



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 August 1998

Wednesday, 26 August 1998

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

PETITION

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

By **Mr Wood**, from 6,773 residents, requesting that the Assembly reverse the decision to cut \$1.6m to the Institute of the Arts so that it can continue to provide a worthwhile resource within Canberra.

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

Arts - Funding

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of supporters of the Arts in the Australian Capital Territory, draws to the attention of the Assembly the cut of \$1.6 million to the Institute of the Arts, as part of the 1998 budget, which will impact on the delivery of services by the Canberra Schools of Music and Art to the community and will adversely affect the quality of life in Canberra.

Your petitioners therefore request the Assembly to reverse the decision, so that the Institute of Arts can continue to provide a worthwhile resource within Canberra.

Petition received.

PAPER

MR WOOD: Mr Speaker, I ask for leave to present a petition which does not conform with standing orders.

Leave granted.

MR WOOD: Mr Speaker, I present an out-of-order petition, being sketches from 103 residents protesting against the cuts to arts funding. Maybe this could find its way to the Performing Arts Advisory Committee in due course.

MR SPEAKER: Thank you, Mr Wood.

DEATH OF MR BILLY CRAIGIE

MS TUCKER: I move:

That the Assembly expresses its deep regret at the death of Mr Craigie, who made a significant contribution to Aboriginal rights and issues in the Territory and tenders its profound sympathy to his widow, children and grandchild in their bereavement.

Mr Speaker, Billy Craigie was a leading Aboriginal activist and gave all of his life to the promotion of Aboriginal issues and land rights. He was a Gomilaroy warrior. His country was near Moree, where he was taken to be buried two weeks ago. He was buried in a full Aboriginal ceremony. Ceremony was something he was responsible for bringing back to Aboriginal people to reignite their culture and pride. He was a founding father of the Aboriginal Legal Service, of which he was vice-chairman for over 20 years. The Legal Service helped set up the Aboriginal tent embassy on the lawns of the Old Parliament House in 1972. Throughout his life he promoted the rights of indigenous peoples, both in Australia and overseas. He represented Aboriginals at international forums, such as the United Nations Conference on Indigenous Peoples in Geneva. He never lost sight, however, of the needs of individuals across Australia.

Matilda House described him as someone who made a difference in the lives of Aboriginal people on a daily basis. He was integral in setting up a friends network for Aboriginal people in custody, and maintained the community link with prisoners. He also helped develop the Aboriginal medical and health services. He was also concerned about issues surrounding Aboriginal education and through the Legal Service developed the legal indigenous training program that trains Aboriginal people on Australian and Aboriginal laws.

Billy Craigie was also a man who lived by his principles. He respected humanity and the protection of the rights of all. This often led him to be a critic of various governments. He was strong and uncompromising in his approach, always focusing on the positive, with ideas for change, rather than limiting himself to reactionary sentiment, and this is perhaps why he was considered a champion for and by the Aboriginal people. He is survived by his wife Isobel Coe, children and a grandchild.

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, it is with much sadness that I learnt of the recent death of Mr Bill Craigie. I rise here to pay tribute to his contributions as an Aboriginal and as an Australian. It is important to realise that his contributions were to the broader Australian community as well as to the broad Aboriginal community, both here in the ACT and in New South Wales.

As Ms Tucker said, he was born in the New South Wales town of Moree. He spent a great deal of his time, though, in the Canberra region and became an active member of the Aboriginal community. He devoted a great deal of his life to gaining recognition for Aboriginal people and to fighting for Aboriginal rights. He was determined that Aboriginals would know the true history of their country. He spoke at functions across Australia - I am sure many of us heard him speak - in an attempt to correct the myth that Aboriginal people somehow relinquished their land.

Mr Craigie was active in Aboriginal community organisations across Australia. As Ms Tucker said, he was probably best remembered for his struggle to establish the Aboriginal tent embassy here in Canberra in 1972. The esteem in which Mr Craigie was held, Mr Speaker, was noted in the memorial services held for him right across Canberra and in New South Wales, at Moree, Redfern, Cowra - the list goes on - over the last two weeks.

Mr Speaker, on a very serious note for a moment, the fact that Mr Craigie died at, I think, 47 of a heart attack does indicate to me, and I am sure to other members of the Assembly, just how much further we have to go in this country with Aboriginal health issues, something that Mr Craigie was very personally involved in.

Mr Speaker, I am sure that members will join with me in expressing our deep sympathy to Bill Craigie's family and friends and in acknowledging the significant contribution he made to Canberra and to the Australian communities.

MR STANHOPE (Leader of the Opposition): Mr Speaker, I join with other members in expressing condolence at the death of Billy Craigie. As has been indicated by Ms Tucker and the Chief Minister, Mr Craigie is an Australian hero. I think he was one of those individuals who, through a depth of commitment to his people and a cause, actually stretched himself to the limit.

He was involved in 1972, at the age of 19, along with five of his colleagues, in the establishment of the tent embassy at Parliament House. There are many of us who would remember those days and the environment and the atmosphere in which the tent embassy was created at that time. It was not very long ago. It does give us real cause to reflect that, in 1972, a 19-year-old Aboriginal man from Moree came to Canberra to establish, along with his colleagues, the tent embassy. That was at a time when Billy Craigie,

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at the age of 19, had never been permitted to swim in the swimming pool at Moree because of the attitude of that council and the attitude that prevailed around Australia just a short time ago. The declaration of Billy McMahon, the then Prime Minister, that his Government would in no way support land rights created the environment that led to Billy Craigie and others establishing that embassy as a significant and now permanent reminder of the extent to which indigenous people in Australia had been dispossessed, had been marginalised and had been maltreated and discriminated against throughout two centuries of white occupation of Australia.

I take the point that the Chief Minister makes - that Mr Craigie, this short time later, has died at the very young age of 47. As the Chief Minister said, that does indicate to us the distance that we yet have to travel, not only in coming to a reconciliation. I am reminded of that, particularly in relation to the tent embassy, when I listen to 2CC particularly. A continuing campaign is being waged in some quarters in Canberra to have the tent embassy removed, as being a blight or blot on the nation. The blot, of course, is the treatment that indigenous people in this country have had meted out to them over the last two centuries, yet many sections of the community continue to rail against the tent embassy; to what is an enduring monument to Billy Craigie and other colleagues, and an enduring monument, as far as I am concerned, of the distance that we have yet to travel to achieve proper reconciliation.

I think it is a pity that Billy Craigie, through his efforts and his struggle, and through the disability that those people have suffered, has died at such a young age. I think that is a real tragedy for a real Australian hero. I express my condolence.

One other issue that I would quickly raise, without wishing to labour the point too much in terms of the distance yet to travel, is the revelation by the Minister for Health in the Estimates Committee a couple of weeks ago that the ACT was denied any of the *Bringing them home* funds for the employment of Aboriginal mental health counsellors. Even at this date there is no real recognition in some quarters. Particularly in relation to that, the Federal Government, for reasons that have not been explained at all, decided that indigenous people in the ACT did not need to be funded for the provision of mental health counsellors. So there is an enormous distance to travel. That is an issue that I will take up with the Minister for Health later.

Mr Craigie's life and efforts were a real credit to him, and to his determination and to his courage. His death was very sad and is a great loss to his people and to Australia.

Question resolved in the affirmative, members standing in their places.

DEATH OF PROFESSOR LINDSAY DIXON PRYOR, AO

MR SMYTH (Minister for Urban Services): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Professor Lindsay Dixon Pryor, AO, who made a significant contribution to the landscape of the Territory and tenders its profound sympathy to his widow and children in their bereavement.

Mr Speaker, it was with great sadness that I learnt of the recent death of Professor Lindsay Pryor at the age of 82. I rise here today to pay tribute to Professor Pryor's academic achievements and his magnificent contribution to giving Canberra its garden city identity - an image that is etched in the minds of the nation. I welcome here today members of Professor Pryor's family and offer them the sympathies of the Assembly.

In many ways Professor Pryor actually grew up with Canberra. He came to the national capital from Adelaide in 1934 to study at the Australian Forestry School in Yarralumla. The city at that time was suffering from the effects of the depression. The landscape was treeless. To use Professor Pryor's own words, he said:

There was nothing much to be seen. Just the primordial here and there. There was a sort of an index indicating the promise of very substantial future development. The feeling that Canberra was a place where development was pre-ordained, where some grand buildings would arise, was evident.

One of the things that make his life so interesting was the way that Professor Pryor was introduced to the notion of a career in forestry. It was a career suggested to him as a 12-year-old boy by his father who had shown him a copy of an article in the *Adelaide Observer* about forestry being a useful field of study for boys. "It appealed as tough, outdoor work. A He-man in the woods style occupation", Professor Pryor was to say later. I think these comments give us an insight into Professor Pryor's geniality, his ever-inquiring mind, his no-nonsense approach to life and his work as he embarked on painting the canvas of immense proportions that Canberra would become. In fact, it was to become his lifetime's work, the results of which Canberrans and visitors to the national capital will now have forever. It was a lifetime fuelled by an infectious curiosity, and an engaging quest for knowledge.

What made Professor Pryor's work stand out was that he was actually blessed with the ability to know how a landscape would look when it matured, how space would fill out, and what was the outcome. Canberra is fortunate to have an abundance of such treed spaces. I think there can be no greater legacy to Professor Pryor's life and work.

That he was enthused by the work of Thomas Charles Weston, the pioneer who set out the scene for Canberra's early landscape development, is obvious. He never wilted or tired, Mr Speaker, his energy and enthusiasm being such that he gathered people up with him, using the gentle art of persuasion rather than a big stick approach to having his ideas adopted.

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It is worth while pausing to revisit Professor Pryor's achievements and his outstanding contribution to public service in the ACT. Professor Pryor spent 22 years with Parks and Gardens, 14 of them as director. In that time he did, among other things, the landscaping for the Australian National Botanic Gardens, the Australian National University, the Australian War Memorial, the preparations for Lake Burley Griffin and the suburbs of Deakin, Fyshwick, Narrabundah, O'Connor and Red Hill. He was also responsible for the substantial plantings we see today at Acton, Ainslie, Braddon, Civic, Duntroon, Forrest, Griffith, Kingston, Manuka, Parkes, Pialligo, Reid, Turner, Telopea Park and Yarralumla. The new ideas that Professor Pryor brought to his work were mixing the planting of exotic and native species, and advance planting - getting the trees in before the development took place. But it was not just the planting.

Academically, Professor Pryor's contributions and achievements are no less spectacular. His core qualifications were in science - a masters degree and PhD from the University of Adelaide. He was the Schlich medallist, awarded to the outstanding graduate of the Australian Forestry School at Yarralumla where he studied. That school was later incorporated into the Australian National University as the Forestry Department. He was the ANU's foundation Professor of Botany, Dean of Studies and chairman of the Board of General Studies. As well, he was the executive secretary of the Papua New Guinea Biological Foundation, the Australia and South Pacific Science Foundation, which was established in the late 1960s to foster science in the south-west Pacific, and the Slade Science Foundation in Australia. He was also a member of the Institute of Foresters and Landscape Architects.

Mr Speaker, Professor Pryor was also widely published. Among his best known works are *Street Trees of Canberra*, and *Classification of Eucalypts*, written jointly with Dr Laurie Johnson, director of Sydney's Royal Botanic Gardens. He was awarded the Mueller medal at the 47th congress of the Australian and New Zealand Association for the Advancement of Science, and in 1983 he was appointed an Officer in the Order of Australia.

Professor Pryor was also passionate about sharing his knowledge, attracting overseas students to study at the ANU long before it became fashionable. He viewed 1947 as a turning point in his life. He spent it in Europe and North America, picking up ideas and species for transplanting in Canberra. His work later attracted the attention of the United Nations where he headed up the United Nations forestry program, whose charter was to develop plantations in countries where there was a need for timber that would grow quickly.

At the age of 50, when most people are starting to wind down, Professor Pryor was continuing to wind up. He gained a private pilots licence to help him quench his thirst for field trips to remote parts of Australia looking for new species. He continued flying until just after his 70th birthday. By any measure, Mr Speaker, his was an extraordinary life lived by an extraordinary person. Professor Pryor is survived by his second wife, Nancy - his first wife, Wilma, died in 1975 - and his four children, Elizabeth, Anthony, Geoffrey and Helen. I am sure that all members will join with me in expressing our deep sympathy to Professor Pryor's family and in acknowledging his fine academic career and his distinguished service to our city of Canberra and to his nation.

MR WOOD: Mr Speaker, with all my colleagues here, I love this city of Canberra. I love the ACT. One of the prime reasons for that affection is its bush capital nature, the way the city absorbs the bush. It is a source of continuing wonder to me and of encouragement. The reason we have that is due very much to the work of Professor Pryor. He did so much for this city. I never met him in person, but I meet his spirit every time I move around this Territory and this city. I lived in O'Connor, so his trees were on my nature strip, front and side. I drove through O'Connor to come here, so I know Professor Pryor and I appreciate all that he has done.

We labour here to make some impact - we hope positive - on Canberra. Can any one of us say that we have made a greater impact than Professor Pryor? I do not think we can. His impact is beneficial, and it is enormous. Beyond that, the Minister spelt out his great distinction and his work in science. He achieved great things. He was a great Canberran. His passing is a loss, but his whole life here has brought great benefit. Canberra, very largely, is his monument. I join with colleagues here in expressing our sympathy to the family, but our thanks that we had him for so long.

MR MOORE (Minister for Health and Community Care): Mr Speaker, in rising to join other members in extending my sympathy to the family of Professor Pryor, I would like to add a few things to those that have been said. On many occasions, publicly and also in this chamber, I have pointed out one of the most notable differences between Canberra and other cities. I do it by saying that if you fly into Sydney and you look down you will see terracotta roofs with a few trees. If you fly into Canberra and you look down you see trees with a few terracotta roofs. That is largely a contribution by Professor Pryor. That is my understanding of what he has done for our city and what he has done for the nation insofar as this city is the capital of our nation. We can stand here today and recognise the great work that has been done by somebody whom, I think, history will show to be a very great man.

I join with other members in extending my sympathy to the family of Professor Pryor, but also to this city and to our nation because he is a great loss to Australia.

MS TUCKER: I also rise to express sympathy to Professor Pryor's family and to honour his work. Mr Smyth has already outlined the significant contribution that he has made to this city and I would echo what other members have said - that it is, indeed, a very beautiful city that we live in. The natural landscape that it is situated in, plus how trees have been planted within the city area, have made it that way. It is good to be able to honour the work of a man who basically planted trees. I think the whole city and the community of Canberra will always be enriched by his work. Hopefully, in present decision-making, in planning decisions, we will be able to keep valuing our treescape in the ACT. I believe that it is under threat on occasions from proposals that come up. It is something of incredible value that does not always fit into the planning processes as strongly as I believe it should.

Professor Pryor, of course, was also open to bringing the native plants into Canberra. I understand that he did not get involved in the feuding between the exotics versus the natives, which was sensible. I do not either. There is obviously a place for both, although we might not totally agree with people here on quite what the balance should be.

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I think the fact that we do have native trees in our streets is also due to his open vision of our natural landscape or treescape. We are really privileged to have had someone with such vision because, as everyone has said, we are fortunate enough to have a city which is indeed very beautiful. I join with other members, as I said, in expressing sympathy to the family and in honouring his work.

MR SPEAKER: Before I ask members to acknowledge this motion, I would like to acknowledge the presence in the gallery of some of the late Professor Pryor's family.

Question resolved in the affirmative, members standing in their places.

DEATH OF ADMIRAL SIR VICTOR SMITH, AC, KBE, CB, DSC

MR HIRD: Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Admiral Sir Victor Smith, AC, KBE, CB, DSC, who made a significant contribution to the naval and sporting communities in the Territory and tenders its profound sympathy to his widow and family in their bereavement.

Mr Speaker, I ask members to acknowledge a motion of condolence in respect of the late Admiral Sir Victor Trumper Smith whose recent death was a great and sad loss to the community in which we live. I was honoured to know Sir Victor as a result of our association with sport in the Territory. Sir Victor was patron of the ACT Rugby League during my term as league president. He also officially opened the building which houses the ACT Leagues Club of which I was the foundation president. It also was an honour for me to represent the citizens of the ACT and the Government at the funeral of a man who was a great Canberran and a great Australian who will be sadly missed by a large circle of friends, associates, his widow, Lady Smith, children and grandchildren.

Mr Speaker, Admiral Sir Victor Trumper Smith, AC, KBE, CB, DSC, RAN Retired, was born in Sydney on 9 May 1913. He was named after his uncle, Victor Trumper, the great Australian cricketer. He entered the Royal Australian Naval College in 1927 as a cadet midshipman, and became a midshipman in 1931, a sublieutenant in 1934 and a lieutenant in 1936. His first ship was the cruiser, HMAS *Canberra*.

After deciding to specialise in naval aviation, he won his wings as an observer in 1937. He flew from the aircraft carriers HMS *Glorious* and HMS *Ark Royal*, and at HMS *Sparrowhawk*, the Royal Navy Air Station at Hallston. While based at *Sparrowhawk* he was mentioned in dispatches for leading a daring air torpedo raid by six Swordfish biplanes against the German battleship *Scharnhorst* off the Norwegian coast. Back on *Ark Royal* in 1941, Victor Smith was awarded the DSC for outstanding zeal, patience and cheerfulness, and for setting an example of whole-hearted devotion to duty.

