ACT Labor Government. But interestingly, Mr Deputy Speaker, the Industrial Relations Minister and Deputy Chief Minister, Mr Berry, said:

There is a strong commitment from our (trade union) roots from the Chief Minister across the board.

When one listened to the Chief Minister prior to the strike one could agree with Mr Berry. We know that the Chief Minister says a lot of things. But when it came to taking any action, putting her money where her mouth is, she used her henchmen. She sent Mr Berry, Mr Connolly and everybody else there, but she did not turn up herself. She jibbed it, like she does most things. She comes into this house, stands up and smiles and tells everybody how great she is, but when it came to doing anything she jibbed it. She had no guts to be there herself. So much for our Chief Minister.

What was said around the country about this? The remarks of the New South Wales Premier bear noting. He said that, while only a few thousand had been involved in the rallies, millions of dollars had been lost in the State's economy. The Liberal leader, Trevor Kaine, said virtually the same thing, as did most political pundits around the country. More importantly, let us find out what the people of Canberra said. This is a government that prides itself on listening to what the community says. Let us listen to what one particular member of the community said. This particular lady has three girls, aged 11, 18 and 22. These are her words. She has a clapped-out motor vehicle that is not on the road and she could not drive it in the condition that it was in. She had had a hysterectomy about three weeks ago. She had a doctor's appointment in Chapman and she lives in Rivett. Normally, she would catch the bus and walk to the surgery, but on the day of the strike there was no return bus available. She would have had to walk about two miles to get to the doctor. She went to see the doctor the following day.

One of her three girls, an 11-year-old girl, is retarded and goes to Duffy Primary School. She needs to commute between home and school by bus. If she is not home at the same time every time or finds that the bus is not there, she gets a bit concerned. This lady tried to ring up and find out what was happening on the day of the sandwich in the park situation. She tried to ring up and find out what was happening at 9.00 am that day. She got through to the Woden interchange. These are her words:

A guy told me not to worry as they'd be docked their time.

She said that this was not the point; that his docked pay packet would not pay for the inconvenience caused to her and workers would probably pick up the money in penalty rates. She was then told to get stuffed, by the bus person at the Woden interchange who then hung up in her ear. That is how the community was treated by these wonderful people that these people opposite support and who go and have sandwiches in the park at lunchtime. This lady was told to get stuffed, by a worker who was probably at the rally afterwards.

There is another point about this lady who rang up. Her husband is partially blind and works in Belconnen. He did not know whether he could get home. They could not tell him whether the buses were going to run at the time he wanted to come home. She said various things about how she intends voting in the future. I will give this lady's name to Mr Connolly later. She specifically asked me not to mention her name in the house, but I will give it to the Minister later and perhaps he will have the courtesy to ring her up and apologise to her for the remarks made to her by someone we pay to be where he or she is. Ironically, the same lady was told to get stuffed, by this person - - -

Ms Follett: She had a bad day.

MR DE DOMENICO: She had a rotten day.

Ms Follett: Did she ring you up as well?

MR DE DOMENICO: She tried to ring the Government, Ms Follett. No-one would listen to her and when she rang the public servant she was told to get stuffed. So, no wonder she rang the Opposition.

To talk about this being just a sandwich in the park situation is utter nonsense; it was a political rally condoned by the people opposite. All of them condoned it; but, ironically, when it came down to the nitty-gritty, one of the people who were not there was the Chief Minister. She jibbed it, as she always does. She sent the henchmen and henchwomen in to do her dirty work and she jibbed it; she was not there. She can never put her money where her mouth is. That is what it is all about. This Government is the only government in this country that condoned that strike. It condoned that strike, in company with Mr Halfpenny and some other left-wing union leaders, and we all know why - because they rely on those same left-wing members of the trade union movement to remain where they are. Here is the lady's name and telephone number, and perhaps you can ring her up and apologise, Mr Connolly.

MR LAMONT (4.04): Now we can inject some sanity into the debate. There has certainly been none for the last 10 minutes. A number of issues are quite central to this MPI. I suppose the major one of those is what it is like to live in a society as we do in Australia. Mr Deputy Speaker, your neighbours, fine and noble people as they must be, living next door to you, would - - -

Ms Follett: Long-suffering.

MR LAMONT: I never said that. They would expect you, Mr Deputy Speaker, if something untoward was happening in their domicile, to take action at least to attempt to draw it to the appropriate authority's attention or to prevent its continuation. That is a similar situation in terms of my own position on places like Timor. We, as a country, as a neighbour, have an obligation to draw those matters to the attention of all Australians, and indeed of the international community. The simple fact is that this country took a leading position in relation to the anti-apartheid movement in South Africa.

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Here we have a very similar principle. Members on this side of the house and the majority of working men and women in Australia say that what Jeff Kennett has done in Victoria, modelled on the policy endorsed unanimously by the people who sit on that side of the house, is wrong. It is simply wrong, Mr Deputy Speaker. What we should be doing and should be saying is exactly what occurred on 1 December this year.

Mr De Domenico: It was 30 November.

MR LAMONT: On 30 November. Working men and women in Australia must have the opportunity to protest at the policies that each of the six members who call themselves the Liberal Opposition endorse unanimously. Mr Humphries, do you endorse the GST and the "frightpack"?

Mr Humphries: Of course.

MR LAMONT: Which version? I presume that Mr Westende does. I know, for certain, that Mr Kaine does. So, here we have six representatives in this Assembly who endorse entirely Jeff Kennett's policies in Victoria. They endorse unanimously Jeff Kennett's propositions in Victoria.

