



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 February 1991

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MR SPEAKER (Mr Prowse) took the chair at 10.30 am and read the prayer.

STOCK BILL 1991

MR DUBY (Minister for Finance and Urban Services) (10.30): Mr Speaker, I present the Stock Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill repeals the Stock Act 1934 and replaces it with the Stock Act 1991. The rural industry is a strong part of the ACT economy, providing a much needed diversification to our economic base. The gross annual value of rural production in the ACT is estimated to be some \$25m. Cattle raising for beef, or for breeding stock, is the second most important rural industry in the south-east region, with a gross annual production valued at approximately \$74m.

This Government is committed to updating ACT legislation, particularly where it will bring consistency with legislation elsewhere in Australia. The current legislation controlling the holding, marking, branding and movement of stock in the ACT is outdated, and is inadequate to provide a suitable statutory basis for the ACT to meet its local and national responsibilities in these areas. The existing provisions are limited, and sometimes inappropriate for effective administration, and are unnecessarily burdensome for rural lessees. This Bill seeks to overcome these difficulties - to simplify administration and to assist rural leaseholders.

Mr Speaker, the new legislation will provide a modern system of stock control, control of stock movement and registration of stock marks and brands. Under the legislation, the Minister will appoint a controller of stock and determine a stock levy. A stock fee will be calculated from the stock levy and the assessed carrying capacity of the land, as determined by the controller of stock. The fee will cover the cost of veterinary services to landholders, and will meet administrative costs associated with the control of stock.

Mr Speaker, ear marks and brands are essential, to reinforce ownership and to make theft of stock more difficult. Although a register of ear marks for identifying sheep and goats has been kept in the ACT for some time, the register of brands for large stock is kept in New South Wales. It is now appropriate for the ACT to

register its own brands for large stock. There will continue to be, of course, close cooperation with the relevant authorities in New South Wales to avoid duplication. The issue of travelling stock permits has been administratively cumbersome in the past. The Government is legislating to simplify the procedure by following the New South Wales example and by making the issue of travelling stock permits self-regulatory.

Mr Speaker, the proposals in the Bill are supported by the New South Wales Government, the ACT Rural Lessees Association and other interested organisations. Any costs associated with the Bill will be met from existing budgetary allocations.

Mr Speaker, I now present the explanatory memorandum for the Bill. I commend the Bill to the Assembly.

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

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report**

MR JENSEN (10.34): Mr Speaker, I present the following papers:

Planning, Development and Infrastructure - Standing Committee - City Hill Billboard -

Copies of extracts of minutes of proceedings.
Report No. 7, dated 15 February 1991.

I move:

That the report be noted.

In opening my remarks on this matter today, I wish to put on record once again my thanks to the members of the committee staff, especially committee secretary, Mr Greg McIntosh, and Mrs Kim Blackburn, who helped to finalise the formatting of the report. And, of course, at the same time, I must also thank members of the community, members of organisations and officials of ACT Administration, who provided submissions and assistance to the committee during the development of this report.

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Firstly, Mr Speaker, I would like to comment on the inquiry process itself. In October last year, after having taken on this particular reference, which was self-referred, the committee called for written submissions through a series of newspaper advertisements. A total of 51 written submissions were received and considered by the committee. One of those submissions, in fact, came at the time when we were in the final phase of considering our report.

I think one of the points that have to be made in relation to the committee was that the committee decided that there would be no public hearings on this particular matter. It was agreed, however, on 2 January, on a motion by a member of the committee, that we seek comment from representatives of the Floriade and Canberra Festival, to ascertain their views on having available a small, temporary structure to advertise their activities, either on the current site or near the visitor information centre. Those meetings, in fact, took place the next day.

I note that in the additional comments there could be a suggestion that there was some problem with not having public hearings, but the only reference to the possible need for public hearings was provided in the minutes of 19 November, when the committee agreed to hold a decision on the need for public hearings until all submissions had been received. In fact, it really was not an issue, because it was quite clear that there were considerable comments one way or the other in the written submissions. It was only towards the end, when we wanted to seek some clarification in relation to the possible use of a temporary structure, that we sought those informal briefings and discussions with the festival committee and representatives from the Floriade.

The history of the billboard, Mr Speaker, goes back to 1983, when the Canberra Festival Incorporated applied to what was then the Commonwealth Government to install a mural - which is now commonly called a billboard - on City Hill as a temporary structure. Very strict guidelines were drawn up for the structure; but, unfortunately, it appears that progressively over the years the guidelines have not been applied strictly. I must confess that it is very difficult, because artistic development is a very subjective thing, and what is one person's meat is another person's poison, so to speak, particularly in the art area. A lot of people say about art, "I know what I like", and some people have often indicated to me that they do not like what they see on the billboard.

In 1988 the temporary structure was replaced by a more permanent fixture to cater for the bicentenary. Over the year, I understand there were a couple of temporary ones at the same time, but the basic structure at the time was the bicentennial logo that was put up on that location. Unfortunately, because of the original temporary nature of this structure, no planning approval was sought, or given, at the time. The structure that eventually went up in 1988 was proposed as a temporary structure that could be removed; but it seems that the system of bolting it into the ground, as the Canberra Festival Incorporated advised us, was not followed, and it was eventually firmly concreted into the ground.

Let us move on, Mr Speaker, to the arguments for and against the permanent retention of the billboard on that particular site. One of the key issues that we have to consider is the actual site itself. I think this was raised, quite clearly, by the National Capital Planning Authority, and the Interim Territory Planning Authority commented on that, as did the National Trust of Australia. I think the importance of City Hill and its location was identified as part of the Griffin plan. It was identified as:

- . the northern corner of the Parliamentary Triangle
- . the focus for the Northbourne Avenue approach into Canberra
- . the focus of the other City Avenues of Ainslie Avenue, Edinburgh Avenue and University Avenue.

That site has been a focus and, in some respects, that is the reason why the location was chosen in the first place for the erection of the initial structure.

Mr Speaker, for example, in its arguments to the committee the National Trust said that the billboard had:

... compromised the landscape, integrity, purpose and aesthetic value of City Hill in the following ways:

- . Visual interruption of City Hill from Northbourne Avenue
- . Visual intrusion of Northbourne Avenue from apex of City Hill
- . Intrusion into landscape setting
- . Intrusion into symmetrical layout of City Hill
- . An introduced element of no historical significance to the original design.

This was, generally, the theme of those who argued against the retention of the billboard. I think that basically their concern was the fact that it appeared to have become a permanent structure.

The arguments in favour of the retention of the billboard were only 10 out of a total of 51 submissions. The common element of the submissions in favour was the view that basically it livened up the Canberra landscape. The ACT Tourism Commission indicated that it had used it as part of its marketing strategy. The Royal National Capital Agricultural Society, who have a display on the billboard at the moment, also argued for its retention, as did the police, who had used it successfully, they claimed, during a program to encourage people to be more aware of crime prevention.

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Basically, one of the issues that were raised by the submissions that came before the committee - and most of them were very good and very well argued - was the scarcity of other means by which community information and facilities and programs could be passed on to the people of the ACT. As I said before, because of its location, a lot of people go past City Hill at some stage, and it was seen as a facility by which a lot of people, including tourists, could get to know what was on in Canberra at that time. Other arguments were put, Mr Speaker, that were not so much in favour of the retention of the billboard per se, but were in favour of the billboard for special events. I expect that my colleague Mrs Nolan will make some comments on that. So I will not speak further on that; I will leave that discussion to her.

Another point that was considered by the committee in this matter was the role of the National Capital Planning Authority. The National Capital Planning Authority, in its submission to the committee, quite clearly said:

if the proposal ... were submitted to the Authority for works approval, as it would have to be once the National Capital Plan is approved, the structure would not be approved.

The reason for this, of course, Mr Speaker, is that that part of Civic is classified under the National Capital Plan, which is now a formal statutory document. I do not think the disallowance process is quite yet completed; but I have not seen any indication that, in fact, that may not be the case. Clearly, it is a designated area, and the National Capital Plan says that it has planning responsibility for that particular area. Therefore it is from the National Capital Planning Authority that planning approval has to be sought.

The committee noted, with some concern - and I am quoting from paragraph 4.5 of the report - that:

... no decisive action had been taken by the two planning bodies to either provide formal planning approval for the continued use of the billboard or seek its removal.

There seems to be a suggestion around, Mr Speaker, that they will wait for the committee to report before the final decision is made. That brings me to my final comment on this matter. What should we have after the billboard goes, if this recommendation is accepted by the Government? Of course, the planning authorities' action may well flow from that.

There was a suggestion that there was a requirement for some form of community information process for the people of the ACT. In fact, the committee looked at a number of suggestions that were put forward. For example, the Department of the Environment, Land and Planning argued that such a system should:

... be located at a place that provides prominence, satisfactory line of sight, and does not constitute a safety problem.

It suggested that there should possibly be consideration of having such proposals on buildings. In fact, the National Capital Planning Authority indicated its support for such signs on a much smaller scale at or near the tourist lay-by on Northbourne Avenue, for example. There were also suggestions that there should be a mural, well lit, on the median strip of Northbourne Avenue and on the southern side of Barry Drive as a gate entrance to the ACT, and so on. However, it became obvious to the committee as we conducted our inquiry and considered the evidence that the whole issue of signage needs to be addressed, particularly in light of the fact that the planning of the ACT is now divided between the two tiers of government.

I think that is something that we have to live with and hopefully, eventually, that will be resolved as days go by; but the committee considered, as we have indicated in our report, that the two authorities responsible for planning approvals in the ACT should prepare draft guidelines for the construction and location of signage, as the committee proposes to review the entire issue. Design and siting guidelines that were quoted from in this place yesterday include a section on signage, and the committee has decided, as I will be announcing formally to the house, that we should eventually look at that particular issue when time permits.

I think that the billboard is a very obvious part of our city. It has become an issue, I suppose, in some people's minds, and hopefully, now that this committee report has been finalised, the issue will finally be put to rest one way or the other. The clear recommendation from the committee's report is that the billboard should be removed. To conclude my report, the committee recommends that:

... the current Billboard on City Hill is inappropriate and should be removed as soon as existing commitments for its use have been finalised.

MRS NOLAN (10.48): I must say that I am pleased to at last see this report being handed down to the Assembly. The reference was resolved in June last year. When I put the reference to the committee, I did not see it as a long inquiry. The committee received some 51 submissions, I believe verifying my view that there was significant community concern on this issue.

There is no doubt that the nature of the billboard has changed. The original structure for which permission was applied for by the Canberra Festival in 1983 was, I believe, a great idea and very well received in the community. It was to be a temporary mural on City Hill,

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used to promote the Canberra Festival and on display for approximately six to eight weeks of the year. This went on until 1988. During this time there were strict guidelines for the use of the structure. However, according to the representatives of the Canberra Festival:

... these guidelines have been increasingly ignored.

They go on to say, as set out in paragraph 2.2 of the report:

The original guidelines were: permission for a mural would only be given to events which were seen of major community significance and the use of the site was to be only temporary. The design of the mural was to be clearly a "work of art" with no advertising component (dates being permissible) and with no commercial signage. The design should clearly not be an "advertisement" while it could promote an event.

Until 1988 the mural was held in place by temporary scaffolding and, as I said earlier, only on display for approximately six to eight weeks of the year. That is what it should have been returned to.

Members are, of course, aware of the Floriade festival and its success over the past three years. It is also a significant tourism event on the Canberra calendar. I would consider it as appropriate as the Canberra Festival, and therefore it would be, I believe, beneficial to have it promoted by that mural, held in place by temporary scaffolding.

Mr Speaker, I do not want to go into the reasons why it became a permanent structure. There is probably no doubt that it happened by default. But why was the mural not returned to its original form? The committee was not able to obtain any reason other than that after the decision to put it in place for the entire year in 1988 - the bicentennial year - someone decided to cement it into the ground rather than leave it on temporary scaffolding, and since then it has remained. There is no doubt - and this was certainly substantiated by the great majority of the submissions received by the committee - that the permanent structure should be removed now; but it really should have been removed in 1988, and the original intention of the mural returned. Just because a mistake was made it should have been rectified, and certainly not left as it has been.

As I said earlier, the great majority of the submissions received by the committee argued for its removal. Unfortunately, and this certainly became clear during the latter stages of this inquiry, I believe that public hearings should have been held. It was difficult to ascertain whether those from the community were aware of and understood the original intention - an intention which

would greatly benefit the Canberra community by promoting significant tourism activities. The prominent location at the end of Northbourne Avenue is seen by many pedestrians and motorists, and therefore is well located for promoting these special tourism events.

I would like to turn to a section in the committee's report on page 9, "Arguments in Favour of Retention of the Billboard for Special Events". I would like to read those into the record, because I think they are important. The first one refers, as I have already done, to the prominent location, and I will not reiterate that. I will read paragraph 3.21, which states:

The original intention was that the Billboard would only be erected for special occasions such as the Canberra Festival and the Floriade. The Canberra Festival Inc., referring to the original guidelines for the use of the Billboard, argued -

and, again, I have already made reference to its comment in relation to those guidelines, so I will not read that. The report states:

During the informal discussions with a representative from the Floriade Management Committee the view was expressed that the Billboard was an important part of their promotional activity.

3.22 The ACT Tourism Commission, in supporting the retention of the Billboard, advised that they had used the sign as an element of their marketing strategy "designed to raise the level of local awareness of the tourism industry". However, the Commission also expressed concern at some of the "amateurish" displays that have been posted on the Billboard.

Finally, I will read paragraph 3.23, in that section of the report:

The Committee noted widespread concern in the community that the Billboard was not being used as it was originally intended. This has led to the use of the Billboard for community advertisements which did not comply with the high standards that had been developed for the original art work, despite attempts by the ACT Administration to develop appropriate guidelines for design and art work on the Billboard. If the use of the Billboard was restricted to special occasions such as the Canberra Festival and the Floriade, then the high standards expected of the art work would be more likely to be attained.

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A temporary structure should, Mr Speaker, be returned to promote special events such as the Canberra Festival and the Floriade. The structure should be smaller, as it was originally, and erected only for the duration required to promote those activities. I believe, Mr Speaker, that it is unfortunate that this recommendation was not included in the report. However, with only two members participating in the committee, it became a case of giving consideration to those who put forward submissions in finalising a report on the issue.

Mr Speaker, it is my view that this particular report is incomplete. I do not believe that the inquiry was completed. It became quite clear in the latter stages of the preparation of this report that there were people who should have come before us formally and been questioned in relation to their understanding of the nature of the structure. A committee of two is not a satisfactory arrangement. Because of these conditions, while I am able to support the report, as I said earlier in my additional statement, I believe that the additional recommendation should have been included.

In conclusion, Mr Speaker, I would like to thank the committee staff, especially Greg McIntosh, members of the community and government officials who put forward submissions to this inquiry.

MR BERRY (10.56): I rise to speak on this matter, mostly out of concern about some basic issues which can be associated with the Government's attitude to the committees of this Assembly. Of course, some of those committees of this Assembly can be seen very clearly to be committees of the Executive, and that is the case in relation to this particular committee. The Labor Party has made its position very clear about the performance of committees and its commitment to work with Assembly committees. But it has also said that it will not serve on committees which are clearly committees of the Executive, such as is the case in relation to this committee, the Standing Committee on Planning, Development and Infrastructure. I was amused by Mr Jensen's remark, when he informed the Assembly - and I suggest that he has misinformed the Assembly - that there was a clear outcome and a clear result from this committee's report.

Having listened to Mrs Nolan's remarks, I would have to say that nothing is further from the truth, because - speaking as a committee member - the committee's report has proven that the committee system supported by the Executive is ineffective. Its recommendations in this case are inconclusive. There is disagreement between the government members on the committee about its effectiveness. Mrs Nolan says that the committee system is not satisfactory, and she has said that in the past. Yet, Mr Speaker, the Executive, the Government, ignores the need to look at the committee structure and to ensure that that structure is

seen to reflect the needs of the Assembly, rather than the needs of the Executive. I have expressed my concerns about this in the past, as has the Leader of the Opposition - - -

MR SPEAKER: Order, members! The background noise is a bit high. Please proceed, Mr Berry.

MR BERRY: I have said in the past, as has the Leader of the Opposition, that this is an ineffective procedure; but we have also been supported in that view by Mrs Nolan and, indeed, Mr Stefaniak, because both have recognised that there are shortcomings in the continuing existence of these sorts of structures. The Chief Minister, I think, has indicated that the Government may consider the issue; but there has been no further indication about where the Government is heading on the issue, although I notice that on the notice paper today there is a proposal for a joint committee to consider and report on planning legislation, which would involve this very ineffective committee itself. So, we will end up seeing another ineffective and inconclusive committee structure.

Mr Kaine: It is only ineffective because the Labor Party makes it so, and that should go on the record.

MR BERRY: The Chief Minister said that it is only ineffective because the Labor Party makes it so. I say that it is that way because of the inaction of the Chief Minister, because he is the one who said that he was going to fix it and, as in the case of most things, he does nothing.

Mr Kaine: I did not say that I was going to fix it. As far as I am concerned the committee stays like it is, and you had better start participating.

Mr Moore: I backed right off because you indicated that.

MR BERRY: There you are; Mr Moore supports me.

Mr Kaine: You sit in your office and do nothing.

MR SPEAKER: Order! Make your comments through the Chair, please.

MR BERRY: You are the one who indicated that you would do something, and as always you do nothing. You fly kites. You are getting as bad as Bernard Collaery.

Members interjected.

MR BERRY: Can we have a bit of order around here?

The issue, of course, is a clear one. The Government needs to do something. It has sold out; it has sold out again. It has exhibited its indifference to the independence of the committee system, and the Chief Minister now indicates a very different position to that which he indicated in the

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past. He recognised in the past that there was a need to do something. Other government members have recognised the problems with the committee system. Mr Stefaniak has recognised them, Mrs Nolan has recognised them, the Chief Minister has recognised them, and still nothing is being done.

He has changed his mind now because he has a bit of a burr under his saddle, but the fact of the matter is that the Chief Minister is repeating his continuing inability to deal with difficult issues and to control members of his Government. He cannot even control his own emotions in this Assembly. Just sit quietly there and listen; there are a few more things that I want to say. I happen to have the floor now, in case you had not noticed.

Mr Stefaniak supported a need for change. Mrs Nolan supported a need for change. I would implore the Chief Minister to take up his previous indication that he would do something about the issue. I think there is a necessity to ensure that the committee system works. It is not working because of a government decision. It has been the Government's decision to create another arm of the Executive; it is not something that the Opposition has had any control over.

The Government is in a quandary about the issue. It cannot gain consensus in its own ranks. I can see the difficulty that it would have, because Mr Jensen has been promised a ministry, and I suspect that the promise of that ministry would include something to do with planning, because that is the only thing he seems to suggest that he has any knowledge on. If he were to be kicked off as chairman of the planning committee, it might be difficult to say then that he had the qualifications to be a Minister. But that is a problem for the Government, and it seems as though it is finding some difficulty in dealing with it.

I am sure that the Chief Minister will take on board what I have said and I hope that he will work towards an improvement of the committee system. Mr Moore rightly says that he has been prepared to play the waiting game until the Government moved. In my consultations with Mr Moore on the issue, I have been quite content with Mr Moore's position; but I see now that he is not entirely happy with the Government's position as well, and that means that more questions are being raised about the ability of the committee system to deliver on behalf of the people of the Territory. It has not delivered in relation to this matter. It has just created more confusion about what should happen with the billboard, and the Opposition's position in relation to the matter will now be dealt with in consultation directly with the Government, if it so desires. Otherwise, we will have to deal with it when the Government makes its response.

In conclusion, Mr Speaker, I would just like to implore the Government to reconsider its position in relation to these committees and to ensure that action is taken to ensure the independence of the committees, not only by way of ensuring that the Executive Deputies responsible for the sorts of issues that the committees deal with are not chairpersons, but also by ensuring that the community can see that the Government intends to preserve the independence of the committee system from the Executive.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Reference

MR JENSEN, by leave: I wish to inform the Assembly that the Standing Committee on Planning, Development and Infrastructure has resolved to inquire into, and report on, the current design and siting policies for signage within the ACT. I have already commented on that in my previous remarks on the committee's report, and I do not propose to make any other comment.

MR MOORE, by leave: In the adjournment debate on 14 February, in reply to a comment by me about the failure of the planning committee to deal with the Schools Location Bill, Mr Jensen pointed out that there was a great deal to do, and that "the Planning, Development and Infrastructure Committee currently has six inquiries on the books".

Mr Jensen: Five.

MR MOORE: I am quoting Mr Jensen, although he interjects, "Five inquiries". We have just taken one off, so that made it five; now we have another one back, so it is six again. I think we can accept that. It seems entirely inappropriate that a committee that is working so badly - and the report that we have just heard reflects just how badly that committee is doing - should take on another task when it cannot even handle the ones that it has. Mr Jensen, as chair of that committee, has made it quite clear that it cannot handle the number of tasks that it has in front of it, and now the committee has resolved to take on another task.

What we have seen with the Planning, Development and Infrastructure Committee, thanks to the attitude of the Government, is an attack on the committee system as it is. Almost every other committee in this Assembly is working well, and compromises are made. This committee is an absolute disaster. That is made quite clear by the report that has just been brought down, and it is made quite clear by the fact that it cannot handle the tasks that it has before it - and here it is taking on another task. It is an absolute disaster.

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The Chief Minister indicated towards the end of last year that he would be doing something about the committees, and for that reason I backed off when I was prepared to bring this matter to a head. Now we see in his interjections, while Mr Berry was talking, that, in fact, he is intending to do nothing about them. I hope that that was something that was said in the heat of the moment, as does happen in this Assembly. With that in mind, I urge the Chief Minister to reconsider that and to do something about the committees. One of the most valuable parts of this parliament is the committees, when they are working well. In most cases that is the case. Let us make this committee work well. Chief Minister, I urge you strongly to respond in a positive way, and to rearrange the chairs of the committees where there is an Executive Deputy with the same responsibility in charge of a committee.

MR KAINÉ (Chief Minister), by leave: Mr Speaker, I am becoming heartily sick of the cop-outs on the Labor benches, who are refusing to participate in committees. They take their money, but they will not participate.

Mr Berry: You are the one who said that you would do something.

MR KAINÉ: Mr Speaker, I did undertake to do something. I had a look; I reviewed the situation; I came to the conclusion that the committees of this Assembly are properly constituted. They have membership from the Opposition. It is totally untrue to assert that they are not independent. The members of this Government who happen to be chairmen of committees are in no way directed by this Government; they are certainly not directed by me in any way as to how they will perform their duties as members of committees.

The Labor Party is a bunch of cop-outs who will not do what they are paid for. They sit on the outskirts and all they do is snipe at the committees. The reason why this particular committee - and I will take Mr Moore's point - is not working well is that Mr Berry will not participate. If he would do what he was paid for and attend the committee meetings and participate and produce proper reports to this Assembly that represent the views of both sides of the house, we would be a lot better off. It is not the actions of anybody on this side of the house which cause the committees to have a difficult time when having meetings and producing results; it is because Mr Berry, having been elected by his party to sit on a committee, will not participate.

How can he then sit there and say that it is the problem of this side of the house? The fault lies squarely with Mr Berry. It is a simple fact. It is unarguable. Mr Connolly can sit up the back and snipe and sneer; but, if Mr Berry will put his money where his mouth is, do what he is paid to do, honour his obligation to this Assembly when

he was elected to this committee, and participate, then the committee will work. The committee will work if he will participate. He sits there in his office; Mr Jensen does all the work; and then Mr Berry just attaches this snide little bit to the back that says, "The committee: I do not participate and I abstain".

If he wants to abstain, let him resign from the committee and let the Assembly appoint another member who will make up the committee to its full strength. Let us get on with it, and stop hiding behind this spurious argument that you keep putting forward. I do not accept it; nor does any reasonable thinking person accept it. It is an outright lie that Mr Jensen is in any way directed by the Government in this matter. You accept responsibility for your own actions, Mr Berry.

Mr Berry: On a point of order, Mr Speaker: I think the Chief Minister said that I told an outright lie. I think he should be ordered to withdraw that.

MR SPEAKER: The situation is that I believe, Chief Minister, that we should not accuse members from either side across the house of lying, unless we raise a substantive issue. I would ask you to withdraw that.

MR KAINE: Mr Speaker, I said that it is an outright lie to assert that the chairman of this committee is directed in any way by the Government. If he takes that unto himself, then that is his position, not mine. I did not say that he was a liar. I said that it is an outright lie to assert that the chairman is in any way directed by this Government. That is a fact; it is a matter of truth; and I do not withdraw it.

MR SPEAKER: I take your point on that, Chief Minister. I go back on my original statement there.

Mr Berry: On a point of order, Mr Speaker: The fact of the matter is that the Chief Minister has very carefully clarified his position to ensure that the insinuation was directly pointed at me - that I had lied. I ask you to order him to withdraw that.

MR SPEAKER: I have given a ruling on that, Mr Berry. I believe that it was a general statement and that it can be directed at a number of members at times because this statement has been made on a number of occasions. I do not know whether you have been directly responsible, but other members certainly have. I think it is a general statement.

Mr Berry: I assume that that will set the pace for future debate.

MR SPEAKER: You may assume that, Mr Berry.

Mr Collaery: I seek leave to add a few words on this matter.

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MR SPEAKER: Is leave granted?

Mr Wood: Let us go backwards and forwards, as is usual.

MR SPEAKER: Mr Berry had the floor for so long then that I thought it had been his turn last, but I will go back to the normal convention, Mr Collaery.

MR WOOD, by leave: The Chief Minister has just dropped a giant bucket - not on Mr Berry, but on his two colleagues who form part of the participating committee. The Chief Minister has said that without Mr Berry the committee cannot work. What does that say of the two members on the committee? In fact, the Chief Minister has pinpointed the real problem. The problem with the committee is that the two members cannot agree. A basic difference of opinion between the Rally and Liberal philosophies is emerging through this committee.

It is true that if Mr Berry were on the committee the committee would work. Mr Berry would be of substantial benefit to any committee, and would considerably improve the quality of whatever committee he served on. The Chief Minister was ill advised to pour a bucket of scorn on his two colleagues who are unable to come to a clear decision on what should be a relatively simple matter.

I will go on to add some comments of my own that constitute a concern that I was prepared to keep within myself for some time. I was prepared to remain silent, because I am very proud of the committee system as it operates in this Assembly; but, frankly, this is one matter that should never have come to a committee. I do not think that the place of a billboard on City Hill has such priority as to occupy the time - and in this case so much time - of a committee. It is simply not worthy of that level of discussion in a committee. One day recently I was in the traffic going along Northbourne Avenue, heading towards that sign, when there was some debate on radio about "will we or won't we" have that massive sign. The general view coming through was one that I have to support, and it was one of scorn for the fact that we were even looking at. There was scorn that it should have been dealt with at all.

Then we have had the on again, off again decisions. The inability to come to what I would think are clear decisions on this matter reflects the fact that the committee has not worked. It has not worked because Mr Berry was not on it. That is true; he has not bent his enormous talent to it. It has not worked because of the difficulties between the factions, if you like, in the Alliance Government. Really, Chief Minister, you did put your finger on it. It has not worked because of the way that you have structured the committees.

MR COLLAERY (Attorney-General), by leave: Mr Speaker, I want to put this matter in context. The context is that the Labor Party's refusal to cooperate with the committee system of this Assembly is simply part of an overall tactic by the Opposition to make government more difficult and to make this chamber less workable. It is a matter that will no doubt be noted by the Remuneration Tribunal when it comes tomorrow. The failure of Mr Berry or one of his colleagues to earn their pay by contributing to the committee system will reflect unfavourably on all of us as well.

I remind the Assembly and Mr Wood, who has raised a great red herring about another issue in his response - his very shallow and superficial response, unbecoming of his usual performance - that the committee system is vital to the good functioning of democracy in the Territory. Let me give you a clear example that is proof that this tactic permeates their approach to democracy in this chamber. Having been put out of government, they decided that they would not cooperate. We see evidence of that in the filibustering and the time wasting tactics used day by day in this chamber.

Mr Wood: Time wasting? Tell us about the last two days!

MR COLLAERY: Mr Wood says that the debate on self-determination for the Territory was time wasting. Let the record show that again; we have got it from him now.

Mr Wood: At what time did we knock off yesterday?

MR COLLAERY: You are the third member to say that. You know where we went yesterday, do you not? Mr Speaker, the record shows - and I am sure that the media know this; I am sure that the media pay attention to it - that this bunch opposite have rarely, if ever, used question time to ask me any questions about the portfolios I hold. That is quite relevant to this issue. It is relevant because it shows a disinclination on the part of the Opposition to perform the traditional functions of government in the chamber and, as the Chief Minister says very accurately, "earn their pay".

Mr Speaker, let me read from *House of Representatives Practice*, page 507:

One of the more important functions of the Parliament is its critical function. This includes criticism of the Executive Government, bringing to light perceived abuses, ventilating grievances, exposing, and thereby preventing the Government from exercising, arbitrary power, and pressing the Government to take remedial or other actions.

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Question time is a vital aspect of that, as is the committee structure. The Opposition is exposed again for its failure, its petty failure, its immature approach to government. Mr Connolly wants to take on the defence. I suggest that he sit back in his right wing and not get himself sucked into these left wing, anarchical tactics that our fire brigade union member opposite has introduced into this chamber from his first day here.

MR CONNOLLY, by leave: Mr Speaker, this debate raises again an issue of great principle. Government members opposite have shown yet again their inability to address the issue of principle, and their continued return to grubby, ad hominem attacks. All the Government can do is spit out a stream of vituperation directed against Mr Berry, Mr Wood and me. It does not address the issue of great principle.

They suggest that we are not doing our work. They suggest, because they cannot raise their minds above these grubby little personal attacks, that we are in some way maligning Mr Jensen in his position. That is not the case. I stand in a similar position to Mr Berry in relation to the legal committee, which I would be quite happy to serve on. That committee is chaired by Mr Stefaniak. I in no way impugn Mr Stefaniak's credibility, his proper, conscientious devotion to his duties - - -

Mr Kaine: But you do impugn Mr Jensen's, and that is your problem.

MR CONNOLLY: Nor, indeed, do I impugn Mr Jensen's. But our point is that, because of their positions as Executive Deputies, they are placed in an intolerable position by chairing those committees. A parliamentary committee must be seen by the community to be divorced from the Executive.

We are not making grubby, personal attacks against Mr Jensen or Mr Stefaniak, because that is all that you can do on your front bench. That is all that you can understand of our point of principle. Our point of principle is that it is crucial for an Executive Deputy, with portfolio responsibilities, not to chair the committee with that area of responsibility. We would have no difficulty with Mr Jensen chairing another committee. I would have no difficulty in serving with Mr Stefaniak on any committee, or under his chairmanship on any committee; but not the committee in which he has this Executive Deputy role.

The Government has chosen to create this role of Executive Deputy. It goes out to the community and purports to hold this person out in an executive role, for example, in relation to the Calwell dispute, where the residents were most concerned. The Chief Minister does not go out and talk to these people. Mr Jensen goes out. He is the Government's spokesman on this issue. He is seen by the media as the person giving the Government line on planning matters. In saying that, I am not suggesting that Mr

Jensen is doing anything improper. He is fulfilling his role as an Executive Deputy, assiduously, and as a member of the Government. But it is then impossible for Mr Jensen to be seen by the community as an impartial chair on this area.

In a statement that Mr Berry has added to this committee report, we have very carefully put our objections, and I would really urge the Government, and Mr Collaery in particular, to read that and to look at the statement of principle. The clear legal principle that Mr Collaery is very well aware of is bias, and the important need, not just that impartiality be there in fact, but that it be seen to be there. That is the clear principle. I would like him to address his mind to that - not to this hysterical attack on Mr Berry, this hysterical ranting and raving about firemen's unions and all the other nonsense he was coming out with.

Mr Berry: It is a non-issue.

MR CONNOLLY: As Mr Berry says, it is a non-issue. They will not take on the important issue of principle that Mr Berry and the Labor Party have raised; instead, they attack the person. The area in which that is most important and best exemplified is in the new reference that Mr Jensen has taken on today and the statement that he has just made today relating to a new inquiry. That new inquiry is in relation to this vexed issue of siting. Looking at the statements made on the MPI yesterday, it has clearly arisen because of this difficulty in Calwell. That is the difficulty. That is a constituent issue, where Mr Jensen has very assiduously fulfilled his responsibility as an Executive Deputy for planning. He has been out - - -

Mr Jensen: And as a member.

MR CONNOLLY: And as a member of the Government. He has been out as the Government spokesperson and as a member, as have Mr Stevenson and I. But, as Executive Deputy for planning, he has been there to see the community; he has been a Government spokesperson; he has expressed the Government view; he has answered its questions; he is - and I commend him for this - using his best efforts to mediate. He is seen by the community as the Government spokesperson, the Executive Deputy for planning. Now he is taking on, as a term of reference for his committee, an inquiry into that very issue on which he has been out in the community and in the media, the papers, as the Government spokesperson. It is an intolerable position to put Mr Jensen in.

Mr Jensen: It has to do with signage. It has nothing to do with Calwell.

MR CONNOLLY: We are talking about siting. I have not heard an argument from the Government that responds to our concern about the principle. Instead, its members have merely ranted and raved about the Labor Party not wanting

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to do its work, not wanting to do its job, not wanting to contribute. That is shown to be nonsense because, where the Government chooses not to place the Executive Deputy with portfolio responsibility in charge of a committee, we participate fully in the work of the committees. I participate in Ms Maher's committee, which meets regularly and often. There is quite an amount of work. Other members of the Opposition do the same. This is the point of principle: You cannot be an Executive Deputy and hold yourself out as the Government spokesperson on an issue, and still chair a committee.

Mr Kaine: It is a spurious point of principle that you stand on, and you are a lawyer.

MR CONNOLLY: It is not a spurious point, Chief Minister.

Mr Kaine: It is.

MR CONNOLLY: If you would only look above the personalities and the cheap politics in this and look at the principle, I am sure that you would be compelled to the same solution.

MR DUBY (Minister for Finance and Urban Services), by leave: Mr Speaker, there are a couple of points which were raised by Mr Connolly which I think simply have to be cleared. The simple fact is that no Executive Deputy has any portfolio responsibilities in this Government. And what is more to the point, Mr Speaker, Mr Connolly knows that. Why are you trying to put falsehoods into the record, Mr Connolly? You maintain that Mr Jensen, for example, has portfolio responsibilities for matters of planning. That is simply not true. You said in your statement that the Executive Deputies have a role in the Executive - in the Executive of this Government. You know as well as I do that that is simply not the case. It is a spurious argument and you are well aware of it.

The fact is that members of this Assembly are perfectly entitled to go on committees, and members may have special interests in special areas. For example, why are you the Labor Party nominee on the Legal Affairs Committee? Clearly, because you have a legal background and a legal interest. Why do other members go on a whole range of other issues? Because they have special interests in those regards. For example, Mr Jensen has an interest in matters of planning, Ms Maher has an interest in matters of social policy, et cetera. To say that those people should divorce themselves from being involved in those committees which apply to their special talents and interests is clearly ludicrous.

Mr Speaker, it is up to the committee to elect its chairman. To say that this Government, this Executive, has any say, in any way, or involvement in the election of chairs is out of the question. The chairs are elected by those committees. It is clear that Labor does not like the

position. Labor members somehow feel that they have a God given right to be chairs of committees whilst they are in opposition.

Mr Connolly: We are happy for other people to chair; not an Executive Deputy.

MR DUBY: In that case, perhaps you can become the Labor Party nominee on planning matters. Who knows? It is exactly the same situation, as Mr Jensen has said. The simple fact is that this is part of the grand strategy put up by the Labor Party to deliberately denigrate the work of the committee system, which it somehow thinks rubs off on to the work of this Government, and that, Mr Speaker, is clearly not the case.