He returned to Australia in 1942 to liaise with the US Navy before being posted to *Canberra* again. He was aboard that ship when it sank in the battle of Savo Island during the Guadalcanal landings. In 1943 he went to the cruiser HMAS *Shropshire*, then to the aircraft carrier HMS *Tracker* which was operating in the battle of the Atlantic and escorting Russian convoys. Promoted to lieutenant commander in 1944, Victor Smith was posted as the Air Planning Officer on the staff of the Flag Officer, British Assault Area for the Normandy invasion, which involved 702 warships and 52 flotillas of minesweepers. At war's end he was on the staff of the Vice-Admiral British Pacific Fleet. He was promoted to commander in 1947.

Sir Victor's war service resumed when he became executive officer on the aircraft carrier HMAS *Sydney*, then flying Gannets and Sea Venoms, in the Korean war in 1951. Promoted to captain in 1953, he was appointed director of Air Warfare Organisation and Training, and later commanding officer of the First Frigate Squadron. He commanded HMAS *Albatross*, the Naval Air Station at Nowra, New South Wales, from 1957 to 1959, and attended London's Imperial Defence College in 1960. Returning to Australia to command the aircraft carrier HMAS *Melbourne*, he was promoted to acting rear admiral in 1962 and rear admiral in 1963, the same year he was awarded the CBE. As Flag Officer, he held the appointments of Second Naval Member, Fourth Naval Member, Flag Officer Commanding the Australian Fleet and Deputy Chief of Naval Staff.

Sir Victor was promoted Chief of Naval Staff with the rank of vice-admiral in 1968 and was made a CB and then a KBE in 1969. His long career culminated in his elevation to admiral in 1970, becoming the first RAN officer to be promoted to this rank. He was appointed chairman, Chiefs of Staff Committee, the forerunner to the position of Chief of Defence Force. In 1975 Sir Victor was awarded the AC and he retired in November of that year, just short of 49 years' naval service. He was a great Australian, a great Canberran, and a credit to the nation.

MR STANHOPE (Leader of the Opposition): Mr Speaker, I rise to join in expressing condolence at the death of Sir Victor Smith. I share the sentiments that Mr Hird has expressed. Sir Victor Smith had an enviable and most distinguished career. He stands as a great Australian. His loss is a matter of great sadness and the Opposition joins in extending sympathy and condolence to Sir Victor's family.

I became aware of Sir Victor because my father-in-law worked in the Department of Defence for many of the years that Sir Victor Smith was chief of staff there. During discussions that I had during those years with my family I was often involved in conversations about Sir Victor Smith. He was a great friend of my father-in-law and I know his death was a matter of great personal sadness to him. I know much of Sir Victor through my father-in-law in discussions that I have had of his sterling qualities. I share the sadness that his death causes all Australians.

MR STEFANIAK (Minister for Education): Mr Speaker, I too would like to join in this condolence motion in relation to Sir Victor Smith, and to send my condolences to Lady Smith and her family, and especially my old friend Piers Smith, Sir Victor's son, with whom I played rugby for many years. I echo the sentiments which Harold Hird and Jon Stanhope have expressed in this Assembly. My father also had dealings with Sir Victor Smith back in the early 1970s when he was at the Auditor-General's and

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doing audits in the Department of Defence. I remember that when I was a student he would comment about a number of people he met. He was particularly impressed at all times with Sir Victor Smith. It was not long after that that I commenced playing rugby with Piers Smith, Sir Victor's son, and did so for many years.

Sir Victor Smith was unique in Australian military history. As Harold has said, he was, in 1970, the first naval officer to be elevated to admiral. He was widely regarded as father of the Australian Fleet Air Arm for his efforts with that branch of the Royal Australian Navy. I think it was very sad for Sir Victor when, unfortunately, the *Melbourne* was not replaced back in the early 1980s.

He had a long and distinguished career with the Fleet Air Arm and an amazing and incredibly brave career in World War II, as Mr Hird has stated. I seem to recall that he was on more than one ship that sank and was involved in many battles, right at the forefront. He had an incredible career in the Royal Australian Navy, a service he was so dedicated to. His career, which spanned just short of 49 years, is probably close to a record, Mr Speaker. He was a remarkable Australian who provided sterling service to his branch of the armed services, and through it to the nation. Also, as Mr Hird has said, he was very much involved in many aspects of the Canberra community.

I join with other members in expressing my condolences to Lady Smith and her family.

Question resolved in the affirmative, members standing in their places.

ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1998

MS TUCKER (11.05): I present the Administrative Appeals Tribunal (Amendment) Bill 1998.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill and three other Bills I am presenting today - the Coroners (Amendment) Bill, the Oaths and Affirmations (Amendment) Bill and the Supreme Court (Amendment) Bill - are simple Bills yet are major milestones in the growing public recognition that it is time that Australia presented itself to the world as an independent country that is no longer bound to the English monarchy. At present, judicial office-holders such as judges, coroners and members of the Administrative Appeals Tribunal have to take an oath or affirmation of office as part of their appointment. The standard oath or affirmation of office that is incorporated in the various pieces of legislation governing their appointment must have been drafted many, many years ago. The first line of the oath says:

I swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, and her heirs and successors.

Members of the Legislative Assembly originally had to swear this allegiance, but now have an option to use a non-regal oath or affirmation after amendments to the Oath and Affirmations Act 1995. The laws requiring office-holders to swear allegiance to the Queen are really an antiquated relic of our judicial system and need to be changed. The oath does not even mention allegiance to Australia or Australians, and it is ludicrous that our office-holders should be required to swear an oath to a foreigner.

There would be few Australians alive today, irrespective of their views on whether Australia should be a republic or not, that would regard such an oath as a true expression of their national loyalty. This oath is a totally inadequate expression for what the office-holder is taking an oath for, which is to commit themselves to serve faithfully and competently in their office according to law and without fear or favour. It has nothing to do with the Queen. This amendment will not reduce the importance of the oath of office, nor reduce the required commitment of these office-holders to their job.

As Australia makes its inevitable move towards a republic, as demonstrated by the outcomes of the Constitutional Convention held at the start of this year, references to the Queen will need to be removed from many pieces of legislation at State and Federal levels. As the Greens have said at various times in this Assembly, we do not believe that we should have to put off important reforms in the ACT just because we are ahead of the thinking in other States.

Last year, at my initiative, the Assembly agreed to amend the oath of office made by magistrates under the Magistrates Court Act, so that it no longer included a requirement for magistrates to swear allegiance to the Queen. These Bills now apply this amendment to the other office-holders who still have to swear allegiance to the Queen or, in the case of MLAs, have this as an option. I believe that the Assembly should take this opportunity of removing references to the Queen in our legislation by fixing up the oath of office to make it more relevant to office-holders' responsibilities to the people of the ACT and not their outdated responsibilities to a royal family 15,000 kilometres away.

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

CORONERS (AMENDMENT) BILL 1998

MS TUCKER (11.09): I present the Coroners (Amendment) Bill 1998.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, I have already spoken to this in my previous speech.

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

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OATHS AND AFFIRMATIONS (AMENDMENT) BILL 1998

MS TUCKER (11.10): I present the Oaths and Affirmations (Amendment) Bill 1998.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, I have already spoken to this as well.

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

SUPREME COURT (AMENDMENT) BILL (NO. 2) 1998

MS TUCKER (11.11): I present the Supreme Court (Amendment) Bill (No. 2) 1998.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

As before, I have spoken to it.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1998

MS TUCKER (11.11): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 3) 1998.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Motor Traffic Act to reduce the general speed limit in Canberra from 60 kilometres per hour to 50 kilometres per hour. Members of the last Assembly will recall that I tabled the same Bill last year but, unfortunately, it was not supported by the majority of the Assembly at that time. I believe, however, that the evidence is increasing that this change to the speed limit has major road safety benefits.

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

My Bill simply lowers the general, or default, speed limit across the residential area from 60 to 50 kilometres per hour. The Bill does not affect the higher speed limits that are already set on the main arterial roads. Nor does it affect the ability of the Government in the future to set different speed limits on particular roads by signposting. The lower 40 kilometres per hour speed zones outside schools will also still apply. The debate over lowering the speed limit on residential streets has been around for many years. Many other countries in the world, particularly in Europe, already have a 50 kilometres per hour speed limit on residential streets.

In recent years there have been reports and submissions from a wide number of organisations in the transport sector that have come out in support of lowering the speed limit in residential areas for safety and amenity reasons. These include the Austroads report on urban speed management in Australia - Austroads is an organisation representing all State road authorities - and the New South Wales Parliament's Staysafe Committee report on a lower urban speed limit for New South Wales, both released in 1996. Just last year a new report from the Federal Office of Road Safety was released on travelling speed and a risk of crash involvement. The Australian College of Road Safety, with membership across a range of motoring organisations, the NRMA and the Royal Automobile Club of Victoria have all publicly supported the 50-kilometre speed limit on residential streets.

The road safety benefits of a lower speed limit have been proven over and over. You do not need to be a scientist to realise that under the laws of physics the faster you travel, the harder the impact will be when you hit another object. Conversely, the slower you are travelling, the less risk of damage there is in an accident. Studies in various cities have shown that lowering the speed limit to 50 kilometres per hour would reduce accidents by 15 per cent, injuries by 20 per cent and fatalities by 25 per cent. Cars travelling at 50 kilometres per hour can stop 10 metres shorter than cars travelling at 60 kilometres per hour. If a person jumps out on to the road 40 metres in front of a car travelling at 60 kilometres per hour, the car will hit that person at a speed of 44 kilometres an hour. The same car travelling at 50 kilometres would be able to stop. That is obviously a very significant difference.

The latest Federal Office of Road Safety study found that a 10-kilometre reduction in travelling speeds of cars involved in crashes would probably result in a reduction of at least 42 per cent in the number of crashes. In Canberra, most of our traffic accidents involve excessive speeding. A 1996 ABS survey found that 60 per cent of Canberra drivers regularly exceeded speed limits by over 10 kilometres per hour. It is also important to note that over 40 per cent of traffic accidents in Canberra occur on residential streets.

The statistics show that old people and young people are most at risk of injury or fatality. There is a general acknowledgment by road safety experts that lowering the speed limit will reduce the number and extent of road accidents, particularly those involving pedestrians and cyclists, and generally reduce the impacts of traffic on the safety and amenity of residential streets. It would also make on-road cycling more attractive as an alternative transport mode.

The drawbacks of a lower speed limit are minor. Studies have found that a lower speed limit hardly increases travel times because most traffic delays are caused by traffic lights and busy arterial roads. There could also be marginal savings in fuel consumption. It is interesting to note that the 1997 Federal Office of Road Safety study found that speeding in an urban area is as dangerous as driving with an illegal blood alcohol concentration. Travelling at 65 kilometres per hour increases the risk of crash involvement as much as driving with a blood alcohol concentration of 0.05.

I find it very odd that the Government is prepared to put more and more resources into stopping drink-driving, and imposing harsher penalties, but will not support lower speed limits, which has just as many road safety benefits, although this time, of course, we are hoping government will support it. It should be noted that there is already a significant level of community support for reduced speed limits. A Federal Office of Road Safety survey found that 62 per cent of Australians agree that the speed limit should be lowered. An NRMA survey in 1995 found 74 per cent of those polled supported a 50-kilometre speed limit on local residential streets. Obviously any reduction in the speed limit must be accompanied by a broad educational campaign so that everyone is aware of the changes.

The main issue in Australia now regarding reducing the speed limit seems to be one of generating the necessary political will to set a more appropriate traffic speed in residential areas. Unfortunately, till now most governments have been reluctant to confront the general public about this issue. In August 1997, the New South Wales Government, to its credit, initiated a three-month trial of the 50-kilometre speed limit in 14 local government areas in New South Wales, including Queanbeyan, and later expanded this to an extra 13 councils.

The results of this trial were very positive for lowering the speed limit. This trial showed that there was a 7 per cent decrease in the number of casualties and casualty crashes in the trial areas relative to crash numbers in the rest of the State over that period. This is very significant, given that the trial was only temporary and that there was only a reduction of average speeds of up to two kilometres in the trial areas. Support for the 50-kilometre speed limit is mixed across local government areas in New South Wales, but it is significant that 71 per cent of councils in the greater Sydney area, and two-thirds of residents in the trial areas, support a 50-kilometre speed limit. All New South Wales local government areas have now been invited by the State Government to establish 50-kilometre residential precincts.

I think it is important for the ACT, as an island in New South Wales, to be part of this move towards a lower speed limit. The ACT should show the lead in our region, particularly given that the Queanbeyan City Council is still deliberating over whether to continue its 50-kilometre speed limit. All the past studies make it clear that we no longer need trials of the benefits of a lower speed limit. The 50-kilometre speed limit should now be implemented through legislation.

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

LIMITATION (AMENDMENT) BILL 1998

MR OSBORNE (11.20): I present the Limitation (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Over the last 20 years there have been many attempts to amend Australia's defamation laws, with very little effect. While I have no wish to support radical change to the law - and some days, I must admit, I consider tightening it - there are some areas which strike me as imposing an absurd burden on the defendant. One area is the six-year window in which a person may lodge an action for defamation. The main purpose of a defamation claim is to repair the damage done to the plaintiff's reputation, and that should be done quickly if it is to be effective.

I know I speak for some members of the house when I say that, usually, the plaintiff responds fairly rapidly if they feel their reputation has been unfairly impugned. I sometimes see vehicles gracing the car park which attest to the swiftness - and, I might add, effectiveness - with which some of my colleagues here have sought redress. In most cases the plaintiff can be expected to start proceedings very soon after the publication, and certainly within 12 months.

So, Mr Speaker, this Bill seeks to collapse the period in which an action can be launched from five years to 12 months. It allows a court to extend that period of action by another 12 months if it is satisfied that it was not reasonable for the plaintiff to have known about the publication within the year-long window. In addition, it establishes a year-long transition before the Bill comes into full effect. Under the law as it stands someone can lodge a defamation action five years and 11 months after an offending piece is published. It is quite possible that the person responsible for penning the offending piece will have moved on and that, as the burden of proof in defamation cases is on the defendant, mounting a defence will be extremely difficult.

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Among the effects I hope this change will have is to stop at least some people from using our courts for lengthy and expensive interstate actions. It will also prevent people who suffer no discernible harm to their reputation from launching opportunistic legal actions based on Australia-wide electronic searches of newspaper databases. Mr Speaker, I commend this Bill to the Assembly.

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

HEALTH REGULATION (ABORTIONS) BILL 1998

MR OSBORNE (11.23): Mr Speaker, I seek leave to present the Health Regulation (Abortions) Bill 1998.

Leave granted.

MR OSBORNE: I present the Health Regulation (Abortions) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, no generation in history has enjoyed the access to information that we take for granted. We are so accustomed to being informed that we demand information on things which our parents never questioned. And there is perhaps no area where our expectations for information are higher than on issues that concern our health. Last year in this place we passed a Bill that gave patients unprecedented access to their medical records, and we did it in the face of staunch opposition from the medical profession. We did it because we believed justice demanded that people had the right to view their own health records.

Another principle even more deeply embedded in our law is that of informed consent - that people undergoing any medical procedure have a right to know what risks they face. In 1992, in the case of *Rogers v. Whittaker*, Australia's High Court ruled that consent to any medical treatment was meaningless unless it was made on the basis of relevant information and advice. Given all that, Mr Speaker, why is it that there is one medical procedure - abortion - that is quarantined from the information revolution? Why are women who seek abortions being denied access to basic, critical, information about an intrusive procedure which not only has health implications but also can be a deeply traumatic experience? Why is there no reliable demographic data on abortion available, so that this community can have some idea how widespread the practice is? And why is it that, while every other medical procedure is shot around with legal requirements, the practice of abortion in the ACT proceeds without any meaningful regulation?

So, Mr Speaker, if I were to sum up in a sentence the Bill I present today it would be that choice must be informed. This Bill is about informed choice; about informed consent; about giving women who seek abortions all the information they need in order to be able to make a considered decision about a very serious medical procedure and one which can be emotionally devastating. And it seeks to ensure that they are guaranteed a little time to consider the information that they are given.

Mr Speaker, I bring this Bill on because, firstly, it was raised by a colleague in the Assembly and, secondly, I have heard enough evidence to convince me that women seeking abortions in the ACT are not being given adequate information and are therefore unable to give their informed consent.

I have been told that some women who have used a clinic have not been advised about the possible physical and emotional consequences of the procedure. As an example, I offer the public testimony one Canberra woman gave the National Health and Medical Research Council. The woman told the council that she felt the Canberra clinic presented abortion as the only possible option for her at a time when she was utterly confused and unable to make a firm decision. She said:

Under the current arrangements, why is it that “uncertain” women are battling to receive access to high quality and professional services from abortion clinics? Why are most of the “uncertain” women often ambushed into abortion? Was it wrong of me to expect the abortion staff to encourage life? Where are women like me to go? These questions need to be addressed because many abortion clinics operate under names which suggest that support and advice is what women will get (for example “Pregnancy Advisory Centre” in South Australia and the “Reproductive Unit” in the ACT).