Mr Deputy Speaker, aside from some of your colleagues trying to weasel out of their stated support for the policies of Jeff Kennett and Dr Hewson, these people are frightened. They are frightened because they too know that a majority of Australians support the conciliation and arbitration process as outlined in our Constitution and as put in place since Federation, or since 1904.

Mr De Domenico: You do not support that, though; you support strikes.

MR LAMONT: Mr De Domenico, once again yapping from the sidelines, has said that I support strikes. I support the right to strike, unequivocally. But that is not what Dr Hewson supports.

Mr De Domenico: Yes, it is.

MR LAMONT: No, it is not. I am sorry; honest John does, but he is in opposition at the moment.

Mr De Domenico: So does Dr Hewson.

MR LAMONT: But he is in opposition at the moment too, and he may have the same philosophy in opposition that Mr Humphries has.

Mr Berry: Mr Kennett was honest in opposition too.

MR LAMONT: Mr Kennett was honest in opposition. So, this is it, Mr Deputy Speaker. We have Yap Yap over here, in the background, trying to suggest that what the people of Australia and the people in the ACT should put up with, and what they will deliver, at the least, is exactly the same as what is happening in Victoria. Mr De Domenico interjected earlier on, saying, "Yes, we will reintroduce the silver service".

Mr De Domenico: Did I say that?

MR LAMONT: Yes, you did. He is looking bewildered now. He cannot even remember what he said.

Mr De Domenico: I raise a point of order, Madam Speaker. I suggest that Mr Lamont get his facts right instead of - - -

MADAM SPEAKER: Mr De Domenico, if you want to make a personal explanation, ask me for leave and I will grant it.

Mr De Domenico: I seek leave to make a personal explanation.

MADAM SPEAKER: I am sorry. Not while a member is speaking; at the end of the speech.

MR LAMONT: Mr De Domenico cannot remember what he says from one minute to the next. How can people expect integrity following the election of anybody on the opposite side of this house to government in the ACT? That prospect will never ever have to face the people of the ACT. Those opposite will never sit on the government benches. They will never form a government. To that extent I suppose it is a bit of a waste of time to protest about what they are going to do, because they will never get the opportunity to implement it. They will never get the opportunity to implement it, because they endorse exactly the same policies as Jeff Kennett.

What did Mr Kennett do? Before the election Mr Kennett said, "Men and women of Victoria, I support those policies by Dr John and by honest John". That is what Kennett went to the election on. What happened three days after he was elected? He whacked out the rug on the leave loading; he sacked 9,000 public servants. A great employment program! He sacked 9,000 teachers. That was exactly what he was proposing to do. Then what did he do, Madam Speaker? Remember that this is the Premier who said that he endorsed the GST and Fightback. That is the way he went into the election. Then what did he do? He turned around and said, "Let us change workers compensation".

Mr De Domenico: Which was losing billions of dollars.

MR LAMONT: What did he do? Mr De Domenico obviously supports it. What Mr Kennett decided to do was very simple. He said that if a builder's labourer had his leg cut off below the knee he was not entitled to compensation; he should not be compensated for that. Mr Kennett said, "We can give him a notional salary. We can ascribe this notional salary. If he was employed as a clerk he would be able to earn \$30,000 a year. Because of that he can still earn \$30,000 a year and he is not entitled to any compensation". That is the gist of the types of policies that these people opposite support.

Mr De Domenico: That is outrageous, and you know that it is.

MR LAMONT: You are certainly right, Mr De Domenico.

Mr Humphries: It is scaremongering.

MR LAMONT: That is not scaremongering; that is fact. That is pure and simple fact. I know that Mr De Domenico knows better than that, because I and Mr De Domenico, along with a number of other Canberrans, in 1982 sat down to review the ACT Workmen's Compensation Act, as it was then called. It is now the Workers Compensation Act. That was not the view that Mr De Domenico

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adopted then; but it is the view that he must adopt now because he has supported Jeff Kennett's initiatives and that, in terms of the Workcare reform in Victoria, is a central part of that process. Absolutely outrageous, you call it, Mr De Domenico. You are dead right. It is so outrageous that every single worker in Canberra should rise and say, "We are not prepared to let you do it". Not only should they not be prepared to let you, as the possible alternative government, do it; they should rise and say to Dr John and honest John, "We are not going to let you do it either". I will defend, while ever there is breath in my body, their right to do that.

Mr De Domenico: Madam Speaker, I seek leave to - - -

MADAM SPEAKER: Yes, Mr De Domenico, leave is granted.

Mr De Domenico: I will do it after the MPI, if I may.

MADAM SPEAKER: Of course you may, Mr De Domenico.

MR HUMPHRIES (4.15): Madam Speaker, I think everybody in this Territory knows how irresponsible it was to have the ACT Government support a piece of political action in the ACT which cost employers of the Territory, employers who are so hard pressed at the present time to provide the very jobs the Chief Minister spoke about a little while ago in question time. She knows, of course, that those jobs are very fragile. Those jobs are very much at risk.

The Chief Minister supported, and her Government supported, that strike action, that industrial action, that political action by members of the trade union movement last Monday in the Territory, and she knows that that cost the Territory. The people in this Territory themselves resent the fact that this Government contributed to that disruption when no interest of the ACT was involved. This was a matter purely between the Victorian Government and its workers, yet this Government decided that it was going to buy into it. Madam Speaker, that is an irresponsible point of view to take. If this Government believes that it can take that kind of action on other issues, people will be justifiably outraged. It has no more got away with it on this occasion than it will on other occasions about, for example, East Timor, South Africa or whatever it might be.