In its refusal to participate in the workings of the committee system the Labor Party is denigrating the Assembly and denigrating this Government and, I dare say, as we all know, denigrating itself. The fact is that you should earn your pay. You are being paid money to be members of this Assembly, and you should earn your pay, as are the members of this Government who are both in the Executive and out of it, as you well know.

Mr Kaine: If they do not want to be on the committee, they should not get themselves elected to it in the first place.

MR DUBY: Precisely, Mr Chief Minister. The Chief Minister said earlier in the day that you should put your money where your mouth is. My suggestion to you is that you should put your mouth where your money is. You should be on these committees and have input into what is going on. You should earn your pay. But, it seems to me, as we see from the pitiful examples of questions without notice that we get in this Assembly, that most members of that Labor Opposition could not work in an iron lung, Mr Speaker. That is the basic problem. They are lazy. They are a lazy Opposition.

Mr Moore: That is just crap. Sit down and make compromises. Committees are about compromises, and you are ruining this committee because you will not compromise.

MR DUBY: Dare I say, Mr Moore, that, if the members of the Opposition - and I call the Labor Party the Opposition - put in half the work that you do as a backbencher, this Assembly would be a much better place. But the fact is, of course, that they do not. They are too busy bickering amongst themselves, passing snide little laughs and chuckles amongst themselves during debate, to take up points. Put up or shut up. If you do not like it, get out.

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MR STEVENSON, by leave: Mr Speaker, as an independent who would perhaps like to abolish the bias that is going on here today, and one who seeks some reason in this area, I think the clear issue that is coming out is that we are not suggesting, nor has it been suggested, that Mr Jensen has done anything that is not okay in his chairmanship. The point is that in any situation, particularly one as important as a parliament, justice should not only be done, but also be seen to be done. It is not by a lot of people.

I also agree with the point that someone in a position such as Mr Jensen's should not be chairman of that committee - other committees, fine; a member of the committee, surely; but not chairman. I see the situation as being easily seen to be open to debate. It is something that a lot of people would be prepared to have a talk about. Some might say, "I do not think there is any injustice there"; others would say, "Look, you can certainly see that someone is in a privileged position". Mr Jensen is; he is in a privileged position and he gets a lot of information that nobody else gets.

Mr Kaine: And he can make a better contribution because of it, if you would only listen.

MR STEVENSON: But he could make a contribution as a member, not as one having the senior responsibility within a committee. We have another problem here; we have an impasse. We have a situation where the Labor Party says that it will not do certain things because the Liberal Party or the Alliance Government says that it will not do certain things. This Assembly has gone on for a long time without compromise. Like Mr Moore, I would call for some compromise here. In this situation we should not have someone who is an Executive person involved in a committee chairmanship.

Mr Jensen: Not exactly. Read your definition of "Executive".

MR STEVENSON: We know what the title is, Mr Jensen. Mr Duby mentioned that members of the Assembly are perfectly entitled to be on committees. That is an interesting point. Unfortunately, there has been some political control of who are on committees. I, indeed, wanted to be on the Estimates Committee, but that was blocked by the Alliance. When the Labor Party had a minority Government, it actually said that anybody could be on the Estimates Committee. That was a precedent that was set; it was a good one; it was agreed to by different people; they, in fact, were on it. I wanted to be on the last one, not in the position that I could come along and listen to hearings and then when the important matters were discussed in confidence I would have to get out. Then you have no input, and no input in the final report. I might have liked to be on the committee; I could have put in a dissenting report perhaps, if there was something that I felt should be dissented from.

Mr Moore: Not that you would have.

MR STEVENSON: Not that I would have. But I did not have that opportunity. It was one that had already been allowed by the Labor Party. You know that I would never say that it would allow too much, but it allowed that, and I commend it for that.

Also, I will mention the Scrutiny of Bills and Subordinate Legislation Committee. I said, "Yes, I used to be a policeman; I am very interested in the law, researching and such things". I said, "I would like to be on that committee". But no - - -

Ms Maher: The best committee, Dennis.

MR STEVENSON: Indeed, I would have liked to help make it like that. So, I was blocked on that committee and also on another committee. So, what happened? I was appointed to the Cultural Activities and Facilities Committee.

Mr Wood: Were you asked?

MR STEVENSON: It is an interesting question. You say, Mr Wood, "Were you asked?". No, I was not asked. It was not discussed with me; there was no suggestion whatsoever; I was just told that I was on it. I live in fear each day of looking at the *Gazette*, et cetera, to see what is happening to me. I think, "What have they got planned for me today?". Obviously, in my case it was a sop. They said, "We should have him on some committees, or he will get up and say that we are using political control of the numbers in this Government". The Government is all members here, not just a mob that happened to get together and say, "We have the numbers. Now we will sit over that side and laugh at everything else you lot do". Once again, that is not confined to the Alliance; it applies to anybody that gets together in Australian parliaments and grabs the numbers.

So, there is political control of committees, if you like. I have said again, and again, and again, and I will it again, that every person in this Assembly has valuable contributions to make. Perhaps the most valuable contributions that they can make are on the committees that they would like to be on and that they are interested in; that makes sense. You do not call up volunteers like they do in the Army, like Mr Kaine may have done himself in the Air Force. "I would like three volunteers, you three blokes just heading around - - -

Mr Kaine: You, you and you!

Mr Stefaniak: "Who can ride a motor bike?". "I can". "Right, drive the truck". You know that one?

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MR STEVENSON: Exactly. We have all seen it in the Army; it does not help. You should have people serving on committees as they want. That is the point here. There is no doubt - - -

Mr Moore: Come on, Trevor, seek leave and tell us that you will compromise. I am prepared to compromise and to let you sit on the committees.

Mr Kaine: When Wayne Berry gets reasonable, I will talk compromise.

MR STEVENSON: May I highlight what the Chief Minister just said? "When Wayne Berry gets reasonable, I will talk compromise". Are they the words of a statesman? Would not someone who had the overall viewpoint of Canberra - - -

Members interjected.

MR SPEAKER: Order, members!

MR STEVENSON: Would not someone who had their overall concern for Canberrans in mind - and we have to understand that the Labor Party, whether we like it or not or think it is a good idea, represents a lot of people who voted for it in this Territory - allow some form of compromise to be worked out to allow the Labor Party full - - -

Mr Kaine: Mr Berry can resign and we will nominate you. How about that for a compromise?

MR STEVENSON: I am sure that the residents of Calwell would find that interesting. So, once again, regardless of the political shenanigans that have been going on back and forwards across the room here, let us have a look at a situation where something can be worked out, some compromise can be made and justice not only done is, but also is seen to be done by all people in Canberra.

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: Mr Speaker, I was not going to speak on this matter; but I could not remain seated during this debate, because of some of the things that I have heard. I want to put on record some of the inaccuracies in what is being said. First of all, in respect of Executive Deputies, it is quite clear to me, Mr Speaker, that even after 12 months with this system those people opposite do not understand what it is that Executive Deputies do. They clearly cannot comprehend what it is that this Government has done with Executive Deputies.

This person here, who espouses the innovation of the South Australian model, cannot accept or understand a model of innovation used in the ACT to involve more members of the Parliament in the processes of government. He cannot understand that. The fact is that that is what the Executive Deputies are designed to do. But they do not do so as members of the Executive. That is plainly clear. It

is perfectly obvious. But I have come to the conclusion after 12 months that it is not obvious, and that those opposite either cannot or do not want to understand. I wonder whether Senator McMullan in the Federal Parliament is a member of the Executive. What view do those opposite take of these matters? I wonder. Mr Speaker, there is no confusion about that matter. It is quite false and misleading of those opposite to say that there is some holding out on the part of the Executive Deputies to be members of the Executive. That is particularly false in the case of Mr Jensen.

Mr Jensen has been assiduous, to my knowledge, in ensuring that people are under no illusions about what his position is in the Government. He has never, at any stage, made any pretence at being a member of the Executive. He explains his position as clearly as possible whenever he has the opportunity. It is quite false to suggest that anything else is the case.

The other point I want to make is that, when those opposite talk about the impartiality of chairs on committees, they are on dangerously thin ice. First of all, I want to refer to *House of Representatives Practice*, at page 594, where it makes quite clear that:

In practice the sessional orders or the resolution of appointment now normally provide that the committee shall elect as chairman a government member.

That is standard practice. That is a convention, if not a requirement, of standing orders. Those opposite should not express surprise about that. That is one part of the argument.

The other part is the question about conflict of interest. Those opposite have suggested that there is some impression of lack of impartiality by having Executive Deputies as chairs of committees. But there is a much more tangible and real question of impartiality which those opposite have not grappled with, and that is in the case of Ms Follett's chairmanship of the Public Accounts Committee. This Government has repeatedly asked Ms Follett whether she sees it as responsible for her to remain as chairman of that committee with the obvious impression of lack of impartiality when she is sitting in judgment on her own term of government; where she is inquiring into matters dealing intimately with her period as Chief Minister of this Territory. Yet she says that she sees no problem of impartiality. She sees herself as perfectly able to continue as chair of that committee.

What about Mr Connolly's statement, that not only should impartiality be achieved in fact, but it should be seen to be there? Where does he stand on Ms Follett's position as chairman of the Public Accounts Committee? Clearly, Mr Temporary Deputy Speaker, there is a grave inconsistency in

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the position of those opposite. Until they clear that up, they have a hide to come and ask the Government to change its chairmen of committees, merely because they think there might be some possibility of a lack of impartiality in matters that they deal with.

WATER SUPPLY (CHEMICAL TREATMENT) (AMENDMENT) BILL 1991

Debate resumed from 14 February 1991, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR BERRY (11.46): This Bill is associated with some headlines in the Territory over the period of self-government. It is a shame the Speaker is not here because he featured in some of those headlines in one way or another.

Mr Moore: Monkeying around with the water supply.

MR BERRY: Monkeying around with the water supply. Some amusement flowed from the issue because of some of the antics that were reported here, such as somebody tampering with the Speaker's filtered water and so on. Allegations that indeed were not proven but were enough to cause grave concern to anybody who did not want to have an intake of fluoride were a cause of community consternation - and, more particularly, a cause of concern for some members in this place.

It is a serious matter. This Bill seeks to extend the time for consideration of the fluoride issue. I am pleased that the fluoride will continue in the water supply, in accordance with the National Health and Medical Research Council's view - that is, that one part per million should be the order of the day - and that the Government will have time to respond to the recommendations of the committee. There is no point in going on about the committee's report because that is a debate for another day. It is the responsibility of the Government to maintain the status quo while it considers the issue, and I welcome indications from the Government that the status quo will be observed while they look at the situation.

DR KINLOCH (11.48): I thank Mr Berry for his good comments there - not all of them, but most. In order for the full implications of the committee report to be evaluated, an extension of time from 28 February 1991 to 31 August 1991 is sought, during which time fluoride will be kept in the ACT water supply until a final decision is made by the Assembly. This is in congruence with the extension of time sought on 29 November 1990, which allowed the standing committee to examine the findings of the NHMRC inquiry into the fluoride issue. Individual and civil libertarian

issues to do with mass medication have also arisen, and it is now up to all of us to consider carefully this and other issues brought up by the report.

The fluoride issue, of course, still raises points of contention; thus the report compiled by the Standing Committee on Social Policy, which incorporates the findings of the NHMRC report on fluoride, deserves our full attention. I recognise that there are some areas on which our committee has taken a very responsible stand, without merely aping that report. By closely examining this issue members of the Assembly can help to avoid any repetition of the situation that occurred in 1989 where, as we all remember, fluoride was removed from the ACT water supply and then re-added approximately three weeks later.

It is obviously well known that there are differences of opinion in this house about the level of fluoride that should or should not be included; but, by allowing full consideration of the report's implications and recommendations, members of the house will be able to weigh these factors and arrive at an informed decision.

MR STEVENSON (11.50): The Water Supply (Chemical Treatment) (Amendment) Bill 1991 is a major problem. The committee, after 14 months of long hours reading information on fluoridation, recommended that the level of sodium silico-fluoride added to the water supply of Canberrans should be reduced by half - to 0.5 as against one part per million. This Bill proposes that the matter under discussion - the Government response and the right of every member in the Assembly to have a say on that report - be put off until 31 August.

Mr Humphries: That is rubbish. You can do it any time you want.

MR STEVENSON: Indeed. If we were going to do it reasonably we would change the date, and I intend to move an amendment to achieve just that. The suggestion is that it does not put off debate. If that is so, why select a date at the end of August? That is heading towards the end of the year; it is six months away. The Government response to this report will not take six months. We have already seen that the Health Minister, Gary Humphries, can read the minor report in just a few days; granted, he still has the major report to read.

Mr Doby: He has read the major report.

MR STEVENSON: No, he has read the minor report. He still has the major 177-page report to read. So we see that it needs some time; I totally grant you that. Any suggestion that it should have been voted on this week was not okay. It should not have been voted on this week. These matters should allow time for community consultation. They should allow time for all members of this Assembly and their staff, who go through these things, to read the Bill in

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full, understand it, ask any questions about it, expand on the references, and so on. So there should be time, but it does not take six months to do that.

Why should there be a decision made on whether or not Canberrans will continue to be compelled to take sodium silico-fluoride every time they have a glass of water unless it is filtered, as this one is? We have a situation where parties in Australia and in this Assembly say, "We stand up for the people. We represent the individual. We represent the right of families to look after themselves". Why is it different in this case? Why are people being forced to take what has been listed by the World Health Organisation as a rodenticide - a rat poison - an insecticide, a bacteriacide, a fungicide, and a herbicide? The reason it is used as all these things is that it is one of the most effective killing agents known to man. Even if it worked, which it does not, as people will see if they read this report in full, people should not be compelled to take fluoride.

I have mentioned before in this house the book by the Australian Consumers Association, *Your Health Rights*. This could well be looked upon as being a peak body in Australia in determining the rights of every Australian when it comes to health. The book was endorsed by Dr Neal Blewett, the Federal Minister for Community Services and Health at the time. I think we should look at what it says:

Doctors are experts but they are not infallible; ... doctors may disagree with each other over the best treatment for particular problems. The final decision is ours ...

That the final decision is ours is not so in the case of compulsory drugging. I do not say "medication", because I think one would normally look at a medication as something that was of some use to people. Fluoride certainly is a drug, as has been acknowledged by the World Health Organisation, the Food and Drug Administration and any dictionary you care to look at. *Your Health Rights* goes on to say:

We need not ... submit to their treatments unless we so choose.

... ..

It is up to all of us to stand up for what we regard as our rights.

... it is our right to live our life free from unwanted bodily interference.

Why are these words not heeded by the members of the Alliance and why is the debate on this matter not brought on in reasonable time?

Mr Humphries: It can be. Call it on next week if you want to.

MR STEVENSON: If, as the Health Minister says, it can be brought on next week, why make it 31 August?

Mr Humphries: Because we did not allow enough time last time.

MR STEVENSON: Why not give it two months maximum?

Mr Humphries: Because we might need more than two months. Your view might not be shared by everybody else.

MR STEVENSON: Yes, we understand. The intention is not to bring it on in the immediate future, I dare say. The intention is to put it off for as long as possible.

Mr Humphries: Do you want it on in the next week or the next two weeks?

MR STEVENSON: I want it on within two months - absolutely. That will give people an opportunity to read the book and the members in the Assembly an opportunity to discuss the matter. While ever we are putting this matter off, it allows more people to suffer adverse health effects.

I do not want to talk particularly about those many adverse health effects that are reported in the major part of the report; I want to talk about the compulsion. I have spoken to a number of people who are for fluoride; they think it is a good idea. I ask them the question: Why should every man, woman and child - and we could include animals and plants if we wanted to - be compelled to take sodium fluoride on a daily basis? This is regardless of whether they have any teeth, regardless of their general state of health, regardless of the fact that they have not had a medical examination to determine whether or not this is a drug that is going to benefit them. There is absolutely no understanding, in relation to each person forced to take this drug, of what other drugs they are taking.

Indeed, next to no research has been done in Australia, or in the rest of the world, on the effects that combinations of drugs can have on a person's health. Sodium silico-fluoride mixed with other drugs is an unknown quantity. It is a dangerous possibility that no-one in this Assembly can competently address because the research has not been done. *Your Health Rights* mentions that the New South Wales Department of Health has developed the following list of patients' rights:

Before any treatment ... is carried out, the doctor ... should give you a clear explanation ... any risks associated ... should also be explained. This explanation should include an outline of any after-effects, side-effects or adverse outcomes.

This has not been done by this Assembly. It goes on:

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Your consent is required before treatment begins.

... ..

You are entitled to refuse such treatment.

People in Canberra are not given the right to refuse such treatment. I should like to read into the record a very well-balanced argument from *Fluoridation - Good Intentions and Bad Principle*. It states:

Those who wish to fluoridate the community's water supplies are very powerful and very persistent in the face of a large and growing volume of opposition. Moved as they are by a genuine concern for the state of children's teeth, emotionally predisposed to attach very great authority to what purports to be the result of objective scientific method, they are wholly convinced that they have discovered a scientifically attested, safe method of remedying effectively and easily a serious menace to health. Hence their thinly suppressed irritation when their will is frustrated by opposition. Although this is one public controversy among many, yet, in this instance, because the bulk of professional opinion is aligned on one side, the opposition is contemptuously dismissed as agitation stirred up by an alleged 'handful' of well-meaning but mischievous cranks.

But however irritating to them the fact may be, try as they will the fluoridators cannot answer the objection that the measure is incompatible with human freedom. No amount of ransacking constitutional law books, invocation of legal authorities, appeals to the principle of parliamentary sovereignty, touches the principle, immediately evident to all unprejudiced men, that the forcing of any ingredient into the body of another is a most fundamental violation of his right to personal liberty. This cannot be denied. Of course, if we all wanted to drink water 1 p.p.m. of fluoride, there would be no difficulty. Hence the irritation of the authorities, convinced of their own good intentions and authoritative expertise, when through 'pure ignorance' on our part we do not wish to take what they say we so clearly ought to want. The question therefore must be faced: Why are some men no less stubborn in opposition to this measure than those in advocacy of it? All, no doubt, are equally public spirited; all, no doubt, equally and deeply concerned about the grave state of dental decay in children's teeth. The opposition fully appreciates the reasons animating the public authorities; their opposition is none the less unswerving. Why? There are two essential and related reasons.

First, though less important than the second, is a widespread suspicion of claims of infallibility by scientific experts in matters where it is very difficult for lay opinion to judge for itself. This is due in part, of course, to a number of recent disasters still fresh in the public mind which have resulted from uncritical acceptance of expert advice. Secondly, there is a growing suspicion that many scientists, doctors and health authorities are animated by a mistaken metaphysic and correspondingly misguided social thinking. Lord Douglas of Barloch puts his finger on the heart of the matter when he says of the fluoridation proposal: "the design may not be sinister, but the principle is thoroughly bad". Men are individuals with individual needs and requirements. They cannot be subscribed for in mass without doing injury to some individuals. Moreover, to treat individuals as though they were an undifferentiated mass is an insult to human dignity as well as a grave violation of human freedom. The mere fact that someone feels that his vital liberties are impaired does him real and long-standing psychological harm.

The article continues:

A precise analogy to the fluoridation proposal should help to clarify the vicious nature of the principle involved. Many people take flight from their own moral weakness and inability to resolve their unconscious conflicts into the spurious refuge of intoxication. If this form of escapism is persistent, chronic alcoholism can result, with further possible grave physical consequences in the shape of cirrhosis of the liver.

When the culminating point of an individual patient's suffering is reached, it may well be the duty of his medical practitioner to prescribe, if available, chemicals or drugs relevant to his condition. But if this form of illness were to become rampant on a wide social scale, what would we think of a proposal by the public health authorities to add a chemical to the public water supplies to make everybody's livers more resistant to the effects of chronic alcohol in case they should be unfortunate enough to develop this form of weakness? Sickness, suffering, pain, are frequently nature's warning symptoms that wrong ways of life cannot be pursued without paying a price.

Mr Deputy Speaker, I would seek a short extension.

Leave not granted.

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MR PROWSE (12.06): I do not intend to debate whether fluoride is a highly toxic cumulative poison - because we know it is - or the efficiency of the dental effect of fluoride, because the argument has been debated by dental scientists who disagree. I am in no position to debate that. However, I would like to state at this stage that I am proud to be a member of the Liberal Party because it is the only party in this house that stands up for and has the basic philosophy of freedom of choice. That is part of Liberal Party doctrine. I applaud those members in the community who follow this Liberal Party doctrine. It is something for us all to look for in a democracy. Also part of the Liberal Party doctrine is the philosophy of individual responsibility - individual responsibility for one's health and one's actions.

Ms Follett: On a point of order, Mr Deputy Speaker - - -

MR DEPUTY SPEAKER: What is the point of order, Ms Follett?

Ms Follett: Relevance, basically.

MR DEPUTY SPEAKER: Yes. Would you make the comments relevant, Mr Prowse.

MR PROWSE: Yes. I totally reject the interjection on the basis - - -

Mr Connolly: It is not for you to reject a point of order.

MR PROWSE: If you will allow me my chance to refute your statement, that is what the fluoride issue is all about. It is about freedom of choice and individual responsibility. That is the point that I wish to debate at this time. Individual responsibility and freedom of choice is the Liberal philosophy and any Liberal member who goes against that philosophy is not a true Liberal.

Some will say that the delay in this debate will prevent an early split in the Liberal Alliance because there are varying points of view. I would refute that point of view that some will say that, because I am sure that a matter of conscience will be called for on this side of the house. Fluoride should not be a political debate; it is a debate on the health of the population. I am sure that whenever this debate comes to fruition we will see sanity reign supreme.

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.08), in reply: In concluding this debate I want to correct some quite misleading and false statements made by Mr Stevenson, in particular. Mr Stevenson suggested that the passage of this Bill, which has the effect of extending the addition of fluoride to the water supply until 31 August this year, is an effective way of delaying debate until 31 August. He asked why we are not able to debate this before 31 August.

There is absolutely no intention on the part of the Government, nor any act on the part of the Government foreshadowed here, which would have the effect of delaying debate until 31 August. As I indicated in an interjection, if Mr Stevenson would like to debate the matter next week - if he cares to - or on the next sitting day, he is perfectly able to do so, provided he can get support from members on the floor of the house. Moreover, I can assure Mr Stevenson that the Assembly will be debating this matter well before 31 August.

That is the intention of this extension for six months - to allow the Assembly adequate time to deal with this matter. I should remind the house that, on a previous occasion when we considered what would be an appropriate period of time to allow for public and community debate on fluoride, we underestimated the amount of time that we would require. Mr Stevenson was a member of the committee which came back to the Assembly and said, "We need more time. While this debate goes on, please extend the time for which fluoride is to be added to the water supply".

I do not want to be placed in that position of coming back again to introduce a Bill and saying that we have made a mistake and that we need more time to debate this matter. Clearly, it is appropriate for us to allow six months. After all, those six months have to include time for public reading and understanding of the report that was tabled last week and time for the Government to draft its response to that report. Whether or not this is a matter of conscience, as Mr Prowse suggested, it is still appropriate for the Government to table its response to that report and to allow time for the Assembly to debate that response and the original report. In turn, time has to be allowed for the legislation which has to be drafted, whether it is to repeal the original Bill or whether it is to make some other change. Time has to be allowed for whatever needs to be done. In the circumstances, I hope that six months is a quite adequate period of time. It certainly could not be described as too long. It might even be criticised as being too short.

The point also needs to be made that the passage of this Bill does not prevent the Assembly taking action in the meantime. In fact, the Assembly can do a number of things. The Assembly can retain fluoride in the water supply at the present level during that period, or the Government can adjust the level of fluoride in the water supply. It can take up the suggestion made in the Wood committee report and reduce the level of fluoride in the water supply by half. It can do so at any stage. The stay of legislation does not prevent that. It can also, if it wishes, repeal either the Water Supply (Chemical Treatment) Act, as amended today, or it can repeal the Electricity and Water (Amendment) Act that Mr Prowse moved in the Assembly in 1989. Those things can all happen. This Bill does not prevent those things happening, nor does it prevent debate occurring. We need to be very clear about that.

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It is absolutely essential that there be full and proper debate on this matter. I believe that we made a fundamental mistake in 1989 in not allowing that debate to occur. We must not repeat that mistake in any way by rushing or giving inadequate time to consider the issues raised by this report and the Government response to that report.

As a Government we have given an undertaking to the ACT population that fluoride would not be removed from the water supply without full consideration of the available facts and implications. I might remind the Assembly that this is not just about giving the Assembly time to debate and to consider these issues; it is also about allowing time for the public of Canberra to consider these issues.

The standing committee report - both the majority report and the dissenting report - deserves full consideration. For that reason this extension of time has been sought. I commend this amendment to the house. I do not think that any of the matters that Mr Stevenson has raised really touch on whether we pass this Bill or not. Indeed, I seem to recall that Mr Stevenson originally accepted that there should have been an extension to the time that we had allowed for this debate anyway. If that is the case, I think you could only agree that the status quo should continue while we debate this matter - obviously, with all due speed - and that we should allow the retention of fluoride while that is occurring.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

MR STEVENSON (12.15): I move:

Page 1, line 11, omit "31 August", substitute "30 April".

Mr Humphries suggests that I can move to have the matter brought on next week if I can gain the numbers. There are two points there: Firstly, I do not want it brought on next week; and, secondly, as far as getting the numbers is concerned, the numbers reside within the Alliance. Is Mr Humphries prepared to state that, if I move to bring the matter on within two months, he will make sure that that is agreed to? The answer to that - as he shakes his head - is obviously that he will not.

I fully believe that the Alliance is endeavouring to put this important matter for Canberrans off as long as they can, and it simply is not okay. People are suffering under this compulsory drugging, and this should not happen. There has been a recommendation made by this committee. Although I consider it should have been totally prevented from being added to the water supply, nevertheless the recommendation has been made to halve it. This recommendation was made because of the build-up of fluorides in the community, and also because of concerns about ill-health of the people of Canberra. I repeat that: Because of concerns about ill-health of the people in Canberra caused by too much fluoride. It is something that we should not put off to the never-never - six months away.

There is no member in this Assembly who could correctly state that I think Bills should be rushed through. I have raised two matters of public importance. I have stood again, and again, and again and will continue to do so when matters are being rushed through. There is a difference in this case. People are already being subjected to compulsory drugging with fluoride. The longer we allow that to go on, the more the people will - not can - have their health adversely affected, and they will suffer.

Indeed, I moved that the matter be allowed an extension of time, but that was not agreed to by the Alliance. How does Mr Humphries reconcile the two, when they have previously agreed that there should not be an extension of time for the reporting date of the inquiry? We have done the job; we have looked at the issue.

Mr Duby: We agreed to your extension of time for the reporting date. What are you talking about?

MR STEVENSON: The extension that I moved last year for the reporting date on the fluoride inquiry committee was not agreed to.

Mr Duby: Yes, it was. We agreed to it.

MR STEVENSON: It was done for an entirely different reason and at an entirely different time.

Ms Maher: I agreed to it.

MR STEVENSON: Thank you. My extension was not agreed to. I did it then because of health matters. I do it now because of health matters. The committee has recommended a reduction by half. That should be debated in this Assembly fairly soon. I do not want it brought on this week, or next week, or the week after. What I say is that it should certainly be within two months. That will allow people time to read the report. That will allow them time to understand that the committee has concerns for the health of people. We should not put this matter off until August.

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The idea that I can seek to bring the matter on at any time I wish is basically not worth talking about. Mr Humphries knows full well that reason does not necessarily apply when one tries to get something done in this Assembly. What I ask is that we allow sufficient time; and the end of April is sufficient time. I ask all members to make a commitment to do what needs to be done in that time.

If we feel that the people of Canberra are not aware of the matter, then we can go and see the people we know in the media and make sure that we get the point across. Now is the time for the public to have a say in what they want done. I think it is worthwhile to again make the point that the public has had a mighty say within the fluoride committee. There were 141 submissions saying, "No, we do not want compulsory fluoridation". There were 18 saying, "We do".

Mr Humphries shakes his head. I agree that it is amazing that so many people - such a large percentage - are concerned about being forced to take medication. What would the Minister for Health think if I told him - for his own health - and I have studied it for many years - - -

Mr Humphries: You have studied my health? It must be an interesting subject.

MR STEVENSON: I have studied health. I have not studied the Minister's health. What would he think if I or someone else said, "Mr Humphries, when you take that glass of water that you are just about to take, you should also take a drug at the same time"? What would you think of that? What would you think if I said that you should take your fluoride in pill form? Would you agree with that if I said that every time you had a glass of water - or every time you ate at a restaurant where there were foods such as rice, pasta and other things that required a particularly large amount of water for cooking - you needed to take a fluoride pill? What would you think?

Mr Humphries: I do not know.

MR STEVENSON: Mr Humphries does not know. I think that most people in this Assembly, and certainly the vast majority of people in Canberra, would say, "Listen, I am not going to be forced by any government - by any group of politicians - to take pills that contain drugs, against my will". What is the difference between putting the sodium silico-fluoride in a pill and taking it straight from a bag that has the word "Poison" on it and dumping it in our water supply? The principle is exactly the same. There is not one whit of difference. Some people, unfortunately, are prepared to ignore the evidence.

It is said, in the case of fluoride, "If there is a reasonable doubt, keep it out". That makes sense. If you are not sure about thalidomide, you would not force it on people. If you are not sure about DDT, you would not force

it on people. If you are not sure about 2,4,5-T, or 2,4-D or other drugs that medical people and dentists know about - and you do know about the disasters in the past where drugs have been taken and we have realised later on that it was not a wise thing to do at the time - when there is reasonable doubt, leave it out. That is undoubtedly a reasonable statement in this whole issue. The question is: Is there reasonable doubt?

Mr Humphries: No.

MR STEVENSON: Mr Humphries says no. That is absolutely an unknowing statement or it covers up something else. Where you have a report that names over 1,000 scientists who are opposed to fluoride - I could fill a book if I wanted to put the time into it - you cannot logically, analytically and reasonably make the statement that there is no reasonable doubt. In fact, if you read the report in total, you find that it is not a matter of reasonable doubt because the question has been proven beyond reasonable doubt in court case after court case. With 1,000 scientists named as opposing fluoridation, to say that there is no reasonable doubt is an absolutely unreasonable statement to be made by someone who has responsibility for the health of Canberrans, namely, Mr Gary Humphries, the Minister for Health.

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.25): I will speak briefly on this matter. Mr Stevenson wants to dispense with several important stages. He wants to dispense with public debate - - -

Mr Berry: No, you have convinced us.

Mrs Grassby: Do not worry, Gary; we believe now.

MR HUMPHRIES: I will say one more thing, since I have convinced those opposite.

Mr Stevenson: You have not convinced me. I do not want to dispense with debate.

MR DEPUTY SPEAKER: Order, Mr Stevenson!

MR HUMPHRIES: We cannot have a Government response, a full public debate, a full debate in this Assembly, and draft legislation - if that is appropriate - and the presentation, debate and passage of legislation within 68 days. That is what Mr Stevenson is saying. It cannot be done. We need more time.

Amendment negatived.

Clause agreed to.

Title agreed to.

Bill agreed to.

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DOOR-TO-DOOR TRADING BILL 1990

Debate resumed from 15 August 1990, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR CONNOLLY (12.27): I must open my remarks by saying that it is ironic that at 12.26 pm on Thursday's sitting we are on to government business No. 1 of Tuesday's sitting. If there is any suggestion that there are problems with time or whatever in this Assembly, then the Government needs to address its own process of tactics this week.

The Opposition, of course, is supportive of this Bill. As the Attorney explained in his statement to the house when this was originally presented, which was back in August, this Bill is an outcome of the process of the Standing Committee of Consumer Affairs Ministers gradually updating consumer affairs legislation throughout Australia. The Door-to-Door Sales Act 1969 is being repealed by this Act. That was amended in 1976 and was itself, by and large, a process of being based on model legislation.

The other improvements, that require plain English contracts, a 10-day cooling-off period, limiting the hours during which door-to-door salespersons may call, and requiring a statement of consumer's rights to be handed over and read to the consumer, are all positive reforms which the Opposition is pleased to support.

I note that, since the Bill was originally introduced, the Attorney has circulated some further amendments that he is introducing to modify the hours during which door-to-door salespersons are precluded from calling on consumers. I was originally somewhat concerned about this, as there was a risk that the uniformity that the Bill is trying to achieve would be modified by varying the hours. I understand that, in fact, the hours are intended to vary slightly from State to State. The Opposition has no particularly firm view on this issue. The proposal, as I understand it, is to also exclude Christmas, Good Friday and Easter Sunday from days on which door-to-door salespersons may call. I am sure that the residents of the ACT would be well and truly pleased that they will not be flogged vacuum cleaners on Christmas Day, Good Friday or Easter Sunday. We have no difficulty with that modification.

This is a positive piece of legislation. There are still areas where consumers' rights need to be addressed. This is a Bill that really is an answer to a problem that was first being addressed in the 1960s. It is now on its, sort of, third version. Since the 1960s, when this was seen as a major problem, there are other areas that need addressing

more urgently. Tele-vending is now a particularly insidious form of advertising which is increasingly being used, where one sees an ad on television for a particularly attractive product and the deal is - - -

Mr Duby: The advertisement asks, "How much would you expect to pay for this?".

MR CONNOLLY: That is right, exactly; and "We will give you a free knife as well" - and a free something else - "Send no money. Ring up and quote your Bankcard number". Again, the consumer is clearly at a disadvantage there. There is no opportunity to properly examine the goods. The goods arrive, the Bankcard is credited, and getting a return can be difficult. This legislation addresses an old problem of forced or pressure selling to consumers. There are other areas that need to be addressed. I am sure that that is a matter that is on the agenda of Consumer Affairs Ministers.

Doing some background on door-to-door trading legislation, I was intrigued to see in a very good text by Ross Cranston - who used to teach at the ANU but now has a chair in law at the London School of Economics - a publication entitled *Consumers and the Law*. He traces the history of control of door-to-door trade. It is interesting to note that in some European countries door-to-door trade has been outlawed altogether, although that is not seen as appropriate here in Australia.

He cites one of the early prosecutions in Britain after their 1960s door-to-door trading legislation. It was the case of *The Queen v. Potger* in 1970, and he says:

Potger was a prosecution of a doorstep seller for obtaining money by deception, by falsely claiming that he was a student taking part in a competition. Interestingly, the defence was partly the contention that any lies told were not dishonest, it being common for fellow sellers to tell lies of this nature!

It is an interesting defence in door-to-door trade to say that that statement may have been a lie, but it was not dishonest because it was the practice in the trade for everybody else to tell the same lies. I hope that we have got beyond that. This legislation takes the fight of keeping the consumer protected one step further. The Opposition is happy to support the Government's Bill.

MR STEVENSON (12.31): There are major problems with the thrust of this Bill that is called the Door-to-Door Trading Bill but means far more than door-to-door trading. It covers areas far wider than that. I would wonder whether or not anybody in this Assembly has actually done any door-to-door trading.

Mr Stefaniak: Yes, and I did not sell anything either.

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MR STEVENSON: You did not sell anything. That gives us an indication that door-to-door trading is one of the most difficult areas to confront.

Mr Berry: Would you have the hairs on your legs removed by this man?

MR STEVENSON: I will not comment about hairs, in Mr Berry's case. For hundreds of years in Australia and other countries, particularly frontiers, there have been rugged individuals who were prepared to work to supply people with goods and services they would not otherwise have. Let us look at some of them. I think many of us remember some decades ago when we used to have people coming around to our homes delivering bread, delivering meat, delivering fruit and vegetables, delivering rabbits, pots and pans and so on. It was a very valuable service to people.

What this Bill does is place a tremendous strain - a tremendous pressure - on small businesses. There are many businesses that effectively market very good products via door-to-door trading. It should not be considered for a moment that, simply because someone uses the door-to-door method of marketing, they are in any way untoward, they do not provide a wonderful service, and they do not follow up on what they claim to do. Any suggestion of this is not okay and it unfairly denigrates many valid companies. I also make the point that many well-known companies indeed started out that very way.