Mr Moore: I raise a point of order, Mr Speaker. I draw the member’s attention to the risks of misleading the Assembly when he is talking on these matters. He knows very well that the Department of Health has just funded an organisation to provide the sort of information that he is talking about - completely separate from that - and he is at great risk of misleading the Assembly.

MR SPEAKER: Mr Moore, there is no point of order. You will have the opportunity to respond to Mr Osborne at some later stage in this debate.

MR OSBORNE: I thank Mr Moore for his assistance. Mr Speaker, that is entirely unacceptable and if this testimony were given about any other medical procedure people would be calling for the head of the doctor involved. This Bill does not prohibit abortion in the first 12 weeks of a pregnancy, but it does seek to set some basic standards which have to be met before an abortion can take place. This Bill does rule out abortions in the second and third trimesters - so-called late-term or partial-birth abortions.

Before I get into the detail of my Bill I wish to review the law and practice as it stands and detail why I think it is wholly inadequate. Mr Speaker, earlier this year the Western Australian Government struck out the provisions in its Crimes Act which outlawed abortion in that State. But although similar provisions exist in every

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Australian jurisdiction they have been all but ignored since the 1970s. The now defunct provisions of the Crimes Act in Western Australia did not prevent one abortion from going ahead, just as the existing provisions in the ACT's Crimes Act do not prevent a single abortion from proceeding here.

According to the Australian Bureau of Statistics publication "Australian Social Trends 1998" there were 95,200 abortions in this country in 1996. Let me put that another way, Mr Speaker: 27 per cent of all known pregnancies in 1996, excluding miscarriage and stillbirth, ended in abortion. And a study published in the *Medical Journal of Australia* in 1995 suggests this figure is more likely an underestimate because it is based on Medicare claims and a claim is not lodged for every abortion. I should add, Mr Speaker, that the study also found that 60 per cent of women surveyed stated financial concerns as their reason for having a termination and only 5 per cent listed health.

The real picture is probably closer to that which exists in South Australia which is one of only two jurisdictions in Australia that collect population-based data on induced abortions. According to the Australian Institute of Health and Welfare, there were 5,535 abortions in South Australia in 1996 - that is to say, 29.5 per cent of all pregnancies in South Australia that year - and 51 per cent of all teenage pregnancies were terminated.

Mr Speaker, as I said, the criminal law in Western Australia did not prevent one abortion because Australia's unique legal attitude to the procedure has been developed by case law. In getting around Australia's criminal laws on abortion, this country's judges have introduced a defence not found in any other common law jurisdiction in the world - the defence of necessity.

The key ruling was handed down by Justice Menhennitt who looked at the law and found that it said people may not "unlawfully" procure an abortion, or a miscarriage. Now the word "unlawfully" is sprinkled through our laws like decoration and generally it is not given any weight in legal argument. But Menhennitt looked at the word "unlawfully" and decided that if there was such a thing as an unlawful abortion it followed that there must be such a thing as a lawful one. He then said that to prove a miscarriage was unlawful the Crown must establish that the accused did not honestly believe, on reasonable grounds, that the act done by him was necessary to preserve the woman from a serious danger to her life or her mental health - not being the normal dangers of pregnancy and childbirth - which the continuance of the pregnancy would entail. This decision focused attention on what constituted a danger to a woman's life or her physical or mental health. District Court Judge Levine then applied his mind to this decision and decided:

It would be for the jury to decide whether there existed in the case of each woman any economic, social or medical ground or reason which in their view could constitute reasonable grounds upon which an accused could honestly and reasonably believe there would result a serious danger to her physical or mental health.

And so a path was found through the criminal law - a path wide enough to accommodate more than 95,000 abortions a year. Because we have worked a convenient way around the criminal law and because politicians are too terrified to even discuss this issue, we have developed a medical procedure like no other - one that operates outside the scrutiny we demand of every other intrusive procedure. I believe it is time to ensure that abortion is treated in the same way as every other medical procedure and to demand that the same standards of patient information are applied.

Mr Speaker, the Bill defines two criteria under which a woman may have an abortion - a medical emergency or grave psychiatric risk. The definition of grave psychiatric risk draws on Menhennitt's and Levine's judgments which allowed abortion if a woman faced "serious danger to her physical or mental health". In the case of a medical emergency an abortion is allowed at any time during the pregnancy. In the case of grave psychiatric risk an abortion is allowed during the first 12 weeks of the pregnancy - the first trimester stage. And according to the only study available on abortion, 96 per cent of women who had abortions in New South Wales in 1991 had them in the first trimester.

The Bill requires a second opinion before an abortion can go ahead and requires the facility performing the abortion to inform the woman of the name of the medical practitioner; the probable gestational age of the foetus at the time of the abortion; any medical risks associated with the type of procedure to be used; the possible detrimental psychological effects of abortion; agencies operating in the Territory which provide pregnancy assistance or which make arrangements for the adoption of children. The Bill ensures that consent must be given in writing, that minors have parental consent and that there be a delay of 72 hours between the woman being given the information and undergoing the abortion. That is what we have called a cooling-off period, Mr Speaker. It also includes a privacy provision and makes it an offence under the Crimes Act to identify a woman on whom an abortion has been performed.

Finally, Mr Speaker, the Bill requires that any facility performing abortions in the ACT must produce an annual report setting out the number of abortions performed at the facility during the year; the reasons for the abortions; the ages of the women concerned; the gestational ages of the foetuses at the time of the abortion; and the number of women who had previously had an abortion performed at the facility. Mr Speaker, this Bill sets out to formally establish and limit, in law, what Menhennitt and Levine believed existed - a lawful abortion. It sets out to properly regulate what is an intrusive and traumatic procedure. And above all, Mr Speaker, it sets out to ensure that choice is informed. I commend this Bill to the Assembly.

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

STATEMENT BY MINISTER

MR MOORE (Minister for Health and Community Care): Mr Speaker, I seek leave to make a brief statement.

Leave not granted.

Suspension of Standing Orders

MR MOORE (Minister for Health and Community Care) (11.35): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mr Moore from making a statement.

The reason I move for the suspension of the standing orders, Mr Speaker, is to highlight the fact that this legislation has been introduced in a sneaky way.

Mr Kaine: I raise a point of order, Mr Speaker. The Minister may debate the question of the suspension of standing orders but not the substance of the matter on which he bases that.

MR MOORE: No, I am not doing that. As you heard, Mr Speaker, and I will repeat it - - -

MR SPEAKER: To date, Mr Kaine, he has not. Mr Moore is well aware that he cannot debate the statement but he is, I think, explaining why he wants to suspend standing orders. Am I right?

MR MOORE: Indeed. Thank you, Mr Speaker. I want to suspend the standing orders because I want to highlight the sneaky way in which this legislation has been introduced, the lack of public consultation. I want to suspend standing orders to identify the danger of this piece of legislation. I want to suspend standing orders in order to make it very clear to people in this chamber and to the people of the ACT that for some reason there is a - - -

Mr Kaine: I rise on a point of order, Mr Speaker. This Assembly has already given the member leave to table his Bill. Why that was done I believe is not a matter for debate. The Minister is debating an earlier resolution of the Assembly.

MR SPEAKER: I accept that the Assembly has given Mr Osborne leave to table his legislation. Equally so, Mr Moore has sought the suspension of standing orders so that he may make a statement in relation to it. Again, it is up to the Assembly to make that decision. There is no point of order. Go on, please, Mr Moore.

MR MOORE: Thank you, Mr Speaker. The reason I wish to make a statement to the Assembly is to highlight these issues. I want to suspend standing orders to highlight for all members of the Assembly the appalling nature of this piece of legislation. I want to suspend standing orders so that I can identify the need for this piece of legislation to be widely circulated to the public to allow the public to understand the restriction that it imposes on individuals. I wish to suspend standing orders so that I can explain how Mr Osborne has sought to mislead the Assembly about what this piece of legislation does. Mr Speaker, I seek to suspend standing orders so that I can explain to people here the danger of this piece of legislation. I wish to suspend standing orders - - -

Mr Kaine: I think the Minister has made his point. He wants to debate the content of the Bill. He is not entitled to do that until it is brought back for debate.

MR MOORE: That is what I am telling you I want to do. That is what I want to do in my speech.

MR SPEAKER: I think the Minister has made his point on why he wants to suspend standing orders.

MR MOORE: Not yet, Mr Speaker. There are a few more points on which I will try to encourage members to allow me to suspend standing orders. I wish to suspend standing orders so that I can identify the grave risk that Mr Osborne's definition of a medical condition places on the rights of people in the ACT. I want to suspend standing orders to explain why it is that this piece of legislation is the most divisive piece of legislation that has been introduced and to explain to members why it is that it has been snuck into this Assembly in an entirely inappropriate way, unlike any other matter of public interest.

Mr Speaker, I want to suspend the standing orders to explain to members why it is that we should have expected to have this matter dealt with today in the usual way, so that it could be presented to the people of the ACT. The media could have been here to record the way Mr Osborne presented a Bill. What has, in fact, occurred is something entirely different. Mr Speaker, those are the reasons that I seek the suspension of standing orders. I would encourage members to support the motion.

Mr Speaker, I ask members to approve the suspension of standing orders to allow me to explain the impact this legislation will have on my department. I want to explain to members the clear impact it will have on an area within my department, a facility in the Moore Street building. I want to suspend standing orders in order to explain to people the impact that it will have on women around Australia. I want to suspend standing orders to explain where it is that Mr Osborne in his speech has already begun misleading people on what this legislation is about. Mr Speaker, those are the reasons why I wish to suspend standing orders.

MR BERRY (11.40): Mr Speaker, I will be supporting Mr Moore's motion for the suspension of standing orders. The reason that I will be supporting his move to suspend standing orders is that the Health Minister is entitled to express a view on a very important piece of legislation for women in the ACT, and I want to hear it. I also want to express a view about the sneaky and spineless way that this Bill has been introduced into the Assembly. These are the actions of a fanatic who, in a very spineless way, has introduced a piece of legislation without bringing it to the attention of the public of the ACT. This is not Paul Osborne's Assembly. It is the Assembly of the people of the ACT and they are entitled to know when legislation is coming on in this place. To be so spineless as to ensure that this is not on the notice paper and the daily program needs to be brought to public attention. This member is so spineless that he wants to avoid public debate. This member is a fanatic on this issue, but he is not prepared to debate it publicly or allow for it to be discussed broadly in the ACT. I see that Mr Osborne laughs and thinks it is a joke. This is not a joke. This is serious business. This Assembly is not Mr Osborne's Assembly.

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Mr Osborne: I raise a point of order, Mr Speaker. I was not laughing at what Mr Berry said. I was laughing at something Mr Moore said to me.

MR SPEAKER: There is no point of order.

MR BERRY: Mr Speaker, to me it looked as though he thought it was a big joke. It is a serious matter when something which impacts on the majority of the community is wheeled into this place without due notice. Members of the community will be most concerned about this. This has never happened in this Assembly in its life.

Mr Humphries: Well, we have Bills when leave is given. I do not think that is true.

MR BERRY: Hang on a minute. Bills of this magnitude have not been snuck into this place. These are issues which will impact on the overwhelming majority of the community for various reasons and they deserve a public airing. But the Bill has been deliberately wheeled into this place to ensure that there is not an adequate public airing. My office was called by a member of the media today to let me know that this was going to happen. They told me that the reason it was allowed to happen in this place today was that Paul Osborne supported the Government in the censure motion yesterday and the deal that was struck was that he would be given leave to introduce this legislation today.

I do not know whether that is true or not. That was the advice that I had. The Government may wish to rise and say that it has not been a part of this. I hope it will do so. In any event, it falls on the member, when introducing legislation of this magnitude, to bring it to the attention of the community in an appropriate way. This legislation should be the subject of long public debate for at least six months, because it is quite detailed legislation which will involve quite a lot of research and work by those who want to make a contribution to it. To wheel it into this place in such a sneaky and spineless way is something that we have not seen in the past and I hope that we never see it again. I am not going to let this slip by because of the method which has been used to bring it into this place. I thought Mr Osborne had more guts than this, but apparently not. He wants to avoid the public debate that goes with these sorts of moves. This is an underhand move which will surely be seen as the work of a fanatic. Fanatics work this way, because they do not want the public debate.

Mr Humphries: It takes one to know one, Wayne.

MR BERRY: Mr Humphries interjects. Mr Humphries, when was the last time I ever ran away from a public debate? Mr Osborne is running away from a public debate. The Minister deserves to make a comment on this matter.

MR KAINÉ (11.45): Mr Speaker, I do not support the suspension motion. I think that the two speeches that have been made give substance to my view that the suspension ought not be granted. What has happened is that the member has placed a Bill on the table, which he is perfectly entitled to do. He did it with the leave of this place. What do we see? We see an attack of vilification on the member that tabled it.

Mr Moore: And it is just a start. It is just a start of that sign of attack because he is attacking every woman in the ACT.

MR SPEAKER: Order!

MR KAINE: Mr Speaker, the Minister talks about fanatics! That is where the fanaticism is going to come from. Mr Osborne needs to be warned - if he has not picked it up already - that he is going to be subjected to a vicious and malicious personal attack because he has a particular view on this subject and he has gone to the trouble of tabling a Bill to be discussed in this place. And the attack, of course, is anticipating the debate that will at some future time take place on his Bill. If Mr Moore and Mr Berry do not like the content of the Bill - they will have an opportunity to debate it when it is brought forward on the notice paper of this place - they can express their view. I hope they express it in a civilised fashion and do not resort to personal vilification because both members have already clearly signalled, Mr Speaker, that their basis of attack is going to be a personal attack on the member who placed this Bill on the table. We have heard enough of that. I think that the debate ought to take place in due course when members have had a chance to look at the Bill. We should not try to debate it now, which is what the Minister is purporting to do by moving for the suspension of standing orders. He wants to debate and attack the member. We have seen it already. I suggest that the motion be put and that this place reject it. Then we can get on with the other business that is on the notice paper today.

MR STANHOPE (Leader of the Opposition) (11.47): Mr Speaker, I support the motion for the suspension of standing orders. I am also interested to hear what Mr Moore has to say. He should be given an opportunity to say what it is that he wants to say about the issue. I make the point that I do not want the issue debated today. I regret that notice was not given that this Bill would be introduced. I regret that I did not know about it and I regret that Mr Osborne chose not to speak to me about his intentions.

Having said that, I support the comments made by Mr Kaine. I have no difficulty respecting the fact that these are heartfelt views of Mr Osborne's. We each have different views on this issue. It is appropriate, now that Mr Osborne has chosen to raise the issue, for it to be debated properly and fully, and appropriately. I do not think it is a debate we can run away from. If I have a concern at the moment it is that I do not know what is going on, or what the intentions of Mr Osborne and those in the place that are likely to support this Bill are. I am concerned that there will not be a full and open debate within the community before this place comes to debate the substance of Mr Osborne's Bill. I am interested to hear what Mr Moore has to say at this stage. However, I do not want the matter debated today, tomorrow or next week. I want to debate it after the community has had a full and proper opportunity to consider all the implications of this Bill. As Mr Berry said, that is a process that will take some time.

I do not want a slanging match on this issue. I do not think that would be appropriate. I think it necessary that we be respectful to each other's views, but we must have a proper, full and open debate not only in this place but also within the community. This is a vital issue to half the population at least and an issue of some other consequence to the other half. I am very mindful, of course - and we will get to this end in the debate -

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of the gender balance in this place. It continues to concern me that we have an Assembly of 15 men and two women debating this issue and the prospect of not having an open and full community debate. I would like some undertakings now that no deal has been done to crash this business through today or tomorrow.

MR SPEAKER: Order! The time for debate on the suspension of standing orders has expired.

MS TUCKER: I seek leave to extend the debate, Mr Speaker.

Leave granted.

MS TUCKER (11.50): This is a debate that has to happen. I have been taken by surprise as well and am concerned, but at this point I will talk about whether or not Mr Moore can speak to his concerns about possible misleading statements in what Mr Osborne said to the Assembly. I support the right of Mr Moore, as Minister, to clarify that.

MR MOORE (Minister for Health and Community Care) (11.51), in reply: Mr Speaker, leave has been granted to extend the debate. If I rise to speak I presume that will close the debate. I draw members' attention to that in case somebody else wants to speak. I would not want to restrict their right to do so.

MR SPEAKER: Heaven forbid!

MR MOORE: Mr Speaker, when I put this motion to suspend standing orders I was wanting to highlight some issues so that we can get some assurance, not just from Mr Osborne but other members, about the way this debate will be conducted. I wish to suspend standing orders to seek an assurance from Mr Osborne and other members of the Assembly that there will be a full public debate. Mr Speaker, I want to suspend standing orders because today we have been landed with a Bill. I must say that Mr Osborne did say to me earlier this morning that he would be introducing this Bill. I make that very clear. I certainly appreciated that. Mr Speaker, I also seek to suspend standing orders so that I can make a statement about the impact that this Bill is likely to have on the department.