The action taken by the trade union movement isolated it badly in the Australian community last week. It was action that was not supported by the majority of Australians, or even for that matter by the majority of Australian governments. Mr De Domenico made it very clear that the decision taken by this Government to go out on a limb and support that irresponsible political activity and to cost employers of the Territory so much money - hundreds of thousands of dollars, quite clearly - was nothing more than an act of irresponsibility which was not shared and was not supported by other Australian governments.

Mr Kaine: It was not shared by the Chief Minister.

MR HUMPHRIES: It was not shared even perhaps by the Chief Minister. Where was she last Monday? She could not be bothered to go along and support her own colleagues when they made this march. It was too partisan to be seen there. What a load of baloney! If it was too partisan for the Chief Minister, why were the other Ministers and the other members there? Madam Speaker, Bob Carr is not a man I agree with very often, but he did have something very positive to say about this matter last week. He said quite simply that it was wrong.

It was wrong of workers to be taking this course of action about a matter outside the jurisdiction of New South Wales, and it was wrong of them not to face up to the new industrial environment and accept that changes have to occur. Of course, in that sense he was speaking for the majority of the labour movement in this country. Ms Follett and her Government do not.

Madam Speaker, we have heard a lot from those opposite about what people think about these developments in Victoria. We have heard that people support the present arrangements and that they do not support Fightback. Mr Berry quoted from various opinion polls. First of all, I do not think Fightback can be all that bad when the Chief Minister herself picks up pieces of it and supports it. The Chief Minister, I understand, went to the Council of Australian Governments meeting in Perth earlier this week and borrowed extensively from Fightback in calling for a reduction in the number of Australian government councils. That is a very prominent part of the Fightback package which I am sure she could not have been unaware of.

Mr Kaine: She recognises quality when she sees it.

MR HUMPHRIES: She knows quality when she sees it. Central to the strategies of the Victorian Government's industrial package and to Fightback is the premise that union power in this country has gone too far. It needs to be wound back and more flexible and responsive industrial agreements and arrangements must be put in place in Australian workplaces. That is what both the Victorian Government strategy and Fightback recognise.

What do people think about the power of trade unions in this country? I have my own poll to quote from, Mr Berry. It is a poll that appeared in this week's *Time* magazine. It was a poll conducted by the Morgan organisation. It talks about the power of unions as seen by Australians. A poll of 577 Australians conducted very recently found that 57 per cent of Australians believe that the trade unions have been a good thing for Australia, although that figure is now 10 percentage points lower than it was in September 1989. Eighty-seven per cent of Australians believe that union membership should be voluntary. That must include an awful lot of Labor voters. That is a central part of the Fightback package and a central part of the Victorian Government's package. Eighty-seven per cent believe that union membership should be voluntary. Sixty-two per cent of Australians believe that the trade unions have too much power. Twenty-seven per cent only said that they have about the right amount, and 5 per cent said that they should have more. Well, there will always be a looney fringe somewhere. Did you answer a poll from *Time* magazine, Mr Lamont and Mr Berry? You might have made up the 5 per cent. What about this? Ninety-five per cent of Australians, according to the Morgan poll, believe that strike action should be decided by a vote of union members, not by a decision of union officials.

Mr Berry: That is the way it is done.

MR HUMPHRIES: Too bad. Too bad, Mr Berry. Too bad, Mr Lamont. There goes your power out the window. Here is something central to the Fightback package. Fifty-five per cent of Australians believe that employees should directly negotiate their pay and conditions of work with their employer without union involvement, and 57 per cent believe that employees are capable of directly negotiating their pay and conditions without union involvement. Only 33 per cent believe that they could not.

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Mr Kaine: Wayne and David will not have a job when they lose their jobs here.

MR HUMPHRIES: That is right. There go the jobs of Mr Lamont and Mr Berry in their former lives. Madam Speaker, these people over here who have spoken for the Government - Mr Lamont and Mr Berry - are both supporting the present position of their Government. They are both opposing these reforms, these inevitable reforms, in industrial relations because they have benefited from these arrangements in the past. Their power, their influence in the industrial scene in this city and in this country, and that of people like them in this country, has flowed from the centralised, entrenched, rigid power structures which have given unions the capacity to control events in the past. Their position has depended on compulsory unionism and closed shops. That is what it has come from. That is now under threat and they are worried. They are really sweating about this.

Madam Speaker, we have heard a lot about Victoria and how dastardly this Government of Victoria is for daring to take on union power and daring to deal decisively with the problems that face that jurisdiction. Let us have one brief look for a moment at the context of what is going on in Victoria. Victoria is in a position probably worse than any government at any time in the history of Australian nationhood has faced. I will give you an example of that. If each of the States in the Commonwealth were to expend all their budget expenditure for a given year in debt reduction it would take, for example, the Queensland Government one-and-a-half years of total budget expenditure to eliminate its debt. It would take the Government of New South Wales three-and-a-half years to eliminate its debt. What about Victoria? Madam Speaker, it would take the Government of Victoria 111 years of budget expenditure to eliminate the debt that it inherited from the Kirner/Cain Labor Government. What a disgrace! And you want to know why the Victorian Government is taking strong action.

Mr Berry: I raise a point of order, Madam Speaker. There was so much noise from the other side that I could not hear Mr Humphries telling us about the ACT figures. They just made so much noise. If there was a bit of quiet I might be able to hear him talk about the ACT figures.

MR HUMPHRIES: You do not want to hear. Madam Speaker, I will repeat it for Mr Berry's benefit. It would take the people of Victoria 111 years, if they were to spend every penny that the Government raises in that State each year, to pay back the debt they have inherited from the Labor Government. That is a disgrace. That is why Jeff Kennett is having to take very extreme measures to bring that State back into some sense of control and reality.