Let us look at the principle of shopping in a department store after high pressure advertising has been done on television, as against having someone come along to your home and show you the product in the comfort of your own home. If someone goes to buy a product in a store, they cannot see the product demonstrated. Yet, this legislation talks about people being able to make a decision; allowing them time to make comparisons before making their decision. I was involved in door-to-door trading in Victoria and New South Wales. The company was one of the best companies I have ever had the pleasure to deal with.

Mr Jensen: It was not Kirby, was it?

MR STEVENSON: Mr Jensen says, "It was not Kirby, was it?". No, it was not Kirby. It was an insulation company that supplied cellulose fibre insulation; chemically treated, chopped up newspaper that was pumped into someone's ceiling. We used to market that particular product door-to-door.

Dr Kinloch: Ceiling to ceiling.

MR STEVENSON: Ceiling to ceiling, as Dr Kinloch says. To talk about this particular company and what we did encompasses many of those companies that would be included in this door-to-door trading legislation. The company for which I worked was actually a company belonging to the

James Hardie group of companies - certainly not small business. The company had a lifelong guarantee on the product. Once it was put in the ceiling, it was guaranteed for life. Indeed, it could be guaranteed for life. Those people who had the product installed 20 years ago still have no problems with the product.

Let me make an important point. There were problems with some companies manufacturing cellulose fibre installations. What were the problems? The problems were that it was not manufactured correctly; that the chemicals that should have been used were not used.

MR SPEAKER: Order! Mr Stevenson, is this relevant to the debate?

MR STEVENSON: It is highly relevant to the debate. People in this Assembly have next to no understanding of what door-to-door trading is. This legislation suggests that we make it almost impossible for people to work effectively in that area. I will go into the points on exactly how it does that. There is a point concerning the types of products that are supplied. Some people have been incorrectly led to believe that because a company operates in this manner there may be something wrong with them and they need severe controls. What the legislation is saying is that people in Canberra do not have the mental capacity to make a decision by themselves.

The whole principle of looking after people is borne out in this Door-to-Door Trading Bill 1990. It suggests that if you make a decision in your home or elsewhere you have to be protected from making wrong decisions. There is a situation where that applies: If someone who is mentally retarded is sold goods, then that sale can be held to be invalid. Are all Canberrans to be treated as being mental retards? Are they to be told by this Government, "We will look after you from the womb to the tomb" - it is no longer the cradle to the grave?

Mr Collaery: Mr Speaker, I move that the question be put.

MR SPEAKER: Order!

MR STEVENSON: That is an absolutely appalling situation. I have worked in this industry for a long time and you would gag me from making valid points. It is appalling.

MR SPEAKER: Order, Mr Stevenson! I would suggest to the Attorney-General that Mr Stevenson is within his rights to continue the debate, provided it is to the point. I will not allow that closure. Please proceed, Mr Stevenson.

MR STEVENSON: What an appalling situation that I would be prevented by Mr Collaery from making this point. It is disgusting. This is highly relevant. Once again, I make the point that you have next to no understanding of this area.

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Mr Jensen: You would not know, Dennis.

MR STEVENSON: I would know. You would not agree with it if you had any understanding of it. That is how I know. Anyone who would agree with such restrictive legislation cannot know the situation. If there is one thing we need to support in the ACT, it is small business. Many businesses cannot survive the government imposts placed on them; tax after tax after tax after tax - called various names and voted in by members of this Assembly by some 16 votes to one. I voted against.

Many businesses cannot survive that sort of financial imposition, that financial pressure, and still pay the sort of money that is required for advertising. A tiny ad in the *Canberra Times* can cost you \$200. You cannot afford this form of advertising. Radio advertising can be totally out of the question, and television advertising more so. To survive, some companies have determined that they will market their product direct to the individual, and not use television to persuade people that, if they see the product mentioned again and again and again, it must be okay.

Mr Connolly: Tell us what is wrong with the Bill. This does not stop people selling door-to-door; it just imposes standards.

MR STEVENSON: Mr Connolly said that the Bill does not stop people selling door-to-door. Let me cover briefly - and in more detail when we get to it - why it will stop some people selling door-to-door. We have a situation where there is a 10-day cooling-off period. Perhaps 24 hours or 48 hours would be reasonable for a person to have another look at the situation and decide that they were pressured into buying, or for any other reason. It does not take 10 days to do that. A perfect analogy would be members of parliament who, when they are elected, are required to read out on their day of acceptance a letter to all Canberrans saying, "I am required by law to inform you that - -
-

Mr Jensen: I raise a point of order as to relevance.

MR STEVENSON: Mr Speaker, it is a highly relevant analogy. Should the people of Canberra who voted for members of parliament have six months - perhaps an appropriate time under the circumstances - to determine whether or not that was a wise decision? Why is that not allowed? I think that would give Canberrans a far more valid opportunity for protection than to be protected, supposedly, by door-to-door legislation. It is not that I do not agree with rules and regulations. I fought for them again and again and again in the field. I contacted people responsible in the trade practices regulatory area, and others, about untoward practices in the door-to-door sales area. I know that there are many and that they should not be allowed. However, the normal laws regarding these matters will cover most of the problems.

In regard to a 10-day cooling-off period, one could well agree with 48 hours. When you say 10 days, you are really saying to the people within the business, "You cannot supply the product". You are saying to representatives that they are not going to get paid, and that all the people down the line are not going to receive any money.

I made the point before about working in the industry and having an understanding of it and training dozens of people in the area to have high standards and not to misrepresent goods - training them in ethics, the level of which is not commonly known in some other places I could mention. I would be happy for anybody to look at the training manual I have written in this area, to see the ethical standard it requires of representatives. I have not seen such a thing in other areas. However, in the door-to-door trading area it was available.

We are saying that people in Canberra, more so, perhaps, than the rest of Australia, who are considered to be fairly intelligent - and this has been mooted by various people in this Assembly and in the papers - have not the capacity to look at what is being presented to them and to align that to earlier knowledge and experience and then make a decision. We are saying that they have not that capacity; that they must be able to change their mind.

As I said, I would not disagree with two days. When you put it off for 10 days you prevent the normal operation of door-to-door trading businesses. If you do that, you will absolutely guarantee 100 per cent that they will not work in the area. I have trained dozens and dozens of people in the area. You can take it from me, or take it from someone else who knows about it, that people will not work in the area if they are not going to be paid, because these people usually work only on commission. There is great front required to work as a commission-only specialty door-to-door salesman - perhaps called canvassing. It is a very difficult thing to do.

MR COLLAERY (Attorney-General) (12.47), in reply: Mr Speaker, when Mr Stevenson is back selling door-to-door, as I sincerely hope he is soon, there will be a range of controls that represent a modest level of control. It has been adopted in South Australia, Western Australia, Queensland, and in Tasmania. There is a Bill before the Northern Territory Assembly. The other two States are bringing it forward. It is non-controversial legislation, although Mr Stevenson seeks to make it such.

I wish to thank Mr Connolly for his eloquent comments in support of the Bill. I wish to record the courtesy Mr Moore offered in not delaying proceedings. I am well aware that he supports the legislation.

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The Door-to-Door Act was developed in the late 1960s, as Mr Connolly mentioned. The two objectives of the Bill are to minimise losses caused to ordinary consumers by unfair marketing practices; and to promote a fair marketplace and reduce anti-competitive practices which disadvantage honest traders. That is the issue Mr Stevenson did not take up. It is the fly-by-nighters who undercut and give a bad name to the reputable direct sellers in this market. There are reputable direct sellers.

The objectives of this uniform trading legislation provide for an extended cooling-off period of 10 days, during which the consumer can rescind the contract. The legislation assists the consumer to make comparisons with other goods on the market, or to take advice. It prohibits the taking of deposits during that cooling-off period, to facilitate rescission. It also extends cooling-off provisions to cash sales contracts, and it extends the rescission provisions for a further six months if traders fail to comply with key provisions of the legislation. It also regulates trading hours. As Mr Connolly observed, that is generally consistent across the nation.

This is part of a package of consumer protection legislation that is being developed nationally, and is being concurred with by the Alliance Government. I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

MR COLLAERY (Attorney-General) (12.50): Mr Speaker, I wish to move three amendments to the Door-to-Door Trading Bill, as circulated in the chamber. The first two amendments have arisen out of representations from the Direct Selling Association of Australia, which is the national industry organisation representing door-to-door traders. The third and final amendment is the result of a recommendation of the Assembly Scrutiny of Bills Committee. I am indebted to that committee for drawing this matter to the attention of the Government.

The effect of the amendments is set out in the supplementary memorandum. The first two amendments relate to trading hours; the first being consequent upon the adoption of the second. The effect of this amendment would be to allow door-to-door traders to operate on any day of the year, including public holidays, except for Good Friday, Christmas Day and Easter Sunday. Trading will be limited, on Saturday, Sunday and the public holidays not mentioned, from 9.00 am to 5.00 pm.

The amendment would also permit door-to-door traders to trade on weekdays between 9.00 am and 8.00 pm throughout the year. I advise that the 8.00 pm line is taken to achieve consistency with daylight-saving arrangements. The third amendment would allow the provisions of the Interpretation Act to apply to notices of rescission of contracts sent by post.

MR SPEAKER: Mr Collaery, I think you have jumped the gun on us a little bit there, in that we were looking at clauses 1 and 2. You have now gone to clause 3. As you have made your statement, is it your wish to take all your amendments together?

MR COLLAERY: Yes, Mr Speaker.

MR SPEAKER: In that case I will come back to clauses 1 and 2.

MR COLLAERY: I am just following my script, Mr Speaker.

MR SPEAKER: All right. In that case then, seeing that you are moving your amendments now, is it the wish of the Assembly to take the whole of the Bill together?

Mr Stevenson: No.

MR SPEAKER: We have a "No".

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3

MR COLLAERY (Attorney-General) (12.52): I merely record my earlier comments, and move government amendment No. 1, namely:

Page 2, lines 17 and 18, definition of "daylight saving period", omit the definition.

I present the explanatory memorandum for the amendments.

MR STEVENSON (12.52): Mr Collaery might be good enough to answer a couple of questions I have. The clause headed "Interpretation" talks of contracts. I think we all know that a contract can be a written contract or a verbal contract. The first question is: Where in this legislation is it indicated that the contract is written; or does it include verbal contracts? Also, under the definition of "supplier" it says:

"supplier", in relation to a contract or proposed contract for the supply of goods or services, means the person by whom the goods or services are, or are to be, supplied under the contract or proposed contract.

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I ask: What is the definition of the word "person" within that definition?

Mr Jensen: A natural person.

MR STEVENSON: Mr Jensen says that it is a natural person. I do not see a definition of "natural person" within the interpretation clause, and I do not recall seeing it within the Bill.

The definition of "trade premises" says:

"trade premises", in relation to a supplier, means premises that constitute an established place of business of the supplier, or an agent of the supplier.

I ask the Attorney-General to define for us the words "established place of business". It is a very important point. First of all, under "supplier", we would need to know whether or not it includes distributors, franchise holders, staff, companies, and all various other partnerships or business entities. If so, is "person" to be defined along with company or staff. If that is the case, where is that definition given in this Bill?

The Bill refers to "established place of business". Once again, there is no definition of an established place of business within this legislation. This is a vital situation. What if someone is visiting someone else's established place of business?

Mr Connolly: We are all interested and are paying attention.

MR STEVENSON: The person I am most concerned about paying attention at the moment is Mr Collaery, because I truly would like answers to those questions. Nowhere within this Bill could I find those matters defined. If they are not defined, then there are serious problems that are going to be caused by it - problems which I believe have possibly not been addressed.

When introducing this legislation, Mr Collaery said:

The Bill achieves this through certain key provisions: requiring door-to-door traders to provide plain English statements of the terms of contracts ...

Once again, it is most important that the terms that I raised are explained. If Mr Collaery would be good enough to take these three questions on board and answer them, then I will not have to go into detail on each one. I can do so if I need to; but if the Attorney-General is prepared to look at those individual points, perhaps that would suffice. I can then raise the matter later. I ask Mr Collaery whether he would be good enough to take on board

these three definitional questions: Whether or not the contract means a written or verbal contract; what the definition of "person" is within the definition of "supplier"; and, within the definition of "trade premises", what the term "established place of business" means. I am getting no indication here, so perhaps I should explain a little bit more.

Tomorrow we start the Canberra Show. There will be many people coming to Canberra to run various businesses, if you like, at the showground. I do not believe that that would be constituted as their established place of business. Once again, it is hard to tell whether or not it is because - - -

Mrs Grassby: Oh, that is ridiculous.

MR STEVENSON: Mrs Grassby says, "Oh, Dennis". You tell me whether the showground constitutes an established place of business.

Mrs Grassby: Of course it does. We rent stalls to them, so it is a business.

MR STEVENSON: Are you saying that it constitutes an established place of business?

Mrs Grassby: Yes, because we rent them stalls.

MR STEVENSON: Because we rent them stalls, okay. Who is "we"?

Mr Duby: Me.

MR STEVENSON: Mr Duby rents them stalls.

Mr Duby: I am a landlord.

MR STEVENSON: Mr Duby is the landlord. Where does it say within this legislation that it is okay if Mr Duby rents space but it is not okay if somebody else rents space? Once again, these are important points. These interpretations will have an effect on how various sections operate within this Act. Once again, if Mr Collaery does not want to say anything, could he give me a nod and say that he will address those three questions now while we are talking about the interpretation? Was that a nod?

Mr Collaery: He has had three months to ask this, Mr Speaker.

MR SPEAKER: Order!

MR STEVENSON: Look, a wink is as good as a nod.

MR SPEAKER: Order, Mr Stevenson! Order! Please proceed, Mr Stevenson.

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MR STEVENSON: What Mr Collaery is saying is that I have had three months to ask these questions. Well, they are being asked now. One of the problems in this Assembly is that we have someone introduce a Bill and there it sits; nobody apart from the introducer talks on the matter. Later on - the same day, one day, two days, five days, three months, six months later, depending on how it suits the situation - we then debate the matter.

What we should have is a debate like this in the middle of the final presentation. It is something I am going to raise in this Assembly. There should be the opportunity to ask these questions in this Assembly and to have a debate. Is that not what this Assembly is supposed to be on about - matters like the interpretation of the Door-to-Door Trading Bill and others?

Mr Jensen: Write us a letter, Dennis, if you have a problem.

MR STEVENSON: Write you a letter?

Mr Jensen: If you have a problem. You have had since August to write the letter.

MR SPEAKER: Order, Mr Jensen!

MR STEVENSON: You have to be careful about what you say. Mr Jensen suggests that I should write letters. I have written letters to a number of people in the Alliance Government on behalf of constituents, and unfortunately, I might add, I have not yet received replies.

Someone says, "Write us a letter". Mr Collaery might say, "Come along and see me". Mr Collaery has said that he is available any time that he is in the Assembly. I must admit that a couple of times I have gone over there and pressed the button and had a chat with him. I do not think it is the ideal time to talk to the Attorney-General about important matters. I tried to see him on another matter and they would not even talk to me.

Mr Collaery: I am wondering now why I am banning weapons.

MR STEVENSON: I do not think anybody is going to shoot you because you will not represent the people of Canberra. They might not vote for you, but they would not go so far as to shoot you. I would not recommend it.

Mrs Grassby: I would not waste the bullet.

MR STEVENSON: We are talking about door-to-door trading.

Ms Follett: It is going well, Dennis.

Dr Kinloch: Door-to-door trading.

MR STEVENSON: Once again, there can be some humorous moments in this place, but it is truly something that I feel very strongly about. We must protect small businesses. I will raise such matters as the hours when people can knock. People do not mind when you knock if it is on public holidays. I certainly would exclude Christmas Day, Good Friday and so on. But they do not mind you knocking on other days. They do not mind that at all. I have knocked on thousands of doors. I do it around Canberra. Once again, on behalf of constituents who have spoken to me about this matter, I would sincerely ask the Attorney-General to answer those three important interpretation questions.

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

Sitting suspended from 1.02 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospital Services Budget

MS FOLLETT: My question is addressed to Mr Kaine, as Treasurer. Mr Kaine, yesterday during debate in the Assembly you said:

The Treasury will be able to tell us what the state of the budget is for hospitals.

Bearing in mind that the day before your Minister Mr Humphries failed to tell us just that, I would ask you now, as Treasurer: Can you inform the Assembly whether the ACT hospital system is operating within budget? If it is not, what is the expenditure difference between the budget and actual costs, and what are the current full-year projections?

MR KAINE: I cannot answer that question off the top of my head, Mr Speaker. I have seen figures on the operating budget as recently as December, but I have not seen any since then. I cannot answer the question as to whether the hospital administration is operating on budget or not at this stage. But, as I indicated, the Treasury will be able to tell me. They keep the score. Either the Minister responsible or I can ask the Treasury for that information and provide it.

MS FOLLETT: I ask a supplementary question, Mr Speaker. Will Mr Kaine give an undertaking to provide that information on the next day of sitting?

MR KAINE: Either the responsible Minister or I will undertake to provide that information, of course. That was implicit, I thought, in the answer.

Assembly Committees

MR MOORE: My question is directed to you, Mr Speaker, particularly in respect of your role with reference to committees. Having heard the debate over the chairpersons of committees this morning, will you attempt to act as a mediator to find a compromise position so that those committees which are not working will have some chance of being able to work as well as the other committees in the Assembly that are working well?

MR SPEAKER: Yes, Mr Moore.

Domestic Violence Orders

MS MAHER: My question is directed to Mr Collaery, as Minister for Community Services and Housing. Has this Government taken any measures to ensure that domestic violence orders will continue to provide protection if the victims leave the State or Territory in which the order was obtained?

MR COLLAERY: I thank Ms Maher for the question. Yes, the ACT Government participated with other State and Territory Attorneys on 6 and 7 December in a discussion of the matter with a view to securing uniformity throughout the nation. I am pleased to say that the meeting of the State and Territory Attorneys, including the Federal Attorney, agreed that it was necessary to ensure that domestic violence orders can be given recognition in all jurisdictions.

The Commonwealth, for its part, has informed the State and Territory Attorneys that it will amend the Service and Execution of Process Act, a Federal Act, such that, in the event that this is not achieved by State or Territory legislation, the Commonwealth legislation can be availed of by persons who hold domestic violence restraining orders.

The practical effect of this change will be that a person who has a restraining order against someone, knowing that he or she is travelling interstate, can inform the relevant registering authority - usually it will be one of the courts - and have the protection order registered in that place so that when that person makes that visit the order will be effective. More has to be done in that area to achieve national uniformity and quick responses. But I think it is timely for me to remind women who have and need those orders for their protection - particularly women in this town who go to the coast at times - that when they make prearranged visits interstate they will, under this arrangement, need to consider in advance securing registration of locally made orders so that the police in the other jurisdiction can act immediately and properly on those orders.

Hospitals - Nursing Staff

MR BERRY: My question is directed to the Minister for Health, Education and the Arts. Noting the *Canberra Times* headline, "Conditions at ACT hospital described as Third-World", bearing in mind the cuts in services in our hospitals which, of course, have led to massive waiting lists, and given that in that article the Minister is quoted as conceding that in certain areas there are not enough people, will the Minister now deny that potential nursing staff are being turned away as costs are cut?

MR HUMPHRIES: Yes, I absolutely deny that potential nursing staff have been turned away. I welcome Mr Berry's question as a chance to clear the air. First of all, let me reaffirm something which has been said before repeatedly by me and which Mr Berry continues to pretend is not being said: There are no cuts in services. Services are being provided to the people of the ACT on a continuing basis in all areas of health care. There is no area of the health services being provided by this Government which has been cancelled. Certainly in some areas one would like to have more responsiveness than is the case at the present time. That does not mean that the services are not there. The services are there, and as I have said - I have challenged Mr Berry in the past and I challenge him again: If he finds some service that the Government has cancelled or some thing that the Government has closed or something of that kind, please come and tell me about it. I would like to know about it. We would all like to know about it.

It is, unfortunately, quite alarmist and irresponsible of an individual in the hospital system to suggest that there is some comparison between our public hospital system and Third World hospitals. I have to say that my assessment of the health system in the ACT is different from Mr Berry's when he was in office - not because there is a significant difference between those two periods of time, but because I think we realistically have to accept that the ACT hospital system faces serious problems. Mr Berry fails to mention that the hospitals in the ACT failed to obtain accreditation while he was Minister. That is a reflection of a problem.

Mr Berry described that system as a first-class hospital system. That is looking back on events with rose-coloured glasses. It was not a first-class hospital system. Even today, I would not go so far as to describe our hospital system as a first-class hospital system. It needs to be improved, and that is why, as I have said many times in the past, this Government is spending \$166m to improve the quality of health care being provided in Canberra.

That is the single reason for our expenditure of that amount. I can assure the Assembly that our system is not in any way comparable with Third World standards. We are

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engaging in a major restructuring exercise to ensure that quality health care services are provided into the future on a sustainable basis. Naturally, with a restructuring of the kind that is going on, problems will arise because people need to be reorganised and because services have to be adjusted. That, of course, causes problems.

However, I have to say that I think the level of confidence in our system is still very high. Only today I have had relayed to me the comments of one person who came out of the hospital system in the last couple of days and who was full of praise for the quality of the system and of the people who work in it. I regret the fact that there are so many knockers of our public health system, particularly when it is bravely facing up to the problems that beset it through the kinds of measures being undertaken by this Government. I reject those kinds of attacks, and I think that those opposite should get down to the business of working with the Government to ensure an improved quality of health care in Canberra.

Ambulance Officers

MR WOOD: I direct a question to Mr Humphries, as Minister for Health. The article in the *Canberra Times* just referred to shows a very happy Mr Humphries next to the headline, "Conditions at ACT hospital described as Third-World". In that article the Minister is quoted as saying, "We would like to have more ambulance officers". Minister, why then have the seven extra Ambulance Service positions not been advertised?

MR HUMPHRIES: I have explained the situation in the past to Mr Berry and to others, but obviously people have not been listening. In terms of a comparison between numbers of staff when we took office and the number of staff now, we have recruited an additional seven ambulance officers; that is over the situation that we inherited.

Mr Berry: Only after I prodded you.

MR HUMPHRIES: You might take credit for that, but the fact is that we did it and you did not. We have, in addition to that, identified a process for establishing what additional requirements there are in the public health system for ambulance officers. That process arises out of the joint staffing strategy paper which was prepared by both the service and the responsible union, the Transport Workers Union. That process, I think, is a very good one. It certainly is being considered at the present time by the Board of Health, which is discussing implementation of that staffing paper with the union; and I have made a commitment already to the union and to this house that, as needs for additional staff emerge from that process, they will be met by the Government.

Private Hospital Costs

MR CONNOLLY: My question is also addressed to the Minister for Health. What will the Minister do to compensate those members of the ACT community who are out of pocket because of private hospital costs incurred when they were turned away from the public hospital system?

MR HUMPHRIES: It has never been the practice of governments to compensate people for expenses incurred because they do not obtain services in the public hospital system. It was not the case while the Labor Party was in government and it will not be the case while this party is in government.

Mr Berry: We had plenty of beds.

MR HUMPHRIES: I can assure Mr Berry that there were certainly beds closed while he was Minister and there were certainly people turned away from time to time while he was Minister.

Mr Berry: We did not have 1,500 people waiting.

MR HUMPHRIES: That might be the case, but there were still people turned away, Mr Berry.

Mr Berry: No, not "might"; it is. They are your figures.

MR HUMPHRIES: People were still turned away while you were Minister, and I suggest that you not press that point because I can prove that fact. Mr Speaker, I think there is a tendency, regrettably, to exaggerate the extent of incapacity on the part of the public hospital system to treat people. I reject completely the assertion that people in genuine emergency need are turned away from our public hospital system. I have not yet been confronted with such a case, and I sincerely hope that as Minister I never have to be confronted with such a case.

It is certainly the case, as the article in today's paper alleges and as others have alleged in the past, that from time to time people will arrive at hospital with a condition with varying degrees of seriousness attached to it for which they require or desire admission to the hospital but for which the hospital declines to provide it. Those situations are assessed on the basis of emergency need. If a person must be admitted - if the case does demand immediate admission - they will be admitted. They always are and they always will be.

Obviously, sometimes people are turned away and they feel that they ought not to have been turned away because they consider that their case deserved to be treated by the public hospital system. Obviously, in those circumstances people will feel badly about it, and they will complain to

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members of the Opposition or to the media or whomever. However, I have maintained the position - and I stand by it - that the public hospital system is there to serve, and particularly to serve in cases of emergency; and, where a person arrives at the hospital in need of immediate assistance, that service will always be provided by our public hospital system. That is my undertaking as Minister.

MR CONNOLLY: Mr Speaker, I ask a supplementary question. Will the Minister undertake an education campaign to advise the community of the level of private health insurance required to guarantee access to hospital care?

MR HUMPHRIES: Mr Speaker, the answer is no. It is not my responsibility as Minister responsible for the public health system to tell people how they can get admission to private hospitals. That is not my business. I will, however, ensure that the people in the public hospital system are aware of the Government's policy on that matter. They hardly need to be reminded of it, but they should certainly be made aware that it is the policy to admit to the hospital the people who are in emergency need. Where that is the case, they will always be admitted, as I have said. I intend to ensure, through education if necessary, that that continues to be the case.

Leases - Breaches of Development Conditions

MS FOLLETT: Mr Speaker, I have a further question for Mr Kaine. I refer Mr Kaine to the article in today's *Canberra Times* concerning the failure of lessees to comply with development conditions on leases at Belconnen, at Dickson and at section 52 in the city. Mr Kaine, what action is the Government taking on these breaches?

Mr Moore: Throw in section 10 while you are at it.

MS FOLLETT: Yes, section 10 also.

MR KAINE: I did read that article and I was rather interested in what the article said. I did get an update on the status of each of those leases on the basis that I thought that somebody in the Opposition just might be interested to know the facts. So I happen to have them.

In connection with the Westfield site in Belconnen, the lessee has failed to meet obligations under the lease. The lessee has approached the Government for a further extension of time within which to meet its obligations and we are considering that application to see whether or not it is in the best interests of everybody concerned, under the present economic conditions, to accede to that request. I think it is pretty obvious that, in today's world, if you can get such a project under way, even with delay, it is better than to set it aside entirely.

Concerning the Dickson Hotel site, the lessee is in fact not yet in breach of the lease. As Assembly members will be aware, the Dickson Hotel was demolished with a view to redevelopment of that site and a new lease was granted on 3 May 1989. There have been some delays in development, again because there have been some financial difficulties in getting the proposal together. We have had discussions with the receiver and manager out there to ascertain the future of the development, and when those discussions are finalised the Government will make an announcement on the possible future of that site.

In relation to section 52 in the city, I am sure members are aware that the lessee of that block has gone into receivership. The receiver called for tenders for the purchase of the lease and tenders closed on 29 November 1990. It is our understanding that no tenderer proffered the amount sought by the receiver. So the Government is now negotiating with the receiver, who has made a proposal to meet the development requirements, and that, again, is under consideration by the Government for the same reason I mentioned earlier: If we can get a project under way there, even if it takes a little time and a little more negotiation, it is clearly in the best interests of all concerned to do that in today's climate.

So, there are difficulties with all of those three sites. The Government is well aware of it. The Government is negotiating constantly on all three. Of course, in the final analysis, if no firm proposal for development comes forward, then we will have no option in the end but to take the lease back and see what can be done in the future.

Aboriginal Education

DR KINLOCH: My question is to Mr Humphries in his role as Minister for Education. At the recently concluded World Council of Churches Assembly, one theme, among many themes, was that of Aborigines in Australia and sometimes the comments were very critical; so I hope that we can come to grips with this question in the ACT. What is being done to provide Aboriginal people in the ACT equality of access to and increased participation in education services?

MR HUMPHRIES: Mr Speaker, I thank Dr Kinloch for that question. The ministry, in collaboration with the Federal Department of Employment, Education and Training and other education providers in the ACT, has developed strategic and operational plans to implement the national Aboriginal and Torres Strait Islander education policy, known as AEP, in the ACT, over this next triennium - the 1990 to 1992 triennium.

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As a first priority the ministry has employed two Aboriginal home-school liaison officers and three Aboriginal education assistants. The home-school liaison officers will liaise between the staffs of a number of schools and their Aboriginal and Torres Strait Islander students, families and other community members. They will also assist in the establishment of homework centres and encourage parent participation in schooling. The Aboriginal education assistants will assist teachers with individuals or small groups of Aboriginal and Torres Strait Islander students as well as assist the principal and teachers with developing appropriate programs in their schools.

The Ministry for Health, Education and the Arts is also investigating means by which teachers in ACT schools can best be sensitised to the nature of Aboriginal culture and to appropriate management procedures with Aboriginal children.

Jindalee Nursing Home

MR BERRY: My question is directed to Mr Humphries. Noting that budget cuts at Jindalee have resulted in cuts in services and programs to residents, including some bed closures, what will the Minister do to remedy the problems for residents and their families caused by the removal of therapy aides from Jindalee?

MR HUMPHRIES: Mr Speaker, again I take the assertion Mr Berry makes about cuts with a grain of salt. I have come to the stage, these days, where I do not accept anything Mr Berry says *prima facie*, unless I can go away and check the facts for myself. The absence of any services in any part of the health service at the present time is due only to a temporary shortage of staff. If there are shortages of such staff, then obviously those shortages do result in some decline in the service available.

It is not the Government's fault that people are not available to fill particular roles. There have always been shortages of particular categories of staff in the ACT. Mr Berry faced the same experience, particularly in respect of certain medical professionals, and I think any government will face those problems from time to time. There is no question, however, that the Government has ceased to fund services or is discouraging people from volunteering for services if they happen to have the qualifications to apply for them, or is in some way deliberately depriving residents of Jindalee, or any other part of the public health system, of services that we wish to provide them with.

The aims of the ACT public health system have not changed. There is no Government policy to change them; there is no Government policy to prevent - - -

Mr Berry: Results have changed a bit.

MR HUMPHRIES: Mr Berry talks about results. He says that results prove that the Government policy has changed. That argument is so stupid that the flaw could be instantly identified by anybody looking at it, even a child. There are all sorts of factors that affect what happens in hospitals; Government policy is only one of those factors. As I have said before and as I say again, it is our policy to provide high quality services on an ongoing basis to people in the ACT. If we are going to cut out therapy aides to people in our hospital system or in nursing homes or whatever, I will come back to this Assembly and I will say so. I will not do so by stealth.

MR BERRY: I ask a supplementary question. Since the residents at Jindalee depended on these aides to organise their activities and their entertainment, who will perform these functions now? Have you any idea?

MR HUMPHRIES: Mr Speaker, perhaps Mr Berry would like to volunteer to go out to assist people who might be at some disadvantage because there is a shortage of staff. The fact of life is that I cannot instantly provide qualified people for every part of the Government Service, any more than Mr Berry could when he was in office.

Mr Berry: These people were removed. They did not just disappear; they were sent away from there.

MR HUMPHRIES: He can interject and buzz across the chamber all he wants. The fact is that you cannot generate people out of thin air. I cannot drag someone out of the public gallery and say, "You are going to be a therapy aide at Jindalee Nursing Home; here you go", and push them over to the nursing home. It cannot be done. You have to have qualified people, they have to be appropriately trained and, of course, they have to want to volunteer for the position.

Mr Berry: That is misleading, Minister. That is deliberately misleading, Minister.

MR HUMPHRIES: Mr Speaker, I think that Mr Berry said that I was deliberately misleading the Assembly. I ask him to withdraw that assertion.

MR SPEAKER: Yes, I would uphold that objection, Mr Berry.

Mr Berry: You would not uphold the one about the Chief Minister calling me a liar this morning.

MR SPEAKER: Order! Mr Berry, the situation this morning was entirely different; that was a statement made directly to - - -

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Mr Berry: Of course it was different; it was the Chief Minister that was making the accusation.

MR SPEAKER: Order! The statement was made directly against a single person in the form of - -
-

Mr Berry: Well, I have the view that he is deliberately misleading the Assembly. If he is upset by that, I will withdraw it.

MR SPEAKER: Thank you.

MR HUMPHRIES: Mr Speaker, I reaffirm that the Government's policy is to provide people in areas where they are required, and I can assure you that no deliberate policy is being adopted of turning away people who qualify and who apply for positions in the ACT health system, which seems to be the implication Mr Berry is delivering.

Services for the Elderly

MS MAHER: My question is also directed to the Minister for Health. The Minister's press release on 18 February refers to additional funding for the geriatric assessment team in the ACT and for additional staff to operate a respite booking service. What are the implications of these measures and what additional services will actually be available to the elderly in Canberra?

MR HUMPHRIES: I thank Ms Maher for the question, asking me to expand a little on the information which has been provided in this area. I am pleased to note her interest at least in the area of geriatric services in the ACT. The Commonwealth Government, as part of its aged care policy, has given the States and Territories funds to establish geriatric assessment teams or to enhance these teams where they have already existed.

The ACT has been operating a geriatric assessment team since the early 1980s and received funding two years ago to enhance its team. This financial year it received \$179,500, with 5.5 equivalent full-time staff. This is additional to funds spent by the Territory on geriatric services, which is approximately \$300,000 for 6.5 staff.

Mr Berry: You are not going to get the good mail by going out on the grog with Whalan.

MR HUMPHRIES: The primary role of the geriatric assessment team is to assess elderly people to ensure that they receive appropriate care.

Mr Speaker, I have been interjected on continually since I began to answer questions this afternoon. I ask for your protection against Mr Berry in particular.

MR SPEAKER: I uphold your objection, Mr Humphries. Mr Berry, please desist. At that stage he was not interjecting; it was an aside to Mr Duby. But please desist, Mr Berry; you prattle on all the time.

MR HUMPHRIES: The primary role of the geriatric assessment team is to assess elderly people to ensure that they receive appropriate care and are not inappropriately admitted to nursing homes. Most assessments are done in people's homes and a full range of medical, nursing and allied health professional services are used. This year the Commonwealth has extended the role of the geriatric assessment team to assess people for hostel residence and to develop a local respite care booking service which allows carers a break from looking after their relatives at home. The ACT has been given \$60,970 up to June 1992 for these two projects.

As well, the Commonwealth Government has provided funds in the past for the purchase of three motor vehicles for home visits by the team and for the purchase of enhancements to the computer system, as the funding is conditional upon the geriatric assessment team collecting and analysing a minimum data set of clients seen. This data, of course, allows for the evaluation of the service. I am convinced that many good things will flow to people in need of geriatric care in the ACT because of these developments, and I look forward to advising the house further on those in due course.

South Curtin Primary School - Therapy Centre

MR MOORE: Mr Speaker, my question is directed to Mr Humphries in his capacity as Minister for Education and Health. Minister, I move to the saga of the Therapy Centre which is located at the South Curtin Primary School. I understand that you are having difficulties effecting the refurbishment of the Weston Creek Health Centre, where you intended relocating the centre, because of some understandably stubborn tenants. Will you confirm that this is the case and explain the rules of the game of musical chairs you are playing with Lyons primary, South Curtin primary, Weston Creek Health Centre, the affected tenants and in fact the entire local neighbourhood there?

MR HUMPHRIES: Mr Speaker, I think the Deputy Chief Minister answered a question on a very similar basis yesterday, and I have made it quite clear that the Government was considering the most appropriate location for the services to which Mr Moore has referred.

I can indicate at this stage that we have been approached about changing the announced plans that the Government has made with respect to those services. I can indicate to Mr Moore and to anybody else who asks me that I am open-minded about that, and if a better method can be suggested to me -

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a method which satisfies the parties concerned in this matter, and they include the Therapy Centre and others - then I am very happy to entertain that.

At this stage, it entails looking again at whether the Therapy Centre should go to Weston Creek Health Centre. I am quite prepared to examine that matter. I have been asked to do so and that is what I am doing.