However, I also want to suspend standing orders to get an understanding, when Mr Stanhope says that what we should do is conduct this debate carefully and openly to make sure that we respect each other's opinions, that this legislation, by its very nature, is disrespectful of the opinions and the choices of women. It does not respect their opinion to have their choice and their right. That is why this debate is so divisive, Mr Speaker. I want to suspend standing orders in order to make the point that this legislation is about attacking women; it is about attacking women's right to their own choice; it is about attacking women's prerogative in the way they deal with their own bodies. It is so fundamental. It is so direct. It goes so directly, Mr Speaker - - -

Mr Kaine: I raise a point of order, Mr Speaker. Mr Moore is clearly making the speech that he would make had he been given approval to suspend standing orders. There is no question about that. I think that he is out of order.

Mr Corbell: On the point of order, Mr Speaker: There is no point of order. Mr Moore is simply trying to draw a link between the actions of Mr Osborne in bringing forward the Bill and the consequences of that. In that respect he is entirely in order.

MR SPEAKER: I uphold Mr Kaine's point of order. I draw Mr Moore's attention to it.

MR MOORE: Thank you, Mr Speaker. I shall take care to explain why it is that I wish to suspend standing orders. I wish to suspend standing orders in order to explain to members why it is critical that this debate have widespread community input; why it is that this legislation be understood not to give women more choices, as Mr Osborne suggested, or to give them more opportunity to understand what their choices are about. I seek to suspend standing orders so that I can explain to members why it is that we have to have a very broad public debate. This legislation will restrict abortions to women who have grave medical or grave psychiatric reasons, supported by two medical practitioners. I also want to explain to members the restrictions that this Bill will put on the current abortion clinic in the ACT. Mr Speaker, I want to suspend standing orders to explain the divisive nature of this piece of legislation and how it fundamentally attacks women.

A final point I want to make about suspending standing orders is that I want to highlight something that, I think, Mr Stanhope raised - that this is an issue brought by a male to an incredibly male-dominated Assembly which so fundamentally attacks individual women and their choice about the way they deal with their own bodies.

Question put:

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

The Assembly voted -

AYES, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Moore
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

NOES, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

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INSTITUTE OF THE ARTS - GOVERNMENT FUNDING

MR WOOD (12.01): I move:

That this Assembly directs the Government to continue to fund the Institute of the Arts at 1997-98 levels.

Mr Speaker, it has been a persistent theme in the ACT that we support high technology, and it is a very proper theme to pursue. It is very good for the Territory that we do so. We all speak in glowing terms about high technology as the future for our Territory - the Chief Minister; all of us. A very successful part, in Canberra, of that technology, achieving wonderful results here and overseas, is the Australian Centre for Arts and Technology. Now, where is that? It is at the Institute of the Arts. That is where it is. That is threatened under current government initiatives. It may have to go. Yet that is the sort of thing we talk about persistently in this Assembly and more broadly in the community. I do not know, but I suspect that the Minister responsible for the arts did not know of its existence. If she did know, I do not think she understood what it does and what a fine place it is. That is the problem behind this current debate - behind the Government's decision to cut funding for the Institute of the Arts. It seems to me that the decision reveals that the Minister responsible for the arts does not know about the arts in Canberra, or certainly does not understand the arts.

Let me quote Professor Fraillon who said at a very fine musical demonstration:

This community is passionate about the Arts. Its Government is not.

Now, we have all felt that passion. We have heard it. We have seen it in recent weeks around this Assembly and more broadly. It is not possible to move around the arts community in the ACT without experiencing the strength, the impact, the energy and the vitality of the Institute of the Arts. Since that decision - and I think the surprise from the Chief Minister in the response to that decision - there has been something of a smokescreen to cover the removal of that funding. One thing is clear: If the role of the Institute of the Arts and the arts community in the ACT was not understood, there was no attempt made to understand it. No attempt was made to consider or debate the issue. No attempt was made to ask questions about it.

At the time of the bombshell there had been absolutely no consultation. A letter was received out of the blue, as it were, saying the funding would be withdrawn so that in two or three years' time there would be no funding. Let me acknowledge there was an indication in the letter that was received at the institute, or the university, of a willingness to talk about buying services. But what that meant then was not known. I am not aware whether it is known still today. But there was no indication beforehand that the funding was to go and there would be a different arrangement.

This motion calls for the restoration in full - that is, a level of \$1.65m - of ACT Government funding to the arts. That is absolutely justified. Now, I know that times are tough. I know about the need for savings. But the hacking of this program simply cannot be justified. There are many areas of administration in the ACT of policy direction, of decisions, where savings could have been made well before coming to this sort of level.

Discussions have been carried on between the ACT Government and its officers and the institute since that letter, since that bombshell that came from nowhere. But the discussions reveal that lack of understanding that I was talking about.

I quote Professor Fraillon once more: How do you quantify Max McBride? How do you quantify the services that one person like him gives and then multiply that many times over with many other people, many other services that they provide? He is a conductor of great benefit to our orchestras. He is a teacher. He is a musician. His service is beyond what he does at that place. It cannot be quantified. It is immense. The benefit of that one man and many more men and women like him is most difficult to put into a purchase contract. I think that shows the lack of understanding from this Government towards the Institute of the Arts.

There have been a number of matters put out in defence of the cuts - for example, the suggestion that I heard at estimates that the ANU itself is cutting the institute. That is not the case. The Federal Government - your Liberal colleagues - are cutting all universities in Australia, so that strain is felt throughout the university, including the Institute of the Arts. The fact is that the institute has the very strong enthusiastic support of the Australian National University. So let us understand that.

Ms Carnell: Why did they cut funding to it then? Why did the university cut funding?

MR WOOD: You did not hear me. You were too busy talking to Mr Humphries. The university did not cut funding. Your Liberal colleagues - like Mr Howard - are cutting funding across universities around Australia. That is the fact of it. A second argument that the Chief Minister has employed is that the Government did not know what the institute was doing; it would not provide the information. That is not the case. It is simply not the case. I look for a clarification on this issue. The Chief Minister might clarify it for me or, more significantly, Mr Humphries might clarify it for me. The Government has said that the institute was advised in 1996 about new funding arrangements and that it never carried these through; it never provided the information.

That is not my understanding of the situation. I have seen a submission that the ACT Government made under Mr Humphries's signature to a review that the institute was carrying out - a review that it had initiated itself to see how best it might work this. In that submission the Government - Mr Humphries, on behalf of the Government - flagged new processes, and we all know about them. He said:

... it is intended to develop a service agreement between the Institute and the ACT Government, as the basis for future funding arrangements.

But that was in a submission to the institute's review, which you ignored. I will be very keen to hear whether the Chief Minister can come back with subsequent approaches by her bureaucrats, by the Government, to take that on board. Professor Karmel says there was no other approach. The institute points out a range of discussions, including with Minister Humphries earlier in the life of the last Government, between bureaucrats and the institute when they were endeavouring to firm up the existing memorandum of understanding, but for various reasons nothing happened. However, they were led to believe that everything was fine, they were doing a great job, the Government was happy

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and they should carry on. That is what they believed. I have not seen or heard anything that would suggest that the Government made it clear to them that they were unhappy with those arrangements and they wanted to change to fit the new purchaser-provider model. I will wait to hear whether there is something there. The institute did try to conclude, formally, the new agreement - as they thought, the existing MOU - but it never happened.

There is another argument that the Government have used to try to justify their sudden decision, and that is: "This is a Commonwealth body and we do not fund Commonwealth bodies". It was not the argument they used when, quite justifiably, they funded \$2m for the visiting gallery at the National Gallery of Australia. It was not the argument they used when they provided millions of dollars - I do not recall the precise figure; it may not yet be determined - for the Museum of Australia. It was not the argument that was used then. It was not the argument they used as they funded, not on a one-off basis but on a continuing basis, certain cooperative research centres at both universities. So it was an argument not used in other circumstances, but suddenly it is used now.

Yet another argument has been used in a futile defence effort: "Well, this is a tertiary body. It is not our responsibility; it is the Commonwealth's responsibility". True, in major degree, that is the case. It is a tertiary institution; it is not totally a tertiary institution. In fact, very largely it is a subtertiary institution. Of course, its major funding comes from the Commonwealth. There is no question about that. But, there again, we see a lack of understanding of the background of the Institute of the Arts.

From its very beginning the institute set out deliberately to have a strong community focus. It was required to have a strong community focus. It has always been there, and very successfully been there, in both the School of Music and the School of Art. They have taken a role out to our community beyond those tertiary studies. In fact, if it were added up - understanding the difficulty in quantifying what they do - they provided a benefit to the ACT well beyond the \$1.6m they are about to lose. I would suggest that the ITA subsidises culture in the ACT.

Ms Carnell: How do you know?

MR WOOD: Chief Minister, I understand that you do not know, and that is the regret. The Minister responsible for the arts does not know. She has not been out there and she has not experienced it. I am sure she has experienced it, but she has not understood what it is she has been watching or listening to. I believe the institute subsidises the ACT.

Ms Carnell: How do you know?

MR WOOD: I am out there. I feel it, I experience it, I see it. You have not heard me, or you do not want to hear the points I make about how difficult it is to quantify these things. Think about Max McBride, hear what Professor Fraillon says. It is very compelling. You cannot go anywhere in this community but that you do not come across the leadership role, the activity, the energy, the inspiration that comes from the Institute of the Arts - from its people there now, from its students, and mostly from the people who have been through there. You go to a youth orchestra concert and you experience it.

Ms Carnell: Yes, whom we fund.

MR WOOD: I know you fund it, but you cannot fund it to the extent of providing the people for it. That is the point with Max McBride. If we lose Max McBride, the Canberra Symphony Orchestra does not have a major player. If we lose Max McBride, the Canberra Youth Orchestra does not have a conductor. This is the sort of thing that will occur. What about the visual arts? You go to so many places around here and find that connection is there to the Institute of the Arts. Sadly today, with the Chief Minister's interjections, it is demonstrated that she does not understand this. Moving around in the artistic culture of Canberra she does not understand it. (*Extension of time granted*)

Let us get back to the community role. In the submission I mentioned, in the Government's own words, only a year or two ago it was recognised that the institute had a very large community role. Let me quote from that submission. These are Mr Humphries's words. It is worth noting the background of the funding arrangement. The same government submission said this:

Arrangements for the funding to the Institute by the ACT Government were put in place following self government. The level of grant provided resulted from negotiations involving the Commonwealth and ACT Governments, with reference to relevant findings of the Commonwealth Grants Commission and taking into account both the national significance of the Institute and its contribution to the cultural life of the ACT community.

The community role has been recognised for a very long time. From the same submission I quote:

The Institute makes a very significant contribution to the cultural life of the ACT community ... The programs ... enhance the quality of the ACT's cultural life and enable the ACT community to gain a greater knowledge and appreciation of the creative arts.

This is a relatively small community in Canberra. That institute has been able, wonderfully, to permeate our life and it has set out to deliberately do so. It seems that this Government is deliberately going to make that very difficult.

Ms Carnell: How do you know? The fact is that it is all hearsay.

MR WOOD: I am sorry, Chief Minister, you are on the wrong track. It is you - - -

Ms Carnell: Give us some facts that this is going to make any difference at all.

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MR WOOD: When people go. If a workshop - - -

Ms Carnell: Why would people go?

MR WOOD: - - - in the School of Art closes, we have lost the inspiration from that workshop. Which one would you close?

Ms Carnell: Fifteen per cent of funding is in admin.

MR WOOD: If we closed down programs within the school and wedged in with the - - -

Ms Carnell: Two hundred thousand is in overseas travel.

MR WOOD: If we do not have - - -

MR SPEAKER: Order! Mr Wood has the floor.

Mr Corbell: I raise a point of order, Mr Speaker. I am loath to interrupt my colleague, but the Chief Minister is persistently interjecting. If it were coming from this side of the house you would call her to order.

MR SPEAKER: I uphold the point of order.

Mr Hird: Mr Speaker, on the point of order: Would you ask the member to address his remarks to the Chair?

MR SPEAKER: I uphold Mr Corbell's point of order. However, I would ask Mr Wood to not provoke by questions.

MR WOOD: We need that continuous flow of people and ideas - the energy, the enthusiasm, the created talent that these people bring to our community. It is widely recognised that we have benefited enormously from the quality of our artistic life. That will suffer great blows if it is cut, if it is reduced. I would hope that in this debate today the Chief Minister can give some indication of where she is going with the negotiations between the institute and the Government. They have struggled. I think they have come up with a list of things. My understanding is that they have quantified the work they do and it is well in excess of \$1.6m.

I hope we can have an announcement that will tell us whether the Chief Minister - the Chief Minister is also the arts Minister - cares about the arts in Canberra and will clear up some of this continuing anxiety about the funds. My wish is to return to the funding level of \$1.65m that has existed in the last financial year. That is what they deserve. That is the level which subsidises the ACT community. Let us get that back by supporting this motion.

MS CARNELL (Chief Minister and Treasurer) (12.20): Mr Speaker, there is not going to be time for me to finish my speech. I move:

That the debate be adjourned and the resumption of debate be made an order of the day for a later hour this day and have precedence over all other notices and orders of the day.

Question resolved in the affirmative.

Sitting suspended from 12.21 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Mental Health Counsellor

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. In evidence to the Assembly's Estimates Committee on 23 July last the Minister and an officer of his department revealed that the ACT had missed out on Federal funding of in the order of \$220,000 for the appointment of a mental health counsellor to work with indigenous people, a direct outcome of the Commonwealth response to the *Bringing them home* report. The Minister gave a commitment to the estimates hearing to approach the Federal Health Minister, Michael Wooldridge, within the next week - that is, after the date of the meeting - to discuss the issue with him. Can the Minister say what he has done to make the Commonwealth meet its commitment to fund a position in the ACT and to provide the \$220,000 directly to the ACT?

MR MOORE: Thank you, Mr Stanhope, for the question. Yes, I have written on that issue and have explained the situation. I reminded Dr Wooldridge that this issue was raised during the meeting of the Ministerial Health Council. I raised the issue with him at that time. It is entirely inappropriate that the ACT should miss out and this situation should be rectified.

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

MR STANHOPE: Yes, Mr Speaker. I understand that arrangements have also been made for the ACT to get a dedicated mental health counsellor outside the scope of the *Bringing them home* funding. Can the Minister say when the ACT will get that dedicated indigenous mental health counsellor and whether that position will be attached to the Winnunga Nimmityjah health service?

MR MOORE: When I wrote to Dr Wooldridge I sought to clarify, first of all, whether a counsellor had been allocated to the ACT and what consultation process the Commonwealth had undertaken prior to making these decisions. I was informed that the ACT had not been allocated a mental health counsellor and that indigenous Australians in the ACT were expected to access a counsellor through one of eight or nine positions allocated to New South Wales. I was further informed that consultation with the ACT Government had not occurred. Having had that information - I think that is what

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we told you in the Estimates Committee - I then wrote to Dr Wooldridge to seek his assurance that a mental health counsellor will be located in the ACT for indigenous people living in the ACT and the surrounding region. I have also sought the Minister's support to ensure that genuine consultation with all key stakeholders will occur in future prior to decisions regarding health services for indigenous people in the ACT. The location of the mental health worker would be a matter for debate, although I think one of the possibilities would be Nimmityjah.

Mr Stanhope, I think the Commonwealth were quite negligent in not providing a mental health counsellor for indigenous people in the ACT. I think it shows a misunderstanding of the importance of such an issue to the ACT, particularly when 50 such positions were allocated around Australia. I will continue pushing the Federal Government to provide the indigenous people of the ACT with appropriate access to somebody of this kind.

Business Development Fund

MR HIRD: My question is to the Chief Minister. I would like to draw members' attention to the fact that on 2CC this morning there was a survey conducted by Yellow Pages which identified the strong support from the ACT Government and the leadership that the ACT Government is giving when compared with other similar jurisdictions. It shows that small business is really appreciating the leadership that this Government has shown. Chief Minister, I would like to refer to the Business Development Fund that was set up by the Government in its first term. Can you confirm that the fund has made its first major investment; and, if so, was this with a Canberra company?

MS CARNELL: Thank you very much, Mr Hird, for the question. I think this question is very relevant, taking into account that Mr Berry, in comments in the Estimates Committee, was somewhat negative about the Business Development Fund. Mr Speaker, the Business Development Fund was established in the ACT some 18 months ago. We did so because we wanted to help local companies - I stress "local companies" - that were trying to develop new products and innovations but could not reach the next level of development simply because they were too small.

Unlike our business incentive scheme, this fund invests in these companies. It takes a stake in the companies themselves. The returns are then ploughed straight back into the fund to enable further investments to occur. When we set up the Business Development Fund we set aside \$2m as a capped amount of money and we encouraged the private sector to become involved. So far FAI have come on board and have invested \$2m of their own money, making a total of \$4m available from the fund. Mr Speaker, I should point out that the fund's auditor is the Auditor-General. Over the past 18 months the board has been assessing dozens of applications, but it was not until recently that a local company that had developed some extremely smart new technology came forward.

The company is called Deja View and it is an advanced technology company which has devised a state-of-the-art new surveillance system which we believe will revolutionise the security industry. The name of this product is securecam. In simple terms, securecam replaces the need for videorecorders and videotapes, using digital imagery and storage technology. A prototype has already been installed in a major petrol depot in Sydney but the company needed a capital injection to finalise development and to be able to tool up for initial manufacture. With the help of the Business Development Fund, Mr Speaker, it is now able to do just that.