Madam Speaker, we support the right of unions and unionists to strike, but in their own time, on their own money, and using their own form of transport, not public facilities and public infrastructure, to make their point, as was the case last Monday. Madam Speaker, those opposite know that what we are talking about is the way of the future.

MADAM SPEAKER: The time for the discussion has all but expired.

PERSONAL EXPLANATIONS

MR DE DOMENICO: Madam Speaker, I seek leave to make a personal explanation under standing order 46.

MADAM SPEAKER: You have leave, Mr De Domenico.

MR DE DOMENICO: Madam Speaker, Mr Lamont made various statements about - - -

Mr Berry: No, it is a personal statement, not something about Mr Lamont.

MR DE DOMENICO: Madam Speaker, do I have the floor or does Mr Berry?

MADAM SPEAKER: Please proceed, Mr De Domenico. I believe that you are aware of the provisions of standing order 46.

MR DE DOMENICO: Yes, I am well aware, Madam Speaker. As I said before I was rudely interrupted, Mr Lamont made various statements about me personally and about other members of the Liberal Party that were a distortion of the facts. I did not say what Mr Lamont suggested I said about silver service. The expression I used was "silver lining". Mr Lamont also intimated that members on this side of the house had certain feelings about men with one leg and all sorts of things.

Mr Berry: I raise a point of order, Madam Speaker. I do not mind people making a personal statement, but this is not a debate about the various attributes of the members of the Liberal Party. I think it is fine for a personal statement to be given, but we should keep it to issues that are personal in nature.

MR DE DOMENICO: Madam Speaker, let me rephrase that by saying - - -

MADAM SPEAKER: Mr De Domenico, I draw you back to the requirements of standing order 46.

MR DE DOMENICO: In part, the allegations made by Mr Lamont were directed at me as an individual and as a member of the Liberal Party. Most of what Mr Lamont said about me was not true. I want to say for the record that that is not atypical but that what Mr Lamont did say was not true.

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

MADAM SPEAKER: You have leave, Mr Humphries.

MR HUMPHRIES: Madam Speaker, I have been perusing the *Hansard* of yesterday's debates in the Assembly. I have come across a statement by Mr Berry which I did not hear at the time. In the context of discussions about donations received by political parties, he said:

Well, the Liberal Party took it -

meaning donations, I assume -

from the tobacco companies, too.

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Madam Speaker, I was president of the Liberal Party at the time of the last but one ACT election, and I remain a member of the ACT Liberal Party's management committee, which is involved in the administration of the party and in the collection of donations to the party. It is absolutely and utterly untrue - an absolute falsehood - - -

Mr Berry: That is not a personal statement.

MR HUMPHRIES: Yes, it is.

MADAM SPEAKER: Mr Humphries, it is not a personal explanation to say that what Mr Berry said or did not say was untrue. A personal explanation, as I understand it, requires you to explain your side of the story and the truth of the matter. So, if you are saying, "No, in my time as chairman I never accepted any money", that is a personal explanation. Please proceed along the lines required by the standing order.

MR HUMPHRIES: Madam Speaker, I state for a fact that in my time as president of the Liberal Party, and since as a member of the management committee of the Liberal Party, I and the party in the ACT have never received a cent from tobacco companies. The suggestion that I or the party did is quite scurrilous.

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

MRS GRASSBY: Madam Speaker, I present report No. 20 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I seek leave to make a brief statement on this report.

Leave granted.

MRS GRASSBY: This report contains the committee's comment on the Bail (Amendment) Bill (No. 2) 1992, and I commend the report to the Assembly.

BAIL (AMENDMENT) BILL (NO. 2) 1992

Debate resumed from 8 December 1992, on motion by **Mr Connolly:**

That this Bill be agreed to in principle.

MR HUMPHRIES (4.29): As indicated earlier today when a procedural motion was moved concerning this matter, the Liberal Party is prepared to - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

BAIL (AMENDMENT) BILL (NO. 2) 1992

Debate resumed.

MR HUMPHRIES: As I indicated at that time, the Liberal Party is generally pretty unhappy about considering Bills in a very short space of time. After all, the public as a whole in the Territory also gets to see Bills for the first time when they are tabled here. But we acknowledge that there was a serious and apparently unforeseen error in the Bail Bill which was passed earlier this year and which came into force last Saturday. It is quite clear that there is a serious problem with the legislation, and it obviously needs to be fixed very quickly.

This Bill quite simply removes offences against section 27 of the Domestic Violence Act and offences against section 206L of the Magistrates Court Act from the operation of section 7 of the Bail Act. In other words, with the passage of this legislation, it will no longer be the case that a person breaching a domestic violence order will have an automatic right to bail. Instead, that person will need to seek bail from a court or from a police officer. Madam Speaker, clearly, that is an important measure designed to protect people in the community who are covered by protection orders. It is clearly those people who are vulnerable; it is clearly those people who are at most risk if the present situation remains uncorrected. I believe that it would be unacceptable even to leave this matter until next week. As a result, my party is prepared to support this Bill.

The Minister has, of course, created some capacity to deal with any further errors which might be detected in the Act by providing that certain offences as may be prescribed shall be outside the operation of section 7 of the Bail Act. As the Minister pointed out yesterday during his presentation speech, it will of course be possible for the Assembly to disallow such a regulation. The Assembly in that situation has the power to prevent any paring back of the right of people generally in the Territory to receive bail in certain circumstances.

Madam Speaker, it would be of benefit for us to pass this Bill today. It will restore the situation which existed before the Bail Act came into force last Saturday, and I believe that the protection it affords will be in tune with the general trend of the Territory to extend and consolidate protection, particularly for women, who are obviously increasingly at risk of domestic violence.