MR MOORE: I ask a supplementary question, Minister. My understanding is still that there is a tenant who will not move from that Weston Creek Health Centre. Is it the case, then, that at this stage we still have no idea when the Therapy Centre can reasonably be expected to be housed in the Weston Creek Centre, or anywhere else for that matter? Also, if, as you suggest, you are genuinely looking for a solution for the Therapy Centre problem, there is a very simple solution, and that is to retain the Lyons school as an operating school for the rest of the year. I am quite happy to proffer that suggestion on their behalf.

MR HUMPHRIES: I thank Mr Moore for that very kind suggestion, but he has not yet proffered a suggestion as to how the Government might make the savings that would compensate for the non-closure of Lyons Primary School.

In his original question Mr Moore referred to tenants. There is a tenant. I expect to be meeting with that particular tenant some time in the next hour to discuss with him what he would like to see happen in that area. Until I have spoken to him I cannot comment on whether his moving is or is not required as part of this process.

Residential Leases

MR STEFANIAK: Mr Speaker, my question is directed to the Chief Minister. Does the Chief Minister favour a system whereby there would be a charge for the renewal of residential leases?

MR KAINE: I thank Mr Stefaniak for the question because it gives me an opportunity not only to state my view but also to raise questions about either the intellectual laziness or the intellectual dishonesty of the Leader of the Opposition. I will come back to that in a minute and people can make their own minds up.

Ms Follett: Mr Speaker, I ask that that remark be withdrawn.

MR SPEAKER: Well, "intellectual dishonesty", as I interpret it, is not - - -

MR KAINE: If she takes exception to it I withdraw it. I will be presenting the facts in a minute and people can draw their own conclusions.

Everybody in the Assembly and everybody out there is aware that the package of planning legislation is out still for public comment and that public comment does not close until the end of this month. During that public comment a great many things have been said about the legislation, and I will come to this specific question of the plan for residential leases in a moment. The current policy is that residential leases are renewed automatically and at no charge. But a fee is charged for renewal of commercial leases.

There have been some views expressed publicly, one of which is that it is anomalous to manage lease renewals differently and to charge one group and not the other. That is not my view; it is a view that has been expressed publicly.

Mr Wood: And privately?

MR KAINE: It has not been expressed privately; it has been expressed publicly. I stress that this matter has not been considered by the Government, but since it has been raised by others during the public consulting phase of this legislation it obviously has to be taken into account when we are looking at the final drafting of the Bill. To suggest otherwise would be totally dishonest.

My personal view is that, since it has been asserted that the situation is anomalous, we have an obligation to look at it. I want to stress, however, that I have not proposed a charge for renewal of residential leases. No such proposal has been put to the Government, although there has been some public discussion about it, and in my view it is extremely unlikely that this Government or any other government would consider such a proposal favourably. Having stated my view, I now want to deal with the other question.

Yesterday, in an extended interview on the ABC, I was asked a question on this matter. I want to read into the record what my answer was so that there is no question about it. My answer to the question was:

There is a presumption, I suppose, at the moment, that residential leases are for all intents and purposes freehold land, and if we are considering a premium for a renewal of a lease, then perhaps we should also be looking at residential leases as well. We haven't looked at that up till now. It's a point that's now been raised by the business community that we're discriminating against them. That's a fair comment and I think we should look at the whole situation.

That is the end of the quote - a direct, unequivocal answer to a question.

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Mr Jensen: A frank answer, I think Mr Abraham said.

MR Kaine: A frank answer and an honest one. This morning, at 8.40, the same interviewer asked the Leader of the Opposition a question in connection with that response. The Leader of the Opposition started off by saying:

... I think ... that Mr Kaine ought to guard against appearing to make policy on the run like that.

I was not making policy. I did not even give the appearance of making policy. I simply answered a straight question in a straight manner. I said "intellectual laziness" earlier; you either did not read what I said or you deliberately misinterpreted it, because if you had read it or interpreted it correctly you could not possibly have drawn the conclusion that I was making policy on the run. So, as I said, it is either intellectual laziness that you did not bother to read the question or intellectual dishonesty that you chose to deliberately misinterpret it. Later in her answer she said:

He's gone a little bit further on the news by saying that he thinks it's a fair point or something that he might support ...

I did not say that. I in no way implied that I would support the proposal. I merely said that the Government ought to consider it as some of the comment had been made publicly on the matter. I make the point that in two places in her response the Leader of the Opposition either deliberately misquoted or deliberately misinterpreted what I said. I repeat. It is either intellectual laziness or intellectual dishonesty, and I will leave it to other people to make their own interpretation of that, Mr Speaker.

Ms Follett: Mr Speaker, I ask again that that word be withdrawn.

Mr Kaine: I raised the question of whether it was. I did not make an accusation.

MR SPEAKER: It was a rhetorical question, as I understand it. It was not an accusation.

Pensioners - Deemed Interest on Savings

MR STEVENSON: My question is addressed to the Chief Minister as Treasurer and it concerns the Federal Government action in treating the savings of ACT pensioners as though they were attracting 10 per cent interest regardless of whether they were or not. Is the Chief Minister concerned about this unjustified and unjust impost and grab at pensioners' savings in the ACT?

MR KAINE: Mr Speaker, I can say without equivocation that I believe that it is totally unjust - a major imposition and totally unjustified. I think there has been a good deal of public debate on this issue and I think it has been very clearly demonstrated that it is virtually impossible for pensioners with a small amount of money to get the 10 per cent interest that the Government is deeming that they will receive. That is total dishonesty on the part of the Government. It is a gross imposition on pensioners and I cannot understand how this Government and this Treasurer, who will do nothing about correcting the economy that he has created, can possibly impose this kind of a burden on our pensioners. I think it is disgraceful.

South Curtin Primary School- Therapy Centre Playgroup

MR WOOD: I direct a question to the Education Minister, Mr Humphries. I want to explore further the difficulty around the Therapy Centre at the former South Curtin school. Mr Humphries, since the Government announced its plan to relocate the Therapy Centre, the centre's playgroup has been packed up but not moved due to insufficient space at Weston Creek Health Centre. The playgroup worker has now been transferred to Malkara School. Will the Minister give an undertaking to this Assembly that the worker will be retained and the playgroup reinstated?

MR HUMPHRIES: I do not know what the circumstances of the playgroup are at the Therapy Centre.

Mr Wood: Rather messed up, actually.

MR HUMPHRIES: I do not treat what you say with quite as much jaundice as I treat what Mr Berry says. I will accept that, as you have caught me out once already this week, you might be right. Therefore I will go and check out my facts and I will come back to the Assembly. However, it is not the Government's intention to separate the services which are an integral part of the Therapy Centre. The intention has always been to transfer that entire centre, at the one time, to its new home. If the playgroup is part of the Therapy Centre, then my understanding is that there will be no break-up of that playgroup from the rest of the Therapy Centre, and I would expect to be able to transfer all those things to their new home in due course. Whether that teacher is temporarily at Malkara or not I just do not know at the moment, but I will certainly find out and I will get back to Mr Wood.

MR WOOD: I ask a supplementary question. When you come back, Mr Humphries, will you also give an indication of when, if your plans proceed, the playgroup will be working together again?

MR HUMPHRIES: Yes, I will, Mr Speaker.

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Mr Kaine: Mr Speaker, I request that any further questions be placed on the notice paper.

Equal Employment Opportunity Plans

MR KAINE: Yesterday Mr Berry asked me a question which had to do with equal opportunity. He asked which of the agencies of the ACT Government Service had produced plans. I am sure Mr Berry will be pleased with the response. Particularly, perhaps, he will be pleased that the ACT Fire Brigade has produced a status plan, and that was done in November last year.

The Chief Minister's Department had its plan approved in October last year. The Department of the Environment, Land and Planning had its plan approved in August last year. The Health, Education and Arts Department had its approved plan in August last year. The Urban Services plan was approved in September last year. The ACT Board of Health plan was approved in November last year. ACTEW's was approved in October last year. The Institute of TAFE's was approved in August last year. Justice and Community Services has an interim plan awaiting union approval, as does the ACT Legal Aid Office. So only two of the agencies have not at this moment got approved EEO plans, and their interim plans are out for negotiation with the unions.

Gungahlin Development

MR KAINE: Yesterday Mr Connolly asked me a question which had to do with the costs in connection with Gungahlin this year. The budgeted amount for the development of Gungahlin this year was \$13.6m. At this date \$1.9m has been spent and it is expected that a further \$8.8m will be expended by June. This does not include work undertaken by ACTEW, which has budget approval for expenditure of \$2.8m for this year. There has been no expenditure by ACTEW up to date, but it proposes that it will spend \$1.45m of that by June.

The member should be aware that revenues from Gungahlin broad-acre land sales in May of this year are expected to exceed the ACT Government's expenditures in Gungahlin in this fiscal year, so we seem to be in pretty good shape.

Acton Peninsula

MR KAINE: On 19 February, Ms Follett asked me a question which had to do with a replacement for the Jindalee Nursing Home on the Royal Canberra Hospital site. I draw her attention to the statement that Mr Humphries made on 27 March last year when he foreshadowed the Government's intention to locate a nursing home on the Acton Peninsula, involving the relocation of Jindalee. The media announcement of the NCPA study reiterated this decision, saying:

The ACT Government is committed to providing for health related activities such as a convalescent care centre, Queen Elizabeth II Hospital for Mothers and Babies and a nursing home as the preferred uses for the Acton Peninsula. However, there is an opportunity for additional uses.

It is these additional uses which are the focus of the NCPA study that is currently ongoing. To answer Ms Follett's question specifically, no, the Government has not made a submission to the NCPA because provision for a nursing home is one of the preconditions for the study; there is no need for us to make a separate submission on this subject. Finally, the latest advice from the NCPA indicates that the study is on schedule and a draft report will be available for public consultation around the middle of this year.

There were a number of other questions that I was asked and I do not yet have to hand the information to answer them. I will answer them at the first opportunity.

School Closures - New Traffic Arrangements

MR HUMPHRIES: Mrs Grassby asked me, on 14 February:

Is it true that, of the \$200,000 allocated for new traffic arrangements resulting from school closures, \$210,000 was spent outside Lyons school?

The answer is: No. Approximately \$120,000 has been or will be spent on roadworks and footpaths associated with schools in the Curtin and Lyons area.

South Curtin Primary School - Therapy Centre Playgroup

MR HUMPHRIES: A moment ago, I also took on notice a question from Mr Wood about the playgroup at the Therapy Centre. I discovered that, in fact, I do have some information about that at my fingertips and I might just read that information. If I undertook earlier to provide any information which is not in this information, I am happy to come back to Mr Wood with it.

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At the end of last year, in the context of the intended relocation of the Therapy Centre from the South Curtin site, the playgroup teacher packed up the equipment ready for the move. At the beginning of term 1 this year, with the delay in relocation, parents were advised that the playgroup would not operate normally but that alternative services would be offered. The playgroup teacher remained at the South Curtin site.

The playgroup teacher was advised to identify children in particular need of educational support and to offer home visits to assist those families to work with the children themselves. The two special teacher assistants were deployed to Malkara and Cranleigh special schools. On 18 February, the ministry deployed the playgroup teacher to Malkara, pending the relocation of the Therapy Centre and the re-establishment of educational playgroups.

We are currently developing new options for service delivery in the area of early intervention in the nought to five age group. These options will include a playgroup attached to the Therapy Centre and will focus on developing a wider range of programs which better meet the current needs of parents and children in the ACT community. There will, however, be no reduction in services.

DISORDERLY REMARKS

MR SPEAKER: I remind members that most asides are recorded by *Hansard*. Also, some of the asides result in acrimony within the chamber, particularly if the words are unparliamentary. Therefore, once again, I appeal to members to carefully select their words in both asides and interjections.

Late on Tuesday evening, a point of order was taken by Mr Berry wherein he asked that certain imputations directed against the Leader of the Opposition by Mr Jensen and the Chief Minister be withdrawn. I undertook to review the *Hansard* on the matter. I have examined the proof *Hansard* and note that it was Mr Jensen and Mr Collaery, not the Chief Minister, who made the comments reflecting on the Leader of the Opposition. I do not believe the other comments made by the Chief Minister to be of such a nature as to require their withdrawal. Those comments made by Mr Collaery and Mr Jensen are disorderly and therefore I direct that they be withdrawn.

Mr Collaery: What, precisely, were the comments, Mr Speaker?

MR SPEAKER: The comment that you made, Mr Collaery, was, from the *Hansard*, "Tell the truth".

Mr Collaery: Mr Speaker, I would never ask that of the Leader of the Opposition. I withdraw it.

MR SPEAKER: Order, Mr Collaery! That is a qualified withdrawal.

Mr Collaery: Mr Speaker, to accord with the courtesy of the Chair, I withdraw that, unreservedly.

MR SPEAKER: Thank you. Mr Jensen, your words were, at one stage, "No fibs", and at another stage, "Tell the truth. Tell the truth, Rosemary".

Mr Jensen: Okay, Mr Speaker, I withdraw - like my colleague Mr Collaery - but can I make a short statement in doing so, please?

MR SPEAKER: Do you seek leave?

Mr Jensen: Unreservedly and unexpectedly.

Leave not granted.

MR SPEAKER: Mr Jensen, leave is not granted, but if you wish to make a statement under standing order 46 you may do so.

Mr Jensen: No, Mr Speaker. I think we all know what happens from across the other side. We will let other people judge.

PAPERS

MRS GRASSBY: Mr Speaker, I ask for leave to present two petitions which do not conform with the standing orders as one petition has not been tabled in accordance with the routine of business and the other does not contain a request.

Leave granted.

MRS GRASSBY: I present one out-of-order petition from 803 residents requesting that the threatened demolition of the Casuarina Sands weir be halted and that it be recognised as a recreational swimming facility; and another out-of-order petition from 242 residents relating to a weir at Casuarina Sands. Also, I understand that a petition from the fishing community with 1,000 signatures was sent to the Speaker's office but seems to have got lost somewhere on the way and cannot be found.

Mr Kaine: I do not think one can present a petition that got lost, Mr Speaker, no matter how many signatures it has on it.

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MR SPEAKER: It cannot be presented, but I can assure members that I have researched the issue. I have made inquiries of the Federal Parliament's Speaker's office, and of Australia Post. Our records show that it has not turned up in the Assembly, in the Clerk's area or in the Speaker's office. As the petition that we have been advised has been sent comes from the amateur fishing association, one wonders how long the petition is.

Mr Duby: It is a fishermen's petition, is it?

Mrs Grassby: You are probably standing on it.

MR COLLAERY (Deputy Chief Minister): Mr Speaker, for the information of members, I table the following paper:

Pesticides Act - Registrar of Pesticides - Report for 1989-90.

I move:

That the Assembly takes note of the paper.

Mr Duby: Mr Speaker, in discussing that last petition from the fishermen's association, Mrs Grassby made the comment that I probably had it, the implication being that I have got it and refused to present it to the Assembly. I would ask that she withdraw that imputation, please.

MR SPEAKER: I did not hear that comment; but I agree, if it was, in fact, made. Mrs Grassby, I reiterate the words I uttered only a few moments ago: Asides are recorded and they cause acrimony. Would you please withdraw that comment?

Mrs Grassby: Well, if he does not have it and he is not standing on it, yes, I do withdraw it.

Mr Duby: Of course I do not have it. I would like you to withdraw it unqualifiedly, please.

MR SPEAKER: That was a qualified withdrawal.

Mrs Grassby: Yes, I did. I withdrew it.

MR SPEAKER: Let it be recorded that Mrs Grassby withdrew the comment.

Mr Collaery, the Clerk has just brought to my attention that you moved that the paper from the Registrar of Pesticides be noted. Was that in fact the case?

Mr Collaery: Yes. That will be the practice of the Government with annual reports, Mr Speaker.

Question resolved in the affirmative.

**HUDSON REPORT
Ministerial Statement**

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: Mr Speaker, there was a request from Mr Wood last year for a formal response to the Hudson report and, particularly to satisfy Mr Wood, I now make such a response. On 31 July last year the ACT Government announced its intention to close seven primary schools, amalgamate two high schools and secure certain other savings through "twinning" three groups of schools. There was strong community reaction from those who opposed the policy on schools reshaping.

It was claimed that the economic and social consequences for the community as a whole were so adverse that a cost-benefit analysis would demonstrate a net negative impact. Consequently, the ministry appointed Mr Hugh Hudson, a former chairman of the Commonwealth Tertiary Education Commission and former South Australian Minister for Education and Deputy Premier, to undertake an independent assessment of the schools closure program. Mr Hudson set out to examine the expenditure and savings involved in the school closure program and the social and economic implications arising from it.

Mr Hudson, in conducting the inquiry, received a total of 44 written submissions, visited schools, met with many of the groups who had prepared submissions and with other interest groups and individuals, and carried out an extensive process of consultation and research. The Hudson report was released on 14 November. The report indicated that Mr Hudson and his team had carried out an extensive examination of the school closures according to the agreed terms of reference.

The Hudson report concluded that, even after a \$430,000 "downward adjustment", the original proposed closures and amalgamations would have saved nearly \$2.6m a year. Mr Hudson presented three options as alternatives to the Government's initial school closures proposal - that is, option A. Option B involved finding the requisite savings through cutting the employment of people who work in the education area. The majority of these cuts would have to include teachers, approximately 100 in number. Option C involved a long-term policy for closure of smaller schools under strict criteria and revised staff formulae for smaller schools to produce savings. Cook, Hackett, Holder and Lyons primary schools would close, with Higgins, Rivett and Weetangera remaining open. Holder and Weston Creek high schools would be amalgamated. Option D is basically the same as option C, with discussion about closing any one or two of Weetangera, Rivett and Higgins, with resultant savings dependent on which were chosen for closure.

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Mr Hudson stated that the private, social and economic costs estimated by the Save Our Schools group and Dr Perkins were grossly overestimated. Mr Hudson rejected the proposed administrative amalgamation of Giralang-Kaleen-Maribyrnong. He supported the twin campus trials at Melba-Spence and at Griffith-Narrabundah primary schools.

Mr Moore: Qualified support.

MR HUMPHRIES: Perhaps. The Government announced its decisions on schools reshaping on 20 November 1990. They were: Four primary schools - Cook, Hackett, Holder and Lyons - to close at the end of the year, with the relocation of Lyons Primary School being delayed if the South Curtin site is not ready to accommodate them; Holder high to amalgamate with Weston Creek high; twin campus schools to be trialled at Melba-Spence and Griffith-Narrabundah primary schools; the administrative amalgamation of Kaleen-Giralang-Maribyrnong not to be pursued; Higgins, Rivett and Weetangera to remain open; establishment of a special task force to examine the long-term restructuring of the ACT schools system; and, finally, the Belconnen High School task force to continue its deliberations and report its findings to the Government in 1991.

The Government is committed, through this decision, to maintain the high standard of education which is provided for the students in the ACT public education system. Mr Speaker, I table the following paper:

Hudson Report - Ministerial statement, 21 February 1991.

I move:

That the Assembly takes note of the paper.

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

CASUARINA SANDS WEIR Ministerial Statement

MR DUBY (Minister for Finance and Urban Services), by leave: Casuarina Sands has been a popular recreation area for many years, catering for swimming and picnicking since the 1920s. The upper weir was constructed in 1962 and raised water levels immediately upstream by 1.5 metres. Since that upper weir was built nine people have been killed in the general area. While no single cause can be pinpointed, four of the deaths have occurred when people have been trapped in turbulence caused by the weir wall itself. There have been numerous other instances of people getting into difficulties around the weir, even during low river flows, but these have not led to fatalities and have therefore escaped public attention and reporting.

The Government is faced with a difficult decision. Many people have a sentimental attachment to the area, including me, Mr Speaker, because they can remember when Casuarina Sands was the place to go, even as recently as the mid-1970s. In those days Casuarina Sands was one of the most popular swimming spots in the region. However, this has now changed markedly.

Each death in the area has attracted considerable comment and those charged with managing the area have explored every avenue available to improve safety. When this evidence was placed before the Government the initial reaction was that an alternative solution must be available. After a review of the evidence, an inspection of the area by the entire Cabinet and a comprehensive briefing from all those involved in the recommendation, the Government has decided that the weir must be removed. I repeat that I am talking about the upper weir at Casuarina Sands.

The most recent drowning occurred in 1986 when a 13-year-old boy tragically drowned after struggling to escape for more than 90 minutes and despite the efforts of bystanders and rescue authorities. A police diver almost drowned in an unsuccessful rescue bid. In an earlier incident in 1966 two people lost their lives trying to save a third person who also drowned. Again police rescuers were placed in extreme risk.

The coroner investigating the 1986 incident recommended that measures be taken to improve safety at the weir - I am referring, again, to the upper weir - including changes to the weir to reduce the risk of turbulence forming. An engineering analysis was commissioned in 1987 and involved tests conducted on scale models of the weir at the New South Wales Institute of Technology. Based on the evidence of these tests - they were comprehensive tests - construction changes were made to the weir the following year.

The further concerns of the coroner were addressed by the installation of new warning signs, the provision of upgraded adjustable signs advising of river conditions, increased ranger patrols of the area, installation of gates and signs allowing the area to be closed during dangerous flows, and installation of a new boom system and associated signage. These changes have had minimal effect as many users simply ignore warnings.

In 1988, following the completion of the construction changes that were recommended, the police rescue squad conducted an exercise aimed at refining rescue methods at the weir. White water rafting experts from the ACT and from Queensland were present. The report from the police advised:

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It is the opinion of all present that even in times of medium river flow ... a potentially dangerous hydraulic is present.

Referring to the tragic circumstances involved in the 1986 incident, the police commented:

It is only a matter of time before this unfortunate incident is repeated.

In conclusion the police report states:

All members of the rescue squad are in support of the destruction of the weir. Messrs Maley and Marshall in their capacity as experienced white water rafters and rafting instructors also support this proposal.

A further engineering assessment was commissioned in 1989. This concluded that the modifications had had some effect in reducing the intensity of the dangerous conditions. However, the report recommended that:

Further modification to the weir would provide only a marginal improvement in safety.

The only possibility was the construction of a rescue apparatus on site. Permanent rescue facilities that could be installed include a walkway or flying fox over the weir wall. These suggestions have been around since the weir was first built and have been investigated thoroughly. They are completely impractical as they presuppose that the system would be applicable in all circumstances, that at least six people capable of operating the equipment safely - people who have been extensively trained - will be present in times of emergency, and require the system to be in perfect working order at all times. In addition, such a structure would itself become a magnet for daredevils and may be implicated in future accidents.

All alternatives to removal of the weir have been explored in the five years since the last drowning. Many incidents have occurred over this period, Mr Speaker, and it is only a matter of time before another drowning occurs. Visitors to the area deliberately ignore warning signs and locked gates. There is no way of warning others who may inadvertently enter the area, such as those washed down from the Cotter, or those rafting the river from many kilometres upstream, or, for that matter, people who do not speak English all that well. Indeed, as an aside, whilst Cabinet was inspecting the site, we were amazed to watch a 10-year-old lad and his sister go for a swim in this very area. He used the sign advising that swimming conditions were dangerous to pull himself over the chain supported by buoys which keep people away from the weir wall. He proceeded to swim dangerously close to the weir wall. This was done in the full view of police, members of the Cabinet and park ranger officials.

Mrs Grassby and others have proposed that a railing be erected on the top of the weir. This was, in fact, provided when the weir was first built and lasted only until the first flood, when flotsam tore the railing away, leaving jagged pipes protruding from the crest of the weir. Any structure at water level will meet a similar fate and will itself present a potential safety hazard to swimmers. None of the alternatives proposed remove the danger to life that the weir represents.

We must be concerned with the lives of those who are charged with the responsibility of rescue as well, of course, as the lives of those who swim there. Where a risk to public safety such as this is known to exist, it is the responsibility of the Government to act to remove it. To do otherwise will result in only more tragedies.

Visitor levels at Casuarina Sands have declined markedly over the 28 years since the weir was first built. The area now attracts less than one-tenth of the visitors that were present even as recently as the late 1970s. Patterns of use have changed and, even within this reduced figure, more people swim at the pool formed at the downstream weir at Casuarina Sands, the safe weir, than the number using the upstream pool. Recent usage of the Casuarina Sands recreation area, even at peak periods in the last swimming season, indicates that at peak times the largest recorded use of that area is 30 vehicles and their occupants at any one time.

Removal of the weir will not affect the majority of visitors to Casuarina Sands. The picnic facilities will remain, and swimming will still be possible in the river in the deep holes that are present above the weir we are talking about removing and at the lower weir. Obviously bushwalking and paddling will not be affected.

In time removal of the weir will enhance sand deposition, with a gradual reforming of the attractive sandy beaches that were present before the weir was built. We will then have an attractive beach and paddling area upstream, suitable for family use, while deeper swimming will still be available downstream at the lower weir. It is important to remember that only the upstream weir is being removed, Mr Speaker. The smaller weir downstream will remain, thus retaining what has become the most popular swimming hole and swimming area at Casuarina Sands.

Over the last two decades considerable effort and expense has gone into developing alternative recreation areas. Since 1986 over \$3.2m has been spent in improving recreation areas along the Murrumbidgee River, at Pine Island, Kambah Pool, the Cotter Reserve, Uriarra Crossing, Tharwa sandwash and Point Hut Crossing. Works have included improved access and car parking, the provision of more barbecues, picnic facilities, toilet blocks and play equipment. Use of all these areas is free.

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A further \$1.8m has been spent on associated landscaping and revegetation works. In the Casuarina Sands-Cotter area alone some \$1.1m has been directed towards improving recreational facilities in this time. It must also be acknowledged that Canberra's lakes and swimming pools, with the exception of Manuka and Civic pools, have been developed since the weir was built and now offer a range of far safer alternative swimming opportunities than those that existed in the early 1960s.

In recent times Australian courts have determined substantial judgments against land management agencies where it was found that the agencies had failed in their duty of care to protect users. Further incidents at Casuarina Sands could, I am sure, be the subject of such actions.

Mr Speaker, all the relevant authorities have been informed. These include the Federal Department of the Arts, Sport, the Environment, Tourism and Territories - Mrs Ros Kelly's department - the National Capital Planning Authority and the Australian Heritage Commission. None of them have raised any objection. The weir will be removed in an environmentally sensitive way. Machinery will be used to remove the concrete, steel and rubble from the bed of the river. An underwater examination will then be made by police divers to ensure that the river is clear of all material that may be dangerous.

The most suitable period to remove the weir is February or March, coinciding with low river flows. It is expected, Mr Speaker, that the project will take up to four weeks to complete and during this period the public will be excluded from the upstream recreation area at Casuarina Sands. I would like to point out that public access will still be permitted to the much more popular downstream swimming hole at Casuarina Sands.

The Government is committed to the provision of a variety of river recreation opportunities. Once the weir has been removed the area will be improved by the provision of additional landscaping and works to stabilise the river bank from erosion. The lives of both swimmers and rescuers will continue to be at risk while ever the upper weir remains. In view of the definite dangers that exist at the Casuarina Sands upper weir, the likelihood that more tragedies will occur and the fact that safer alternative swimming areas are now available, Mr Speaker, the Government believes that the removal of the weir at Casuarina Sands, the upper weir, must proceed as soon as possible. Mr Speaker, I present the following paper:

Casuarina Sands Weir - Future - Ministerial statement, 21 February 1991.

MRS GRASSBY, by leave: Mr Speaker, this is yet another example of this Government's incompetent handling of the provision of public swimming facilities for the people of Canberra. It needs to be pointed out from the start that the Casuarina Sands recreational swimming area is one of only a handful of free swimming areas in the ACT available to the public.

I was surprised to read in the *Canberra Times* on Sunday, 3 February this year, that Mr Duby had approved a proposal to demolish the weir at Casuarina Sands. As the shadow Minister for Urban Services, I would have liked to have had some prior warning about this decision in the spirit of consultation and cooperation promised recently by Mr Collaery, but such was not the case. If the Minister had done so, I can assure you, Mr Speaker, that I could have informed him that he was being sold a lemon.

It needs to be understood that the function of the weir at Casuarina Sands is to build the water up some 1.5 metres in depth behind it. In doing so, it creates a truly beautiful swimming area which the people of Canberra have enjoyed for some 29 years. To demolish the weir is to return that section of the Murrumbidgee River to little more than a trickle. Consequently, to demolish the weir is to kill Casuarina Sands as a recreational swimming area for the people of this Territory.

Mr Speaker, let us have a look at the public argument which Mr Duby has proposed to support the demolition of the weir. Firstly, there is the suggestion that the weir is unsafe because there have been nine fatalities in the area since 1962. The suggestion that nine people have died in the Casuarina Sands area since the construction of the weir in 1962 I find largely misleading. Of those nine fatalities, it is my understanding that only four can be attributed in any way to the weir. Moreover, and this point needs to be made very clear, these four fatalities occurred during flood periods. Consequently, Mr Speaker, it appears as if the weir has become the scapegoat, and we all know that a scapegoat is never the real source of the trouble. Quite simply, the danger at Casuarina Sands is flood conditions. It is certainly not the weir. The cause of the fatalities was the floods, not the weir.

If one compares these four fatalities to fatalities in other swimming areas in the ACT since 1962, then I feel the facts tell a very different story. You no doubt are aware that there have been seven deaths in Lake Burley Griffin, three at Pine Island, three in the Molonglo River and two at the Cotter Reserve in this same period. Should a decision be made to go ahead with the demolition of Casuarina Sands weir, then I will be waiting for the next logical step which must be to close down those other swimming areas that I have mentioned, and that means draining the whole of Lake Burley Griffin.

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Moreover, if the logic applied to the demolition of the weir were applied to ACT roads, then it would be fair to say that many would have to be closed to the public. Of course, this is never the case. Instead, we look at ways of making the roads safer. This is what needs to occur with Casuarina Sands weir.

The second argument, Mr Speaker, is the suggestion that there is a potential for a major damages suit against the ACT Government if it fails to do anything about the weir. I also find this suggestion to be misleading. Surely the potential for a damages suit exists with all ACT public areas, be they barbecue sites or children's playgrounds, swimming holes or roads. Mr Speaker, governments would shut down all activities if this argument was accepted, and put everybody in a balloon so that nothing would happen to them.

Mr Speaker, at this time it needs to be pointed out that tragedies have occurred in Canberra's recreational swimming areas and I would like to pay my respects to the families of those who have sadly drowned at these facilities. In particular, I should like to mention Mrs Elaine Campbell whose son, Mark, drowned with two other youths at the Casuarina weir in 1966. All members present may remember reading an article about the matter as recently as 13 February this year in the *Canberra Times*.

However, to best highlight the next point I need to make I shall refer members to the circumstances surrounding the tragic drowning of young Brandon McIlroy at the Casuarina Sands weir in November 1986. This needs to be done to show again that the danger at Casuarina Sands is not the weir, but, firstly, as I earlier mentioned, a dangerous flood condition, and, secondly, inefficient safety and rescue facilities in the general area. The fact was that there was a lass in the boat at the time who saw the danger, left the boat and swam to the shore. So the river was not flowing that fast. She was not prepared to go beyond the point that was dangerous.

The young gentleman wished to save his boat, I gather - we do not blame him for that - and decided to stay with it. We all remember the reporting of this profoundly disturbing event in which Brandon battled for 90 minutes to save himself. The lack of efficient safety and rescue facilities is underlined by the fact that emergency services had a full hour and a half to save Brandon but could not.

Some very basic questions come to mind. Where was the police rescue squad? Where was the ACT Fire Brigade? Where was the emergency rescue helicopter? Where were the safety features in the area, like a flying fox over the weir? Let me point out what was said by Mr Fowler of the Federal Fire Fighters Union to a newspaper after the coroner's report. He said that his office may have been

able to assist in the rescue, but the Fire Brigade was not notified by the police of the incident. The control room should have been told, Mr Fowler said.

Mr Kaine: Go and talk to the rescue squad. You are speaking off the top of your head. You do not know what you are talking about.

MRS GRASSBY: I am saying what the coroner said. This is what the coroner said and he said that this was a full report. I am repeating the coroner's report. A rope boom across the weir was also out of service. It was found coiled up on the shore. This means that the department was not doing its job in looking after these things and seeing that they were there. One policeman turned up; the rest of the squad were somewhere else, rescuing somebody else. When a helicopter that had been used to give RAAF families free joy rides was needed, there was nobody to fly it out to the rescue scene. I would like to say that responsibility lies firmly in the lap of the government of the time, no matter who it was, and the people who were running the rescue. If they had been there the boy could have been saved. So let us get that straight right now.

As for the first question, I find that the police rescue squad certainly did arrive at the scene. However, it needs to be pointed out that the first rescue crew to arrive on the scene was a backup unit staffed by an off-duty officer. Apparently the main rescue unit was kilometres away, at Kambah Pool, attending to another accident. As for the second question, we find that the ACT Fire Brigade were not called to the scene because of the continuing feud between the Fire Brigade officers and the police rescue squad. We could end up with something like that right now. If you live on the south side and you happen to be burning in a car and they do not call the Fire Brigade, you will burn to death. Thank God the Fire Brigade will be able to get to people on the north side because they have to look after that side. God help you if you are on the south side, because of the bungling and not knowing who is supposed to do what.

MR SPEAKER: Relevance, Mrs Grassby.

MRS GRASSBY: It is exactly the same thing. The point was that they were not called because of the bungling of two people who felt that they could do better than somebody else. They both should have been called.

On the third question, we find that the RAAF helicopter nearby could not be used because there was no-one on duty to fly it. The sour irony of this was that the helicopter had been used for joy rides for RAAF families only hours earlier. As to the last question, rescue facilities in the area, like a flying fox, were minimal or non-existent at the time.

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This leads me to my next point, which concerns the coroner's recommendations after Brandon's death. Mr Speaker, let us not be misled by the arguments of some into thinking that the coroner has recommended that the weir be demolished, because this is simply not the case. The coroner, in fact, following Brandon's tragic death, recommended that there be more signs in the area. Mr Speaker, let me tell you; there is a sign way up on the hill that you need glasses to read and it is only in English. It is in no other language, which I think is great! There is nothing down near the gate. There is nothing on the gate to say that the river is flowing and you should not go in. This means that this Government has completely fallen down and wants to blame everybody else.

Mr Jensen: There is, when the gate is closed, Ellnor.

MRS GRASSBY: There is no sign; so that is it. There is no sign down below. There is one tiny sign up on a hill, in English, which you can hardly read unless you have glasses on.

Mr Jensen: Get your facts right.

MRS GRASSBY: I have got my facts very right. You ought to get yours right, Mr Jensen. You would even give an Aspro a headache, Mr Jensen.

Mr Kaine: You should go and talk to people.

MRS GRASSBY: You say, "Go and talk to people". Last night I rang up 10 people who live in Weston Creek, who I did not know and who did not know me, and asked them how they felt about the demolition. Do you know why I picked Weston Creek? I did so because it beat us two to one in the election. It was the most Liberal area in the whole of Canberra and I decided to see how they felt. I can tell you right now that they were very upset about it. I pointed out to them that at the next election they should get rid of these idiots because these are the ones who want to do it to them.

Mr Humphries: So, that is why you are doing it - to win votes. It is all about winning votes, is it?

MRS GRASSBY: You will not win votes. You will not be here. Mr Speaker, recently \$70,000 was spent on improving safety features in the area and around the weir. How many casualties have occurred since that expenditure? The answer is none; absolutely none. Having spoken to the residents of the Cotter community, it is clear that they, like many others in the Canberra community, believe that Mr Doby's initial decision was too hasty. Casuarina Sands, as a recreational swimming area, is still a very popular spot with the ACT residents and many interstate and overseas visitors. The initial decision to demolish the weir, if it goes ahead, will destroy the site as a popular swimming area for many ACT families. Mr Speaker, I could read to

you some of the comments by members of the public on the proposal to demolish the weir, as shown by these letters to the editor of the *Canberra Times*.