To make it even more exciting, Mr Speaker, already orders have been placed by Shell Australia and by Honeywell. There is interest from companies right around the world in the many applications that this new technology has to offer. Deja View and the board of the Business Development Fund are confident that many more buyers will soon emerge. Deja View has estimated that a minimum of 15 new jobs will be created in Canberra, and over the next two years more than \$1.5m will be invested in our local economy each year when securecam is fully developed. Mr Speaker, the Government was really excited about the development, though it appeared that those opposite really could not give a damn.

There are many local companies, Mr Speaker, that we believe have the sort of advanced technology that can be exported outside the ACT if the right support is there. That is the basis of the Business Development Fund, a fund that those opposite have been very critical of, as recently as in the last Estimates Committee report. Those opposite have been critical of the business incentive scheme because they believe that we are acting too quickly, jumping in and supporting companies that maybe we should not support. Then they were very critical of the Business Development Fund because we were taking too long to support anyone. It seems generally, from the government perspective, that it is impossible to win, Mr Speaker.

The reason why it took 18 months was to ensure that the Territory's money, the Territory's investment, was protected, and I think the wait has been well worth while. This is an innovative approach from the ACT Government, and I have to say it is wonderful to be partnering such an innovative company in the area of advanced technology. I am sure, Mr Speaker, that this is the beginning of many investments for the Canberra Business Development Fund, a fund that I am sure will be greatly beneficial to the Canberra community, contrary, again, to the views of those opposite.

Possession of Document

MR KAINE: My question, through you, Mr Speaker, is to the Attorney-General. Mr Humphries, as the chief law officer of the Territory, would you not agree that possession of stolen goods knowing them to be stolen is at best reprehensible but at worst an offence against the law?

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MR HUMPHRIES: Mr Speaker, I think standing orders do not require me to provide legal advice to the Assembly. Mr Kaine ought to have been around long enough to know what the standing orders say. I am sure Mr Kaine is referring to the report which was referred to you yesterday. If it is reprehensible for me to have the report because it was stolen, as Mr Kaine puts it - I doubt that that is true, but let us assume for the moment that it is - it is equally reprehensible presumably for the Assembly to have it too, because it would be receiving stolen property.

MR KAINE: I have a supplementary question. Mr Speaker, that, typical of this Government, is a deliberate evasion of answering the question. Perhaps the Minister will do better with my supplementary question. I understand that the Attorney-General admitted on public radio that he had in his possession a Commonwealth Cabinet document to which he has no right. He is not a member of the Commonwealth Cabinet. If he has such a document in his possession, and he seems to have one, how can he reconcile that with the fact that it is against the law to be a receiver of goods knowing them to be stolen?

MR HUMPHRIES: Mr Speaker, he has asked the same question and I will have to give the same answer as before. I do not believe that the documents constitute stolen documents because the information has been provided in this way. I mean, what are you saying is stolen? The information in the documents, or the documents themselves?

Mr Kaine: The documents themselves. What you have in your possession.

MR HUMPHRIES: Look, I am not going to give advice on the matter because standing orders do not require me to do that. If you want advice on whether they are stolen or not, I suggest you go and ask for advice from somebody, from a lawyer. I am not required to give it. I must say, Mr Speaker - - -

Mr Kaine: A typical evasion of a question. Why cannot you be honest for once?

MR HUMPHRIES: I am not - - -

Ms Carnell: I take a point of order, Mr Speaker. Mr Kaine made some comments that were inappropriate and he should withdraw them immediately.

Mr Kaine: What were those comments, Mr Speaker? I would like to know what they were before I am asked to withdraw them.

Ms Carnell: Mr Speaker, Mr Kaine said Mr Humphries should be honest for once. Would he please withdraw that.

MR SPEAKER: Yes, I think - - -

Mr Berry: Mr Speaker, may I speak on this matter? Mr Humphries is the Minister who said that when in opposition he could then be honest.

MR SPEAKER: Sit down. I thought you might bring that up again. Look, there is a clear implication, Mr Kaine, please.

Mr Kaine: Mr Speaker, I could understand why the Minister would take offence. Knowing the circumstances, which stand for themselves, I withdraw the words, but the Minister knows what I mean.

MR SPEAKER: I would remind you, Mr - - -

Mr Moore: A point of order, Mr Speaker.

MR SPEAKER: No, I am sorry.

Mr Moore: This is about imputation. The imputation still stands. Mr Kaine has to withdraw the imputation, not in any qualified way. He has to withdraw the imputation.

MR SPEAKER: Please, Mr Kaine.

Mr Kaine: Mr Speaker, I withdraw the words, as I said, but I repeat that the Minister knows what I meant.

MR SPEAKER: Thank you.

Mr Moore: No. He still has not withdrawn the imputation. He has to do it, Mr Speaker, or he ought to be named.

Mr Kaine: Are you saying that the Minister does not know what I meant?

Mr Moore: On the point of order, Mr Speaker: Mr Kaine has made a clear imputation. He has not withdrawn that imputation. That is what the issue is about. He needs to withdraw it, or he needs to be named, Mr Speaker.

MR SPEAKER: If you could just withdraw it unequivocally that would settle the matter and we could get on with question time.

Mr Kaine: Mr Speaker, the Minister makes a distinction between the documents and what they contain. I am making a distinction between an imputation and the words. What is the difference?

MR SPEAKER: Just please - - -

Mr Moore: No. Withdraw the imputation or be named.

MR SPEAKER: Just withdraw, Mr Kaine, please. We can get on with question time.

Mr Kaine: Mr Speaker, in deference to you, I withdraw the words.

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MR SPEAKER: Thank you. Mr Attorney, I would remind you that you should not give a legal opinion on matters in relation to these things.

MR HUMPHRIES: I will certainly abide by that ruling, Mr Speaker. I think I have answered the question quite satisfactorily and quite comprehensively. However, I think we should be careful before we cast stones in respect of the use of government documents, including Cabinet documents. There were some Cabinet documents running around yesterday, I understand, one of which appeared in the media yesterday. I am sure Mr Kaine would join me in condemning the use of those Cabinet documents from a previous Cabinet meeting in a way which, Mr Speaker, might have constituted the handling of stolen property, if indeed that was the case.

Mr Kaine: Indeed I do, and if Mr Humphries is implying that I have those documents he had better be prepared to substantiate it.

Mr Humphries: Mr Speaker, is there a point of order that Mr Kaine is raising, or what?

MR SPEAKER: Order! No, there was no implication. If you wish to make a personal explanation, you can do it at the end of question time.

Mr Berry: There was. There was a very clear imputation.

MR SPEAKER: No, it was not an imputation. I listened carefully to that. I would not have tolerated it.

Mr Berry: I think you only listen with one eye, Mr Speaker.

MR SPEAKER: You might allow your colleague to ask a question. I call Mr Quinlan, please.

Goods and Services Tax

MR QUINLAN: Chief Minister, look upon this question as a cry for assistance or help. The Howard tax package, at page 172 - - -

Ms Carnell: You cannot ask questions about Federal documents.

MR QUINLAN: It is a public document.

MR SPEAKER: Let us hear it out, please.

MR QUINLAN: It includes an entry which says that government administration will increase by 7.9 per cent under a GST. Can you confirm that that is a correct figure, given that you have had a little bit more briefing on GST than we have?

MS CARNELL: That is fine. Look, I can answer that one, Mr Speaker, without a problem.

MR SPEAKER: As long as it applies to the ACT, Chief Minister.

Mr Quinlan: It does. As it applies to the ACT.

MS CARNELL: If you wanted to be extraordinarily liberal with this approach, Mr Speaker, I suspect that there could be some fairly interesting questions about the election policies of our Federal colleagues from time to time. I think, Mr Speaker, that Mr Quinlan's comments suggest that he has become confused between the cost effect and the price effect of the GST. The estimated effect on the cost of government is actually minus 1.9 per cent, which is on page 169, I understand, whereas the estimated effect on the price to the consumer of government services is actually plus 7.9 per cent, which is on page 172. Mr Quinlan seemed to be suggesting the opposite - that the cost of government would increase by 7.9 per cent.

Mr Speaker, I think the 7.9 per cent figure of the estimated cost of government services seems somewhat high. We are doing some extra work to determine just what is involved in that figure. Certainly, the estimated effect on the cost of government is minus 1.9 per cent.

MR QUINLAN: I have a supplementary question. Given that, quite obviously, there is some work being done on this and estimating its effects, can you give us an assurance that you will bring the results of that modelling to this place as soon as possible?

MS CARNELL: Yes, absolutely, Mr Speaker. Just to clarify that, 7.9 per cent is the cost of government services across the counter. I think you understood that is what I meant, not the cost of doing government. I think that is exactly the point I made earlier. The cost of government is minus 1.9 per cent. The cost of government services is plus 7.9 per cent, Mr Speaker.

Casino Canberra - Licensed Club

MR RUGENDYKE: Mr Speaker, my question is to Mr Smyth, the Urban Services Minister. Minister, in relation to the \$30,000 change of use charge to enable Casino Canberra to have a licensed club within its premises, was revenue from rent that could be charged to the licensed club taken into consideration in the calculation of that fee?

MR SMYTH: Mr Speaker, I thank the member for his question. I will have to seek more information on that, Mr Rugendyke.

MR RUGENDYKE: I have a supplementary question, Mr Speaker. Minister, could you also find out whether the Government is taking any measures to receive any portion of the rent the casino may receive from having the club on its premises?

MR SMYTH: I will take that on notice as well, Mr Speaker.

Marketing and Promotion Campaign Contract

MR BERRY: Mr Speaker, my question is to the Chief Minister. In evidence to the Assembly's Estimates Committee on 21 July the Chief Minister and an officer of her department revealed that the Government had paid for an aircraft owned by a Canberra business consortium to be painted with the "Feel the Power" slogan. The Chief Minister confirmed that certain provisos attached to the financial assistance. The requirement is that it flies in at least seven air shows in 1998. Mrs Carnell said, "If he does not fly in air shows then he has got to return the \$15,000".

Ms Carnell: That is true.

MR BERRY: The Chief Minister also revealed that the aircraft in question was not, at the time, licensed to fly. Can the Chief Minister now tell the Assembly whether a licence to fly the aircraft has been acquired and whether the aircraft has flown, or flown at any air shows to date?

MS CARNELL: Mr Speaker, to my knowledge it has not flown in any air shows to date.

Mr Berry: Has it flown anywhere?

MS CARNELL: As I said in the Estimates Committee, the terms of the contract signed between the plane's owner and the ACT Government require a number of things to happen. First, the plane will take part in at least seven air shows this year; the owners will arrange additional exposure for the campaign at these and other events - in fact, I think the Opposition is doing that for us - the owners will pay the costs associated with additional advertising opportunities for the plane, that is, the development of advertisements in trade publications; and also that the paintwork, which features Canberra's official colours and the words "Feel the Power of Canberra", will be retained for the life of the paint or not less than three years. Mr Speaker, as we said at the time, if any of these conditions, not just flying in air shows, is not met, the \$15,000 contributed towards the paintwork must be repaid to the ACT Government. It is quite simple.

MR BERRY: The Chief Minister did not answer the question about whether or not the aircraft had flown at all.

Ms Carnell: I did. It was the first thing I said.

MR SPEAKER: Yes. I think she did, Mr Berry.

MR BERRY: No. You said "flown at air shows", not "flown at all".

Mr Humphries: And she said no.

MR BERRY: It was not flown at all. Okay.

Ms Carnell: Not to my knowledge.

Mr Humphries: She answered that question.

MR BERRY: Will the Chief Minister now tell the Assembly what other individuals or companies are members of the consortium?

MS CARNELL: Mr Speaker, I understand that the contract is with Don Beaumont. That is my understanding.

Bus Fares

MR HARGREAVES: My question is to the Minister for Urban Services, the Minister for transport, the Minister for ACTION buses. The Government has maintained, as I understand it, that the change to the zonal bus service, the bus fare system, is revenue neutral. In an answer to a question on notice I gave to the Estimates Committee I was advised that in 1996-97 there were roughly 17½ million boardings, earning a revenue of about \$17½m. It is about \$1 a boarding. In 1998-99 it is estimated that there will be 11 million boardings, but still revenue of roughly \$17½m, which is about \$1.57 a boarding. I accept that, with the new trunk changes, people now are counted differently than they were before. My information from ACTION management in the briefing that the Minister so correctly arranged - thank you very much for that - is that those people will account for about 30 per cent of those changes in the calculations. Can the Minister explain how the new fare structure will, therefore, be revenue neutral when the cost per boarding will rise at least 27 per cent? It goes from \$1 to \$1.57, 30 per cent of the extra 50c.

MR SMYTH: The reason that it simply rises is that there are fewer boardings. There are simply fewer boardings because, rather than keeping interchanges as the point of termination, the new route structure provides better service by having a larger number of through routes. Instead of travelling from, say, Gowrie to Tuggeranong and transferring to get a bus that would take you then from Tuggeranong to somewhere else, there is the opportunity in the new route structure that you may be able to get a bus that will take you straight through. Hence, the fewer number of boardings.

In terms of being revenue neutral, it was not to raise more money from the public, and in that regard it has kept to its charter. In fact, the Government has had to put in additional money so that there was not any extra impost in that regard. It is revenue neutral and the reduction in the number of boardings and the apparent price increase are because of the through routing.

MR HARGREAVES: I have a supplementary question. I appreciate the Minister's response and I do not think it is revenue neutral. It is just not an increase. I accept that we have an accounting definition here which we can debate some other time. Can the Minister please advise how much revenue will be lost by his announced free bus travel for larger families, and how many school students will be able to take advantage of the change?

MR SMYTH: We are still working on those details. It would appear that it is somewhere in the vicinity of 130 or 150 students. It would appear that it is about \$45,000 a year, but the data on this is limited. We are working off ABS data. We are trying to get the Education Department, in conjunction with the Catholic Education Office and the non-systemic Catholic schools, to get a fuller and better picture, but it is somewhere in that order of magnitude.

Planning and Land Management

MR CORBELL: Mr Speaker, my question is to the Minister for Urban Services in his capacity as Minister responsible for planning and land management. Can the Minister confirm that the internal confidential review of Planning and Land Management currently being undertaken by Mr Mick Lilley, Mr Alan Thompson, Mr Rod Gilmour, Mr Lincoln Hawkins and, we understand, a representative of the firm Ernst and Young has as its aim finding a \$1m saving in Planning and Land Management?

MR SMYTH: Mr Speaker, I am not aware that a \$1m target has been set. I set up the review. I simply wanted to make sure that I am getting the best as planning Minister and that the people of Canberra get the best out of the planning system. It is like several other reviews that I have had. We are looking at BEPCON. We are looking at things like the grants to the environmental groups. As incoming Minister, I have established several of these reviews. I just want to make sure that we are doing the best job that we can.

MR CORBELL: I hope that you look at better ways of briefing yourself on what a block and a lease are. Minister, my supplementary question is this: Can you tell this Assembly how many jobs in PALM will be lost as a result of this internal confidential review? Do you anticipate any job losses following the review?

Mr Smyth: Sorry; what was the last bit?

MR CORBELL: Do you anticipate any job losses?

MR SMYTH: I have made no decisions there. I have simply asked that we look at how PALM functions. It is an internal review. They are looking at what PALM does and what it delivers, and I will make decisions later.

BEPCON Office, Phillip

MR WOOD: Mr Speaker, my question is also to Mr Smyth. If he has made no decisions about PALM, we know that he has made decisions about BEPCON, and that is what my question is about. I suspect the same decision to be made about PALM. Minister, given that the days of the busy BEPCON office at Phillip seem to be numbered, what assurances can you give southside residents and small business operators who dread the thought of adding a one-hour return trip to Mitchell whenever they need to lodge plans or use any

of the other facilities and resources that are currently available at Phillip? You mentioned shopfronts before. Will you tell me specifically what services now provided at Phillip can and will be provided through shopfronts, and will it be the full range of services currently provided at Phillip?

MR SMYTH: Yes, we are going to close the BEPCON office at Phillip because what we want to do is make sure that there is more service, not less service. The ACT Government has shopfronts in the town centres and I would like to see them offering as many of the variety of services across all portfolios as we can in order to make life easier for the people of Canberra. We are looking at ways. We are discussing with PALM, with the BEPCON people and with the computer people to see in what ways we can use technology to do this smarter; to be clever about the way that we deliver service and to ensure that these plans are available on the Net. If Mr Wood is interested, and I am sure he is, I will get PALM to give him a briefing on the various services that we are now offering on the Internet. There are many portions of the Territory Plan and the infrastructure that we have now put onto the Net. We intend to continue the services there.

Mr Wood: It might do something about leases and blocks, will it?

MR SMYTH: It could. Leases and blocks are already there.

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

Mr Wood: Yes, add a definition of leases and blocks for Mr Humphries.

MR SMYTH: I have that. I have a dictionary.

MR SPEAKER: Is that your supplementary question, Mr Wood?

MR WOOD: Mr Speaker, thank you for your indulgence. My supplementary question is this: Can you confirm, since the office is going to close, that at least 14 jobs will be lost when that happens? What hope can you offer those staff members who are presently, they feel, sailing on the *Titanic*? I remind you that in July 1998 your office was quoted on this topic as saying, "Service to customers is our highest priority". How does your statement - you have been entirely non-specific - fit in with the shutdown of those jobs and the reduced services that will be available?