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MR MOORE (4.33): Madam Speaker, Ms Szuty and I have discussed this Bill. We approached the Attorney-General this morning with a couple of doubts that he was able to resolve quickly. We wanted to verify the situation with paragraph 4(b)(f), which refers to a person charged with a prescribed offence. A prescribed offence is a disallowable instrument, as Mr Humphries pointed out. The fact that the power to disallow such an instrument resides with the Assembly as a whole is important. At the same time, such a provision in the legislation gives the Minister the opportunity to resolve any problem similar to that which gave rise to this Bill. We hope that such a problem does not occur again; but, if it does, the power is there to resolve it very quickly by regulation. The Assembly will be able to decide soon after whether such action is appropriate. Madam Speaker, with those few words, I believe that it is quite appropriate that members support the urgent passage of this minor amendment.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.34), in reply: Madam Speaker, I thank members for their support. I am particularly pleased that the Opposition is prepared to support this quick amending Bill. I note that the Opposition has itself put forward an amending Bill which, interestingly, goes some of the way that is recommended by the Community Law Reform Committee's report on domestic violence. No doubt we will debate that in the new year. I thank members for being prepared to move swiftly on this very small remedial measure which will ensure that any breaches of domestic violence orders over the Christmas-New Year period will be dealt with appropriately.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Vic Rebikoff

MS FOLLETT (Chief Minister and Treasurer) (4.36): I take the opportunity of the adjournment debate to comment on an achievement by a Canberra citizen, Mr Vic Rebikoff, in promoting the cause of ethnic communities and advancing the status of the ACT. At the recent National Congress of the Federation of Ethnic Communities Councils held here in Canberra, Mr Rebikoff was elected as the national chairperson of FECCA. I am sure that most members in this chamber will know that Mr Rebikoff has had a very long association with the ACT Ethnic Communities Council. He has been president of the ACT council since 1983. He has also been the deputy chair of FECCA and the deputy chair of the Government's Multicultural Advisory Council.

Madam Speaker, I would like to pay a tribute to Mr Rebikoff at this point in his career, because he has made many contributions to the advancement of ethnic affairs. His contribution has included achievements such as initiating the annual multicultural Australia Day festival in Canberra in 1980. He has campaigned for the extension of multicultural television to Canberra. He initiated the Ansett ethnic youth award and acted as a member of the ACT Bicentennial Committee. He has convened FECCA's media network since 1990. He is also arranging for land to be allocated for FECCA's national headquarters in Canberra and he has represented the ACT on the Commonwealth Ethnic Affairs Settlement Advisory Council.

Madam Speaker, Mr Rebikoff has also been instrumental in hosting and supporting the national congress in the ACT on two separate occasions. We very much encourage conventions to come to Canberra. He has been a very strong campaigner for funding and for resources for the ECC. The ECC has proved an invaluable source of advice and an invaluable vehicle of consultation to me in the time that I have been in this Assembly and, of course, Mr Rebikoff has been very closely involved in all of that.

Madam Speaker, most members will know that Mr Rebikoff was awarded the Order of Australia in 1989 for his services to the migrant community. Having achieved the status of president of FECCA, he has brought further honour to the ACT. He has certainly shown that he is prepared to work on in the cause of ethnic affairs in the ACT. He has always shown his commitment in a non-partisan way and I know that that is the further commitment that he has given in his new position. I am sure that his approach will be effective in achieving the social justice objectives of FECCA. I congratulate Mr Rebikoff on his achievement at the national level. I think he is an excellent choice as chairperson of FECCA. I wish him and FECCA well under the new regime.

Mr Vic Rebikoff

MRS GRASSBY (4.39): Madam Speaker, I would like to join with the Chief Minister in congratulating Mr Rebikoff. I have known Mr Rebikoff since he has been in Canberra. He has been a hard worker for the ethnic communities here. He won his new position by a vote of nearly two to one - it was 30 to 16. That is the sort of vote we all like to see. It shows that he was a very popular choice by the Federation of Ethnic Communities Councils of Australia to be its national president. I think it would be good to have the FECCA headquarters in Canberra. Now that Mr Rebikoff has won his very high position, that is possible. The other candidate came from Melbourne. I think we are very lucky that Mr Rebikoff was the choice of the FECCA delegates to be the national president for the next four years.

I have spoken to Mr Rebikoff, and he has some wonderful ideas for the ethnic communities councils around Australia, particularly here in Canberra. I know that all members here look forward to the Australia Day functions on 23 January, when we will all be entertained by the ethnic communities of Canberra in their national dresses and will enjoy their food. It will be a most enjoyable time for all.

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Mr Westende, I am sure, will enjoy seeing the Dutch dancers on that day. We may even be able to get Mr Westende up to dance for us in a pair of clogs. Madam Speaker, I join with the Chief Minister to congratulate Mr Rebikoff on his election. As a very good friend, I am very thrilled on his behalf and on behalf of the people of Canberra.

Mr Vic Rebikoff : Death Penalty

MR HUMPHRIES (4.41): I want to briefly endorse the comments made about Mr Rebikoff. I, like others, have worked with him on this side of the chamber, and I can only endorse those comments. I, however, have risen for another purpose, and that is to remind the Assembly that today, as well as being the beginning of the International Year of the World's Indigenous Peoples, is International Human Rights Day. It is, I am advised by the Attorney-General, the forty-fourth anniversary of the signing of the International Declaration of Human Rights in San Francisco in 1948.