My opinion on the matter is that the weir should not be demolished. However, I have always believed that an investigation should be made into ways of making the area safer. Obvious suggestions for this are fencing off the weir from both sides of the river bank; laying metal pickets across the top of the weir; and installing a gate at the entrance to the Casuarina Sands area, with a sign clearly informing the public not to use the facility when the gates are locked.

I am sure that officers from the Minister's department will be able to devise a range of more substantial proposals, given time. Such improvements would, of course, substantially reduce the potential of any other legal action in the event of an accident. Mr Speaker, my position on Casuarina Sands weir is clear: Keep the weir and spend the allocated \$66,000 or a necessary proportion for further improvements to safety in the area. It is time that those opposite did something constructive rather than destructive. May I point out to Mr Duby that I never suggested spikes going up in the river. We talked about iron bars across parts of the area so that timber could flow over them or a body could flow over them or people could grab onto them if they were going over when it was flooding. We did not talk about spikes going up in the air. If Mr Duby would get his facts right he would understand what was said to him.

MR KAINE (Chief Minister), by leave: I suggest that Mrs Grassby's speech has demonstrated more strongly than anything that we could say that the action that we have just taken is correct. She recounted the events of that tragic occasion when three people drowned. She tends to play down the quality of the people who were involved. She said that the unit that went out there was only a backup unit. They were people trained to do the job.

Mrs Grassby: One policeman, and the fire department was not called, as it should have been.

MR SPEAKER: Order, Mrs Grassby!

Mrs Grassby: Let him get his facts straight, Mr Speaker.

MR KAINE: I have got my facts straight, Mrs Grassby. I went out there yesterday. I spoke to the police rescue squad, the officers involved. I spoke to the rangers whose job it is to ensure safety out there. I went through every possible option of upgrading that area so that it could be safe. They are the people who were involved in attempting to rescue that boy in 1986 and they explained all of the things that they tried to do to save that boy, and no equipment available - - -

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Mrs Grassby: They did not call the Fire Brigade.

MR Kaine: They are qualified people, Mr Speaker, whose job it is. The police rescue squad is trained in all aspects of saving human life. They could have - - -

Mrs Grassby: And they would not even call the Fire Brigade, which could have got the boy out straightaway.

MR SPEAKER: Order, Mrs Grassby!

MR Kaine: Nothing that was done was effective because of the volume of the water, the power - - -

Mrs Grassby: Because they did not do their job properly.

MR Kaine: Mrs Grassby says that you can stick a pipe up and if you are washed over you can grab the pipe. I would defy the strongest of men to grab a piece of pipe when he is being washed over a weir under flood conditions and be able to hang onto it.

Mrs Grassby: If you had listened properly, you would have realised that he would have been washed straight over and washed down the river. He would not have been caught in it.

MR Kaine: You are suggesting that you can put bits of pipe there to hang onto. It is physically impossible to do that. It is not within the power of a human being to protect himself or herself under those - - -

Mrs Grassby: I will do a drawing for you later and explain it to you.

MR Kaine: I am not entering into a debate with you, Mrs Grassby. You have had your say.

Mr Moore: You are, actually.

MR SPEAKER: Order, Mrs Grassby!

MR Kaine: I am not going to have cross chat and answer everything that she says. That is not what this is about. I think that I should be protected from this constant interjection.

All of the things that Mrs Grassby has mentioned have been considered. They have been considered by qualified engineers, by qualified hydrologists and by qualified rescue people, and we are assured that it is not possible to guarantee anybody's safety on that weir in the future. People ignore the signs; they go around them; they go through the gates; they swim despite warning signs. We have considered all the possibilities. We, the members of this Government, have weighed up all of the factors. In the ultimate what we are talking about is somebody dying.

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We are assured by the people who are responsible that it is not a matter of whether somebody else will drown there; it is merely a question of when.

I am not about to have that on my conscience. You can, if you like, Mrs Grassby. If you thought this was so important, why did you not fix it when you were the Minister? You shrugged off the question, like you did everything else when you were the Minister. You did nothing. Well, that is not the policy of this Government. The policy of this Government is to address the question and to address it seriously.

We know that it is a sensitive question, that some people have some very strong views of an emotional kind about Casuarina Sands. I am not prepared to stack that up against somebody dying there. Removing that weir will not materially affect the amenity of that location. There is still a big swimming hole there. There is still a picnic area there. There is still bushwalking there. There will still be swimming holes where this current weir is that will be fine for the kids. They were fine before the weir was built; they will be fine again. The sandbank that used to be there will re-establish itself. It will be a beautiful area. Thousands of people have enjoyed it; thousands of people will continue to enjoy it in the future without the danger of losing their life. That, to me, is the bottom line.

MR MOORE, by leave: It would have been more appropriate for Mr DUBY to have moved that the paper be noted. There has been such gross hypocrisy from the Chief Minister and members of the Government.

Mr Kaine: I take a point of order, Mr Speaker. I take gross exception to the fact that when I am talking about saving human life I am accused of being a hypocrite. I would like him to withdraw it.

MR MOORE: Now I will explain why, Mr Speaker.

MR SPEAKER: Order!

MR MOORE: It is quite clear, Mr Speaker, from the Estimates Committee - - -

MR SPEAKER: Order! I would ask you to withdraw it and then explain yourself.

MR MOORE: Mr Speaker, I shall withdraw the word for the time being.

MR SPEAKER: Thank you.

Mr Kaine: For the time being?

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MR MOORE: Yes; I will come back to it in a minute. During the debate in the Estimates Committee, Mr Speaker, after three-quarters of an hour of questioning, the Government members and members of the Public Service admitted, quite clearly, that there would be an increased danger to children through their school closures program and that children would - - -

MR SPEAKER: Order! Mr Moore, relevance, please.

MR MOORE: This is absolutely relevant, Mr Speaker. The whole basis of their argument for getting rid of this weir is the safety of people; that people might die. It is exactly - - -

Mrs Grassby: Who is getting the contract?

MR SPEAKER: Order, Mrs Grassby!

MR MOORE: Mr Speaker, what we have from the Minister is just either intellectual dishonesty or intellectual laziness.

Mr Duby: I take a point of order. There was an interjection from Mrs Grassby - I believe that she has been making these comments while I have been out of the house - that somehow this is linked to the letting of the contract. I would like that imputation withdrawn. She is implying that this is going on because somehow a deal has been done or something.

Mrs Grassby: I am not implying anything. I am asking you who is getting the contract. There is no implication; I am just asking who is getting the contract.

Mr Duby: I have not the slightest idea.

MR SPEAKER: Order! Mrs Grassby, please rise when you are addressing the Chair. The situation, as I understand it, is that there was an implication. If you did not intend it, please withdraw it.

Mrs Grassby: It is not an implication. I am just asking who is getting the contract.

MR SPEAKER: If there was no implication, that was the way it was read by the members. Please withdraw.

Mrs Grassby: Why should I withdraw when I was not implying that?

MR SPEAKER: That was the way other people interpreted what you said. That is what I am saying.

Mrs Grassby: That is their problem, not mine. I just asked who is getting the contract.

Mr Jensen: I take a point of order, Mr Speaker. I refer to standing order 202(e).

MR SPEAKER: Mrs Grassby, please! Mrs Grassby, for the benefit of the house, if the question has been misinterpreted, if you insist - - -

Mrs Grassby: Give me an answer. I am asking them for an answer. Who is getting the contract?

MR SPEAKER: As I heard the words, that implication could be taken from what you said. I would ask you to withdraw them.

Mrs Grassby: Well, if the cap fits it. I will withdraw it then. Obviously it does fit.

MR SPEAKER: Thank you.

Mr Kaine: Mr Speaker, that is not a withdrawal.

Mr Collaery: Mr Speaker, may I address this point of order?

MR SPEAKER: Yes, Mr Collaery.

Mr Collaery: Mr Speaker, you could assist Mrs Grassby by assisting her with the words she should use. The words she should use are recognised in parliamentary language. They are, "I withdraw any imputation against the member". She should say those words.

MR SPEAKER: Thank you for that observation, Mr Collaery. That is the crux of the situation, Mrs Grassby. If others have misunderstood your intention, as you say, would you therefore withdraw the imputation.

Mrs Grassby: I withdraw. They must be very worried then, Mr Speaker.

MR SPEAKER: Thank you.

MR MOORE: Mr Speaker, what we have from this Government is either intellectual laziness or intellectual dishonesty - one of the two - because - - -

Mr Kaine: Mr Speaker, I requested earlier that Mr Moore withdraw his assertion of hypocrisy.

MR MOORE: I did.

Mr Kaine: No, you did not.

MR MOORE: I absolutely did.

Mr Kaine: You said that you were going to argue about it and you have not yet said one word in justification of it.

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MR MOORE: I made an unqualified withdrawal of the accusation of hypocrisy, Mr Speaker.

MR SPEAKER: Yes. I was under the impression that you had done so, Mr Moore, but please proceed.

Mrs Grassby: For the second time.

MR MOORE: For the second time, just to clarify it for the Chief Minister. It may well be, Mr Speaker, after I have argued the point, that I may be tempted to use it again. The situation, Mr Speaker, is that, whether through intellectual laziness or intellectual dishonesty, the members of this Government have one situation where they have put at risk the safety not of people swimming but of small children, through their school closures, which is even more drastic - - -

Mr Duby: I take a point of order, Mr Speaker. Relevance.

MR SPEAKER: Yes, relevance, please.

MR MOORE: Of course it is relevant, Mr Speaker. The whole basis of the argument over this weir is the safety issue.

MR SPEAKER: Order! Mr Moore, I think you are drawing a long bow.

MR MOORE: I am going for consistency. I am not drawing a long bow at all, Mr Speaker. I am asking the Government to be consistent for a change.

MR SPEAKER: Order! I do not see that that has anything to do with this matter. We are discussing the Casuarina Sands weir. Please proceed.

MR MOORE: That is what I am doing. Mr Speaker, I am drawing a comparison, a quite clear comparison. It is a perfectly normal and standard debating technique. The whole basis of the argument for ruining this public facility is the safety issue. They were not concerned; they ignored the safety issue on the school closures. To now look at the safety issue - - -

Mr Duby: Mr Moore, have you been there?

MR MOORE: Yes, I have been there many times, like most of the people in Canberra.

Mr Duby: Do you know what we are talking about?

MR MOORE: I certainly do. It seems to me, Mr Speaker, that the intellectual dishonesty is clear. They use this argument and at the same time they ignore the safety of children as far as the school closures are concerned. This is a definite indication of the hypocrisy of these people. This closure at Casuarina Sands follows the closure of the

Ainslie tip - another bungle of Mr DUBY's - the closure of the Royal Canberra Hospital and the closure of schools. It will add another nail to the coffin of that Government.

MR STEVENSON, by leave: There have been arguments presented from both sides. There could well be validity in what the Alliance members have said. However, how are the people of Canberra or members on this side of the house to know what validity there is when we have not been given time, and when people in Canberra have not been given enough time, to discuss the matter? Everyone in this Assembly, as everybody in Canberra - - -

Mr Humphries: You would not give us time this morning on fluoride. You were the person wasting time this morning on fluoride.

MR STEVENSON: Mr Humphries said that I would not give them time this morning on fluoride. That is an absolute misrepresentation. You are not noted for it in this Assembly and perhaps it is best not to start. You know full well that I said that it should be allowed to be debated over two months. People's health is at risk, exactly as they are at risk in this situation. At risk here also is the right of Canberrans to have a say in what happens to them. Once again, the members of this ACT Assembly who happen to make up more than half the numbers - well, at least six of them; or one or more have got the sway, I do not know - have said, "This is what will happen".

I do not say that there is a political reason or whatever. I am quite sure that there is genuine concern for the health of Canberrans. But what about including the rest of us in the deal, and the people of Canberra as a whole, so that we can all have a say on it? I am not an expert on Casuarina weir. I have certainly spoken to a lot of people that have been and are very concerned about it. Can the Government state that the signage that is out there is, first of all, such that nobody going out there can miss it? Is it absolutely impossible to miss it day or night?

Mr DUBY: Yes, they can.

MR STEVENSON: Fine. Good; Mr DUBY said that. Someone else can have a comment about that if it is not correct.

Ms Follett: Providing you can read English.

MR STEVENSON: A good point - providing you can read English. The second point is: Does it clearly explain the situation and the problem there? Mr DUBY, would you like to comment on this one?

MR SPEAKER: Order, Mr Stevenson! Address your remarks through the Chair.

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MR STEVENSON: I am sorry. I meant to make the point through you, Mr Speaker. Does the signage clearly explain in simple English the problem that there is? Other matters that have been presented to me include the reintroduction of lifesaving patrols. Has that been looked at as a possibility? It used to happen out there at one time. Is this one of the possibilities? What engineering possibilities - leaving signs aside - have been looked at?

Mr Duby: Don't you listen? I just gave all that information in a report to the Assembly.

MR STEVENSON: Did you discuss the lifesaving patrols?

Ms Follett: No, he did not.

MR STEVENSON: Well, why does he speak up on one point and ignore the others? You have to tackle the lot if you are going to tackle a few. A lot of people in Canberra are concerned. We have all been sent information concerning a survey of people who are speaking up on the matter. I do not know what the exact questions were or how it was done, but it showed that a majority of people were against the closure of the weir.

Once again, if there are valid arguments on this or any one of a thousand issues, why do not the people of Canberra have a chance to be convinced? Why does not the Alliance Government operate
- - -

Mr Duby: Because we are not governing according to a popularity poll.

MR STEVENSON: Mr Duby says, "We are not governing by popularity poll". There is only one way you can translate that. That means that the members of the Alliance make up their minds and the majority of the members of the Canberra population can go and swim, but not there - elsewhere.

MR DUBY (Minister for Finance and Urban Services), by leave: Hopefully I can close this supposed debate. I am absolutely flabbergasted at the claims that have been made by members opposite. I think the statement that I made to the Assembly today quite categorically went through all the arguments from safety experts, police rescue experts, engineers and park management as well as the legal point of view as to why it is unacceptable in today's society for a facility such as the upper weir at Casuarina to remain in place.

I repeat that the removal of the upper weir will in no way impinge upon people's ability to swim at the site or to participate in water sports. I might also add that if anything it will improve the facility. Families with young children - children are the target group that seem to lose their lives there and who are involved in the many incidents that have occurred which do not receive

publicity - will flock back, I am sure, to the site. Usage has dropped dramatically over the years because people know that it is a deathtrap.

Mrs Grassby: Drain the lake. Close all the roads.

MR DUBY: This argument of Mrs Grassby's calling for the draining of the lake is absolutely and totally spurious. I must ask you, Mr Speaker, to protect me from the heckling coming from the other side.

MR SPEAKER: Order! There is too much noise.

MR DUBY: The argument put up by Mrs Grassby that the lake be drained because it poses a problem through someone drowning in it is absolutely spurious. Four deaths have occurred at a known specific location on the Murrumbidgee River. In addition, there have been a number of incidents which have been very life-threatening at the downside of that upper Casuarina weir. Whilst people have drowned in the lake - indeed, people drown in their bathtubs - there is no specific example of people consistently being exposed to danger at swimming places around the lake or, indeed, at other places that people can use for swimming such as the other swimming facilities throughout the city.

What we are looking at here is something very similar to, for example, a traffic black spot. When we know that there is a corner or a particular traffic hazard that causes deaths regularly, it is inherent upon the Government to take whatever steps it can to minimise the danger to the public at that site. For us not to do so would be a dereliction of duty. Then again, duty and public service appears to be something that is alien today. As I said, that argument, that because there is risk in the lake or risk in other areas they should be banned also, was simply ridiculous.

Mr Speaker, I think that anyone who reads the statement that I have made in the house today will realise that there are numerous other places along the Murrumbidgee which provide free swimming facilities.

Mr Moore: Just like there are places other than the Ainslie tip to take your rubbish.

Mrs Grassby: And other places to send your kids.

MR DUBY: Mr Speaker, I must insist.

MR SPEAKER: Order!

MR DUBY: In addition, the removal of the upper weir at Casuarina Sands in no way impinges upon the viability of that site as a public swimming recreation facility. Mr Speaker, it is clear, in my view, that there is more to this than meets the eye. For whatever reason, Mrs Grassby has taken it upon herself to hold herself up, for some

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reason, against the introduction of public safety measures. I cannot, for the life of me, understand why. I know that in most regards Mrs Grassby is a reasonable person; someone who takes into account the safety of other persons. This diatribe that she has entered upon is simply beyond me.

Mr Collaery: It is election year.

MR DUBY: That may well be the point. This question also needs to be raised: Whilst Mrs Grassby and the Labor Opposition were in government, what steps were taken by them to improve the safety of the facility at the weir? None whatsoever. Yet these reports were available to them at the time. They were also familiar with the reports from the coroner, et cetera. Yet they now come out and say that there are ways that the weir can be made safe, contrary to the view of experts from all areas of expert opinion available. I repeat: There is a full weir 200 metres from this site and this decision does not, in any way, impinge upon the swimming facilities or recreational facilities available. Indeed, in my view, and in the view of the experts, not the people who just form opinions and mouth them, it will improve the facilities at Casuarina Sands and, hopefully, encourage people who enjoy outdoor activities like swimming in the Murrumbidgee to go back there to a safer, better place.

YOUTH UNEMPLOYMENT

Discussion of Matter of Public Importance

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

The failure of the Alliance Government to address the ACT's growing youth unemployment.

MS FOLLETT (Leader of the Opposition) (4.13): Mr Speaker, there has been considerable concern raised in our community over recent months about the growth in youth unemployment. This concern has been voiced by people across the whole spectrum of Canberra, with one notable exception. That exception is the ACT Government.

Whenever the issue is raised, the response from the Government is threefold. Mr Kaine has repeatedly asserted that there is no problem; there are simply normal, seasonal fluctuations. He says that our ACT economy is doing better than the national economy, so why worry; and that, if a problem exists, it is a national one and there is nothing that we can do.

Mr Speaker, this head in the sand approach is, in fact, nothing less than intellectual laziness; nothing less than intellectual dishonesty. This approach cannot continue. The Government must stop hiding behind feeble excuses and

take action. Chief Minister Kaine must begin to show that he cares about what is happening to our youth and that he is not prepared to see them consigned to the scrap heap of long-term unemployment.

We do have a youth unemployment problem - a problem which cannot be explained away by our higher than average school retention rates or large tertiary education population. Some 36 per cent of our teenagers were unemployed in January. This is 40 per cent higher than the national rate of 26 per cent. Our current youth unemployment rate is also 40 per cent higher than it was at the same time last year.

While there is seasonality in youth unemployment, there is also no doubt that our rate has been on the rise for the last eight or nine months, that is, over the majority of the period that the Alliance has been in government. It is also indisputable that we are not simply following the national trends on unemployment. In the middle of last year, our youth unemployment rate was almost half that of the national rate. Now, as I said before, our rate is 40 per cent higher than the national rate. While the national youth unemployment rate has increased by 50 per cent, in non-seasonally adjusted terms, since June last year, the ACT youth unemployment rate has increased by a staggering 300 per cent.

Mr Speaker, in the face of this disaster we still hear from the Chief Minister that the ACT's economy is performing better than the rest of Australia's. I do not know what more facts than these are necessary for Mr Kaine and his Alliance Government to accept that there is a problem. The problem may be, in part, related to the developing national recession. This does not mean, however, that the Chief Minister can simply dismiss it as solely a national issue which he can do nothing about. In this Territory, the Chief Minister has given himself the ministerial responsibility for employment and economic development. He cannot shirk that responsibility. This means that he cannot turn his back on our young unemployed. The simple facts of the matter are that, if it does nothing on the unemployment front, then the ACT Government will be forced to pick up the pieces on the welfare services front. This Government will have to face up to its responsibilities at some stage, and surely treating the cause is better than treating the symptoms.

There are many reasons why the Labor Party believes that action must be taken to address our skyrocketing youth unemployment. Paramount amongst them is our commitment to social justice and equality of opportunity. Whether we accept the current recession as a necessary evil or not, why is it that the young must suffer the greatest pain? Surely, in a just society, the burden of economic adjustment would be spread fairly across that society.

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Unemployment concerns the Labor Party also, because it creates significant social hardship. This is particularly true of extended periods of unemployment. It is because of its potentially damaging impact on the perceptions of those just entering the labour market that we must be particularly concerned about youth unemployment. The frustration and alienation associated with unemployment can result in many forms of anti-social behaviour, behaviour such as vandalism, drug abuse and violent crime. Unemployment can result in the tragic waste or blighting of young lives. Brian Burdekin, in his report, *Our Homeless Children*, recognised the importance of employment in dealing with the cycle of poverty and homelessness faced by many young people. He made a number of recommendations relating to job training and employment programs.

Unlike our Chief Minister, Mr Burdekin realised that a territorial government can act to address the problem of unemployment, particularly in its discriminatory effect. It is not, however, only the social implications of youth unemployment which we must be concerned about. Sustained high levels of youth unemployment also impose economic costs on our community. Youth unemployment is a waste of human capital. Our community invests millions of dollars in educating and training young people. How can we afford not to utilise that resource? It is not only a loss of productive capacity while they are unemployed; it also has lasting and long-term effects on the productivity of unemployed youth as they grow older.

Because we in the Labor Party recognise the special problems of youth unemployment, because we recognise that society has a special responsibility to nurture our youth, and because we oppose the injustice of the discriminatory impact of unemployment on youth, we included a program specifically aimed to deal with youth unemployment in our first budget. We proposed the establishment of the youth outreach worker program. This program was designed to provide personalised information, support and job planning services for long-term unemployed teenagers and youth with disabilities. We also understood the importance of the ACT Government in providing the right climate for overall economic development and job creation. That is why we included approximately \$2m in employment-generating new policy proposals, as well as increasing public sector infrastructure expenditure by 10 per cent.

This approach by my Labor Government must be contrasted with the approach of the Kaine Government - an approach based on the continual denial of the existence of a problem in the face of overwhelming evidence; an approach based on passing the buck to others. It is an uncaring and arrogant approach. The Alliance Government did not implement my proposal for a youth outreach worker program, and it instituted a contractionary budget policy.

The entire economic policy of this Government is based on rhetoric, rather than action. We have had Mr Collaery's response to the Burdekin report, where he stated:

The ACT Alliance Government is developing a youth employment strategy in response to these recommendations. Priorities within the strategy are being considered by the Ministerial Advisory Council on Employment which will report to the Minister responsible for Employment by the end of June 1990.

I would ask, Mr Speaker: Where is Mr Collaery's strategy? All we have is more rhetoric, and no action. We often hear Mr Collaery talking about the provision of additional welfare services to the youth sector; and that is an objective that I certainly would not criticise him for. But when do we hear him talking about treating the causes as well as the symptoms?

Mr Speaker, we have had Mr Kaine's ACT economic development discussion paper, which predicted, in a roundabout way, an increase in youth unemployment. It proposed no action to deal with that prediction, other than its general action plan for economic development. But, of course, there has been no action on that plan; it is just more rhetoric from Mr Kaine.

Most disturbing of all, Mr Speaker, has been the arrogant way in which the Chief Minister has recently dismissed any suggestion that 36 per cent youth unemployment poses a problem. Instead, he continually claims that it is just a seasonal fluctuation and that the ACT economy is performing better than the Australian economy as a whole. I would ask - Mr Speaker, through you: Can you imagine, Mr Kaine, what calling those unemployed people "just a seasonal fluctuation" must make them feel like? It is an arrogant, heartless and, of course, Liberal approach to unemployment. It is the same approach that we have seen from Mr Kaine on ACT bankruptcy, in fact.

Even when it is confronted with opportunities to improve our economic climate and to create jobs, this Alliance Government's inability to make any decisions always comes to the fore - its inability to make a decision on section 19; its inability to act after a commitment six months ago on commercial tenancies; the procrastination over bidding for the Masters Games; the closure of the Tourism Commission shopfront at Jolimont as a result of lack of funds; and the total mess in planning and development approvals. Economic development under this Government, Mr Speaker, is a very sorry tale. What this Territory needs is a new approach to job creation and youth unemployment. We need an approach based on the principles of social justice and equal opportunities; an approach designed to provide jobs in a safe, satisfying and fairly paid environment for everyone who wants to work.

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When we are looking at policies designed to address youth unemployment, it is useful to separate them into two categories: Policies designed to remove the disadvantages faced by all young people, and policies designed to discriminate in favour of particularly disadvantaged groups of young people. In the first case, the fundamental issue must be to establish economic policies designed to increase the overall level of employment. In this regard, the ACT Government could play a pivotal role in creating a climate which would encourage business investment.

In a period of economic downturn, the Government needs to be careful to ensure that its policies do not exacerbate the economic difficulties. Budgetary policies should be aimed at stabilising the economy, not undermining it. What is required is a government willing to make decisions; a government which can at least create the image of stability; a government willing to act in the interests of its people. That is, Mr Speaker, we need a government other than the one we have now. Canberra also needs to be aggressive in its attempts to attract business and to be willing to compete for jobs with the other States and Territories.

The second component of any strategy to increase the job prospects of young people in general must be to increase the marketability of the skills they take to the job market. This means improving their education and training opportunities. Increasing the cost of education and training through the privatisation of schooling, or the rationing of a declining number of TAFE places, as is the policy of the Alliance Government, will only increase the inequity of the current situation. Available education and training resources need to be targeted to where they can best assist the reduction of inequality and the removal of injustice.

There are a number of things that a government committed to social justice can do to positively discriminate in favour of those young unemployed who are particularly disadvantaged. The young people I am referring to, Mr Speaker, are the long-term, alienated unemployed. One of the major disadvantages of this group is that they tend not to belong to any job networks. They do not have the relatives, the friends and the social climate which may introduce other young people into avenues of employment. To overcome this problem requires intensive vocational guidance services of the type I proposed in our youth outreach workers scheme.

I accept, Mr Speaker, that the recently introduced Street Link program, with all of its deficiencies, plays an important role in that area. However, we must remember that both of these schemes, both my own outreach workers scheme and the Street Link scheme, were designed in an environment of only half the level of youth unemployment that we have now. If we had remained in government, we would have been forced to expand our program to ensure that

it had a significant impact on hard-core youth unemployment. A similar response is needed in the Street Link program.

Mr Speaker, we also need to attack employment discrimination against this group head on. An important component of this is effective anti-discrimination legislation - something, of course, that this Government is proving incapable of delivering. But just as important is the introduction of positive incentives for the employment of people from disadvantaged groups. This could be in the form of direct subsidies to employers or tax relief measures.

Mr Speaker, the reason why I raised this MPI today was not to set out detailed policies on youth unemployment. It was, rather, to try to get across to the Chief Minister that there is a problem, that something can be done and something must be done. The Chief Minister and his Alliance cannot continue to leave their heads in the sand, saying that there is no problem and that our economy is performing relatively well.

I know, and I fully expect, that Mr Kaine will get up and accuse me of cheap political point scoring. That is his usual debating style and, to do him credit, he is at least consistent on that point. But I trust that what we will also get from the Chief Minister is some indication that on the question of youth unemployment - one of the most difficult problems facing our community - he is at last beginning to listen to the people.

MR KAINE (Chief Minister) (4.28): I would have to say, Mr Temporary Deputy Speaker, that in raising this issue the Leader of the Opposition is deliberately and cynically ignoring the economic circumstances which have created the ACT's, and, indeed, Australia's, unemployment problems, and which exist because of her Labor colleagues across the lake.

Ms Follett said that youth unemployment has been on the rise during the last eight or nine months while the Alliance Government has been in office. It is rather interesting that overall unemployment has been on the rise nationally during the last eight or nine years while Labor has been in office federally, and the ACT situation and ACT youth are merely a subset of the whole. If unemployment increases nationally, of course, it increases here; and if youth unemployment increases nationally, of course, it increases here. Indeed, the very economic factor - - -

Members interjected.

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Order, Mr Kaine! Members, Ms Follett was heard in silence. I would request that you do the same for the Chief Minister.

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MR KAINE: Thank you, Mr Temporary Deputy Speaker. The fact about the economic reality of the ACT is that about 50 per cent of the employment base is provided by the Australian Public Service, which has virtually closed down on recruiting, and that is the principal reason why high youth unemployment rates exist in Canberra. I do not control the Australian Public Service, and I cannot influence its recruiting policies. I suggest that you go over the lake and deliver the diatribe that you have just delivered to your mates over the lake. Tell them what they should be doing about fixing the unemployment rate and the economy nationally, and then you might be getting somewhere. Not only has unemployment been on the rise over the last eight or nine years under Federal Labor, but it has been a conscious policy of that Government - - -

Discussion interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Kaine! It being 4.30, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

YOUTH UNEMPLOYMENT Discussion of Matter of Public Importance

Discussion resumed.

MR KAINE: Not only has unemployment been rising during that period, but it has been a conscious policy of the Federal Labor Government to inflict high unemployment levels on the people of Australia. That has been made clear by Mr Keating, who has unashamedly described the existing circumstances as "the recession that had to happen" or "the recession that we had to have". And then Ms Follett has the nerve to talk to me about high youth unemployment. She can hardly claim that the Government of the ACT is responsible for the national economic conditions that face business today. These are the results of that eight years of unspectacular performance by the Federal Labor Government. As I said, she should direct her criticism where it belongs.

State governments, of course, have a somewhat constrained role in economic management, and it is enlightening to look at the performance of Labor States in the area that Ms Follett has chosen to emphasise.

In January 1990, the

youth unemployment rate in Victoria was 12.7 per cent; by January 1991, the youth unemployment rate in that State had increased to a massive 25.1 per cent. It increased from 12.7 to 25.1 per cent; that is a 100 per cent increase. That is a testimony to Labor. It is not confined to poor old Victoria. What about Labor's favourite son, Mr Bannon, in South Australia? In January 1990, the youth unemployment rate in South Australia was 17.9 per cent; by January of this year it had increased to 27 per cent. Western Australia is no exception, with the youth unemployment rate increasing from 16.2 per cent in January 1990 to 25.5 per cent in January this year.

So, what is so peculiar about Canberra? If those Labor States cannot hack it, and they have much bigger and more broad-based economies than ours, how is it that we in this Government are supposed to be able to fix the world's ills? Again, Ms Follett should be talking to her Labor cronies around Australia, so that they can put some pressure on Mr Keating and Mr Hawke to fix the national economy. That is where the problem lies.

All of this, of course, is a glowing testimony to the performance of Labor. It also demonstrates the hypocrisy of the Leader of the Opposition, to come into this chamber and to attempt to lay the blame at the feet of this Government. I accused her of intellectual laziness and intellectual dishonesty. It obviously stung, because she has been using those words ever since. I really hit home when I used those words, obviously. And, of course, she is not here; as usual, having fired her shots she disappears. She never stays to participate in the debate after she has fired her few angry shots; she disappears.

Mr Duby: That is not intellectual laziness; that is just laziness.

MR KAINE: The unemployment rate of youth in the ACT is high. It is something we are extremely concerned about - - -

Mr Berry: On a point of order, Mr Temporary Deputy Speaker: Those sorts of imputations need to be withdrawn. The unnecessary imputation by Mr Duby that people are lazy needs to be withdrawn. It is unparliamentary.

Mr Kaine: If they are not here earning their keep, it is reasonable to say that they are lazy.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Kaine. Resume your seat, please, for a moment. Mr Berry - - -

Mr Berry: It is unparliamentary and just plain rude.

MR TEMPORARY DEPUTY SPEAKER: I do not accept that, Mr Berry, in the context of the debate at the moment.

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Mr Berry: I think it smacks of intellectual laziness and intellectual dishonesty.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, please resume your seat.

Mr DUBY: On a point of order, Mr Temporary Deputy Speaker: For many months we have had to sit and endure being called "a lazy Government" by the lazy Leader of the Opposition.

MR TEMPORARY DEPUTY SPEAKER: I think the point is made, Mr DUBY. Would you please resume your seat? I call Mr Kaine.

MR KAINE: It is quite true. It is neither unparliamentary nor untrue to assert that they are lazy, because they are rarely here. They do not earn their keep and I would like to see them do so.

As I have acknowledged, the youth unemployment rate in the ACT is high. It is something that we are extremely concerned about, but it needs to be put into some sort of perspective. Contrary to Ms Follett's objection, I have not said that it is not a problem. Of course, it is a problem, and it is a matter of great concern.

Mr Berry: But you are not doing anything.

MR KAINE: That is not true either. You keep saying that, but it is not true.

Mr Berry: There are no results; you are not doing enough.

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Berry!

MR KAINE: If the intellectually lazy Mr Berry will sit there long enough to listen, he might learn something. Even with the difficult economic times that we are facing today, the residents of the ACT - and this is a fact - along with those of New South Wales enjoy a climate where the levels of employment growth and unemployment are the best in Australia. That is significant when you look at who is leading the governments in those two States. I have outlined the record of the Labor States.

Mr Berry: Respond to the 300 per cent growth.

MR KAINE: In January 1991 the overall unemployment rate in the ACT was lower than that for any other State or Territory.

MR TEMPORARY DEPUTY SPEAKER: Order, Chief Minister! Please, would you resume your seat. Mr Berry, you have been continually interjecting. I would request that you desist from that and allow the Chief Minister to make his statements.

Mr Berry: I will remind you of that later on.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Berry. Chief Minister, please resume.

MR KAINE: I repeat, Mr Temporary Deputy Speaker, that in January 1991 the overall unemployment rate in the ACT was lower than that of any other State or Territory. For the ACT it was 8.1 per cent, compared to over 10 per cent for South Australia, Tasmania and the Northern Territory. The latest figures show that employment in the ACT grew by 3,700 in the year to January compared to a decline nationally. If the Leader of the Opposition was being frank and not seeking to score some cheap political points - and she is right; I am going to say it because that is what it was all about - she would acknowledge that the unemployment rates that she is seeking to highlight are seasonal. They are always high in January and February and, if she had stayed in government long enough, she would have found that they would have been high in January last year when she was Chief Minister; but, of course, she did not stay around long enough, and deservedly so.

I will make a couple of points in respect of the efforts of this Government to reduce youth unemployment and unemployment generally. Firstly, there are not any quick fixes to this problem. If there were, Mr Keating and Mr Hawke and their crew would have fixed it a long time ago; but there are none. Job creation programs of the past, such as the RED scheme, the community employment program and the community youth support scheme did not work, and will never work, and that is why they were abandoned. They are not a solution.

The Leader of the Opposition appears to be suggesting that this Government should reduce youth unemployment by creating bogus make-work schemes. These schemes do not work; they will not work. All they do is distort the figures and obscure unemployment, and the unemployed are subsidised in a different way. (*Quorum formed*)

Mr Speaker, I said that there were no quick fixes to the problem; nor are there. Bogus make-work schemes will not do it. Secondly, this Government has focused on creating the right environment for the growth and diversification of the local economy. Faced with the static, if not declining, presence of the Federal Government in Canberra, we have charted a course of economic development to create sustainable job growth in the private sector. The Government is committed to creating a better commercial environment, in which businesses can operate and develop the necessary competitive edge needed to win new markets and diversify their operations, thereby addressing some of the fundamental causes of the unemployment problem - something that our colleagues on the hill over there cannot manage to do.

We are also addressing the problem through training, as implemented through TAFE, the apprenticeship scheme and our assistance in Skillshare and the industry training

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councils. If those are not practical ways of helping youth to gain employment, I do not know what you would say were; but, of course, the Leader of the Opposition would not want to hear about that.

It should also be emphasised that the hard won efforts of this Government, in creating an environment to sustain the economic and social growth of Canberra in the future, would all be jeopardised by the Opposition's proposals such as reopening schools and hospitals and introducing a raft of other expensive programs. Where they would get the money from they do not know, and they did not know when they were in government. It would place an extra burden on the taxpayer and do nothing for the creation and encouragement of work. We all know that these commitments will be funded by imposing greater burdens on the business sector and the Canberra community if Labor ever gets back into office - thus ruining opportunities for further real job growth. And they have the effrontery to lecture us about what to do about creating jobs.