MR SMYTH: That is easy. As I have said, we are looking at how we provide those services through the shopfronts. Obviously, trained staff will be required for the shopfronts. We are looking at how we provide those services on the Net and, in fact, increasing the service. If you close one and you provide that service at another four locations, that is an increase in service, and that is what this Government is about. We are about doing it better, we are about doing it smarter and we are about delivering service. It is about customer service and it is about looking after the people of Canberra.

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

HEALTH REGULATION (ABORTIONS) BILL 1998
Suspension of Standing Orders

MR BERRY (3.02): I move:

That so much of the standing orders be suspended as would prevent a motion being moved to rescind the resolution of the Assembly earlier this day fixing a future day for the resumption of debate on the Health Regulation (Abortions) Bill 1998 and to reconsider the question fixing a future day for the consideration of the Bill as an order of the day, forthwith.

This morning legislation was introduced into the Assembly without notice. No advice was given to the community that that Bill was to be introduced into this Assembly. It is an important Bill which may affect the lives and lifestyles of 2,000 women in the ACT who, after the passage of that Bill if it is successful, will be forced to travel interstate for a termination of pregnancy. Much of what existed before the Termination of Pregnancy Act in the ACT was repealed.

Mr Speaker, it is regrettable that we have to go to these lengths to ensure that there is proper debate, but I am not sure that it was the intention of the Government or Mr Osborne for this Bill to receive a proper airing. That is why, if this suspension of standing orders is successful, I will be moving to ensure that the debate is delayed at least until 8 December 1998. That will ensure that those people who might wish to make a contribution to the debate will have adequate time to do so. It will ensure that the standing of this place, which may have been damaged as a result of the moves by Mr Osborne and any plans that anybody had to rush this through, is preserved. It is sensible that legislation of such importance to such a large part of our community receive a proper airing. This is not legislation to increase the fine for certain traffic offenders, which would affect only a couple of hundred people. Two thousand women per annum will be affected by this legislation. The legislation that Mr Osborne has introduced into the Assembly will prevent access to terminations of pregnancy for almost all of the 2,000 women in the ACT who now access them.

It is extremely important that there be a long and detailed debate about this issue. It would be cruel in the extreme if this debate were to be rushed through without consideration by the broader community. It is a Bill of significance. There is no doubt about that. In the past, when the issue of abortion and termination of pregnancy has been discussed in this place, there has been a proper debate so that those diametrically opposed to it have had an opportunity to put their case, and there were thousands of them. There were tens of thousands who expressed a view one way or another, whether in writing or - - -

Ms Carnell: How many members of the Assembly changed their minds? Nobody.

MR BERRY: Mrs Carnell interjects, "How many Assembly members changed their minds?". If that is an argument that you intend to put forward to prevent proper debate of this Bill, I say to you, Chief Minister, that that is just not good enough. This Bill deserves a proper airing. This is a reversal. This is a turnaround from the situation that has been in place in the ACT for some years - since 1992, I think. It will impact heavily on the services that are provided by general practitioners to their patients in the referrals that they give them. It will impact on the services provided to patients by obstetricians. Indeed, I heard Mr Moore raise a matter of extreme importance to me when he referred to the professor of obstetrics and gynaecology at the hospital, who has expressed grave concerns about the impact this Bill would have on women in the ACT and the provision of obstetric services.

Mr Speaker, if sense is to prevail in this place, you must err on the side of safety. It is safer to have a public debate about this issue than it is to avoid it, if you want to preserve the standing of this place. I urge you to support this suspension of standing orders, and I will subsequently urge you to support the motion I will put before you should the motion to suspend succeed.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.08): Mr Speaker, the Liberal Party will not be supporting this motion. Part of the reason we will not be supporting this motion is the very significant misinformation which has been emanating from the Opposition on these issues. I want to put on the record absolutely clearly, in no uncertain terms, that the suggestion that there has been some deal done between the passage - - -

Mr Berry: I am worried about the 2,000 women, Gary.

MR HUMPHRIES: I do not care what you are worried about. You are worried about spinning lies, Mr Berry, as you usually are in this place.

Mr Corbell: I raise a point of order, Mr Speaker.

MR HUMPHRIES: Look at them springing to their feet out of concern.

Mr Stanhope: That was outrageous.

MR HUMPHRIES: Well, it is pretty true, is it not? Of course, if Mr Berry is concerned about the statement, I will withdraw it.

MR SPEAKER: Please do.

MR HUMPHRIES: I must admit that there are some other people involved in that particular exercise, but Mr Berry was prepared to use those arguments here on the floor of this place. I am sick to death of this. I am sick to death of these statements which are not true coming from Mr Berry. I for one am not going to work with you when you are going to use those sorts of tactics in order to be able to advance your cause, Mr Berry. If you have such a just case against this legislation - - -

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Mr Berry: Mr Speaker, relevance.

MR SPEAKER: He is developing that.

Mr Berry: I am sure he is developing it, but we cannot hold our breath for that long.

MR SPEAKER: There is no point of order. Go on, Mr Humphries.

MR HUMPHRIES: If you have such a strong case, Mr Berry, then you do not use those sorts of tactics to advance your cause.

Mr Berry: What are you talking about? I said that I am worried about 2,000 women.

MR HUMPHRIES: Running around telling people that there has been a deal done between Mr Osborne and the Liberal Party. You have said on the floor of this place already today that a deal was done between the Liberal Party and Mr Osborne; that in exchange for his support on the censure motion yesterday we would support him bringing on his Bill early. That is rubbish. That is nonsense. I reject it. You should stop peddling those lies if you expect to get any sort of cooperation from this party in this place. Mr Speaker, my party is - - -

Mr Berry: Mr Speaker, that is an imputation that he has to withdraw.

MR SPEAKER: It is an imputation.

Mr Berry: Withdraw it.

MR SPEAKER: Please.

MR HUMPHRIES: If Mr Berry wants me to withdraw something, I withdraw it.

MR SPEAKER: Thank you.

MR HUMPHRIES: Mr Speaker, if Mr Berry wanted to make those sorts of claims, that is fine, but do not expect to come back to us and say, "Please, will you help us do something that we want to do in respect of manipulation of the work of the Assembly". Mr Speaker, I am reminded that it was not so long ago that Mr Berry, with others in this place, voted to ensure that a particular Bill of the Government's was brought on for debate at a time not of the Government's choosing. I am thinking particularly of the community referendum legislation that was dealt with in 1995. Mr Berry at that stage was not interested in talking to other members of this party about cooperation on the management of the program. Mr Speaker, I have no intention today of talking to Mr Berry about cooperation with him on a related subject.

MR STANHOPE (Leader of the Opposition) (3.11): Mr Speaker, I think Mr Humphries spent his time in opposing this motion to explain why he does not think the people of Canberra should have an opportunity to express their views on this issue. A great concern that we have is this - - -

Ms Carnell: Is there any date on when this will be debated?

MR STANHOPE: It was introduced in an irregular way.

Ms Carnell: Yes, but there is no date on when it will be debated.

MR STANHOPE: Precisely. We are concerned that those forces that support that sort of process will support this debate being brought on without any due community debate or consideration. It is not a matter, Chief Minister, as you have just suggested, that nobody in this place will change their mind over coming days or weeks or months, depending on when this is debated. That is completely irrelevant.

This is one of those issues that go to the conscience of everybody in the community. Everybody in the community finds this a most difficult issue. It is an extremely difficult issue for everybody, irrespective of the side which we come down on. It appals me that we could even contemplate debating and passing this sort of legislation without due, careful, considered and detailed community debate and consultation. I have already had into my office a couple of dozen calls, which I have not even been able to respond to yet, from people extremely concerned at what has happened here today. We have to accept the need for a long and considered period of community debate and consultation on this. All Mr Berry's motion seeks to do is to ensure that there is a guaranteed opportunity for community debate and consultation. That is all it is doing.

This is not a question of settling scores. It is about guaranteeing an opportunity for the community to be engaged in this debate, to be consulted about it, to be consulted about one of the most difficult issues that any human being has to struggle with. That the Liberal Party could stand up and announce that it will not support a community debate on abortion is absolutely appalling. You should be ashamed of yourselves. You should quite genuinely be ashamed that you do not believe that the people of this community have a right to be involved in this debate. That is just shameful.

MR MOORE (Minister for Health and Community Care) (3.14): Mr Speaker, since the time this piece of legislation was introduced some 3½ hours ago, there has already been an Assembly rife with rumours. Those rumours have included one that a deal was done between Mr Osborne and the Chief Minister. As I pointed out in a press conference, that is ridiculous. There was no point in doing that. Of more concern to me are the rumours that debate on this legislation may be brought on early. Mr Speaker, in the very brief time I have had available to me I have been going through the legislation with officers from the Department of Health to try to determine the ramifications that this legislation might have and how it compares to the common law we currently have. The issues are particularly complex.

I have already been speaking to the professor of the Clinical School, Professor Ellwood, who deals with women's health and paediatrics. He has said to me he will even have to consider whether he remains in Canberra if this legislation goes through. The number of psychiatrists in Canberra - we know we have a shortage, particularly of public psychiatrists - who are diverting their work to deal with this issue also needs to be dealt with carefully. It is appropriate for us to have time to assess the legislation with great care, because the legislation does have major ramifications.

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The advice I have been given is that about 2,000 women a year seek and have abortions in the ACT and that if this legislation goes through that number is likely to reduce to some 10 to 15 women a year. In other words, the legislation, as it is worded now, will basically ban abortion. It will stop abortion in the ACT, except in the most rare circumstances. It is an issue that requires our careful deliberation. People dealing in this area, people who have an interest, should be able to say, "Is this legislation reasonable legislation or should it be modified?". Is the problem with the legislation just the way we deal with grave psychiatric risk and the way that is worded? Is it possible that although perhaps members will not change their mind or their general thrust they may modify their view just enough to recognise that instead of the term "grave psychiatric risk" that appears in the legislation it may be that the appropriate term is "psychological risk", because that covers emotion? What does "grave psychiatric risk" mean? These are issues that all need appropriate time, apart from the community debate that people are entitled to have, because there is a higher order principle other than abortion here and that is the principle that people are entitled to express their view in this Assembly. This Assembly, since 1989, has been very open about the full range of issues that we debate, even when they are very difficult issues and that is something - - -

MR SPEAKER: Mr Moore, I am sorry but under standing order 69 the time for debate has expired.

MR MOORE: In concluding, Mr Speaker, it is appropriate for us to set a date well into the future for this debate.

Question put:

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

The Assembly voted -

AYES, 7

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Moore
Mr Quinlan
Mr Stanhope
Mr Wood

NOES, 8

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

PERSONAL EXPLANATIONS

MR OSBORNE: Under standing order 46, Mr Speaker, I wish to make a personal explanation.

MR SPEAKER: Proceed.

MR OSBORNE: I was most disturbed to hear an interjection from Mr Corbell during that debate, Mr Speaker, alleging that I had been involved in a grubby deal with the Government on this issue. I just expected more from Mr Corbell on this. I have not been involved in any deal. No deal has been done on me being able to present the Bill this morning, on support for the Bill or on when the Bill comes back. I just wanted to get that on record, Mr Speaker. I am very disappointed in Mr Corbell's attitude. I am not at all surprised at Mr Berry's. I expected that. I was taken aback by Mr Stanhope's attitude. I think some members in his party should go and read what he said this morning. I do not particularly want an apology, Mr Speaker. I just expected more, especially from you, Mr Corbell, than to be accused of a grubby deal on this issue.

MR CORBELL: Mr Speaker, I seek leave to make an explanation under standing orders.

MR SPEAKER: Proceed.

MR CORBELL: Mr Speaker, I have heard Mr Osborne's comments. If that is Mr Osborne's assurance, then I would like to withdraw the comments I made. I would also like to place on the record my continuing concern about the manner in which this matter has been handled. If Mr Osborne is willing to make those comments on the floor of the chamber, then I am prepared to accept them and I withdraw any comment that may have reflected adversely on him.

Mr Speaker, on another matter but also on a personal explanation, the Chief Minister made a comment in question time today that the Labor Party was opposed to the development of the Business Development Fund and that we were being negative about it. Mr Speaker, I would just like to - - -

MR SPEAKER: Just a moment. You may explain matters of a personal nature, Mr Corbell.

MR CORBELL: Yes, I have been misrepresented, Mr Speaker.

MR SPEAKER: Otherwise you can always use the adjournment if you wish.

MR CORBELL: I have been misrepresented, Mr Speaker.

Mr Humphries: Mr Corbell was not referred to in the Chief Minister's comments to which Mr Corbell has referred. There can be no personal explanation about that at all.

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MR SPEAKER: That is true.

MR CORBELL: No, that is not true. The Chief Minister made some comments about dissenting comments made by me and Mr Berry in the Estimates Committee report.

Ms Carnell: No, I did not. I said Mr Berry only.

MR CORBELL: She referred to the Estimates Committee - - -

Ms Carnell: Mr Speaker, I raise a point of order.

MR SPEAKER: Order! Order, please, Mr Corbell.

MR CORBELL: Mr Speaker, I would ask you to let me finish my explanation.

MR SPEAKER: A point of order has been raised.

Ms Carnell: Mr Speaker, I did not mention Mr Corbell's name.

MR SPEAKER: In that case - - -

Mr Berry: You mentioned the Estimates Committee, of which he is a member.

MR SPEAKER: Just a moment, Mr Berry and Mr Corbell. We have been through this before some time ago. I cannot find the reference, but the fact is that if Mr Berry wishes to take issue with something that has been said by the Chief Minister in relation to this matter in which he was named, he has every right to do so. In fact, Mr Berry was on his feet and I am not sure he was not going to canvass that at the time. We cannot allow other members to make the statements. Mr Berry was named, Mr Corbell.

MR CORBELL: Mr Speaker, I must insist. The Chief Minister was referring to comments made under my name and Mr Berry's name in the Estimates Committee report. They were made under my name also. I signed those comments off, and I believe I have a right to make a personal explanation on them.

MR SPEAKER: Mr Corbell, I will take advice on this matter but until I do the matter must rest.

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

MR SPEAKER: Proceed.

MR KAINE: An earlier remark by the Attorney-General during question time could well be interpreted by some as implying that I had made an ACT Cabinet document available for some person who should not have such a document. Mr Speaker, I want to set that thought to rest unequivocally. I do not have such documents in my possession,

nor have I had such documents in my possession since I ceased being a member of the Cabinet some months ago. I have made no such documents available to the media or to anyone else. In fact, I would consider it totally improper for me to do so, apart from anything else.

Mr Humphries: What about your staff, Trevor?

MR KAINE: Mr Speaker, the Deputy Chief Minister and Attorney-General may not be aware that a comprehensive check was made by officers of the Chief Minister's Department some months ago when there was a witch-hunt on for some other allegedly missing Cabinet documents. They did a very careful check of my office and they found irrefutable records to the effect that all such documents had been accounted for and had been returned to the Chief Minister's Department. I repeat, Mr Speaker, that since that time, I have not had, nor do I have, such documents in my possession. Since I do not have them in my office and I do not have them in my possession, it follows that no staff member has access to them either, and I want to - - -

Mr Humphries: Oh, yes? It does not follow, Mr Kaine.

MR KAINE: Mr Humphries is repeating what he said by innuendo before. Mr Speaker, I make it quite clear that innuendo and insinuation of this kind coming from the chief law officer under the privilege of this place are, in my view, totally unacceptable although not unexpected. All I can suggest, Mr Speaker - - -

Mr Humphries: Mr Speaker, if Mr Kaine wants to use a personal explanation to make personal attacks, he should seek a different course. I am not interested in the woolly thinking that we are hearing from Mr Kaine. I am interested in hearing what he has to say by way of a personal explanation.

MR KAINE: All I can say, Mr Speaker, is that if Mr Humphries wants to pursue this innuendo outside this place I will be happy to engage him. The Chief Minister might be careful too, because I saw her showing such a document to somebody yesterday.

MR BERRY: Mr Speaker, I seek to make a personal explanation pursuant to standing order 46.

MR SPEAKER: Proceed.

MR BERRY: Mr Osborne referred to my attitude and said that he was not surprised by it. No, he should not be surprised, because he might well have expected that I would say some quite unkind things about the sneaky move to bring legislation into this Assembly this morning and disenfranchise a whole range of people from the debate. He also mentioned a deal that he alleges did not happen. I said in this Assembly this morning that I had heard from the media that there was a deal between Mr Osborne and the Government, where Mr Osborne gave his support to the Government in the censure motion yesterday in return for the events which occurred today. Mr Humphries interjected saying that that was not the case, and I said that I had no way of proving it. I still have no way of proving it, but I have to say that there is a fair bit of smoke about.

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MR SPEAKER: Careful. This is a personal explanation.

Mr Rugendyke: I raise a point of order, Mr Speaker. We have heard a lot about rumours and deals. These rumours imply that I am involved with Mr Osborne and this alleged deal with the Government. I unequivocally state that there has been no deal done with the Government. It is simply sour grapes, Mr Speaker, because they could not prove their case yesterday.

MR SPEAKER: Order! Sit down. There is no point of order, Mr Rugendyke.

MR BERRY: You should have listened to the advice yesterday, Mr Rugendyke. Have a look at the standing orders before you - - -

MR SPEAKER: Order!