Of course, one of the more important questions which have been focused on recently - and it was focused on at a vigil last night outside the US Embassy which I and Mr Connolly attended and in a follow-up presentation to officials at the US Embassy today - is the question of the death penalty in certain countries of the world, particularly in the United States. It is a sad reflection, Madam Speaker, of the state of the world that, although the number of countries which continue to use the death penalty as an instrument of judicial and criminal policy is dwindling, still the country which perhaps most sets the tone of leadership across the world, the United States, regrettably continues to use the death penalty quite extensively. There are only a few countries in that category. I think Japan is one. I cannot think of any other major Western countries that still use the death penalty, but the United States certainly does.

As late as today, regrettably - today being International Human Rights Day - there is one convicted criminal in the United States, Mr Timothy Bunch, who is due to die, to be executed, I think in Pennsylvania. I think that it would be appropriate for us to pause to remember that it is still the case that people are in this position; that governments are continuing to impose this penalty on citizens. It is very difficult for the United States to set an example and to exert moral leadership in the world - to put itself, as it were, above other countries in the world and ask those other countries to follow its example - when it pursues a policy which I think many of us would describe as barbaric. Many Third World countries, of course, continue to execute so-called criminals for political reasons, and it is not infrequent that those countries cite the fact that the death penalty is still used around the world in places such as the United States as support for their own policy of executing so-called criminals. Those executions go on all the time.

We must redouble our efforts to stamp out this practice. I hope that we will take the opportunity in any context open to us to request governments such as those of the States of the United States to put an end to that practice. Australia put an end to it more than 20 years ago. We have not in any way been disadvantaged by that policy, and I hope that the United States will see that it too can profit from taking that line.

Death Penalty

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.45): I certainly warmly endorse and echo Mr Humphries's comments. It is very significant that the Amnesty International vigil outside the American Embassy last night was attended by Mr Humphries, representing the Liberal Party, and me, representing the Labor Party. It was a very peaceful candlelight vigil. This afternoon, on behalf of Amnesty, I presented a letter setting out our concerns. It mentioned that Mr Bunch was due to be executed today. I think it should also be borne in mind by members that Mr Bunch has been on death row for over 10 years. The horror of someone knowing every morning for 10 years that there is a warrant of execution hanging over his head really makes one focus on the barbarity of the death sentence.

Mr Humphries made the point that attempts by the United States to pursue human rights around the world - a very laudable effort - are compromised by its stance on the death penalty and that repressive governments that execute political prisoners take comfort in saying, "The United States uses the death penalty, so it cannot be that bad". That is a very important point. It is a point that I made to the representative of the United States Government when I handed that letter over.

Death Penalty

MR MOORE (4.46): I echo the comments made by Mr Humphries and Mr Connolly about the death penalty. There are some people who say, "Well, that person has killed somebody else and deserves to die himself". I think clarification is needed. It seems to me that there is no point in governments of the world - our government or any other government - lowering themselves to the standards of those criminals. Such barbaric punishment is entirely inappropriate.

Death Penalty

MR STEVENSON (4.47): Comments this afternoon raise some interesting issues about the death penalty. It could well be that the majority of people in Australia agree with the death penalty.

Mrs Grassby: You might, Dennis.

MR STEVENSON: I do not necessarily hold a view one way or the other, but I think it is worthwhile debating the issue. If members opposite would quieten themselves down for a minute or two, I might be able to mention a point. We might well look at why someone has been given the death penalty. It is probably worthwhile saying that they have killed someone.

Mr Moore: So, let us lower ourselves to their standard. That is the way, yes.

MR STEVENSON: Mr Moore, when you spoke, I let you speak. We should look at what the convicted person did. When other comments were made, this was not brought up. It perhaps has some relevance.

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Mr Moore: It has no relevance.

MR STEVENSON: The other thing is that we understand that there are many cases around - - -

Mr Connolly: They would have killed Lindy Chamberlain.

MR STEVENSON: I will put the sound system out again if they are not careful.

MADAM SPEAKER: Mr Stevenson, you do not need to raise your voice if another person interjects. I remind members yet again of standing order 39. We heard other members in silence. We will hear Mr Stevenson in silence. You do not need to shout, Mr Stevenson.

MR STEVENSON: That is not shouting, Madam Speaker; that is just raising my voice. No-one here has heard me shout as a wearer of the red sash in the Army. Look at the number of cases where someone has been sentenced to life imprisonment after murdering someone. One of the big problems we have in Australia at the moment - it has been brought up by members of VOCAL - is that people feel that just punishment has not been meted out to someone who has killed. It is interesting that we read in the papers throughout Australia almost daily of someone who has killed, been released from gaol after his sentence has been commuted and then gone and done the same again.

It is interesting that we have just passed the Bail Bill. We are trying to protect people from domestic violence. The death penalty is a valid question, and there should be open debate of the question. Those people who decry open debate in this society should remember what Snowball said in *Animal Farm*. We should have open debate. When members want to discuss things, other members should hold their counsel until they get the opportunity to stand and make some statements.

Question resolved in the affirmative.

Assembly adjourned at 4.51 pm until Tuesday, 15 December 1992, at 2.30 pm

ANSWERS TO QUESTIONS

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 350

Woden Valley Hospital - On-site Sterilisation Facility

Mrs Carnell - asked the Minister for Health:

- (1) What is the transport bill per month for the pick up and delivery of sterile trays and equipment from Totalcare to Woden Valley Hospital.
- (2) Could the cost of on-site sterilisation be as little as half the cost of using Totalcare.
- (3) Does the use of an off site sterilisation unit have implications in the area of new equipment purchase, ie that the hospital has to buy multiples of each instrument to allow for the equipment being at Totalcare or in transit.
- (4) Does the lack of an in-house sterilisation facility cause problems due to the lack of immediate availability, especially out-of-hours of various implants etc for surgical procedures.
- (5) Does the Hospital Redevelopment Scheme include plans for an on-site sterilisation facility at Woden Valley Hospital; if not, why not.