Mr Speaker, this Government is committed to programs which will sustain and generate real job growth, which reflect sound management of our resources and our economy, and which will, within the constraints imposed by Mr Keating and the Federal Labor Government, lead to a dynamic and equitable ACT which will be the envy of the other States.

This Alliance Government is already partly there. We will continue to do it, and I am quite confident, Mr Speaker, that this time next year this Alliance Government will still be sitting here and getting on with its economic development program. It would be an absolute disaster for this Territory if the Socialist Left, represented by the Opposition, ever got its hands on this economy again.

MR WOOD (4.41): Mr Speaker, we have just seen one of the problems behind youth unemployment in the ACT, and that is that we find it very difficult to sustain a debate based on data and based on good sense. The Chief Minister said a few minutes ago that unemployment amongst young people in Canberra has risen over the last eight to nine years, and he related that to the occupancy of the Hawke Government. That is simply incorrect; it is misleading the house.

Mr Kaine: I said "all unemployment", not "youth unemployment". You did not listen.

MR WOOD: Well, that again is simply incorrect. It cannot be supported and it is misleading the house. If the Chief Minister wants to sustain any credibility, he had better bring those figures to the house and tell us, or else he will be withdrawing and apologising as Mr Humphries did a couple of days ago.

He also said that recruitment into the Public Service has ceased, and that again is a clear misstatement; it has not ceased. It certainly is not the flow that it was before,

but it is not correct to say those things. When we are dealing with unemployment, and especially the unemployment of young people, we need to be sure that the facts that we raise are correct, because if we deal in half-truths and untruths we are not going to be able to deal effectively with the problem. The statistics are well known, and they need to be understood. Indeed, I do not believe that the statistics that we have are comprehensive enough; but that is another matter. We know the short-term problems of youth unemployment; we know the long-term problems; we know the role that part-time employees have in this; we know how variable the statistics can be. Mr Kaine does not seem to know that.

There is a clear underlying, basic problem. There is a significant number of young people in Canberra who want work and cannot get it. Two matters also arise that are fairly new at this stage. One of those is the fact that in our secondary colleges this year there is a very much larger number of students repeating year 12. The number probably averages out at about 30 or 40 in each of the colleges. That is a very large number of students and that tends, obviously, to take away from the real impact of youth unemployment.

Mr Jensen: How does it compare to last year?

MR WOOD: It is very much more. It has grown over the last two or three years, and it is significantly more this year. That is raised in conversations that I have had with people who ought to know. Of course, we all know, or we should know, that there is quite a youth bubble passing through the school sector at this stage, and that certainly exacerbates the problem. It means that at crucial times for young people, when their enthusiasm is high, their hopes are high and they are excited about the prospect of getting out and working and being self-supporting and contributing to society, they are actually discouraged and their hopes are dampened because of the situation.

I am sorry that the Chief Minister has gone, because I wanted to quote some of his words back to him. Maybe someone will tell him upstairs what I have said, because he is given to a lot of rhetoric; we have seen that today.

Mr Speaker, debate on unemployment and youth unemployment is very much a debate in Canberra on promoting private sector growth. We all realise that. That is where the great thrust for employment must come from. Along with that, we need to debate policies about employment, education and training that will support that private sector growth. As well as that, there is a need for specific policies relating to young people. Labor recognised this and acted upon it; the Follett budget took full account of it with very substantial programs. But the Liberal Party has not followed it through.

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I want to raise something in particular that the Chief Minister, earlier on in his life in this house as Chief Minister, placed great importance upon. Recognising, as we all do, the importance of private sector growth in this once predominantly public service town, the Chief Minister, in his budget strategy statement of March 1990, just a year ago, said:

The Alliance Government has approached its responsibilities in a serious, businesslike and fair manner. We have set ourselves four clear goals.

The first is to promote the development of the private sector in the ACT ...

I have no argument with that; that was what the Labor Party was doing as well. He continued:

Our efforts will be directed towards creating the right environment for business, whether large or small.

I want to spell the next paragraph out in detail, and I want you to listen to it. This is his first priority. This is very important budget strategy:

We will encourage investment projects, both large and small ... We will focus particularly on the industries of the future -

I will not mention those in detail; I do not have time. He went on:

We will encourage development in light manufacturing, warehousing and distribution and will ensure that our infrastructure programs are attuned to the needs of these industries. And, of course, we shall be encouraging national bodies to locate in Canberra.

That is a very interesting point. I will come back to that. That was his budget strategy in March 1990; he placed great priority on those matters, as he should have done. When the budget came down six months later, after ample time for consideration and ample opportunity to prioritise these pious hopes, these soundly based hopes, in the budget figures, what happened? We got one paragraph in his speech - and that was also reflected in the figures that he brought out. All the money that was being spent was reflected in the sense of being worth one paragraph in amongst it all. This is what he said:

Within the ACT, we will also be taking action to promote economic development. One considerable step that the Government is taking is the preparation of new legislation to provide an effective and responsive system for land planning and management.

Now, after all these statements in his strategy, he comes up with nothing at all about economic development in the Territory at a time when it is most needed. You can pore through the figures in the budget strategy and in the budget itself, and there is nothing there. That is where he sits condemned - and "sits" is the word, I think. He is not here at the moment. That is where this Government has failed in what we would all agree is the prime area for activity in Canberra - promoting the private sector, expanding that private sector, providing assistance to it, providing the climate where development can occur and then the climate that will provide the jobs. He has failed. The words that he said came to nothing. Worse than that, we got the reverse of it.

Let me go back to that point I made about encouraging national bodies to locate in Canberra. It was a promise of his in only March 1990 - a year ago - and what is the policy that seems likely to be established, if it is not already established? No, we will not encourage national bodies into Canberra; we will put an impost on them. I can think of one national body that would like to come to Canberra, that would bring national arts groups into a centre, and it is not going to be able to get very far. So, Mr Speaker, the Chief Minister does not back up the words that he uses. We wish he would, because there is so much that could be done.

We acknowledge that the jobs on which our young people depend rely on the private sector and the economic health of this city. These are difficult times, but there is much that this Government can do. There is a great deal that the Government can do, if it would turn its mind to it. The Government needs to stay home during the holidays. It does not need to go into recess for almost two months, among other things. The Government was not here; there was no government in this place for two months, effectively.

Dr Kinloch: I never left the Territory.

MR WOOD: As you point out frequently, you are not part of the Government. The Government comprises these four people who sit on the front benches.

Dr Kinloch: I would not agree with that. That is not true. The Government is the 10 of us.

MR WOOD: That is another debate. But it is a fact that two members of the Government were out of this town, and that effectively stopped any government action for nearly two months. That says it all. That is the reason that none of these plans they like to talk about are actually happening.

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MS MAHER (4.51): Mr Speaker, the high rate of labour force participation for ACT teenagers is largely responsible for the difference between the ACT and national unemployment rates. The effect of Federal Government economic policies has been to increase the normally high seasonal peak in teenage unemployment. The rate of 35.7 per cent, recorded for ACT teenagers, compares with 25 per cent nationally and, except for the Northern Territory, was the highest in Australia. But the rise in numbers of teenage unemployment in December 1990 to 4,500 is consistent with seasonal movement in unemployment in previous years. The numbers unemployed throughout 1990 have been generally lower than in the previous few years.

Mr Speaker, teenage unemployment statistics include persons still at school and university who are mainly seeking part-time jobs. About a third of teenage unemployment is attributed to persons who are still attending school. This is particularly significant in Canberra because of the high retention rate in schools and the significant number of tertiary students in the ACT. The seasonal peak in ACT teenage unemployment from November to February is caused by the entry of school, TAFE and university students looking for work during the summer holidays. Almost 73 per cent of ACT teenagers were attending full-time education in September 1990, compared to fewer than 60 per cent Australia-wide. For this reason alone, the ACT can continue to expect sharper seasonal fluctuations in teenage unemployment than in other States.

Mr Speaker, significantly the latest figures, for December 1990, show that, for teenagers not at school, college or university, the 17.4 per cent unemployment rate in the ACT was lower than the national average of 21.8 per cent. In the ACT these people also had a higher participation rate, which shows their willingness to work, and better job prospects.

We know, however, that teenagers have been particularly affected by the recession which has fundamentally been caused by the economic policies of the Federal Labor Government and the failure of the Hawke Government's youth policy. Many employers in the retail and tourism industries have been severely affected by the recession. These industries have historically been an important source for teenage employment in the ACT. Therefore, the recession has made it much more difficult for teenagers to find part-time or casual employment. This has occurred at the very time that increased numbers of teenagers are seeking vacation employment.

Mr Speaker, the ACT Government has been involved in providing employment programs that emphasise the importance of education and training and the need for access to and equity in employment for special groups, such as youth, women and people with disabilities. The Chief Minister's Ministerial Advisory Council on Employment has been particularly important in the development and

implementation of an employment strategy for the ACT. The ACT Government also recognises the importance for the ACT region of providing employment, including youth employment, and has joined with the New South Wales Government in formulating an economic development strategy for the ACT and the surrounding region of New South Wales.

Close analysis confirms, therefore, that the ACT is faring better than any other State or Territory. The regrettably high seasonal peak in ACT youth unemployment this year has been brought on by the Federal Government's economic policy. The Alliance Government's responsible fiscal policies, industry promotion and training programs are creating the right climate to ensure that the underlying rate of job growth is maintained.

MR STEVENSON (4.56): It is important that people who want to work can work. The Government's responsibility in this area is not to create jobs; that is the responsibility of business. It is their business, not government business.

Mr Duby: That is rubbish, Dennis.

MR STEVENSON: You have worked too long for the Public Service, Mr Duby. Business is there
- - -

Mr Moore: Suffering.

MR STEVENSON: Business is suffering, as Mr Moore says. Business is perfectly capable of creating far more jobs than the Government could ever dream of, provided that the major stumbling block in that area is removed - government impositions. The reason why business cannot employ people in the ACT and every other place in Australia, or anywhere in the world at any time, is that we are under a system that requires business people and others to work for the first half of the year, at least, just to pay government. After that time you have a situation where people actually start working for themselves. It is an incredible situation.

And why does government grab all this money? Government says, "We know best how to spend your hard-earned money. We will take it from you, and spend it for you". What an absolute nonsense. The argument that that needs to be done falls down in so many different ways. One of them is obviously that the government needs the money to spend, or it will not be spent. That is an absurdity. Business will spend, people will spend their own money, if they do not have to give it to the government. Every dollar that the government grabs is a dollar that business cannot invest.

Mr Duby: They will spend it on roads and hospitals and things like that, will they, Dennis?

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MR STEVENSON: If we had a government where the people had a say, indeed, they would spend it on hospitals and roads, as is the example of the Swiss. When the Government wanted to spend money on the roads, the Swiss people said, "No, we want it spent on hospitals".

Mr Duby: No, the Swiss males said that. Women do not have a vote, if I remember correctly.

MR STEVENSON: Mr Duby's memory is once again faulty. Women do have a vote in Switzerland.

Dr Kinloch: As of very recently.

MR STEVENSON: Once again, let us keep up with the times. The role of business in a successful society is such that it would certainly handle all the jobs that you would ever want. If people wanted to work three jobs, they would be able to, if business did not have to constantly fight off government trying to grab all their money and making it as difficult as possible to earn it. The Door-to-Door Trading Bill is an example at hand.

I have spoken to thousands of business people as a business consultant, and I have never met anybody who would not like to put more people on. I ask the question again and again, and it is a standard question that I ask, "Would you like to employ more people?", or employ someone, if they are a sole trader or their family is working in the area. Every single time they say, "Yes". So, why do they not create jobs? The jobs are there. Why do they not hire the people, many of whom want to work? It is simply called "government". It is called "politicians preventing them from doing just that".

Mr Duby: This is bizarre.

MR STEVENSON: I agree that it is bizarre, Mr Duby, and it will not be until government gets off their back that they will be able to start employing people. How would anybody in this Assembly, Mr Speaker - Mr Duby included - explain how it is that business people say that they would like to employ workers, but cannot? What is it that does not allow them to do that? It is the various rules and regulations when you take someone on. I have had the same problem in business myself. When you take someone on, it is not just a matter of paying the salary; you have to look at the various other moneys it is going to cost you. That is a great deal more than their initial salary.

When you hire someone you do not necessarily know that they are going to produce money for you. That is not a rotten motive; that is simply a matter of being able to pay the bills, particularly government bills, as government, unlike other people, demands payment. A government cannot pay you for three months. That is perfectly acceptable and done often. But you go overdue on your sales tax, and see what happens. In the case of the telephone, it will cut it off.

So, trying to handle the various imposts of government across so many different areas - - -

Mr Moore: Free telephones is the answer.

MR STEVENSON: Telephone bills are far too costly. Telecom is spending a fortune at the moment, suggesting to people that after six o'clock on Saturday night you can actually start to make some phone calls that do not cost the world. What about the situation where at least after six o'clock at night you could get decent prices? What happened to that? Telecom charges are outrageous. The cost of postage is outrageous. These are government groups that have a monopoly in the area.

Do young people want a job? Most people do. It absolutely does not help them that they have been through an education system that encourages them to look upon life as "What can life give me?", not "What can I do via service to others?". I have interviewed literally hundreds and hundreds of people for work, and in the majority of cases, I say sadly, the standard was not good at all. One could not be convinced that these people were going to increase the viability of a business, whether I was hiring them in my own businesses or for other people.

So many young children these days do not want to get "a" job. They want "the" job. Let us look at the CES as an example. I have had positions advertised in the CES for over a year with not one single applicant. I know of many people within the business area who refuse to use the CES any more. They have decided that this government organisation that is supposed to be there to help people get a job is an absolute waste of time. What is wrong with it?

I have seen people go along to companies, reading a newspaper, carrying a can of coke, with thongs and so on, trying to get a job, supposedly trying to convince the employer that they are worthy of being employed. One would not be mistaken in considering that a number of these people want to make sure that they do not get a job. Whenever you pay people not to work, the one thing that you can guarantee is that you will get a lot of people not working. The responsibility lies with the people who do not demand of their governments that they operate in a sensible manner and create a business environment where businesses can flourish and prosper. If you create that environment, that is exactly what will happen. If you suppress them, if you create an environment where they will have to struggle for every dollar, then it will do nothing to solve the problems that we have in our society.

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Politicians or governments are not the solution; in a great number of cases they are the problem. I make the point that those people who have allowed this situation to happen - in other words, all of us in the general public - do bear the supreme responsibility in the area. Mr Speaker, we can do things. We can make the ACT a safe place for business. We can reduce taxes. We can have them coming in here from other States; they would love the place. What about a haven from exorbitant government charges? And we can educate youth towards responsibility, not what can they get. Mr Speaker, unemployment is not working.

DR KINLOCH (5.06): First of all, I would like to endorse Mr Kaine's comments about the general economic situation. That is obviously the big disaster that we are all facing. We cannot sell our wool and wheat. We have to get back to an economic position where we can do that. We are in the middle of a ghastly war where money is being spent on missiles, tanks and all that kind of thing, when it could more properly be working in a world economy. When that world economy revives, then this economy will revive and employment will revive.

But, even in the midst of this crisis, I have had the experience this year of spending some time in Singapore. I am not going to defend the Singapore Government, which has the kind of government that the ACT would have, if we had single member electorates. Although I do not defend that kind of government - - -

Mr Connolly: Run that one past us again.

DR KINLOCH: The Singapore Government has something like 67 to one; I forget the exact numbers. I want to say that, despite any negative comments that one may make about the Government of Singapore, one has to say - and here I would endorse Mr Stevenson's comment - that they have there a very great determination from what used to be thought of as a socialist government - but I must say that it looks like a capitalist government to me - to create a working economy out of that extraordinary society.

Singapore is one-quarter the size of the ACT physically. It has anywhere from two-and-a-half to three million people. They have no natural resources on that island, but what they do have is a determination as a nation to be an elite economic unit. They put very great stress on education of all kinds, from the so-called highest education to education for people at the lower levels of the work force. I am very glad indeed to note Mr Wood's comments about the degree to which students are going back to repeat year 12. We should encourage that. We should encourage as many people as possible to stay with TAFE. It should be our joy, as we are moving in this direction, to have as great a percentage of our young people in education as possible. I hope that, by maintaining the excellence of the Australian National University as a separate entity, an

excellent University of Canberra as another kind of educational institution, an excellent Catholic university and an excellent ADFA, all these tertiary institutions including TAFE will strengthen those kinds of things, so that we can begin to come up to the standards of a nation like Singapore. We are a long, long way from it.

I would like to reassert, in case anyone is in any doubt about it - and I can assure you that this has been a strong matter for me - that the Alliance Government refers to 10 people, not four. My colleagues know exactly how I feel about that.

I do recognise that, in some ways, the members of the ALP have been encouraging some forms of employment. I recognise that they took money from the pornography industry and have supported that industry. I hope that that will be an industry that will decline, not increase, in the ACT.

There is a constant charge that section 19 is something that we have dragged our heels on. I would remind members of the ALP that that was something that they put up; the initiative for a casino was something that the Federal Labor Government put up. The particular tendering process was something that came up from the Follett Government; we are only inheriting a system that it put forward. There is no procrastination, members of the ALP; there are no dragging feet. What we are doing is following through a process that you started. I can assure you that I wait every day for the conclusion of that tendering process which they created, and I hope that we will not then create employment for croupiers, for bar girls, for the kinds of employment that the Labor Government of Victoria, the Labor Government of Western Australia and so forth, get for their young people. We want better kinds of employment. We do not want that kind of employment. We want the kind of technical, high-tech, productive employment of the state of Singapore.

MR COLLAERY (Attorney-General) (5.11): Mr Speaker, my colleague the Chief Minister has indicated that the problems facing our young unemployed are national problems. The recent sharp rise in youth unemployment is not confined to the ACT, or to any one State. It is national in its scope and must be met by a concerted effort across the country.

Mr Speaker, youth labour market issues have remained high on the agenda of all Ministers responsible for youth affairs, be they Commonwealth or State colleagues. In meetings during 1990, it was decided that youth employment would be the major agenda item for the meeting of Youth Ministers scheduled for May 1991. It has never been questioned by me, my ministerial colleagues, or my Commonwealth and State counterparts that youth employment is a matter of national importance. None of us, irrespective of political orientation, has ever hesitated to do our utmost to meet the needs of the young unemployed.

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I flatly reject any implication that the Alliance Government has been dragging its feet in this area. We have been working in close cooperation on a national basis to find ways of assisting young people through unemployment to opportunities in employment, education and training. Neither have we been ignoring the warning signs in the economy. The recent increases in youth unemployment were anticipated by the Alliance Government. I stress, "anticipated". In our budget deliberations last year, we increased funding across the board in these areas by 20 per cent; that puts the lie to suggestions that our Government was not diligent. What was not anticipated was the way in which the international, national and local economies would interact to produce the degree of unemployment that we are witnessing. Furthermore, no government in this nation predicted our current situation during 1990. No party has the luxury of claiming the high moral ground on this issue. I repeat, Mr Speaker, that no party has the luxury of claiming the high moral ground on this issue; nor do any of us have complete freedom of action to address youth unemployment.

Mr Berry: On a point of order, Mr Speaker: I think we have gone over time.

MR SPEAKER: Thank you for your observation, Mr Berry. We have not gone over time. Please proceed, Mr Collaery.

MR COLLAERY: For some years it has been obvious that what is required is cooperation between all levels of government in Australia, and this is the strategy which the Alliance Government has followed. Our national involvement has reflected this, as has our development of local and regional policy. We have acted on the identified need for coordinated policies in education, training, employment and economic planning, and we have pursued their development.

In education and training, we have followed the recommendations of the Chief Minister's Advisory Council on Employment, and an ACT entry level training policy is being developed. In employment, there is a national commitment and an ACT commitment to award restructuring, which will inevitably change junior wages to training wages. Skills and competencies, not birthdays, will become the basis for the payment of wages. In economic planning, the ACT Government continues to play a major role in the formulation of a south-east region economic development plan. The regional flavour of the plan acknowledges that we cannot think of industrial development and job creation in an isolated fashion. They are issues that transcend State and Territory boundaries.

Mr Speaker, these are the long-term measures which will assist to stabilise the youth labour market. Let no-one be under any illusion that there are any quick fixes or easy solutions in this area. What is required is unremitting hard work and a commitment to goals to take us well into the next century.

As I stated earlier, the Alliance Government anticipated rises in youth unemployment. We were quick to recognise the need for both long-term and short-term measures to assist and support young people. We backed our predictions with grants and budget commitments which increased funding to the youth sector by 50 per cent. The Street Link program was one of those budget commitments
- - -

MR SPEAKER: Order! The time for the discussion has expired, Mr Collaery.

MR COLLAERY: Mr Speaker, I seek leave to incorporate in *Hansard* the remaining pages of my prepared speech on this matter.

Leave granted.

Document incorporated at appendix 1

LEAVE OF ABSENCE TO MEMBER

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

That Mr Wood be given leave of absence from 12 to 14 March 1991.

DOOR-TO-DOOR TRADING BILL 1990 **Detail Stage**

Consideration resumed.

Clause 3

MR COLLAERY (Attorney-General) (5.16): Mr Speaker, I have moved government amendment No. 1, which reads:

Page 2, lines 17 and 18, definition of "daylight saving period", omit the definition.

The reason for that is to take into account anomalies that might arise.

Amendment agreed to.

Clause, as amended, agreed to.

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Clause 4

MR STEVENSON (5.17): Mr Speaker, clause 4 discusses a contract. The problem is that it certainly does not say that it is written, and I believe that it does not need to be written; it can be a verbal contract. When you get into a situation where a verbal contract can apply in this area, it gets onto very shaky ground indeed. Someone could be ringing someone such as a client - it could be a solicited call; it could be a regular client; it could be a call solicited by the dealer - and, if there was a situation where the client agreed to a service of, say, \$51, then that person is required to give various notices in writing, et cetera. So, we have a coverall here that really should not be. I think the situation should discuss written contracts. Verbal contracts lead us into far too many complications.

Another area is clause 4(1)(a), where it talks about "negotiations leading to the formation of the contract", et cetera. Then it talks about them taking place:

... between the consumer and a dealer in each other's presence in the Territory at a place other than trade premises of the supplier.

There could be many places that are not directly trade premises of the supplier, but still involve the business operating normally, as they do, without an indication that they should come under a Door-to-Door Trading Act.

Indeed, the Canberra Show would certainly not be a normal trade premises of the supplier. If we had a situation where business was carried out at the Canberra Show - if this legislation was currently in force - would it not mean that anyone selling anything over \$50 would have to supply the people with information concerning these areas?

We also have a claim by the Attorney-General in his presentation speech that one of the major ideas of this was to place the contractual details and so on in plain language, so that the consumer could easily understand these things. Let us have a look at what clause 4(2) says:

Subject to subsection (3), for the purposes of paragraph 1(b) in determining whether an invitation is solicited or unsolicited, any solicitation by way of -

- (a) printed or written material delivered but not addressed personally to the consumer; or
 - (b) advertisement addressed to the public or a substantial section of the public;
- shall be disregarded, but where an invitation arises from a communication initiated by the supplier or dealer, or a person acting on behalf of the supplier or dealer, the invitation shall not be regarded as unsolicited.

Is that plain English? Can most people understand that?

Mr Stefaniak: No.

MR STEVENSON: Exactly. I thought he made a good point, actually, Attorney-General. The very presentation says that businesses should do their dealings in plain, simple English, and I totally agree with that. Businesses should use plain English. But, compared to governments, how they normally operate is, indeed, very simple. We push out Bill after Bill in this Assembly, and I am quite convinced that even some of the people drafting them do not understand them fully, let alone the members in here.

They take a great deal of time to go through - an enormous amount of time. You need a dictionary; you need to refer to other Acts; you need to refer to other parts of the Acts; you have to look at the interpretations. It is not an easy matter. Yet here we are - - -

Mr Kaine: Do not be intellectually lazy, Dennis.

MR STEVENSON: That is right. Here we are, telling businesses that the onus is on them to supply things in plain English, and yet you cannot understand the regulations that we are going to use to do that very thing. Is that not an anomaly, of some degree?

Mr Duby: No.

MR STEVENSON: Mr Duby says "No". I can well understand the level of anomaly that could be there before Mr Duby would think that it required some explanation. So, once again, it says:

... the invitation shall not be regarded as unsolicited.

When you use terms like this, does it not get into a sort of a double negative, if you like? Would it not be better to say, "The invitation shall be regarded as being solicited"? It is very difficult for a lot of people, leaving dyslexic people aside, to understand that sort of double negative. So, once again, why do we not actually look at these things from the viewpoint of people being able to understand them? These laws will apply to many companies. They have an absolute obligation to know what they are talking about. And, as I said, it is difficult to understand. So, with this particular case, I rest my case.

MR COLLAERY (Attorney-General) (5.24): I agree that we do have a case here, Mr Speaker.

Mr Stevenson: On a point of order, Mr Speaker: Mr Speaker - - -

MR SPEAKER: Order! Yes, all right, Mr Stevenson. I would ask you to withdraw that imputation, Mr Collaery.

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Mr Stevenson: If the Attorney-General wants to jump to his feet and not allow me the right to protest, to raise this matter in this house, well, I suppose, so be it. I am not sure which particular case of what I spoke about he was referring to. If Mr Collaery is prepared to retract that - - -

Mr Collaery: On a point of order, Mr Speaker: Mr Stevenson does not have to speak for so long to get my apology. I withdraw the imputation.

Mr Stevenson: Thank you very much indeed, Attorney-General.

MR COLLAERY: I will be still more magnanimous, Mr Stevenson, if we can leave soon.

Mr Speaker, Mr Stevenson raises the question as to what a contract is. When the undoubtedly versatile Mr Stevenson gets to law school after his parliamentary career, one of the first subjects that he will be taught will be what a contract is. Mr Speaker, a contract can be orally implied, partly written, fully written, a mixture of both, and so on. That is how all of us, and lay people as well, understand the meaning of a contract.

I think Mr Stevenson does not make any substantive point on that issue, and I can see no other matters that require comment. Most of the issues raised by Mr Stevenson were self-evident, at least to those of us in the chamber.

Clause agreed to.

Clause 5

MR STEVENSON (5.26): Mr Speaker, for a start, I feel that the wording of subclause (2), line 14, is inadequate. It states:

... and the dealer are each guilty of an offence punishable ...

One would normally think that it required someone to be convicted prior to their being guilty of an offence. The wording does not say that, though.

Mr Connolly: It does; it is a standard provision.

MR STEVENSON: Well, it might be a standard provision but that does not mean that it makes any sense. A lot of things done standardly are nonsense. The fact that a lot of people have been doing them does not make any difference. I would suggest that someone doing that is not guilty of an offence, but it says that they are. Firstly, they would have to be convicted of the offence. Would that

not make more sense? Also, line 16 refers to a fine not exceeding \$5,000. I think that is far too high. It should be \$2,000. I therefore move:

Page 5, line 16, omit "\$5,000", substitute "\$2,000".

Also, subclause 5(2)(b) talks about a body corporate and a fine not exceeding \$25,000. I think \$10,000 would be more than sufficient for the sort of points that we are talking about within the clause.

MR SPEAKER: Mr Stevenson, I do not have a copy of the amendment. I am not sure whether anybody else has.

MR STEVENSON: I am just finishing.

MR COLLAERY (Attorney-General) (5.27): Mr Speaker, there is no amendment to accept. Mr Stevenson has opposed this. The Government stands by the matter currently before it. There is no amendment circulated as far as I know, is there?

Mr Stevenson: It is coming.

MR SPEAKER: I advise members that this is not the correct method of carrying out amendments; but under the circumstances I will allow Mr Stevenson five seconds to complete that amendment. The amendment will be circulated to members. To save time, the amendment reads:

Page 5, line 16, omit "\$5,000", substitute "\$2,000".

Amendment negatived.

Clause agreed to.

Clause 6

MR STEVENSON (5.30): Clause 6(1)(b) reads, in part:

... is ascertainable at the time of the making of the contract and exceeds \$50, ...

I believe that the amount is far too low and should be \$200. There are very few purchases these days, of reasonable note, that do not amount to \$50. When we are talking about normal door-to-door trading, we are talking about \$1,000, or a minimum of \$500. It can run into \$6,000, \$20,000, and so on. I believe that it makes it far too restrictive for far too many businesses to leave it at such a small level as \$50. We found that a contract includes verbal contracts. Clause 6(1)(a) refers to a contract which "is not ascertainable at the time of the making of the contract". That would mean, once again, that it could be a verbal contract. If an appointment was booked on the phone, with a company or with, let us say,

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a hairdresser, to come along to a person's home and give them a haircut or a perm, as it turned out, it would be a requirement, would it not, for the hairdresser, under this - - -

Mr Collaery: No.

MR STEVENSON: Well, once again, it is solicited business. It includes via the telephone. Once again, we are talking about the - - -

Mr Kaine: If Dennis knocks on my door and wants to give me a haircut, I am not going to let him in.

MR STEVENSON: I would do an excellent job, Mr Chief Minister. Let us have a look at the interpretation clause. On page 2, it says:

"door-to-door trading" means the trading practice under which -

(a) a person -

(i) goes from place to place; or

(ii) makes telephone calls;

... ..

So how can you tell me that soliciting business by the telephone is not included in this area?

Mr Duby: That is not what you described. You described someone ringing a hairdresser and asking them to come to their home.

MR STEVENSON: No, a hairdresser ringing someone and making an appointment on the telephone. Once again, it is all very well to say that these things do not matter; but what you are creating is offences for people operating, for people who go to other people's places, be they teaching them how to exercise, et cetera. You are creating offences for these people. You are saying, "If you make an unsolicited telephone call and the person agrees to something, and if you go along there and they spend more than \$50, you have to supply them with various literature". That is what the Bill says. No-one has said anything to the contrary when I have made those specific points.

So, for a start, \$50 is too low. It should be \$200. It would seem that many people drafting these regulations do not mind what the side effects are, provided their overall instruction is achieved. I see that again and again. I see Bills that are written to achieve certain things. I do agree that in the vast majority of cases they do achieve those particular requirements set up for them by the Minister, or by the person requiring the Bill to be drafted. What is not looked at is the ramifications, under various situations, of what we have done. These things have not been looked at. So, we have a situation that it is only \$50. We also have

a situation that it can simply be someone ringing up even an existing client. That would be an unsolicited telephone call. So, let us remove the \$50 and substitute the \$200. I therefore move:

Page 5, line 30, omit "\$50", substitute "\$200".

Amendment negatived.

MR SPEAKER: The question now is: That clause 6 be agreed to. Those of that opinion say Aye, to the contrary, No. The Ayes have it.

Clause agreed to.

Mr Stevenson: What about the Noes?

Mr Connolly: You did not call No.

Mr Stevenson: No, just then, when he put the question that clause 6 be agreed to. I take a point of order, Mr Speaker. Did you not say - - -

MR SPEAKER: Order! Mr Stevenson, what is your point?

Mr Stevenson: When you called for the vote you said, "All those in favour"; but you did not call for those against.

Mr Kaine: Yes, he did.

Mr Stevenson: I was about to call No, but it did not come. You said, "Passed".

MR SPEAKER: Mr Stevenson, I may well have done that. The numbers are there on the floor. It is quite obvious to me, if not to you, that you lost on that one. The situation is that clause 6 has been agreed to.

Clauses 7 and 8, by leave, taken together, and agreed to.

Clause 9

Amendment (by **Mr Collaery**) agreed to:

Page 8, lines 8 to 10, omit the paragraphs, substitute the following paragraphs:

- "(a) at any time on Good Friday, Easter Sunday or Christmas Day;
- (b) on a Saturday, Sunday (other than Easter Sunday) or public holiday (other than Good Friday or Christmas Day) between midnight and 9.00 a.m. or between 5.00 p.m. and midnight; or
- (c) on any other day, between midnight and 9.00 a.m. or between 8.00 p.m. and midnight;"

Clause, as amended, agreed to.

Clauses 10 to 12, by leave, taken together, and agreed to.

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Clause 13

Amendment (by **Mr Collaery**) agreed to:

Page 10, lines 7 to 9, omit the subclause.

Clause, as amended, agreed to.

Clause 14 agreed to.

Clause 15 agreed to.

Clauses 16 and 17, by leave, taken together, and agreed to.

Clause 18

MR STEVENSON (5.39): On page 13, subclause (4) states:

Where an offence against this Act is committed by a supplier or dealer in relation to a contract to which this Act applies, any other person who has derived or would, if the contract were carried out, expect to derive a direct or indirect financial benefit from the contract is guilty of an offence -

What that says is that any other person who is going to receive a financial benefit can be guilty of an offence. When you look at the - - -

Mr Collaery: Read the rest of it.

MR STEVENSON: I will. Subclause (4) continues:

and liable to the same penalty as is prescribed for the first-mentioned offence, unless the other person establishes that reasonable precautions were taken and due diligence was exercised -

Mr Collaery: That is the bit.

MR STEVENSON: That does not solve the problem at all. What you have done is that you have lumped together all sorts of people who work within a company, including installers, company staff, subcontractors, temporaries, and who knows who else. Once again, I am concerned that the Bill has not been looked at in detail.

MR COLLAERY (Attorney-General) (5.41): Mr Speaker, I rise as a courtesy to the house rather than to Mr Stevenson. He has had since last August to seek advice from the Government Law Office, which we generously give on request. I do not believe that the matter requires much explanation. The house fully understands that in that provision there has been placed a catch-all so that there can be a possible flow-on offence. But there is sufficient exculpation there with the words:

unless the other person establishes that reasonable precautions were taken and due diligence was exercised to avoid the conduct by the supplier or dealer.

Offences may be technically complete all the time in this society. It then takes a step by the police or responsible authority to pursue them, for formal complaints to be laid and for the court to reach a finding in that regard. Those processes, in our legal system, in our democracy, would screen out the type of capricious result that Mr Stevenson is fearful of.

Clause agreed to.

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

Bill, as amended, agreed to.

PLANNING LEGISLATION - JOINT COMMITTEE

MR COLLAERY (Deputy Chief Minister) (5.42), by leave: I move:

That -

- (1) the draft planning and land use legislation and related legislation and regulations, be referred to the Standing Committee on Conservation, Heritage and Environment and the Standing Committee on Planning, Development and Infrastructure for joint consideration and report to the Assembly;
- (2) the Standing Committee on Conservation, Heritage and Environment and the Standing Committee on Planning, Development and Infrastructure shall meet, deliberate and report jointly and not individually, and only on the matters in paragraph (1) of this resolution;
- (3) before proceeding to other business, the Members present shall elect a Presiding Member and a Deputy Presiding Member;
- (4) a quorum for joint meetings of the committees for the purpose of this resolution shall be four of the members and include at least one member of the Standing Committee on Planning, Development and Infrastructure;
- (5) joint minutes of proceedings on this inquiry shall be recorded for all joint meetings of the Committee;
- (6) except where provided in this resolution, the standing orders of the Legislative Assembly shall govern the conduct of business of joint meetings of the committees;

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- (7) this motion shall cease to have effect on the presentation of the joint report or by 18 April 1991, whichever is the sooner;
- (8) the joint report shall be presented to the Assembly no later than 18 April 1991;
- (9) if the Assembly is not sitting when the committees have completed their joint inquiry, the committees may send their joint report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for the printing and circulation of the report.

This motion would enable a joint committee to be established, to commence forthwith and to work during the next three weeks. The importance of this is, on my instructions, that the committees will be able to comment jointly on the planning legislation. Certainly, public hearings are likely to be required. It would be an inefficient use of resources to have two separate hearing structures - two separate lines of inquiry by the two separate committees of the Assembly; namely, the Planning Committee, as it is popularly known, and the Conservation, Heritage and Environment Committee.