MR BERRY: Yes, I did mention a deal. I said I had no proof of it, but I repeat that I think there is enough smoke around to make people worry.

MR SPEAKER: All right, that is enough. You have made a personal explanation. You are now going beyond the bounds of that.

Mr Rugendyke: I raise a point of order, Mr Speaker. I ask that Mr Berry withdraw that.

MR SPEAKER: Did you mention Mr Rugendyke?

MR BERRY: I did not mention him.

Mr Rugendyke: Yes, he did.

MR BERRY: No, I did not. I mentioned smoke. I cannot withdraw that.

MR SPEAKER: I do not think Mr Rugendyke was mentioned.

MR BERRY: I used to be able to do the drawback. I have given it up.

MR SPEAKER: No, I do not think Mr Rugendyke was mentioned.

Mr Osborne: I raise a point of order, Mr Speaker. Clearly Mr Berry, by saying there is a lot of smoke around, is implying that there is some truth in the story, and I would like that withdrawn. I made it quite clear when I stood up here that there was no deal done on the censure motion yesterday. What language would you like it in, Mr Berry?

MR BERRY: Mr Speaker, all I have said is that I do not believe him.

MR SPEAKER: Thank you.

Mr Humphries: Mr Speaker, I have to press the point of order which has been taken. Mr Berry said "if there is smoke around". That is obviously a reference to a phrase - - -

MR BERRY: I am happy to withdraw "if there is smoke around" if the stench bothers people, but I do not believe them.

MR SPEAKER: Thank you.

AUTHORITY TO BROADCAST PROCEEDINGS Paper

MR SPEAKER: I present, for the information of members and pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, an authorisation to broadcast given to a number of television and radio networks in relation to the proceedings of the Assembly for today, 26 August 1998, concerning the suspension of standing orders in relation to the Health Regulation (Abortions) Bill 1998.

STATE OF THE ENVIRONMENT REPORT 1997 Paper

MS CARNELL (Chief Minister and Treasurer) (3.32): Mr Speaker, for the information of members, I present the State of the Environment Report 1997 for the Australian capital region. It is on CD-ROM. I move:

That the Assembly takes note of the paper.

It is an interesting scenario when we have to move that the Assembly take note of the paper and there is not one. I would hope that in the term of this Government there will be more circumstances where we will be able to provide information to the Assembly in this form. It is certainly a much more accessible form, and something that I am certainly proud of.

This report is an example of regional cooperation initiated and developed through the regional leaders forum. It is a first in many ways. It is the first major exercise undertaken by the forum; it is the first cross-border State of the Environment Report, at least in Australia; and, as far as we know, it is the first State of the Environment Report that has been produced on interactive CD-ROM. This new format contains text, maps and other images in an innovative manner. It is interactive and moves state of the environment reporting closer to being an important planning and management tool. Readers can interrogate the data to help them determine the condition of their environment and to help them understand potential effects that human actions may have on the environment. The maps allow readers to view the region at various scales as a whole or as local government areas or to zoom in on localised areas. Sensitive areas that need to be managed carefully can be easily detected at a local scale, as can the more robust areas.

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In this report, the state of the environment is discussed in terms of environmental issues relative to five environmental themes - atmosphere, water, land, biodiversity and human settlement. For each issue there are corresponding indicators which help identify environmental conditions, the potential pressures from human activity and the responses we make to relieve those pressures. With the introduction of this format, the Commissioner for the Environment, Joe Baker, has established a framework for reporting that he hopes will be developed in future reports. This would allow these reports to play an important part in planning and management and in identifying our progress towards ecologically sustainable development. Mr Speaker, I commend this state-of-the-art report to the Assembly.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.33): I just want to say a few words as well. As the Minister for the Environment, I was involved in the development in the concept of a CD-ROM form of report. As the Chief Minister has indicated, there is the capacity for more such reporting in the future. Some would argue that we lose something in the process of producing a report in this form. I suppose we do, but I think it is important on an occasion like this to focus on what we gain. We gain an enormous opportunity to present information in a way which many people find helpful, and we find an opportunity to be able to organise information, once presented in the report, in a way which is useful for a whole range of different purposes.

I was fortunate enough to spend some time recently with Dr Baker and Helen Sims at his office going through the report, looking at the information available on the CD-ROM. I have no doubt that it will be tremendously useful in this region as a device for understanding better the interrelationship of the environment with other activities of human beings and understanding better how issues transcend the borders of particular local government areas and Territory boundaries in this region.

I am sure the work that has gone into this will be more than rewarded by the extra information that can be obtained and used profitably. I want to commend Dr Baker and his office on the tremendous achievement they have made in this report. I am very much looking forward to seeing other government information provided in this way in the future to assist in broadening understanding of what governments are doing generally.

MR CORBELL (3.35): I, too, want to add my comments as Labor's environment spokesperson. I am enormously impressed by this report and the sheer depth of detail in it. I was very lucky a few weeks ago, along with a number of my Labor colleagues, to receive a briefing and a demonstration of this CD-ROM by Dr Baker and Dr Sims. There is no doubt that this report will prove to be an enormously valuable tool, not only for those people who have a very strong professional interest in issues to do with the state of the environment of the ACT and the surrounding region but indeed members of this place. We will have the capacity, with this CD-ROM, to look at vegetation issues and other environment issues within the Territory when we are considering issues that affect us and decisions we have to make in this place.

Mr Speaker, I commend Dr Baker and Dr Sims for the enormous effort they have made to produce this report. But I do want to add that it became clear to me in my discussions with them that a lot of the work that was done in developing this CD-ROM was done by people from outside the Office of the Commissioner for the Environment - people from the ANU and other scientists and professionals around the city - at a very low cost, if not no cost at all.

I think if we are to continue to produce such a comprehensive and detailed document the Government must give serious consideration to requests from the Commissioner for the Environment for the resourcing needed to ensure that we are not relying on gratis expertise from officers outside the ACT Government, which is what has occurred in this case. I hope that the Chief Minister and the Minister for the Environment listen very carefully to any requests that may come from the Commissioner for the Environment along those lines. We do not want to have a situation where this sort of document is being prepared free by officers outside the Government and where that advice may not be ongoing and that capacity may not always exist. We need to make sure that those resourcing issues are addressed. Nevertheless, this is a valuable document, if one can call it that, and I look forward to being able to use it in my work. I am sure that other Assembly members, if they take the time to analyse the use of it, will find it useful in theirs too.

MR SMYTH (Minister for Urban Services) (3.38): Mr Speaker, I will just make a brief comment. I think other members have canvassed the virtue of this CD-ROM and its presentation. Dr Joe Baker, who is the Commissioner for the Environment, and Helen Sims, the office manager, have done tremendous work. The most important thing about it is recognition that environment does not finish at borders. The water that flows into the ACT comes from New South Wales and goes back to New South Wales. The weed seeds, as they fly in the air, recognise no borders. As a responsible member of a local community, and because of the leadership that we are giving in our region, I think it is very important that a report such as this recognise that we, as the Territory, are interdependent with the entire region and that the future of the environment depends on all of us.

As to requests for funding, I will have to confirm this, Mr Speaker, but I understand that a large proportion of the money that went to the original report was provided in a series of one-off grants from the Federal Government. In relation to discussions with Dr Baker, we have not said that we would not fund such a report. We are continuing our negotiations with Dr Baker to ensure that we come up with an option that pleases everyone.

With those who gave advice and assisted in the production of the CD-ROM, I think we have come up with quite a leader here for the rest of the country. It is just another way in which the ACT Government and the people of the ACT are proving that we really are a clever city; that we are willing to take opportunities to change and to make sure that we are doing things the best way that we can. The fact that no tree or no piece of paper has been used in the production of this report sets a wonderful example. The previous Minister and the Chief Minister are to be congratulated for the way this has been done.

Question resolved in the affirmative.

CODE OF CONDUCT FOR MINISTERS

Paper

MS CARNELL (Chief Minister and Treasurer) (3.40): Mr Speaker, for the information of members, I present the Government's code of conduct for Ministers and move:

That the Assembly takes note of the paper.

Mr Speaker, the current code of conduct for Ministers was set in place by this Government in April 1995. This code establishes the standard of ethical conduct expected of a Government Minister, with a particular emphasis on avoiding conflicts between the private interests and the public duty of a Minister. The Government, in its response to the Public Accounts Committee report on the taxi plates auction, agreed to revise the existing ministerial code of conduct.

I believe that members will agree that this code meets the issues raised in the Auditor-General's report. In fact, while it is clear that Ministers must meet the highest standards of conduct, many aspects of this code could usefully be applied in a code for all members of this Assembly. The Government has looked carefully at this issue and has focused on the need to reflect in the code the primacy of a Minister's public duty. This is an important job and it is a privilege to serve the community in this way. Ministers make critical decisions in respect of everyone in the ACT. The conduct standards must reflect the high expectations of the community. The revised code meets these requirements.

One of the changes made in the code is to refer to some of the basic values that describe the obligations of elected office. These are respect for the law and the system of government; respect for persons; integrity; diligence; and economy and efficiency. I do not think anyone would argue with these values. These terms were used in a report by the Queensland Electoral and Administrative Review Committee in 1992 and have been adopted elsewhere since then. I think they are a very useful reminder of the fundamental requirements of public office.

The revised code provides a process for dealing with material conflicts of interest in respect of Executive functions and Cabinet deliberations. It picks up the issue of identifying potential conflicts and setting in place appropriate management strategies. The code sets a good balance between the need to declare interests, which applies to all members, and of managing any conflicting or potentially conflicting interests. This code refines the existing code of conduct. It reflects the importance of a Minister's public duty and could also form the basis of a code setting appropriate conduct standards, as I said, for all members of the Assembly. Although the Government has had in place a code of conduct for Ministers since 1995, still the Assembly has not yet put a code of conduct together for all members. I think there is a pressing need for that in this place.

MR CORBELL (3.44): Just in very brief response to the Chief Minister's comments, without wanting to pre-empt an item on the notice paper, I think it is quite clear that there is common agreement, certainly from this side of the house, that there is a need for a code of conduct for non-Executive members of this place. I think tomorrow the Assembly will be considering just such a referral to the Standing Committee on Administration and Procedure. All Labor members will be working vigorously to try to progress that issue so that there is such a code for non-Executive members in place.

MR MOORE (Minister for Health and Community Care) (3.44): On this matter and on the matter that Mr Corbell raised, which we will no doubt discuss tomorrow, I would encourage members to consider as a further guide a commissioner for parliamentary ethics. That is something I have been very keen on and something I believe will assist us in the delivery of our duties and make sure that we do them in the most effective way we can and in the ethically most appropriate way.

Question resolved in the affirmative.

PAPERS

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present the following papers:

Ministerial Travel Report from 1 April to 30 June 1998.

Financial Management Act -

Pursuant to section 14, an instrument directing a transfer of funds between appropriations and a statement of reasons.

Pursuant to section 15, an instrument directing a reallocation of funds and a statement of reasons for the reallocation.

Pursuant to section 15A, instruments (2) reclassifying funding and statements of reasons for the reallocation.

Pursuant to section 17, instruments (2) varying appropriation related to Commonwealth funding and a statement of reasons for Variations to Appropriation.

Pursuant to section 18, Statement of Expenditure for the year ended 30 June 1998.

Pursuant to section 26, the Consolidated Financial Management Reports for the periods ending 31 May 1998 and 30 June 1998.

The papers were circulated to members when the Assembly was not sitting.

**LEGAL AID COMMISSION
Papers**

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members and pursuant to section 8 of the Legal Aid Act 1997, I present a direction to the Legal Aid Commission, including an explanatory statement.

PAPER

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I present, pursuant to standing order 83A, an out-of-order petition lodged by Mr Rugendyke from 63 citizens concerning the home and business insurance tax.

**BUSINESS PROGRAM FOR 1998-99 - MR MOORE
Paper and Statement**

MR MOORE (Minister for Health and Community Care): Mr Speaker, for the information of members, I present my own business program for 1998-99 and seek leave to make a statement.

Leave granted.

MR MOORE: Mr Speaker and members, in the last Assembly I took great pride in my track record with legislation. I introduced 20 pieces of legislation, more than any other member and, indeed, I believe more than the entire Opposition group in total. Unlike some other parliaments, we in the ACT are developing a lively and productive culture of non-government legislative proposals. Highly important issues which governments, for one reason or another, fail to raise are being brought up for consideration. Not all such proposals succeed and not all achieve support in the community but they have proved to be worthy of public debate and they bring depth and texture to this Assembly.

I strongly believe that my new role as Minister does not abrogate for me my duty to make contributions through channels outside the Executive role. I made many philosophical commitments when I last asked the people of Canberra to elect me. I must come through on those commitments. Of course, my ministerial duties will limit my time, and my responsibilities as a member of the Government will limit my previously absolute freedom to work on any issue. I have accepted these constraints in pursuit of the good which I believe I can do for the community in my Executive role. As members are aware, my participation in this Government is on the basis that my colleagues accept my political history and allow me the freedom to work independently on issues where I have had strong interests, where the public have expectations of me and where I have the experience to make a contribution.

Mr Speaker, today I present for the information of members and the community an outline of my independent Assembly business over the next 18 months. This program lists almost 20 issues where I will dedicate my efforts. All fall within the range of independent issues I have previously specified to my ministerial colleagues. Some of these measures may seem straightforward; others may be highly controversial. Some of these measures are simple; some are very complex. Some of these measures will involve very small Bills; some are large projects. Some of these measures will be accepted by the Assembly; some will be rejected.

Let me give a brief outline of the contents of this program. Included are measures related to our system of government and in particular to openness to the public by the parliament. I touch upon education issues, business regulation issues and, dare I say it, the planning system. I will have material on individual rights and justice. In particular, my intentions for the spring session of this year include amendments to the Subordinate Laws Act to correct what I believe are limits on the Assembly's powers of oversight over some ministerial instruments. In addition, I will move to make the very important directions which our Attorney-General can give to the Director of Public Prosecutions come under the review of the Assembly.

I am waiting with interest for the response of Mr Osborne's select committee to the recent Pettit report. Subject to any directions the committee's work may take us in, I aim to move two amendments to the Electoral Act. I aim to raise once more the case for this Assembly to have a four-year term, and I intend to advance for debate a simple, logical system for the size of the Assembly to be linked directly to growth in Canberra's population. However, Mr Speaker, I may modify those views, depending on the outcome of the committee's deliberations.

I also aim to deal with two matters of urban affairs. The Litter (Amendment) Bill has already been presented to this Assembly, and I also aim to present legislation to deal with the controversial practice of cleaning car windows at major intersections. These two perhaps minor issues were amongst the most frequently raised by constituents during the recent election campaign, and I have accordingly put them to the front of my program. For 1999, I have listed further projects, and I will revise those forward projections into a final program at the beginning of each half-year.

It is my expectation that by presenting this program I will assist members, the public and public servants, particularly those in the Parliamentary Counsel's Office, to know well in advance what business I aim to bring forward. I am aware, as all members are aware, that the professional drafting resources available to this Assembly are limited. The work which we undertake is constantly challenging those limits. It may be that my program will turn out to be too ambitious in regard to its timing. It will of course need to be fitted alongside the competing priorities of the Government and other private members.

Mr Speaker, I cannot give an absolute guarantee that I will not bring forward any additional materials, but members and others are entitled to expect that I will strive to keep as closely as possible to this program. Of course, other members may have been contemplating proposals similar to those I am bringing forward today. May I stress that I do not own these proposals, nor do I feel any need to claim sole credit for them.

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To succeed at all, they will need the support of this Assembly. I am already aware that some related work is being done by other parts of the Government, and I will certainly work closely with other Ministers where it is appropriate and constructive to do so. Similarly, Mr Speaker, if other members have legislation similar to mine, I will be happy to work with them on those issues as well.

I am also aware that the Pettit report and the Chief Minister have stressed the benefit of private members presenting legislation programs. I would like to say that by bringing forward my program today it is not my wish to unduly pressure other crossbench MLAs into doing so. No-one knows better than I that the capacity of crossbenchers, with only limited resources to make long-range plans, is not as great as the Government's. I should draw members' attention to the fact this is the first time that I have tabled a program of this kind. Of course, the capacities of the official Opposition are greater. Perhaps they can move faster to present their intentions. But, in general, I feel that each member of a party should come voluntarily to their own position on planning.

Finally, may I reflect briefly upon the issue of the Assembly time in which this material must come forward. The business I am bringing forward today is not Executive business and can have no place being brought on in that time. It is plainly private members business. When I introduced the Litter (Amendment) Bill back in May, there was some reluctance to allow me, even by leave, to present private members business. I think that attitude reflects very poorly on those members who showed that reluctance. I remind members that all of us have given public support to the concept of cooperative behaviour in the Assembly. I hope that this business will receive the fair go it deserves. In other words, Mr Speaker, I am happy to put my business alongside others to be considered by the Administration and Procedure Committee for placement on the program, even though I am not a member of that committee. In the spirit of cooperation, which I do take seriously, I hope that we can work together constructively, even through our political disagreements. The public will give us all greater credit as individuals and as an institution if we can succeed in doing that. I thank members.

MR STANHOPE (Leader of the Opposition): Mr Speaker, I seek leave to make a statement on the same matter.