Mr Berry - the answer to Mrs Carnell's - question is as follows:

Successive ACT Governments over the last two years have agreed at different times to the establishment of Totalcare Industries as a Territory Owned Corporation (TOC).

- (1) A detailed breakdown of transport costs is not available as the pricing structure for sterile supplies is an all up charge for production and transport
- (2) No studies for on-site sterilisation for the ACT Public Hospital system have been undertaken to determine the cost benefit of sterilisation services through on-site facilities as opposed to the current arrangements through Totalcare Industries. It should be noted that Totalcare Industries currently provide services for the whole of the ACT Public Hospital system, not just Woden Valley Hospital.

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(3) When the current system was commissioned in 1976, it was resourced with surgical instruments to service the ACT Public Hospital system. It is common practice to have multiples of instruments and packs to cover variations in demand. The need to ensure adequate coverage for instruments in transport or sterilisation is but one factor to provide multiple sets in the system. Whether the sterilising service was on or off site, the Hospital would still require multiples of instrument packs.

(4) Generally sufficient instrumentation and supplies are held at the hospitals to service demands. A 24 hour 7 day on-call system is provided by Totalcare Industries for those occasions when instrumentation is required above the normal working level

(5) The design and construction of facilities as part of the Hospital Redevelopment Project were based on the continued use of the current Government owned facility (Totalcare) at Mitchell for sterile supply services.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 405

High Schools - Repairs and Maintenance Costs

MR CORNWELL - Asked the Minister for Education and Training on notice 17 November 1992:

What was the cost of repairs and Maintenance in each ACT high school in (a) 1989-90 and (b) 1990-91

MR WOOD - The answer to Mr Cornwells Question is:

High School	1989/90	1990/91
Alfred Deakin	188,529	294,989
Belconnen	185,119	106,464
Calwell	5,208	11,823
Campbell	173,381	104,627
Canberra	157,245	98,271
Caroline Chisholm	58,425	116,525
Charnwood	146,738	90,750
Ginninderra	141,406	265,390
Stromlo (Holder)	131,350	47,847
Kaleen	183,133	233,739
Kambah	147,446	92,830
Lyneham	368,608	433,796
Melba	220,478	69,562
Melrose	124,344	175,605
Wanniassa	101,037	367,718
Stromlo (Waramanga)	186,953	256,407

Total \$2,519 400
\$2,766,343

The above expenditure includes minor maintenance undertaken both by the school and the central office and maintenance works undertaken by ACT Public Works. The maintenance of the school grounds has not been included.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 411**

Hospitals Redevelopment Project - Acton Peninsula Study

Mrs Carnell - asked the Minister for Health:

In relation to Richard Glenn & Associates Acton Redevelopment Project report -

- (1) Was this report approved by the Consultancy Review Committee.
- (2) What steps were followed in putting this consultancy opportunity out to tender.

Mr Berry - the answer to Mrs Carnells - question is as follows:

- (1) No, the report was not referred to the Consultancy Review Committee

for approval. The study was an extension of the Project Directorship brief of Richard Glenn and Associates for the Hospitals Redevelopment Project as it dealt with the future development of Royal Canberra Hospital.

- (2) The Development options Study of Acton Peninsula was managed as a

discrete exercise within the Hospitals Redevelopment Project While the Board of Health has ultimate responsibility for all services planning and policy aspects of the Hospitals Redevelopment Project, ACT Public Works is responsible for delivering the Hospitals Redevelopment Project (that is, the physical construction). As such, formal management of the contractual arrangements were via Public Works and consistent with current practice for project management. The Project Director, Richard Glenn and Associates are paid by ACT Public Works on the Board of Health's authority.

Funds for the Acton Peninsula Study were drawn from the 1990-91 forward design program as an essential preliminary to the hospice project.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 415**

Health Portfolio - Future Options Study

Mrs Carnell - asked the Minister for Health - In relation to Shane Solomans Future and Community Options study:

- (1) Was this report approved by the Consultancy Review Committee of the Chief Ministers Department?
- (2) What steps were followed in putting this consultancy opportunity out to tender?

Mr Berry - the answer to Ms Carnells question is as follows:

- (1) Consultants reports are not approved by the Consultancy Review Committee. However, die consultancy proposal was referred to the Committee in November 1991 and approved.
- (2) The normal procedure was followed with three firms invited to submit proposals that addressed the terms of reference for the study.

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MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION

QUESTION 424

Health Grants Program

Mrs Carnell - asked the Minister for Health:

In relation to the ACT Health Grants Program 1992/93

1. Which organisations receive grants?
2. What is the amount of funding each organisation received?
3. In each case for what program or purpose will that funding be used?
4. What contribution is each program expected to make towards improving health outcomes?

Mr Berry - the answer to Mrs Carnells question is:

Q 1 & 2 Details of the organisations which receive grants for 1992!93 and the amount of funding each organisation will receive for this period are as follows:

Abortion Counselling Service 44,000
ACT Cancer Society 41,000
Australian Cardiacs Association 995
Childbirth Education Association 10,000
Diabetes Association 87,800
Family Planning Association 102,030
GROW Canberra 9,000
Headway 750
ACT Hospice Palliative Care Society 41,000
SE NSW/AGT Hydatid Control Campaign 15,500
Medea Inc. 105,000
Mental Health Foundation 45,200
Noahs Ark 16,700

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Nursing Mothers Association 8,000
Pregnancy Support Service 14,000
Psychiatric Rehabilitation Service 72,500
Richmond Fellowship 62,300
TRANSACT 28,350
Winnunga Nimmityjah Aboriginal Health Clinic 107,000

An additional \$336,000 has been allocated by the Alcohol & Drug Service, as part of its grants program.