For this purpose it is proposed to join those committees so that the integrated nature of the planning legislation can be dealt with as a whole. I need not overemphasise the fact that that legislation is most critical. The Canberra public expect that there will be a very attentive dealing with it by the committees of this Assembly. There is a chance that there could be a dislocation, an overlapping, a waste of resources and possibly differences of opinion between committees if they were to meet separately on the matter.

I am reminded that the standing orders prevent a select committee being established in relation to the Bill. I put those as the principal reasons for the motion. No doubt there will be some debate on the matter and I trust that it is enjoyed by all.

MR BERRY (5.45): Of course, I intend to move an amendment to this motion. It has been circulated in my name. I move:

That all words after "that" be omitted and the following substituted:

- (1) A select committee be appointed to inquire into and report on the draft planning and land use legislation and related legislation and regulations;
- (2) The committee shall report by 10 September 1991;
- (3) The committee shall consist of 7 Members;
- (4) A majority of Members consists a quorum of the committee;

- (5) The committee be provided with necessary staff, facilities and resources;
- (6) The Presiding Member shall not be an executive deputy with responsibilities relevant to the legislation; and
- (7) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained therein.

Mr Kaine: On a point of order, Mr Speaker: As has already been pointed out to Mr Berry, standing order 217 would prevent the appointment of a select committee in this case. It reads quite clearly. If there is a standing committee in place with terms of reference, you cannot appoint a select committee. I think it would be improper for Mr Berry to proceed with his amendment.

MR SPEAKER: I will take advice on that.

Mr Moore: On a point of order, Mr Speaker: Can I draw your attention to the fact that there is already a precedent on this matter. The HIV, Illegal Drugs and Prostitution Committee was established under these circumstances.

MR SPEAKER: Thank you for that observation, Mr Moore. Under the circumstances of clause (7) of Mr Berry's proposed amendment, I overrule your objection, Chief Minister.

MR BERRY: Thank you, Mr Speaker. The motion, of course, is to join together two committees and seeks, in some ways, to get around the Government's inaction in addressing the difficulties in the committee structure which were pointed out in an earlier debate today. For the purposes of this debate, those problems have to be gone over. We have to ensure that the Government is aware of the need to do something about the problem that its own inaction has created.

That, of course, means that the Executive Deputies who are concerned with the issues which the committees will address will be involved in chairing those committees. To prove my point, a little while ago I heard Dr Kinloch say, in an interjection, that he was part of the Government. As the Executive Deputy assisting on the arts, if he chairs a committee there is a case to be answered about bias. That is what my amendment sets out to rearrange.

The select committee that I propose would be appointed to inquire into those matters which the Government wants dealt with on the draft planning and land use legislation and related legislation and regulations. It sets out to do that in a way which involves the Assembly rather than involving committees which have been erroneously set up as arms of the Government. Of course, what Labor sets out to do is to repair that situation.

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We have set a reporting date of 10 September in lieu of the reporting date which has been set by the Government, of 18 April. These pieces of legislation, by any measure, would be regarded as substantial. To expect a committee of this Assembly, in a few weeks, to properly inquire into the legislation and deliver a detailed report - a report that is meant to be conclusive and a report that is meant to be respected - would require significantly more time.

The few weeks that is proposed by the Government, in my view, is totally inadequate. It just does not allow proper consideration of the issue. It does not allow community involvement in the formal processes of this Assembly. If the Government wants to head off those processes, why does it not say so and not just create such tight consideration periods which prevent proper consideration of the matter?

We have decided that the committee should consist of seven members. There is an argument against that on the basis of the economic use of the time of Assembly members. However, it is consistent with the Government's proposal to join together those two committees. It was done more to satisfy any concerns that the Government might have had about excluding members than for anything else. I would be quite happy to entertain any proposition to reduce the number of members, but it was done more as an olive branch approach than for any other reason. As it is an important piece of legislation and important to a lot of members in this Assembly, I see no reason why there should not be so many members.

In any event, because of the Government's intention to involve the two committees in considering the matter, it seems to make sense that the Government should have the option to include those members who it had originally intended would be involved in the matter. Of course, a routine matter is dealt with in terms of a quorum, where the majority of the members would constitute a quorum of the committee. The same applies in relation to point (5), where necessary staff facilities and resources are to be made available.

Under the proposal that has been placed before us by the Government, it seems as though it would be absolutely pointless in terms of providing adequate staff facilities, with such a short reporting time. You cannot expect that a committee would be able to address this issue in any proper way in such a short period of time, irrespective of the adequacy of the staff facilities that were provided. It just could not be done. There are a lot of community members who would want to have input into this. It would be farcical to deny the community the opportunity to take their time in considering this matter because of the importance of this issue in the community. That is why, as I have said before, the Labor Party in opposition has decided on the extended reporting date.

This is a very important issue for the Assembly; it is about the independence of these committees. In point (6) there is a prohibition on the presiding member being an Executive Deputy with responsibilities relevant to the legislation.

Dr Kinloch: I know of no such prohibition.

MR BERRY: If you read the amendment, it will come to you, Dr Kinloch. That is the very fundamental reason behind this proposal. What the Government is going to do is involve a committee which has been, effectively, boycotted because of the Government's inaction on responding to the needs of the Assembly in respect of the independence of committees. The Chief Minister, in response to a prod this morning, said that he had considered the matter and had decided that there would be no change to the current situation; that is, that the involvement of the Executive on committees, through its Executive Deputies, had his endorsement.

Mr Kaine: On a point of order, Mr Speaker: I made no such statement. I did not say anything about the involvement of the Executive in committees. That is a deliberate misstatement, and I want the record corrected.

MR SPEAKER: I am not sure just what was said. Mr Berry, would you withdraw that under the circumstances?

MR BERRY: I suggest that it - - -

Mr Kaine: He is trying to slip in an untruth and get it into *Hansard*. I have challenged it. It is not going in *Hansard*. It is challenged.

MR SPEAKER: Order, Chief Minister!

MR BERRY: The Chief Minister has been guilty, in my view, of either intellectual laziness or intellectual dishonesty in the way - - -

Mr Kaine: You are the one that is intellectually lazy, because you will not even tell the truth.

MR SPEAKER: Order!

Ms Follett: On a point of order, Mr Speaker: Mr Kaine interjected that Mr Berry would not even tell the truth. I think he should withdraw that.

MR SPEAKER: Yes. Again, I ask you to withdraw that.

Mr Kaine: Mr Speaker, he was deliberately trying to read into *Hansard* something that was untrue. That is a fact.

MR SPEAKER: Order! Mr Kaine, again we cannot make challenges about untruths across the floor without substantiating them.

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Mr Kaine: I can substantiate it. He was reading into *Hansard* what he alleged I said, and it was not what I said.

MR SPEAKER: Order! He was in the process of withdrawing when you, in fact, made the challenge again. I would ask both of you to withdraw.

Mr Kaine: Well, good enough. I hope that he does withdraw. When he withdraws, then I will consider my position.

MR BERRY: You can consider your position all you like. You do not run the place.

MR SPEAKER: Order! Mr Kaine, you came in then. Would you withdraw that statement, please?

Mr Kaine: Mr Speaker, I re-assert: When he withdraws his statement - - -

MR SPEAKER: No, no, that is not the way - - -

Mr Kaine: When he withdraws the statement that he made that was not true, then I will withdraw my statement.

Ms Follett: You have been asked to withdraw.

MR SPEAKER: Order! It does not matter who goes first.

Mr Kaine: Yes, it does. I want him to withdraw his untrue statement.

MR SPEAKER: Would you both stand up together and withdraw at the same time? This is childish. Would you please withdraw?

MR BERRY: Do you want us to shake hands and kiss or something?

MR SPEAKER: The point is that both of you were about to withdraw. You have both made statements that are unparliamentary.

MR BERRY: I will clarify my position. If the Chief Minister still finds some difficulty with it, I will withdraw it. I said that the Chief Minister told us this morning that he had considered the matter of Executive Deputy involvement in committees, and he had decided to leave it as it was. My description of that is that it is an involvement of the Executive in committees of this Assembly. That is a matter of fact.

Mr Kaine: Mr Speaker, what he has just said is totally different to what he was trying to read into *Hansard* before. Now that he has restated it and expressed his own view, rather than attributing it as something I said, I withdraw.

MR SPEAKER: Thank you. The Chief Minister has withdrawn. Yes, Mr Berry.

MR BERRY: As he was so offended by what I have just said, I am quite prepared to withdraw that, provided he withdraws those dreadful statements that he made in the - - -

Mr Kaine: I already did.

MR SPEAKER: The Chief Minister has, while you were talking, Mr Berry.

MR BERRY: Okay. I will restate the position.

Ms Follett: Could you ask him to speak up next time. I did not hear it.

MR SPEAKER: I heard it.

Mr Kaine: If he would stop talking while I did so, he would hear it.

MR BERRY: The fact of the matter is that the involvement of the Executive Deputies in Assembly business is endorsed by the Chief Minister. He told us that this morning in as many words. That is in the transcript. Object to that!

This Government, by its own inaction, is working to undermine the effectiveness of committees of this Assembly and is therefore not earning its money in relation to its job in this Assembly. It seeks to ensure that the community of the ACT does not get proper service from its committees. They are not committees that are independent of the Government; they are a wing of the Government. There is no doubt about that. Let us not have any more of this claptrap about people who refuse to accept an absolutely unacceptable position not earning their money. We are doing the right thing by the community by not being involved in this fraud.

Dr Kinloch: On a point of order, Mr Speaker: I am not engaged in any fraud. I ask him to withdraw that comment.

MR SPEAKER: Yes, I take your point, Dr Kinloch. Please withdraw that.

Mr Berry: I made no point against Dr Kinloch.

MR SPEAKER: No, but you made it against the whole of the Government.

Dr Kinloch: You made it against the Government. There are 10 of us in the Government.

MR SPEAKER: Order! The point was that you accused the Government of fraud.

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Mr Berry: It is collective stuff. I think we have been through this before. There have been plenty of precedents.

Mr Jensen: On the point of order, Mr Speaker: In relation to collective responsibility, I refer you to page 487 of *House of Representatives Practice*, which refers to a ruling made by Speaker Snedden in relation to this matter. I note also that Speaker Snedden said in his remarks, "We had allowed it before", but that he had decided that he should review that decision. I just draw that to your attention, Mr Speaker.

MR SPEAKER: Thank you, Mr Jensen. I draw members' attention to the fact that, under the circumstances at the time, as I see it from the chair, sometimes the position that you outlined is allowable and other times it certainly is not. The fact is that under this circumstance I think it was out of order, Mr Berry, and I would ask you to withdraw.

Mr Berry: I described the committee system as "this fraud", Mr Speaker. That is hardly - - -

MR SPEAKER: Yes, that is right, and that is challenging the whole of this Assembly.

Mr Berry: Well, I think it is true.

MR SPEAKER: I think it is unparliamentary to do so.

Mr Berry: It is a fraudulent action.

MR SPEAKER: Well, I do not believe so and I think most members of this Assembly take offence at that.

Mr Berry: I will change it to "farcical". How about that? I withdraw "fraudulent" and replace it with "farcical". That will do.

MR SPEAKER: Thank you. That is acceptable. Chief Minister, do you have a point of order?

Mr Kaine: No, I am not up on a point of order. I want to speak. His time has run out and I am seeking to be recognised.

MR SPEAKER: Yes, Mr Berry's time has expired.

Ms Follett: Do you want an extension?

MR BERRY: Yes, I would love an extension.

MS FOLLETT (Leader of the Opposition) (6.00): I move:

That Mr Berry be granted an extension of time.

I do so because of the constant interruptions and constant harassment.

MR SPEAKER: Under the circumstances, I believe that Mr Berry brought the interjections on himself.

Mr Kaine: He has had plenty of time to say his piece.

MR SPEAKER: Order, Chief Minister! The point is that Ms Follett has every right to move that an extension be granted.

Question put:

That Mr Berry be granted an extension of time.

A call of the Assembly having commenced -

Mr Connolly: On a point of order, Mr Speaker: I should draw your attention to the fact that Mrs Grassby was feeling ill and has left and gone home.

MR SPEAKER: Thank you.

The Assembly voted -

AYES, 5

Mr Berry
Mr Connolly
Ms Follett
Mr Moore
Mr Wood

NOES, 10

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak

Question so resolved in the negative.

MR KAINÉ (Chief Minister) (6.07): Mr Speaker, I am at a total loss to understand why Mr Berry would put forward this amendment. The fact is that we do not need a select committee. Apart from the fact that it is contrary to standing orders and he would seek to suspend standing orders to create it, we in fact do not need it. The motion that has been properly put forward by the Deputy Chief Minister would establish a joint committee - - -

Mr Berry: On a point of order, Mr Speaker: He said that it was contrary to standing orders. That is not true; you have already ruled that way.

Mr Moore: I think the Chief Minister is trying to mislead us. The Speaker has ruled that it is not contrary to standing orders.

MR KAINÉ: It is opposed to standing orders. That is the simple fact.

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Mr Moore: The Speaker has ruled the opposite.

MR Kaine: Standing order 217 - - -

MR SPEAKER: Yes, under standing orders; but when the standing orders are suspended that is a different matter. If the circumstance is that the - - -

MR Kaine: If the standing orders are suspended, that is a different matter.

MR SPEAKER: Mr Berry, your objection is not upheld. Please proceed, Chief Minister.

MR Kaine: The fact is that we do not need a select committee and, by adopting the proposal put forward in Mr Collaery's original motion, we would in fact be creating a committee of seven members. Furthermore, we would be creating a committee of seven members who have already had access to all of the public comment that has been made on these Bills. The Government has provided both of the committees with the draft Bills and with all of the comment that has come in. So the information is there. At the end of this month, when the second round of consultation is over, those two committees will again be provided with all of the public comment. So there is simply no requirement to establish yet another committee when the existing committees, collectively, can do the job.

I totally oppose the amendment; for example, this provision for reporting by 10 September 1991. A number of times in recent weeks these people over here have criticised the Government for the length of time that it is taking to get the legislation in place - because we are going through a public consultation process. We are going through a comprehensive public consultation process - and they hate it - and we have very significant input. We have a program that would see that legislation in place by the middle of the year. For Mr Berry to now put forward an amendment that this committee does not even report until 10 September 1991 is quite patently stupid.

Mr Berry: I raise a point of order. That is inaccurate.

MR SPEAKER: I have a point of order from Mr Berry. Order, Chief Minister! Resume your seat, please.

Mr Kaine: He is moving that the committee shall report by 10 September 1991. It is in his own amendment.

MR SPEAKER: Order!

Mr Berry: You said "until".

Mr Connolly: There is a big difference between "by" and "until"; that is the maximum date.

MR KAINÉ: Okay, it is the same thing. With the way that Mr Berry operates on committees, on 10 September 1991 we would come along seeking an extension of time, because he will not participate. He will keep up with his same trick of non-participation - - -

Mr Moore: I raise a point of order, Mr Speaker. There is a clear attempt by the Chief Minister to mislead the Assembly in that he said, "the way Mr Berry operates on committees". He can have no possible knowledge of how Mr Berry operates on committees because he has never been on a committee at the same time as Mr Berry - unless somebody has been revealing what goes on in committees, which is against standing order 241.

MR SPEAKER: Thank you. I do not uphold your objection, Mr Moore. Chief Minister, proceed.

MR KAINÉ: I know because Mr Berry openly admits that he will not attend the committee meetings, and he puts in dissenting reports telling us that he will not attend them. It is on the record.

Mr Berry: On a point of order, Mr Speaker: I am sure that you can vouch for my attendance and working on committees. The peddling of that sort of inaccuracy is over the top.

Mr Duby: On a point of order: What is the point of order?

Mr Kaine: What point of order, Mr Speaker? There is none.

MR SPEAKER: That objection is overruled, Mr Berry.

Mr Berry: Well, I would just like you to vouch for my attendance at - - -

MR SPEAKER: Order! If you would bear with me, Chief Minister, I can certainly vouch that Mr Berry does attend the meetings of the committee that I chair. Please proceed, Chief Minister.

MR KAINÉ: He certainly does not attend the meetings of the committee that deals with planning; by his own admission he does not.

The other point in this amendment to which I particularly object - and it demonstrates the convoluted thinking of the people opposite - is that, while they argue that this Executive influences the committees, which is totally untrue, he in his own amendment attempts to put constraints on the committee as to whom it can appoint as chairman. And he talks about the independence of committees! He talks with a forked tongue. He will impose constraints when it suits him.

Mr Berry: On a point of order, Mr Speaker: That is a term commonly used to accuse people of lying and it is unparliamentary. It should be withdrawn.

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MR KAINE: No, what I am saying is that he has two different sets of values - one when it is him setting the rules and another when the Government is setting the rules.

MR SPEAKER: I accept that explanation of the words as used, Mr Berry.

MR KAINE: It is clearly true that he has two sets of values, and I for one will not go along with any proposal to establish a committee whereby Mr Berry determines who can and cannot sit as chairperson of it. So, clause (6) of the amendment is totally unacceptable; clause (2) is totally unacceptable; and clause (1) is totally unacceptable because we do not need a select committee - in no way do we need it.

If Mr Berry merely adopts the motion that Mr Collaery has put forward, the seven members will include him. They will be Dr Kinloch, Mrs Grassby, Mr Moore, Mrs Nolan, Mr Berry, Mr Stefaniak and Mr Jensen. I submit that, if we went ahead with his amendment, it would be the same seven members who would sit on it. So it is a farce and a charade to suggest that we need a select committee to appoint the same seven members to do the same job. It is totally unacceptable and totally unnecessary. It will not get my support.

MR MOORE (6.14): Mr Speaker, this is a very disappointing afternoon, considering the debate that we had this morning.

Mr Kaine: You disappoint me constantly, Michael.

MR SPEAKER: Order!

MR MOORE: I am pleased that I constantly disappoint the Chief Minister. It is disappointing because it is not just this particular committee that is at stake here. I will argue against the motion in a minute, but what we have is a situation where people are not prepared to compromise. I speak as an outsider looking in. I make it quite clear that, when I was approached about this motion for the matter also to go before the Conservation, Heritage and Environment Committee, I said that provided people were in agreement with it I would be prepared to support it. It is quite clear that this motion is still unacceptable to the Labor Party - and there are good reasons why it would be unacceptable, as I see it.

To start off with, it seems absolutely pointless to have seven members working on a project like this. It is difficult enough to get three members together for a hearing or for a meeting. To get seven members together and then to report by 18 April would be an almost impossible task. It would be a very difficult task indeed. The logical way to go, as far as I am concerned, is to suspend standing orders, in the way that Mr Berry has suggested, and to appoint three members for such a

committee. I would favour three because I think that is enough. That is my personal view; I would allow a compromise of five. However, I would favour three because I cannot see why you need seven people to do the work of three and to report back, in a broad report to the Assembly - - -

Mr Kaine: If you have seven you will get only four; that is why we have made the quorum four - because Mr Berry will not turn up.

MR MOORE: The Chief Minister interjects that Mr Berry will not turn up. They realise that putting this motion up means that members of the Labor Party may not attend this committee. If that is the case, what we will have is a farcical report. Considering the bipartisan approach on this legislation up until this stage, that is a crazy thing to do.

Mr Kaine: What bipartisan approach? We have had no support from that side of the house at all. All they have done is criticise us.

MR MOORE: Considering that some of us have worked on this legislation from four or five years ago, starting in the preliminary discussions in the bottom of the NCDC building and various other venues around Canberra, this is a very disappointing outcome at this stage.

Also, I am given to understand that the legislation will be converted from the present number of Bills to one Bill. I have no particular objection to that. In fact, I think that is a quite positive thing. However, it is going to take some more time and some more effort - and it will also take some compromise and some understanding in the way committees operate. I think it is a very sad thing when this is the case.

I would like to raise another issue, Mr Speaker, and I am going to need leave of the Assembly to allow me to bypass standing order 241 because I would like to comment on a motion of the Standing Committee on Conservation, Heritage and Environment. So I seek the leave of the Assembly to do that.

MR SPEAKER: Is leave granted?

Opposition members: Yes.

MR SPEAKER: Leave is granted.

MR MOORE: Thank you, Mr Speaker. Thank you members of the Assembly.

Mr Kaine: Hang on. No, you are talking about - - -

Mr Connolly: It has been granted.

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MR MOORE: I will explain again what I wish to do. I am quite specific about it. I would like to refer to a motion of the Standing Committee on Conservation, Heritage and Environment which refers specifically to this motion, and I would like leave to do so.

Mr Berry: You have leave.

MR MOORE: And I have leave.

Mr Kaine: Mr Speaker, I do not accept that - - -

Mr Berry: He has leave.

Ms Follett: He has ruled on it.

Mr Kaine: No, we have not. You said "No". Your saying "No" does not mean that approval is given.

Ms Follett: No, I did not.

Mr Connolly: We all said "Yes"; nobody said "No".

MR MOORE: They said "Yes". Nobody said "No".

Mr Kaine: Well, I am objecting. I do not think that we should be setting aside this standing order. It is there for a very good reason.

MR MOORE: Well, then, do not give me leave; say "No".

Ms Follett: But he has already ruled.

Mr Berry: He has already done it.

Mr Kaine: We have not done it, Mr Berry.

MR MOORE: Can I seek your ruling, Mr Speaker, on where I am at - whether I have leave or do not have leave?

MR SPEAKER: Order! I will take advice on this matter.

Mr Kaine: You do not have leave.

MR MOORE: Mr Speaker, I am quite happy to accept that they have not given me leave on this matter. If that is the case, I will not speak to it.

Ms Follett: Well, you should not; the Speaker has ruled on it.

MR MOORE: You have ruled?

Ms Follett: He has.

MR SPEAKER: I have ruled. An objection was raised, and I will just seek an opinion on it.

MR MOORE: If he has ruled, I think I should go ahead.

Ms Follett: You have ruled; I do not know what else there is to do.

MR SPEAKER: I must overrule your objection, Chief Minister. I had in fact given leave before any member of the Government raised any noise whatsoever in opposition to the proposal.

Mr Kaine: Mr Speaker, I have to say that you moved rather hastily, and I believe that the consequences of suspending that standing order, for which you have now established a precedent, can be quite serious for the future.

MR SPEAKER: Unfortunately, Mr Kaine, the Assembly gave the leave, not me.

Mr Kaine: Be it on your shoulders in the future when other people want to suspend the same standing order.

MR SPEAKER: Order! The point is that the Assembly gave the approval, not me.

MR MOORE: I presume that when the Assembly does not want to do that in the future it will not do it. In this case it has, and I will speak quite specifically. This motion, Mr Speaker, was presented - - -

Mr Kaine: Mr Moore, the precedent has been set on your motion, and don't you forget it.

MR MOORE: Yes, the Assembly gave leave. Any one person could have stopped it, and you did not.

Mr Kaine: The Assembly did not give leave.

Mr Connolly: It did.

Mr Kaine: The Labor Party gave leave and the rest did not. And let that be on the record.

MR MOORE: Mr Speaker, let me say that - - -

MR SPEAKER: Order, Mr Moore! To resolve what seems to be a considerable point of contention here, and based on your statement earlier that you would be prepared to accept an opposite point of view from the Government, would you be prepared to seek leave again?

MR MOORE: Mr Speaker, if I thought that the Government was prepared to compromise in any way over this matter I would have, but in this case they have shown no willingness whatsoever to compromise on the most important matter; and the answer is no.

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Mr Speaker, this motion was put to the Conservation, Heritage and Environment Committee, and the motion was lost. The standing order still exists. Should anybody again seek such leave, any one person in this Assembly can stop that. That did not happen in this case, Chief Minister.

We have here a situation where there is a chance to compromise; to make this legislation work instead of bullying it through. Nobody has used the bullying tactics, particularly with this planning legislation, up till now. The greatest flak that you have taken was over Labor, and Mr Connolly in particular, saying, "Why don't you hurry up with it?". And they have even backed off on that quite significantly.

It is crazy for us now to push this through and cause contention over this particular matter. For heaven's sake, the compromise is available to us. Why do we not take it? It seems to me that the compromise is not difficult. In fact, the compromise over the whole committee system that we went through this morning is not difficult. Instead of taking a bloody-minded approach to it, if we start to use a bit of commonsense, we will get somewhere with these committees - instead of letting them take the flak and incurring more flak for the Assembly as a whole. I say, "Shame on you".

MR CONNOLLY (6.22): Mr Speaker, one of the most disappointing things in this debate occurred during Mr Moore's remarks when he said that the planning legislation is important and has been approached, by and large, in a bipartisan fashion, and the Chief Minister had apoplexy and spluttered, "What? There has never been bipartisanship; the Labor Party has never been supportive on this legislation". That is simply not true, and the Chief Minister knows it. We have consistently said in debates in this place - and the *Hansard* records this - that this legislation is broadly supported by the Opposition.

We have consistently stressed that there is a continuum from the work that was done pre-self-government through the period of the Labor Administration through to the Alliance Government planning package. The concept of the planning package to provide for an open and accessible form of approval for and control of land development has always been supported on this side of the house. Our criticism has been limited to points of detail, and the Opposition has, I think, approached this whole package of legislation responsibly and in a bipartisan manner. It is simply not fitting for the Chief Minister, and it ill becomes him, to assert otherwise.

On the issue of the committee, the idea of a select committee was, of course, first raised by the Opposition in about July of last year. That is probably why the Government has such a horror of the idea, because it seems constitutionally incapable of accepting a positive

suggestion from the Opposition on its face; it always looks for some sinister motive and doggedly sticks to its guns rather than approaching the matter in a sensible spirit. We, on the other hand, have been prepared to approach this legislation with that sensible bipartisan spirit.

The select committee option has the obvious advantage of its being the normal process that is used in a parliament for legislation of great importance. Let us look at major legislation in Australia that significantly affects the Australian community. The Family Law Act went before a major select committee of the Federal Parliament. The new administrative law package on freedom of information again was looked at by a major select committee of the Parliament. The occupational health and safety legislation - one of the crowning achievements of the Follett Labor Government - again was looked at by a select committee. Mr Berry's amendment proposes adopting that sensible course of having a select committee look at the legislation.

The Government proposal is rather to cobble together two committees that both have significant functions which are not related to review of legislation. The planning committee is supposed to look at planning and infrastructure in the Territory. Its role is looking at physical projects; similarly with the heritage committee. One could question whether the planning committee is a body that is achieving very much. On each occasion that it reports there seems to be a dissenting report from one of the two members who participate. I suspect that if the planning committee were asked to report on whether the sun will rise tomorrow one member would say that it would and one member would say that it would not.

Mr Jensen: I raise a point of order, Mr Speaker. Mr Connolly has said that on every report there is a dissenting report showing that the two members cannot agree. That is clearly not true. In fact, the last report included additional comments, not a dissenting report, and I request that Mr Connolly be required to withdraw his incorrect statement.

MR SPEAKER: Please withdraw and clarify that point.

MR CONNOLLY: I withdraw the suggestion that they dissent; I will maintain that they do not agree.

Mr Jensen: On the point of order, Mr Speaker: Mr Connolly referred to "every report" that the planning committee has produced. I request that he withdraw that suggestion in relation to every report.

MR CONNOLLY: Can you tell me one on which you are ad idem - one on which there is unanimity?

Mr Jensen: Capital works; fences. He was saying that the two Government members do not agree.

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MR CONNOLLY: I certainly withdraw in respect of the capital works report. I thought that on the fences report there was considerable disagreement between two of the members who participated. It took so long to emerge that one tended to forget what it actually said at the end of 12 months on such a trivial issue.

MR SPEAKER: Under the circumstances, is that a withdrawal?

MR CONNOLLY: Yes, I withdraw the suggestion that on all occasions the members have disagreed. Are we happy? Very good.

Mr Moore raised a point of some significance in relation to the proposed reporting date. It has been said repeatedly by Government spokespersons that the Government is looking very seriously at consolidating this package of Bills fairly dramatically - moving from the present five Bills possibly to two or three Bills. That is a matter that the Opposition again has welcomed. That is consistent with the spirit in which members of this Assembly should be approaching this legislation, but it does mean that it is very likely that the Bill that is finally before this house will differ dramatically from the exposure drafts. That is an extremely important reason why a select committee ought to have a longer period provided in its terms of reference to look at this legislation.

The Chief Minister was very disingenuous in his assertion that Mr Berry's motion is a delaying tactic and that it will force the Assembly to slow down on this Bill. He attempted to suggest that the phrase which says, "The committee shall report by 10 September 1991" reads, "The committee shall not report earlier than 10 September 1991" - and of course there is a world of difference between those two views.

The problem with an April reporting date is that - and I am not being in any way disrespectful to the professionalism of the Government Law Office - the task of consolidating these exposure drafts into one Bill that is capable of being presented to this house is a massive one and I seriously doubt whether it would be possible for the legislation, as the Government proposes to introduce it, to even get before this committee. So the committee that the Government is proposing will at best be looking at the original exposure drafts and the Government's revised exposure drafts and public comment on those two rounds. That is a very different matter from looking at the legislation.

Mr Kaine: And the final draft.

MR CONNOLLY: The Chief Minister says, "the final draft"; but is he assuring this house that this revision, this consolidation of the present five Bills into perhaps two or three Bills - or even one Bill; that is going further than

we have previously heard from Government spokespersons - will be available to be before this committee for its April reporting date?

Mr Kaine: I am assured that it will be available two weeks from now. That is the best that I can tell you.

MR CONNOLLY: Mr Speaker, the Chief Minister assures the house that he has been assured that the revised single Bill will be available in two weeks. I would dip my lid to the Law Office if they are able to do that. It would be a remarkable achievement that would be deserving of praise from all members; but I think we will have to wait two weeks to see what happens. The point that Mr Moore makes is vital. You are setting up a committee to look at important legislation, but we do not yet have the final form of the legislation that the committee is to look at.

The principal Government argument in this debate has again been a tirade at the Labor Party in relation to its attitude to Executive Deputies. The Chief Minister again had apoplexy over clause (6), where it is said that:

The Presiding Member shall not be an executive deputy ...

He said that this was an interference with the independence of committees and the Assembly was attempting to dictate standards to committees. They again draw some sort of red herring about the position of the Leader of the Opposition on the Public Accounts Committee. They seem to suggest that this principle of independence and bias that the Opposition has repeatedly raised means that a politician who has expressed himself or herself on a matter may never participate as chair of a committee. That would be patently absurd because no politician, after a period of time, would not have expressed himself or herself on some subject that would come before the committee. So the system would be unworkable.

The principle of bias that we repeatedly return to goes to a person who is seen by the community as part of the executive government chairing the committee in that area of executive government responsibility. As an example of the community's understanding of what Executive Deputies do, I just look again at one of the standard form invitations that Mr Jensen issues to members of the public. It says:

Mr Norm Jensen, Executive Deputy Assisting the Minister for Finance and Urban Services, on Conservation, Heritage and Transport ...

It is an invitation to a launch of a Government project in that area of portfolio responsibility. So the public is seeing Mr Jensen as Executive Deputy launching a Government program in that portfolio area. The clear impression that the community has of this absurd title "Executive Deputy" is that the person who holds that job has a form of responsibility for that area.

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MR COLLAERY (Attorney-General) (6.32): Mr Speaker, I move:

That the question be now put.

MR SPEAKER: Under the circumstances and as I have an amendment before me, I do not believe that that motion is appropriate, Mr Collaery.

MS FOLLETT (Leader of the Opposition) (6.33): Mr Speaker, I move:

That clause (3) be amended by omitting "7" and substituting "5".

This, as members will realise, is an amendment to Mr Berry's amendment. I offer the amendment in a spirit of compromise, as we have had oft expressed from the members opposite a great deal of difficulty with the number of members that is stated in Mr Berry's amendment. However, I do think it is important to note that the task that is before this committee is probably one of the most difficult that will be faced by this Assembly and by members of this Assembly.

It is a task that, as Mr Moore has pointed out, has been going on for many years now. There are very few of us in this chamber who have not had meetings in the community, with bureaucrats, with the then National Capital Development Commission officers, with consultants and with, of course, our own support groups, our own parties, on the question of planning in the ACT.

Mr Kaine: You should be able to deal with it quickly if you have done all of that. You are well on top of the subject.

MS FOLLETT: Mr Speaker, Mr Kaine interjects that we should be able to deal with it quickly if we have had all that amount of consultation. Of course, the reverse is true. The amount of consultation, the amount of debate that has surrounded this whole issue, has really sought to make clear to everyone concerned that this is an extremely complex issue. It is an issue that, of course, goes to the very heart of what Canberra is all about.

So I do not believe that it is appropriate for us to rush into any form of debate, into any form of committee structure for looking at this piece of legislation, simply along party political lines. I know that members opposite are intending simply to use their weight of numbers to attempt to impose their wish, their motion, on this Assembly. I think that they will be sorry in the long run that they have chosen to adopt that kind of a strategy. There is no doubt in my mind that there are other people within this chamber who have a very valid and very valuable contribution to make to this debate.

Mr Speaker, there is another issue which I would like to address, and it relates to the motion moved by Mr Collaery. I believe that it is the case that the Standing Committee on Conservation, Heritage and Environment has, in fact, voted not to consider this legislation. I have not heard from members opposite how or whether they are proposing to address that problem. Perhaps Dr Kinloch would like to give us the benefit of the views of the chairman of that committee. I think that to simply pretend, as Mr Collaery's motion does, that that action has not taken place is very wrong. Of course, if that committee persists in the view that it does not wish to consider this legislation, how then is Mr Collaery's motion to be achieved at all?

I would like to hear from Dr Kinloch whether there is, for example, a rescission motion before his committee, or whether he was simply planning to ignore, as the Government appears to be planning to ignore, that motion from the Standing Committee on Conservation, Heritage and Environment. If the Government is choosing to completely ignore that motion, then I think that says all that really needs to be said on the subject of the Government's attitude towards Assembly committees, because it is, in effect, a total denial of the autonomy of that committee, a denial of the view of that committee on this crucial subject.

Mr Speaker, I would like also to add that I think it is very sad indeed that members opposite have chosen to use this debate to canvas issues relating to other committees and, in particular, that Mr Jensen has chosen, by way of interjection and other means, to call on me to resign from the Public Accounts Committee. He alleges, as does Mr Duby, that I have some conflict of interest there. Mr Speaker, that is simply not the case. I have not received from any member opposite any such substantiated allegations, and I think it is very churlish and very snide of them to raise that in the course of debate over the planning committee.

Mr Jensen: A question was asked of you on Tuesday.

MS FOLLETT: Mr Jensen interjects yet again that the question was asked of me on Tuesday. Mr Speaker, if you would bear with me for one moment, Mr Jensen was referring to the Auditor-General's report, which he alleges I have some conflict of interest over. Mr Jensen need read no further than the front cover of that report to see that it relates to the period from July to December 1990.

Mr Jensen: It talks about things before then as well. Read the report.

MS FOLLETT: I have, in fact, read the whole report. If I had been in government during the period from July to December 1990, I must inform the house that it was government in exile. Only a government such as this would allege that I had been. You were in government.

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Mr Jensen: Issues raised in that report go back to your time.

MR SPEAKER: Order, Mr Jensen!

MS FOLLETT: Mr Speaker, I do apologise for that irrelevance, but Mr Jensen's continual interjections really do goad me into responding from time to time. I know that I should not allow him to.

I return to the subject of the draft planning and land use legislation. Mr Speaker, I think it is extremely remiss of the Government to attempt to constrain the Assembly in the way that it has by specifying the membership of the committee to look at this legislation. It is particularly remiss of them to completely deny members who are not on those two committees any opportunity of becoming members of those committees. That is not in the spirit of the committee structure of this Assembly, and I do not believe that it is in the spirit, either, of the standing orders which apply to committees of this Assembly.

I think, Mr Speaker, it is incumbent upon all of us to take a very close interest in this vital legislation, and all of us do. There is no doubt about that. This very debate indicates just what a high level of interest there is in the legislation. So I do not believe that it is appropriate, in any way, to try to constrain the debate in the way that the Government has, by using its numbers to pursue its own ends when any number of compromises have been offered to it.