Q3 & 4 Details of the purpose of the funding and the contribution each program is expected to make towards improving health outcomes is as follows:

Abortion Counselling Service

Abortion Counselling Service provides non-directive counselling to women facing unplanned/unwanted pregnancy. Funds will be used for salaries, administrative costs, rent and to provide information and education services.

The outcome will be the provision of professional and high quality support, education and information services to women and the community.

The ACT Cancer Society

The ACT Cancer Society provides cancer information, education, treatment and support services to the ACT Community. It will use its grant funding for its youth and adult programs and for administration costs.

The outcome will result in the cancer society addressing the education, support and health promotion needs of cancer patients and families in the region.

The Australian Cardiacs Association

The Australian Cardiacs Association received a one off grant to purchase a mobile phone. This has enabled the Association to continue its program, which caters for the needs and interests of heart surgery patients, people with inoperable heart defects and heart conditions.

Childbirth Education Association

Childbirth Education Association provides support, encouragement, resources and education to women during their childbearing years, through pregnancy fitness classes, birth preparation classes and post natal fitness classes. Funding will be used to assist with the cost of salaries, administration, rent, maintenance, and equipment.

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The outcome will be empowered women and their partners making informed decisions regarding birthing services and practices.

Diabetes Association ,

The Diabetes Association of the ACT provides health care and education services to people with diabetes and conducts public education and screening to identify people with undiagnosed diabetes. Funding will be used for salaries, administration, travel, rent and equipment.

The outcomes of this service will result in greater public awareness of diabetes and increasing early diagnosis of affected people.

Family Planning Association

Family Planning Association ACT provides clinical and educational services in sexual and reproductive health to the ACT community. Funding will be used for salaries, equipment and administration.

The outcome will be the provision of clinical and educational services in sexual and reproductive health in the ACT.

GROW

GROW Canberra conducts self help and mutual support groups in the area of prevention and rehabilitation of mental and emotional disorders. Funding will be used for rent, administration and other running costs such as maintenance literature.

The outcome will result in additional groups, leadership development and the strengthening of contacts with other Mental Health agencies.

Headway

Headway provides practical, social and educational support for the brain injured, their families and carers. Funding will assist with the cost of salaries and administration.

The outcome will be the provision of support for the brain injured, families- and carers.

ACT Hospice Palliative Care Society

ACT Hospice Palliative Care Society cares for terminally ill people who wish to remain at home. It also provides support to carers. Funding will be used for

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salaries, administration equipment, volunteer training, travel and bereavement counselling.

The outcome will be the provision of care for the terminally ill.

South East NSW & ACT Hydatid Control Campaign

South East NSW & ACT Hydatid Control Campaign provides community health - education to reduce the incidence of human hydatidosis. Funding will be used for salaries, administration and promotional material.

The outcome will result in containment/reduction in hydatid disease presenting to Canberra hospitals.

MEDEA

MEDEA Inc provides short to medium term residential support to women (and their children) who have psychiatric/emotional disorders, as well as the provision of support to women who live elsewhere. Funding will be used for salaries, administration, equipment and other running costs.

The outcome will be the provision of residential and other support to these women.

Mental Health Foundation

Mental Health Foundation is an umbrella mental health group which provides support for groups, activities, information, advice, support and referral and education on mental health issues. The funding is for salaries, administration, travel and rent.

The outcomes will be the provision of mental health support and education.

Noahs Ark Canberra

Noahs Ark Canberra provides therapy resources for disabled children and young adults. The funding will be used for salaries and equipment.

The outcomes will be the provision of assessment and treatment sessions and a mobile service to disabled children.

Nursing Mothers Association of Australia ACT/Sth NSW Branch

Nursing Mothers Association provides breast feeding counselling, encouragement and support, health promotion, training and education of breast

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feeding counsellors and assistance to health professionals. Funding will be used for administration, training, workshops, travel and running costs.

The outcomes will be provision of support and accurate and up to date information on breastfeeding.

Pregnancy Support Service

Pregnancy Support Service provides counselling, emotional support and assistance to women and girls with pregnancy related problems. The funding is for salaries and rent.

The outcomes will be the provision of support to women throughout pregnancy.

Psychiatric Rehabilitation Services, Northside Contractors

Psychiatric Rehabilitation Services, Northside Contractors provides a rehabilitation program to assist people with psychiatric disabilities to live successfully in the community. The Community Work Project provides casual part-time work for people with psychiatric disabilities through Northside Contractors. Funding will be used for salaries, administration and equipment.

The outcomes will be the maintenance of a financially sound business, the provision of work and the improvement/maintenance of the work skill levels of employees.

Richmond Fellowship

Richmond Fellowship provides residential care for homeless young people and those with social and behavioural problems, personality disorders, psychiatric disabilities and special education needs. Funding will be used for salaries, administration, travel and maintenance.

The outcome will result in the maintenance of chronic psychiatric clients in the community and their preparation for a more independent lifestyle.

Torture Rehabilitation & Network Services ACT (TRANSACT)

TRANSACT provides rehabilitation to survivors of torture and trauma in the form of advocacy and counselling. It also provides information and training to mainstream organisations. Funding will be used for salaries, administration, travel, rent, equipment and other running costs.

The outcome will be the development of confidence and well being in survivors of torture and trauma, which will enable them to utilise mainstream services.

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Winnunga Nimmityjah Aboriginal Health Clinic

Winnunga Nimmityjah Aboriginal Health Clinic provides community based curative and preventive health programs to Aboriginals and Torres Strait Islanders. Funding will be used for salaries, administration and travel.

The outcome will be the provision of health services to the Aboriginal community.

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