It is very sad, Mr Speaker, that we have opposite 10 members of a government who, it appears, are completely unfamiliar with any form of conciliation, any form of negotiation, even on an issue that they know full well has the total interest and the vital interest of every member of this Assembly. They are willing simply to use their machinery tactics, their numbers, their bullying tactics, in order to specify which members must be on it.

Mr Kaine: According to your amendment, only five members can be on your select committee. How is that for exclusion?

MS FOLLETT: Mr Kaine has raised the question that my amendment seeks to reduce the number of members on the committee. Mr Speaker, the important point, which Mr Kaine appears to overlook, is that I have not said who those five members ought to be, and the Government has.

Mr Kaine: We know who the seven are if we just consolidate the two committees. They are already elected.

MS FOLLETT: Mr Kaine, by way of his interjection, in fact makes my point for me, Mr Speaker. The two committees which already exist have specified membership and therefore the proposal put up by Mr Collaery specifies the membership of this new joint committee. I do not believe that that is appropriate.

Mr Speaker, in conclusion, I insist on hearing from Dr Kinloch, as the chair of the Standing Committee on Conservation, Heritage and Environment, on how he proposes to overcome what appears to me to be a fairly substantial obstacle to his committee's participation in this new joint committee. His committee has already voted not to consider this legislation. I do not believe that we can conclude this debate without knowing what attitude that committee is going to take and, of course, what attitude the Government is going to take towards the legitimate decision of that committee.

MR COLLAERY (Attorney-General) (6.42), in reply: Mr Speaker, after consulting my colleague, Dr Kinloch, I move to close this debate.

Mr Berry: I take a point of order. Did I hear the member say that he was moving to gag debate?

Mr Kaine: No, he did not say that. He said that he was moving to close the debate.

Mr Duby: What is the point of order?

Mr Berry: I want to speak to the amendment.

Mr Kaine: He is moving to close the debate, which he is entitled to do.

Mr Berry: I was on my feet walking back to my place.

MR SPEAKER: You were not in your place, Mr Berry. I called the person who got to his feet first. Mr Collaery got to his feet first.

Mr Connolly: I raise a point of order, Mr Speaker. When a Minister rises to close a debate it is customary to allow other members an opportunity to get to their feet. Dr Kinloch was clearly rising. He may have been beaten by Mr Collaery, but one ought to give Dr Kinloch the opportunity to speak before it is closed.

MR SPEAKER: Order! Yes, I understand. Your point is upheld and valid, Mr Connolly. However, on Mr Collaery's words, he has agreement from Dr Kinloch that Dr Kinloch will defer.

MR COLLAERY: Yes, I consulted - - -

Mr Berry: I take a point of order. I defer to Dr Kinloch.

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Dr Kinloch: Mr Speaker, I have a very, very clear perception of this matter. I am only interested in commonsense. Commonsense is that the two committees should amalgamate and get on with the work. The only reason why we cannot do that is that one member of the Opposition and Mr Moore voted against a motion.

MR SPEAKER: Are you taking a point of order, Mr Berry? Please say so. I am not a mind-reader.

Mr Berry: First of all, who gets the call? I prefer to speak on the amendment that has been circulated if I have the call. Dr Kinloch has just spoken and I deferred to him.

MR SPEAKER: Order! The situation in this house has been that if the Minister is about to close debate and somebody else gets to his feet we have always sought deferment from the Minister. If this is the circumstance today, I ask Mr Collaery whether he is prepared to defer.

MR COLLAERY: I am not prepared to defer to Mr Berry. There has been more than enough comment on this issue, Mr Speaker.

Mr Berry: I have not spoken to the amendment. I think it is an outrageous abuse of my rights in this place.

MR SPEAKER: Order! The Minister was on his feet first, Mr Berry. You have missed the call.

MR COLLAERY: Mr Speaker, there is no important precedent about this. This debate has gone on for far too long. It is clearly an intractable problem that manifests itself in question time. There is a very mean and low approach to questioning. They target, like jackals, someone or other and that is the spirit that permeates - - -

Ms Follett: I take a point of order, Mr Speaker. I will not have any members on this side of the house referred to as jackals.

MR SPEAKER: Yes, I would ask you to withdraw that, Mr Collaery.

MR COLLAERY: Mr Speaker, I withdraw that imputation. Mr Speaker, a mean spirit pervades the chamber from across the way. I do not include everyone across there; but let the appellation fit where it belongs and I think they know who they are. Mr Speaker, the mean spirit has manifested itself again in this debate - - -

Mr Connolly: I take a point of order, Mr Speaker. Relevance. We are talking about question time and meanness here.

MR SPEAKER: Order! That is not a point of order, Mr Connolly.

MR COLLAERY: Mr Speaker, any other parliament would be able to get these committees together, but not this one. It is to the discredit of those opposite who resist a sensible motion to save Government funds and to get the best service for the ACT people out of this Assembly. I think that ratepayers, were they in the Assembly this afternoon, would be ashamed of what has been going on. They would be appalled at what this Opposition will stoop to to delay the processes of good government in the Territory.

Mr Speaker, they stand condemned on their own actions. The *Hansard* will reveal it. If only a couple of my colleagues on this side of the house, the chairman of the Standing Committee on Planning, Development and Infrastructure Mr Jensen, and my dear friend and colleague Dr Kinloch, could speak with candour about what is going on in those committees and the lack of cooperation that is evident to me, listening to this debate today, from the Opposition. Mr Berry has drawn a salary. He has drawn an allowance for being a member of this Assembly - - -

Mr Moore: I take a point of order, Mr Speaker. That is a dastardly attack. There is no such thing.

Mr Berry: I raise a point of order, Mr Speaker.

MR SPEAKER: Order!

MR COLLAERY: He has not yet secured an allowance. Mr Speaker, Mr Berry has drawn a salary. I will leave it at that.

MR SPEAKER: Order, Mr Collaery!

Mr Berry: Mr Speaker, the Minister opposite has accused me of receiving funds which I am not entitled to. I receive no allowances. This disgraceful imputation has to be withdrawn.

MR SPEAKER: Order! Thank you, Mr Berry; your point is obvious.

MR COLLAERY: Mr Speaker, of course Mr Berry has not received an allowance. He has received his salary here.

MR SPEAKER: Thank you.

MR COLLAERY: And there is no - - -

Mr Berry: I take a point of order. Is he going to be ordered to withdraw it?

Mr Jensen: He has already withdrawn it.

MR COLLAERY: Sit down. Mr Speaker, this man is drawing a full Assembly salary and not participating in the committee structure of this Assembly.

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Mr Moore: I raise a point of order, Mr Speaker. The imputations are so clear, Mr Speaker, that under standing order 202(b) I believe that this Minister has been guilty of quite disorderly conduct in questioning that Mr Berry is taking money for that.

MR SPEAKER: Thank you, Mr Moore. I have had just about enough of the childish behaviour on both sides of the house. If you do not settle down, I will adjourn the Assembly. The situation, Mr Collaery, is that the statement you just made is incorrect. Mr Berry does attend the Standing Committee on Administration and Procedures as I have indicated before. So I would ask you to withdraw that comment.

Mr Duby: He does not earn his pay on the planning committee, Mr Speaker.

MR SPEAKER: That is not what Mr Collaery said, Mr Duby.

Mr Duby: This was debated ad infinitum this morning and you said nothing.

MR SPEAKER: Mr Duby, please get on your feet if you are going to address me.

Ms Follett: I take a point of order, Mr Speaker. Mr Duby, by way of interjection, just said that Mr Berry does not earn his pay. I think that he must be asked to withdraw that statement.

Mr Duby: This was debated this morning, Mr Speaker, ad nauseam, and the point was: "Earn your money, earn your pay". It was said to all of you, and none of you objected then.

Ms Follett: I raise a point of order, Mr Speaker. I do object. I think there is a clear imputation contained in Mr Duby's remarks, an imputation that must be withdrawn.

Mr Duby: You did not object this morning; then again, you were not here, were you?

MR SPEAKER: Order! I do not believe that it is a valid point of order. Please proceed, Mr Collaery.

Mr Berry: Has he withdrawn the imputation against me yet?

MR COLLAERY: I will conclude my remarks.

MR SPEAKER: Who, Mr Berry?

Mr Berry: Mr Collaery. Has he withdrawn the imputation?

MR SPEAKER: I think he has done that. Have you, Mr Collaery? I asked you to withdraw - - -

MR COLLAERY: Mr Speaker, I have already withdrawn it.

MR SPEAKER: I asked you to withdraw the remark that Mr Berry did not attend the Assembly committee meetings. I indicated that he in fact does.

MR COLLAERY: Mr Berry, on my advice, has never attended the planning committee meetings.

MR SPEAKER: That is a different issue. You said "all".

MR COLLAERY: I am addressing that issue, Mr Speaker, and no other. I am not referring to any other committee.

MR SPEAKER: Order! Mr Collaery, would you just withdraw the statement that he attends no committee meetings?

MR COLLAERY: May I conclude my remarks, and will you get order into this house, please?

MR SPEAKER: That is what is happening. Please, all I ask you to do is withdraw, on an objection from Mr Berry, which I uphold. I believe that you said that he attends no committee meetings.

MR COLLAERY: If I said that, I withdraw it, of course, Mr Speaker. I am referring to the fact that Mr Berry has drawn a salary and has not contributed fully by being on the planning committee to which he was appointed.

Ms Follett: I take a point of order. Mr Berry is not entitled - - -

MR COLLAERY: This is frivolous. I ask you to get order in this house.

Ms Follett: I assure you that it is not frivolous. Mr Collaery has made an imputation against Mr Berry by saying, as he has just said, that Mr Berry has not earned his salary because he does not attend the planning committee. Mr Berry receives no salary as a member of the planning committee, and the imputation there must be withdrawn. It is not frivolous.

MR SPEAKER: Order! Your objection is overruled. You are playing with semantics there. Please proceed, Mr Collaery.

MR COLLAERY: Mr Speaker, I have attempted to make some reasonable comments. They have been interrupted. I do ask whether I can have about 10 more seconds without these people interrupting. The community would be disgusted to see the Opposition in their current disarray. The root cause of it is that they are unwilling to accept the fact that they are not in power. They have never accepted that they have been put out of power. The Leader of the Opposition - - -

Ms Follett: I take a point of order. Relevance, please.

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MR SPEAKER: Yes, relevance please.

MR COLLAERY: I am referring to their motives behind their refusal to join with the committee structure in the Assembly, to join with this proposal to link the committees. It is an entirely appropriate proposal and I simply commend the motion to the house. I believe that the Opposition is exposed for what they are, which is a group of people unable to accept that they are in opposition, and because of that they are unable to behave like an Opposition.

Question put:

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

The bells being rung -

Mr Berry: We have been advised by our highly paid adviser that we should all speak in the adjournment debate.

Ms Follett: Well, no. Our highly paid adviser does not understand that we do not need a quorum for this.

Mr Kaine: You can talk your heads off in the adjournment debate, for all we care. Your highly paid adviser is as big a twit as you are if you want to do that.

Ms Follett: Mr Speaker, we have to have that withdrawn. I cannot have my staff referred to as big twits.

MR SPEAKER: I did not hear the comment.

Ms Follett: Well I did.

MR SPEAKER: I think, under the circumstances, we should hold comment. Everyone is a little tense. If we all just whistled *Dixie* we would be better off.

The Assembly voted -

AYES, 5

Mr Berry
Mr Connolly
Ms Follett
Mr Moore
Mr Wood

NOES, 10

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak

Question so resolved in the negative.

MR SPEAKER: The question now is: That Mr Berry's amendment be agreed to.

Question resolved in the negative.

MR SPEAKER: The question now is: That Mr Collaery's motion be agreed to.

Question resolved in the affirmative.

**WESTPAC BANK
Statement by Member**

MR MOORE, by leave: Mr Speaker, the Federal Court case of Australian Bank Employees Union v. Westpac Banking Corporation was about the dismissal of the manager of Westpac's Kingaroy branch in Queensland following an incident involving the Premier of Queensland, Sir Joh Bjelke-Petersen. The incident was related - - -

MR SPEAKER: Order! Mr Moore, I draw your attention to a ruling I gave earlier on the Westpac issue, namely, that the documents are not to be tabled, nor their contents disclosed. I would ask for your assurance that you are not going to break that ruling.

MR MOORE: I assure you that I will respect that ruling, Mr Speaker.

The incident was related to a payment of \$400,000 from the Bond Corporation to Sir Joh that subsequently leaked to the press. The manager of that branch, Mr Nuttall, was sacked by the Chief General Manager, Retail Finance Services, Mr Stuart Fowler. Mr Fowler has since been promoted to Managing Director of Westpac. Justice Keely said:

... I have come to the firm conclusion that Mr Fowler gave a number of untruthful answers, which were intended to mislead the court; I say reluctantly because it is a conclusion rarely expressed by me as to any witness. Further, in a significant number of instances, he did not give frank answers to the questions asked. Specifically, I reject as untrue each of his statements in evidence.

Mr Speaker, Mr Fowler was in charge of the foreign loans at Westpac during the period in which, shall we say, the bank was negligent and incompetent, but which we now know includes the theft of clients' money and tax evasion. Mr Fowler, now as Managing Director, is seeking to cover up the past, issuing a media release which states that tax reasons were not relevant to the bank's Singapore operations.

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Mr Speaker, this is a blatant lie. Westpac's own internal documents prove that the press release was untrue. I further note that the press release specifically omitted reference about Westpac's legal advisers - Allen, Allen and Hemsley - being raided by the Australian Taxation Office for involvement in tax evasion. Mr Fowler is living up to his reputation of lying - lying to the courts and to the Parliament. His minions act entirely without conscience, bullying witnesses, attempting to gag the Senate and political interference. Despite this, our Assembly has chosen to protect the bank under the rubric of sub judice so far - although that matter is under consideration - despite the bank having had a key witness tailed by private detectives at high speeds, illegal phone taps, and turning the legal system into a mockery. Westpac's legal advisers selectively claim pious sentiments.

Mr Speaker, Westpac's only goal is to cover up the truth. Sub judice is simply a convenient tool. Had these papers not been released in the South Australian Legislative Council, Mr Speaker, at the end of the injunctions they would have commenced further actions to make it sub judice again, using both the Assembly and the courts in the most cynical way in furthering their conspiracy with their lawyers to pervert the course of justice. In due time once again, Mr Speaker, I will ask for those papers to be tabled.

Advertisements placed in various magazines in the mid-1980s with caricatures of leading Westpac executives and accompanying statements have an unfortunate irony, given the subsequent disclosure of the Westpac loans affair. The first of these is Rob Douglass, General Manager of Westpac's Merchant Banking Division and Managing Director of a fully owned Westpac subsidiary, Partnership Pacific Ltd. It shows a smiling and confident executive with the two-inch heading "Change". The advertisement quotes Mr Douglass as saying:

Change is the most challenging word facing banking today. The way of traditional banking - unadventurous, unhurried and resistant to change - has gone. This enables PPL to offer world class advisory, project packaging and assets management.

Mr Speaker, the documents to be tabled will offer a very contrary view. Because I respect your ruling, I will not quote from them. Another advertisement features an enlarged United States banknote which carries a portrait of the first American Secretary of Treasury from 1755 to 1804, Alexander Hamilton. Westpac quotes Hamilton as saying:

They must, of necessity, make every possible effort.

The advertisement goes on to say:

You need a bank that makes every possible effort to minimise your currency risk. Westpac does. Now its highly professional currency traders can offer you more competitive pricing and servicing than ever before. This superior market intelligence and vast experience makes Westpac foreign exchange service number one in Australia.

Westpac's legal advice seems to suggest that this statement is a less than accurate description of Westpac's modus operandi at the time. The next advertisement, similar to the first, has a picture of the Chief Manager of Westpac's Foreign Exchange Department, Peter Chan, under the inch high caption:

At Westpac I live, or die, off the third and fourth decimal place.

Of this there can be little doubt, at least insofar as it applies to PPL. When it came to margins on foreign exchange dealings, we have already heard in this Assembly, Mr Speaker, about point taking and other matters; but I shall respect your ruling and not refer to that. Mr Chan said:

Believe me, if you want to get the edge in the fast world of forex you have to live on the edge 15 hours a day. That's the way it is in the foreign exchange dealing room at Westpac. We call it the 'ulcer department', a place where we live off the third and fourth decimal place to put you in first place. At Westpac we've put together what I believe is the best foreign exchange team of any bank in Australia.

He concludes with a telephone number to Westpac's foreign exchange room "where you're first in forex".

The Allens report was at variance with this, noting that State managers found it impossible to get any sensible answers out of the department. I cannot quote that because of my commitment to you, Mr Speaker. The last advertisement, however, is perhaps the most unfortunate. It shows the former General Manager, Corporate and International, Stuart Fowler, since promoted to Managing Director of Westpac, the man about whom I spoke a short while ago. Mr Fowler said:

A first rate reputation. It means the world to us.

A similar but little reported statement along the same lines was delivered in November 1988 by the outgoing director of Westpac, Sir Eric Neal, to a dinner of retired Westpac staff. He recounted the inscription of early Bank of New South Wales banknotes which states:

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Let us possess the public confidence so long only as, by faithful discharge of the honourable trust reposed in us, we may show ourselves worthy of it. Whenever any one man may say with truth 'the bank has broken faith with us,' be then our ruin, and ours only, the immediate consequences.

Sir Eric Neal stated that people:

... expect their board to set standards - standards of integrity, of trust, of behaviour, of performance, and to ensure these standards are met in this highly competitive world. But the implementation and actions necessary to achieve these standards are in the hands of the managing director and his team, right down to the newly joined customer service officer.

Sir Eric must have been rather concerned to read in July 1988 the comments of Mr Justice Keely in the Federal Court of Australia which I have just referred to. The public advertisements and statements of Westpac seem inconsistent with Allens' report. Westpac has recently taken out injunctions against many Australian media organisations, including, of course, our own *Canberra Times*, in a bid to suppress those reports. Mr Speaker, when we return to this house it will be important for this Assembly to allow those to be tabled.

ADJOURNMENT

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

That the Assembly do now adjourn.

Hospital Services

MR HUMPHRIES (Minister for Health, Education and the Arts) (7.06): Mr Speaker, I want to speak briefly on the adjournment. There was debate earlier today about the extent of the hospital system's capacity to deliver services to people in the ACT. I would like to read into the record a letter, a copy of which has been sent to me, by Dr Peter Collignon from the ACT Medical Officers Association. The Government does not always see eye to eye with professional and industrial organisations in the health system in the ACT, but I think it is interesting to read this letter, Mr Speaker.

Mr Duby: We usually do.

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MR HUMPHRIES: We usually do, yes, but not always. The letter is to the editor of the *Canberra Times* and reads as follows:

Dear Sir

I found your sensationalist headline re Third-World Hospital in the ACT ... not only inaccurate but insulting to all the health care providers working in ACT hospitals. It wasn't clear whether your unnamed and so called senior hospital source meant to insult Royal Canberra North or Calvary Hospital. The examples given however showed that all the patients involved appeared to have in fact received adequate care. The reality of strokes is that modern medicine is essentially supportive. The body "heals" the damage. Hospitals essentially only offer supportive therapy. Is the implication that Calvary hospital is incapable of this? A short trip in an ambulance for any interhospital transfer has frequently occurred in the ACT for years. In a stable stroke patient this is unlikely to lead to any detriment to the patient. As for the case of lung cancer, as is obvious to the public at large this is a disease of very poor outlook. Cancer does not occur overnight and thus a delay of a week or so, particularly in a condition where in the vast majority of cases surgery has no or little long term benefit is hardly a catastrophe.

I think your newspaper and the media generally should be condemned when they use such misleading headlines. It needlessly destroys the population's confidence in the health system merely so you can grab attention, sell more newspapers or for the selfish aims of misguided and self interested "unnamed sources".

The ACT has never had a hospital system (despite the sums of money spent on it) that matches the level of care obtained in the other major Australian capital cities. Over the next few years - - -

Mr Connolly: There were much shorter waiting lists under Labor.

MR HUMPHRIES: Listen to this, Mr Connolly:

Over the next few years the Hospitals Redevelopment is the only chance the ACT has of obtaining the equivalent level of care that is already obtainable in all our other capital cities. If selfish, narrow minded groups prevail and trick your editorial staff to produce such

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outlandish headlines, your newspaper should bear the responsibility for depriving to the ACT the health opportunities that already exist in the other major capital cities.

Yours sincerely,

Dr Peter Collignon, President ACTMOA.

Question resolved in the affirmative.

Assembly adjourned at 7.09 pm until Tuesday, 12 March 1991, at 2.30 pm

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ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NOS: 298-301 - Equal Employment Opportunity
298 Chief Ministers Portfolio
299 Attorney General, Housing and Community Services
300 Finance and Urban Services
301 Health, Education and the Arts

MS FOLLETT - Asked all Ministers upon notice on 22 November 1990:

- (1) For each agency in the Ministers portfolio, how many staff are currently employed, and at what levels, from each of the equal employment opportunity (EEO) designated groups (ie women, Aboriginals, people from non-English speaking backgrounds and people with disabilities).
- (2) What (a) human and (b) financial resources are being devoted to implementation of EEO in each agency. - .

Mr Kaine - The answer to the Members question is as follows:

Question 1:

The information that is available on designated groups for 1989-90 is shown in the annual reports of agencies. The cost of collecting this data is such that it is generally done annually, pending the implementation of an automated system. To address this problem a study is underway to establish what sort of human resource management, system should be implemented, and the study will be finalised early this year. One objective of the study is to be able to show in total the-numbers of staff currently employed, and the levels, in each of the EEO designated groups in the ACT Government Service.

Question 2:

Implementation of EEO in each ACTGS agency

Estimated direct expenditure (including salaries of EEO officers, training and conferences) on the implementation of EEO in the ACT Government Service is as follows:

Chief Ministers portfolio (4 officers) \$205,000

Finance and Urban Services portfolio (2 officers) 75,000

Attorney Generals portfolio 8,000"

Health, Education and the Arts portfolio (5 officers) - 293,000

An additional amount of \$120,000 was expended by the Electricity and Water Authority on EEO support matters. A side-effect of the administrative re-arrangements last July was that there were no specialised EEO resources within the newly-created Department of Justice and Community Services, since these resources remained with pre-existing Departments and agencies.

Pending finalisation of various resources and corporate support arrangements for the Department, EEO functions have been undertaken on an ad hoc basis, including secondment of an officer to prepare a Departmental program.

There is also a range of other staff who contribute directly or indirectly to the implementation of EEO, and while Accurate records are not available of the time spent on these issues, the main areas are:

each agency has a Senior Executive Responsible for EEO, and there is also a ER EEO to coordinate across agencies;

an ACTGS network of EEO Contact Officers from each agency who keep abreast of developments in the ACTGS EEO program;

each personnel and staff development unit has EEO responsibilities;

most agencies conduct EEO employment-related programs such as the Intellectual Disability Access Program;

each agency has a designated EEO Officer who develops and manages the programs implementation;

some agencies have a network of Disability Contact Officers. who are trained to support officers with disabilities in their workplace;

each agency has a representative EEO committee with responsibility to oversee their departments EEO program on behalf of their Secretary;

each agency has a network of sexual harassment officers most of whom are trained to support officers and resolve sexual harassment cases.

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DIRECT EXPENDITURE ON IMPLEMENTATION OF EEO IN ACTGS IN 1990:

Authority (a) human fb) financial

Head of Administration -ACTGS EEO Adviser SOY \$44,435
(new porn) Budget: -

Officers Training: \$2,221

Chief Ministers -EEO Adviser _ AS06 \$34,560 - \$39,700

Department

Sexual Harassment Budget: - \$1500

Officers Network

*EEO Contact

Officers Network

ACT Institute of TAFE -EEO Adviser ASO 6(0.65)

Budget: - \$1,400

Sexual Harassment \$6,000

Network

Department Environment, -EEO Adviser ASO 6 \$34,560 - \$39,700

Land and Planning ASO 2 (0.7 Temp)

inn ITPA, \$15,820

Land, EBB Budget: - \$9,200

*EEO Contact SOY (0.1)

Officer LECH)

Staff Development

Sexual Harassment Courses: \$14,500

Network (EEO, Literacy)

Employment of people with

Disability Contact disabilities:

Officers - Jobmatch \$100,000

- IDAHO \$41,200

Ministry of Health -Education & Arts SOY \$42,390 (3.5)

Education and the Arts

Budget: -

Officers Training: \$3,490

Sexual Harassment

Officers Network

*EEO Contact

Network

Inc trips, conferences and Womens

Forum

-Health SOY \$42,390 (0.5)

AS06 \$34,560 - \$39,700

Budget: -

Officers Training: \$2,000

Department of Urban Services# AS05 (0.5) \$16,482
-EEC Adviser AS06 \$34,560 - \$39,700
Budget: - 520,000

ACT Electricity and Water Sexual Harassment est Budget: 520,000
-EEO Adviser AS06 \$34,560 - \$39,700
Officers Network- Overall: \$120,000
inn salary, publicity,
adman, training, stationery
ACTEW has calculated expenditure
on a different basis to other
agencies. Included are percentages
of SES salaries and Sexual
Harassment Officers.

Department of Justice and Community Services Budget: -
EEO Coordinator SOB (0.1)
inn GALA EEO Contact Officer SONY and other officers -
160.2 hr. equivalent to
line ACT Legal Aid \$3,700 pa

side-effect of the administrative re-arrangements last July was that there were no specialised EEO resources within the newly-created Department of Justice and Community Services, since these resources remained with pre-existing Departments and agencies. A full-time EEO Officer will be appointed in February 1991.

Pending finalisation of various resource and corporate support arrangements for the Department, EEO functions have been undertaken on an ad hoc basis, including secondment of an officer to prepare a Departmental program.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Royal Canberra Hospital South -

Hydrotherapy Pool

MR BERRY - asked the Minister for Health, Education and the Arts without notice on 13 February 1991:

Will the Minister deny that the Royal Canberra Hospital South hydrotherapy pool is to close?

MR HUMPHRIES - the answer to Mr Berrys question is: a

I am grateful for the opportunity to address this question because there are rumours circulating regarding the hydrotherapy pool. The hydrotherapy service at Royal Canberra Hospital South is an essential part of the rehabilitation group-of services and also the outpatient physiotherapy services provided for the people of Canberra.

I would like to assure the people of Canberra that the plans to redevelop Royal Canberra Hospital South contain no plans to close the pool. The services of the hydrotherapy pool will continue to be available to the people of the ACT in the same way as they are today.

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APPENDIX 1: (Incorporated in Hansard on 21 February 1991 at page 648)

THE STREETLINK PROGRAM WAS ONE OF THOSE BUDGET COMMITMENTS AND HAS ALSO BEEN THE SUBJECT OF CLOSE CO-OPERATION BETWEEN THE COMMONWEALTH AND A.C.T. GOVERNMENTS. OFFICERS FROM THE COMMONWEALTH DEPARTMENT OF EMPLOYMENT, EDUCATION AND TRAINING HAVE BEEN NEGOTIATING WITH THE YOUTH AFFAIRS OMIT TO PLACE A COMMONWEALTH YOUTH ACCESS CENTRE AND AN A.C.T. STREETLINK PROJECT IN THE SAME PREMISES. THIS WILL GIVE A HEIGHTENED EMPLOYMENT FOCUS TO THE STREETLINK PROJECT AT 4 TIME WHEN IT IS MOST APPROPRIATE. IT IS ANOTHER EXAMPLE OF THE SORT OF INTER-GOVERNMENT COOPERATION NECESSARY TO CONSTRUCTIVELY ADDRESS YOUTH UNEMPLOYMENT.

INTER-DEPARTMENTAL COOPERATION HAS ALSO BEEN HIGH ON THE AGENDA. IN NOVEMBER 1990, THE CHIEF MINISTER REQUESTED THAT I OFFICIALLY OPEN THE RED CROSS INVOLVE PROJECT FUNDED BY HIS DEPARTMENT. THE PROJECT ARRANGES VOLUNTARY PLACEMENTS FOR THOSE WISHING TO CONTRIBUTE TO THE COMMUNITY AND TO IMPROVE THEIR JOB SKILLS. MANY OF ITS CLIENTS ARE YOUNG PEOPLE.

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SIMILARLY, THEIR ARE OTHER SERVICES FUNDED BY THE CHIEF MINISTERS DEPARTMENT WHICH HAVE CLOSE LINKS TO YOUR SERVICES FUNDED UNDER MY OWN PORTFOLIO. JOBLINE FOR INSTANCE, OFFERS ASSISTANCE IN ACCESSING THE SHORT TERM LABOUR MARKET. IT IS LOCATED WITHIN THE CIVIC YOUTH CENTRE AND MANY OF ITS CLIENTS ARE YOUNG UNEMPLOYED.

OTHER EMPLOYMENT SERVICES WORK IN CLOSE COOPERATION WITH YOUTH CENTRES AND YOUTH SERVICES, OFTEN TO THE EXTENT OF OFFERING JOINT PROGRAMS AND ASSISTANCE TO YOUNG UNEMPLOYED PEOPLE. AGAIN, I MUST POINT OUT THAT MANY OF THESE SERVICES, SUCH AS THE WORK Resource CENTRE, ARE FUNDED IN CONJUNCTION WITH THE COMMONWEALTH.

I BELIEVE IT IS IN THE SERVICES FUNDED THROUGH THE HOUSING AND COMMUNITY SERVICES BUREAU THAT THERE IS A SPECIAL RECOGNITION OF THE PROBLEMS FACING THE UNEMPLOYED. THE SOLUTION IS NOT JUST FINDING A JOB, WHICH IS A TYPICAL UN-INFORMED RESPONSE TO A COMPLEX PROBLEM. THE SITUATION OF THESE YOUNG PEOPLE IS AS MUCH THE RESULT OF LARGER CHANGES IN SOCIETY AS IT IS CHANGES IN THE YOUTH LABOUR MARKET.

MR SPEAKER, IT IS WELL KNOWN THAT THOSE YOUNG PEOPLE WHO ARE LIKELY TO REQUIRE ASSISTANCE ARE THOSE WHO WILL LATER FALL INTO THE CATEGORY OF LONG TERM UNEMPLOYED THEY REQUIRE INCOME SUPPORT, HEALTH CARE, SHELTER, PLACES TO GO FOR RECREATION AND ABOVE ALL PERSONAL SUPPORT THEY CAN RELATE TO.

AGAIN, THE ALLIANCE GOVERNMENT HAS ANTICIPATED THESE PROBLEMS AND LET ME SAY THAT FOR THE FIRST TIME I BELIEVE THE A.C.T. HAS AN ADEQUATE SAFETY NET OF COMMUNITY SERVICES FOR YOUNG PEOPLE. THIS HAS BEEN ACHIEVED BY A SUBSTANTIAL INCREASE IN FUNDING ACROSS THE YOUTH SECTOR DURING THE TERM OF THIS GOVERNMENT.

I AM PLEASED TO SAY THAT WE HAVE MADE SUBSTANTIAL INCREASES IN FUNDING IN THE AREAS OF YOUTH HEALTH, FOOD SERVICES, INFORMATION SERVICES, ADDITIONAL YOUTH WORKERS AT NORTHSIDE AND WODEN, AND INCREASES TO THE YOUTHLINE COUNSELLING SERVICE. WE ARE ALSO SUPPORTING YOUTH MEDIATION THROUGH A GRANT TO THE CONFLICT RESOLUTION UNIT.

I WOULD ALSO LIKE TO ASSURE THE ASSEMBLY THAT. THESE ARE NOT "WILLY-WILLY" INCREASES BUT PART OF A STRATEGIC NETWORK. AS EVIDENCE OF THIS, LET ME REMIND MEMBERS THAT THE GOVERNMENT HAS ALSO COMMITTED ITSELF TO FUND YOUTH SECTOR TRAINING IN A JOINT ARRANGEMENT WITH THE COMMONWEALTH. FOR IT IS EQUALLY IMPORTANT THAT WE HAVE HIGHLY PROFESSIONAL AND WELL-TRAINED WORKERS DEALING WITH THESE YOUNG PEOPLE. IT WOULD BE ALL TOO EASY FOR WELL-INTENTIONED INDIVIDUALS TO CLAIM THE STATUS OF YOUTHWORKER. HOWEVER, SCARCE RESOURCES DEMAND THAT WE MAKE THE BEST USE OF THOSE RESOURCES.

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MR SPEAKER, A SHORT TIME AGO I OPENED AND SPENT SOME TIME AT THE YOUTH AFFAIRS NETWORKS ANNUAL A.C.T. CONFERENCE AND I WAS PLEASED WITH FEEDBACK I GOT ON EXISTING SERVICES. I WAS PARTICULARLY PLEASED WITH THE RESPONSE TO THE . STREETLINK PROGRAM. .

STREETLINK WILL HOLD A SPECIAL PLACE IN THE DELIVERY OF SERVICES TO OUR MOST DISADVANTAGED YOUNG PEOPLE. IT WILL BE THE FIRST GOVERNMENT PROGRAM WORKING IN THE COMMUNITY SECTOR. AS SUCH IT OFFERS THE OPPORTUNITY TO MAKE FURTHER LINKS AND CONNECTIONS. IT WILL CLEARLY DEMONSTRATE WHERE THERE ARE GAPS AND OVERLAPS IN THE SYSTEM AND, MORE IMPORTANTLY, IT WILL INDICATE WHERE THE PRIMARY SUPPORT SYSTEMS COULD BE MODIFIED TO MEET THE NEEDS OF THESE YOUNG PEOPLE.

AND IN THIS REGARD I DO NOT EXPECT THAT THIS GOVERNMENT WILL REST ON ITS LAURELS. FORWARD PLANS ARE CONTINUING TO BE REEVALUATED AND MODIFIED AND PERHAPS I COULD TAKE THIS TIME TO INDICATE SOME DIRECTIONS MY DEPARTMENT CURRENTLY HAS UNDER CONSIDERATION.

THE GOVERNMENT AND THE COMMUNITY NEED TO LOOK AT LONG TERM SOLUTIONS, EXAMINE HOW THE YOUTH LABOUR MARKET HAS CHANGED AND THINK CREATIVELY.

WHO CURRENTLY FILL JOBS THAT WERE HISTORICALLY FILLED BY YOUNG PEOPLE?

ANOTHER SOLUTION MIGHT BE TO EXAMINE THE POSSIBILITY OF EXTENDING PAID WORK PLACEMENTS THROUGH TO ALL TERTIARY COURSES OF STUDY. THIS WOULD FREE UP CASUAL POSITIONS CURRENTLY OCCUPIED BY FULL TIME STUDENTS AND MAY HELP IN CREATING A MORE WORK READY GRADUATE. PART OF THE CLEVER CANBERRA.

I AM ALSO EXAMINING WAYS TO UTILISE YOUNG PEOPLES ENTERPRISE AND INITIATIVE. THIS MIGHT BE THROUGH JOINT VENTURES BETWEEN YOUNG PEOPLE AND BUSINESS OR COMMUNITY ENTERPRISES. IT MIGHT INCLUDE ENVIRONMENTAL PROGRAMS AND CITY-SCAPE PROJECTS. IT COULD ALSO INCLUDE SUPPORT THROUGH FURTHER EDUCATION. AND BY THIS I DO NOT NECESSARILY MEAN TRADITIONAL EDUCATION OF THE FORMAL KIND BUT THAT OF A MORE ADVENTUROUS NATURE IN THE WORKING WORLD THAT USED TO BE AVAILABLE TO YOUNG PEOPLE OF MY GENERATION.

MR SPEAKER, I BELIEVE WE NEED TO REMAIN FORWARD THINKING AND INNOVATIVE IF WE ARE TO ADDRESS THE CHALLENGES IN OUR CURRENT ECONOMY. THIS GOVERNMENT RECOGNISES THE REAL PROBLEMS, THE THREAT THEY POSE TO OUR YOUNG PEOPLE, AND INTENDS TO KEEP ON TOP OF THEM.

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