Leave granted.

MR STANHOPE: I am intrigued by the statement that the Minister has made and the program he has tabled. I am a little bit nonplussed, if not quite concerned, by some of the sentiments he expressed. I think it is an issue on which we could have quite a serious and detailed debate. It concerns me that the Minister, with the responsibilities he has as Minister for Health in the ACT, admitted yesterday that the public health system is suffering severe stress.

The Minister is in the midst of a serious industrial dispute with the Australian Nursing Federation over their concerns at the inability of the Canberra Hospital or the public health system to deliver a decent output for the people of Canberra. The public health system is not managing. It is simply bursting under the pressure.

People are coming to the Minister's office and to my office with complaints about their lack of capacity to be appropriately dealt with through the public health system. But the Minister has the time to develop a private members program of this depth and intensity, and he intends to run a significant private members program. I do not know when. I do not know on which day he intends to run this program.

Mr Berry: In Executive business.

MR STANHOPE: Yes, it must be under Executive business. It highlights some of the serious problems we have with Mr Moore.

Mr Moore: I requested that it be done under private members business. You heard me say it.

MR STANHOPE: We will have serious concerns about a Minister with ministerial resources, with departmental liaison officers and all the other resources available to you in your office, Mr Moore, seeking to compete with genuine private members business. It will be completely unacceptable to the Opposition. The fact that you are intent on using as a measure of productivity and work rate in this place the number of Bills introduced is just simply spurious. It is a spurious measure that you are imposing on the Assembly. To suggest that because you, the great, mighty Michael Moore, introduced more legislation in the last Assembly you outworked the entire Opposition is a load of absolute nonsense. If the challenge you are throwing down is that you want to compete with the rest of the Assembly on the number of pieces of legislation that we introduce, then I would ask you as a Minister to give up portion of the draftsman's time available to you. Where are you going to give it up from? Where is the time going to come from? You want to engage us in a war on the number of pieces of legislation introduced as a measure of output. Are you, as a Minister, going to give up some of the drafting time available to you? I have drafting instructions in now that I cannot have dealt with because of the pressure of government business. What business are you going to give up as a Minister to allow me to get my legislation drafted?

You raise more questions than you answer in relation to this, Mr Moore. You, as the Minister for Health, are in one of the most important portfolio areas in the ACT, an area that is not coping very well. The public health system is under extreme pressure. It is a public health system that allows people with hepatitis C and infected blood to go unnotified for four years. I think, Minister, you should be devoting your attention to your portfolio responsibilities. The fact that you are allowing yourself to be diverted in this way, in some sort of petty attempt at upstaging the rest of the Assembly, is not very engaging. It is not very edifying. It causes me great concern that you, as the Minister for Health, think you have that latitude.

Ms Carnell: Mr Speaker, I seek leave to make a statement also.

MR SPEAKER: Is leave granted?

Mr Berry: No, we have had enough.

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Ms Carnell: Mr Speaker - - -

MR SPEAKER: Wait a moment.

Mr Berry: No, it is private members business.

Ms Carnell: Is Mr Berry refusing me leave?

Mr Berry: To speak on what?

MR SPEAKER: Mr Berry is refusing you leave, Chief Minister.

Mr Berry: To speak on what?

Ms Carnell: To speak on this issue.

Mr Berry: No. A Minister has spoken and the Opposition has spoken. If you want to suspend standing orders, go for your life.

Ms Carnell: So you are refusing me leave?

MR SPEAKER: Yes, he is.

Ms Carnell: You are not refusing me leave anymore; you are letting me speak? Mr Speaker, I believe that this is actually an important issue - - -

MR SPEAKER: Did you say no, Mr Berry?

Mr Berry: I did say no, yes.

Ms Carnell: So it is no?

Mr Berry: We have private members business to deal with.

Leave not granted.

Suspension of Standing Orders

MR MOORE (Minister for Health and Community Care) (4.00): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Ms Carnell making a statement on the matter and Mr Moore addressing the Assembly.

This motion will allow the Chief Minister to speak as well as allowing me a right to reply to the outlandish things that Mr Stanhope has said. Mr Speaker, this is a very churlish approach from Mr Berry, after such a churlish reply from the man who is Leader of the Opposition and who on 19 March said:

Having said that, let me say that, ultimately, all members enter this place with a common desire to serve the people of Canberra. Mr Speaker, I remain confident that in seeking to achieve this shared goal we can work together cooperatively, constructively and with mutual respect.

That is what Mr Stanhope said in his first speech to the Assembly. He has made some very churlish allegations about the way I do my work and I think it entirely appropriate that I have an opportunity to respond in these circumstances. We gave him leave to respond to my statement. The Chief Minister has sought to speak on this issue. A number of important issues have been raised, and therefore it is appropriate that we suspend standing orders to allow both the Chief Minister and me to make comments on this issue.

MR BERRY (4.01): I merely make the point, Mr Speaker, that it is private members business today and the Executive is trying to use up our time.

Ms Carnell: Excuse me. You used up all day yesterday.

MR SPEAKER: Order! Mr Berry has the floor.

MR BERRY: I would like to respond to that, Mr Speaker. The Assembly agreed to the suspension of standing orders yesterday to allow a censure motion - a rightly placed censure motion too, a well-argued censure motion that on the debate won. I just think they should be letting us get on with our private members business instead of trying to soak up time. There are some important issues to deal with.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MS CARNELL (Chief Minister and Treasurer) (4.02): Mr Speaker, the reason that I wanted to speak was that when I tabled the Government's spring legislation program this week I made the same comment - that I thought it was really important that private members and the Opposition think about bringing forward a legislation program to allow the legislative drafters to schedule their time more efficiently. I also said at that time that Mr Moore would be bringing forward his private members business program.

Mr Speaker, in the past Ministers have brought forward private members legislation. I have, as Chief Minister. It is not an unusual thing to do. In the past this Assembly, when we were obviously in a more cooperative mood, believed that Ministers could be private members as well; that Ministers could bring forward legislation that was not necessarily from the Government. I thought that was the basis upon which we were trying to provide a cooperative Assembly. Without that, if the whole approach we take is that this is the Government, that is the Opposition and those are the other mob, we will never get a cooperative approach.

The fact is that Mr Moore is a member of Cabinet but he is not a member of the Government. He is not a member of the Liberal Party - that is better.

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Mr Stanhope: Nobody believes that anymore.

Mr Kaine: You have to be joking. Which political book have you been reading - *Fantasy Land*?

MR SPEAKER: Order! The Chief Minister has the floor. Dear me! Is it a full moon out there or something?

MS CARNELL: It must be. In the Pettit report - - -

Mr Berry: You sound barking mad, Chief Minister.

MR SPEAKER: Order! Members, if you wish to converse would you please go outside and do it. The Chief Minister has the floor.

MS CARNELL: Mr Speaker, those opposite were worried a minute ago about the time that this statement would take. It was going to take a lot less time when I started than it is now, because of their interjections. I think the important thing here is that we do get legislative programs on the table from as many parts of this Assembly as possible so that Mr Humphries's legislative drafting area is in a position to put aside the time they need for various pieces of legislation and so that we can improve the efficiency of this place. That is what Mr Moore has done. I think that is appropriate. I hope other members of the Assembly do the same. I also hope other members of the Assembly go away and reread the Pettit report. The Pettit report did suggest that you could have a Minister that was not necessarily of the party of government. I think we are proving that that can work efficiently, so let us just see whether we can make this Assembly more cooperative rather than less.

Mr Moore: On a point of order, Mr Speaker: The suspension of standing orders was to allow the Chief Minister and me to speak. I would be delighted, and I am sure the Government would be delighted, if Mr Corbell were to seek leave, to allow him to speak.

MR CORBELL: Mr Speaker, I seek leave to speak in this debate.

Leave granted.

MR CORBELL: I thank members. Mr Speaker, I think what the Government and the coalition over there refuses to recognise is that this side of the house has no objection whatsoever to Mr Moore proposing some business as long as he recognises two things. First of all, he is a Minister in this Government and his prime responsibility is as the Minister for Health. That is what the Assembly holds him responsible for. Secondly, the coalition over there refuses to recognise that we have always recognised that Ministers have introduced private members business into this place before. Unlike what is being proposed now, those were one-off occurrences. There was not a comprehensive private members legislative program such as that which Mr Moore is proposing today.

Mr Berry: As prepared in his ministerial office.

MR CORBELL: Which he has had prepared, as my colleague Mr Berry points out quite correctly, in his ministerial office by staff employed to support him as a Minister. That is the very clear difference. Mr Speaker, private members business is for non-Executive members in this place. Someone in this chamber once said, "Mr Moore cannot have it both ways. He cannot be inside the tent and outside the tent". It seems to me that that is exactly what he is trying to do in putting forward this legislative program.

If he wants to put forward this legislative program, he first of all must guarantee us that resources devoted to him as a Minister are not being used to prepare a private members program. Secondly, the Government is going to have to work out how it allocates its time in this place to allow him as a Minister, as an Executive member, to put forward these Bills. We do not think it is appropriate that private members business be devoted to this activity. Perhaps, Mr Moore, we are going to need to examine some other process in this place for dealing with that. This side of the house does not accept that private members business is the time for this program. If the Government does not accept that it is Executive business time when we should deal with this program, then there needs to be some other avenue found. I would be very happy to have that discussion. We do not accept that private members business is the time to undertake this program.

Mr Speaker, what is happening over there is not some new radical experiment. It is not some new radical experiment when Mr Moore is in with the Liberal Party. It is called a coalition. It happens all the time. We have seen again and again since this Assembly was elected Mr Moore bound as a coalition partner with the Liberal Party in voting on a whole range of issues, even voting on issues that before - - -

Mr Moore: I raise a point of order, Mr Speaker. Mr Corbell knows very well that he is misleading the Assembly. I have never been bound with the Liberal Party. I have been bound with Cabinet. He knows very well that he is misleading the Assembly, and it is a matter for which he ought to be censured if he continues.

MR CORBELL: If Mr Moore takes offence at that, then obviously I have hit a raw nerve and I am quite happy to correct my comments and say that he is bound by the Cabinet as a coalition partner in any parliament is bound. Mr Speaker, when it comes down to it, this side of the house does have concerns about how this program is put together, and we will be happy to have a discussion with Mr Moore and the Government about what time should be made available, but private members business is not the time for it.

MR KAINE: Mr Speaker, I seek leave to make a short comment on this matter.

Leave granted.

MR KAINE: Mr Speaker, in my 10 years in this place I thought I had seen everything and heard everything. We have had people being bitten by monkeys and we have had all sorts of strange events, but this is the most bizarre proposition that I have ever seen put forward in this place. I suppose that tomorrow we will get four more private members programs for the rest of the year from the other four members of the Government.

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Is that the next stage of development? The Chief Minister says they are all private members, so they are all going to use their ministerial resources to develop their own personal agendas and put them forward in this place as private members business. The private members of this place might as well close up shop and go home, because we do not have available to us the resources that these five people have to generate this sort of - - -

Mr Moore: You have more resources to do it than I had to do this.

MR Kaine: Mr Moore knows full well that there is one member of this place, a crossbencher, who is at a disadvantage compared to everybody else, and one might ask why that is so. I notice the Chief Minister reacting. Why is that so? It is very curious. It might be suggested, of course, that that is a little stroke of malice, might it not? The Chief Minister stood up and said that Mr Moore is not a member of the Government. Can anybody in this place or anybody anywhere else believe that? Mr Moore sits over there. He is a member of the Cabinet. He goes to Cabinet Ministers meetings around Australia and represents himself as a Minister in the ACT Government. If he is not there in that capacity, in what capacity is he there? If he is not speaking for the Government, for whom is he speaking? For himself? Maybe that is the truth.

If that is the case, we have a most amazing experiment in government. We have a Cabinet Minister who is not a Cabinet Minister, except when he chooses to be and when the Chief Minister chooses for him to be. The rest of the time he is some sort of hybrid between a Minister and a private member. I suggest that this hybrid better sit down with the rest of the Assembly and figure out quite where he fits in the place because - - -

Mr Moore: I am happy. It is just you who are uncomfortable, and the conservatives over there.

MR Kaine: But you talk about consultation. You have never mentioned to me your intention to be a private member as well as a Minister. You have never expressed your intention to me of producing your own private members business agenda for the rest of the year. All I can say, Mr Speaker, is that Disney would have been proud of us.

MR MOORE (Minister for Health and Community Care) (4.14): Mr Speaker, in responding to the comments that have been made, it is quite clear that I have hit a raw nerve and one would - - -

Mr Kaine: On a point of order, Mr Speaker: We have all had to seek leave to speak.

MR SPEAKER: No, it was part of the motion, Mr Kaine.

MR MOORE: Because of the churlishness of the conservatives on that side of the Assembly we were required to move a suspension of standing orders. You were given leave out of good grace. Good grace was not forthcoming for me or the Chief Minister. I realise that it was not you. It was Mr Berry. Mr Speaker, I clearly touched a raw nerve,

and no doubt that may have something to do with the fact that I have a rather ambitious program over the next little while. The first issue here is the issue of public servants being used to develop this program. No public servants were used to develop this program other than LA(MS) staff, the same as you are entitled to. In this case I used one person, in fact my assistant. Many of you know him. He did almost all the work on this.

That is an interesting point, because the Leader of the Opposition stood there and berated me for using my ministerial staff for doing this job. The reality is that the Leader of the Opposition has significantly more staff than I do. We would expect him to use his staff to prepare a legislative program and show the rest of the Assembly what he is planning to do, if indeed he is planning to do anything, if indeed he is prepared to remain consistent with his words I quoted during the debate on the suspension of standing orders.

The difficulty is that Mr Stanhope is a true conservative. The reason that he is a true conservative is that he does not like change. He likes things to be done exactly the way they were, without any modification at all, and he simply cannot wrap his mind around the fact that there are some things that are happening differently in this Assembly. The Labor Party would dearly like it to be the same as a coalition, because they are used to dealing with that. They know how to deal with coalitions on the hill, so they would know how to deal with a coalition. This is clearly not a coalition. In fact, at the very ministerial conferences that were raised by those on the other side of the house, Ministers have all commented to me, "This is a very interesting situation". Ministers from coalition governments around Australia recognise this as being an entirely different situation, because that is what it is. It is not a coalition. You know it. It suits you to try to manage it as a coalition.

Mr Stanhope also raised the issue of the health system. Mr Stanhope knows very well that I work many hours and very vigorously on that health system, and I will continue to do so. That does not prevent me from using my capacity to do some other work as well. In fact, that is what I am doing. I am using that capacity to be able to do it. If he wants to put in the hours, if he wants to put in the effort, if the Opposition wants to put in the effort, instead of chasing stupid censure motions that use up all the time here, and work to do what Mr Stanhope said you would do, which is work in a cooperative way, then we might get somewhere in developing an appropriate outcome from this Assembly. Instead, we get the pathetic leadership of Jon Stanhope and the way he operates. What has he achieved as Leader of the Opposition? I think it is time to ask. When at one stage a journalist ready to write a piece for "Forum" in Saturday's *Canberra Times* came to me and said, "How has Jon Stanhope been performing as Leader of the Opposition?" I argued very strongly - and they can check this out - that he was entitled to a honeymoon period; that that writer ought not to be harsh on the Leader of the Opposition as somebody who had just landed in the Assembly and taken on new responsibilities. He has had his honeymoon period.

Has Jon Stanhope managed to be a decent Opposition Leader? Has he managed to do what he promised he would do in that first speech in the Assembly? The answer is clearly no. Cooperative, collaborative? No, Jon Stanhope. What have you done about leading Labor to a different approach? No, Jon Stanhope, you have done nothing

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to deliver a different approach, a new, fresh Labor. Instead, you have allowed Mr Berry to get back up and pull the strings and play the same role as he did in the last Assembly, exactly the same as he was doing when he was rejected so clearly by the people of the ACT at the last election.

The main reason I developed this legislative program that has touched such a raw nerve with the Labor Party is that it was a recommendation of the Pettit report. As Mr Kaine says, we ought not to treat that report as gospel. Indeed, Professor Pettit in presenting it said that we ought not to treat it as gospel. But it was clearly a very sensible idea that crossbench members and the Opposition and the Government all develop legislative programs so that we can see what members intend to do. This is part of establishing a more cooperative government, a better way to work.

Mr Stanhope went on to say that this is just Mr Moore's problem. Interestingly, the fact that you cannot put me in a standard box that you are used to and feel very comfortable with is not so much my problem as your problem. You cannot open your minds enough to say, "Well, perhaps we will do something just a little bit different". No, every time that anybody in this Assembly has suggested doing something different, it has not come from the conservatives, that is, the Labor Party; it has come from somewhere else in the Assembly. Every time there is a suggestion to do something different, who rails against it? Jon Stanhope and his Labor Party, that failed Leader of the Opposition.

Mr Speaker, this is not a coalition. The Westminster system exists not just in the United Kingdom but in a whole series of parliaments right across the Commonwealth. Yes, we are different. We should not be frightened of being different. It is because we have been different that this Assembly has managed to achieve so much in a very short period of existence. Before it has reached even 10 years, this Assembly has achieved a huge amount. When I say "this Assembly", I do not just mean those in government in this Assembly. I mean every single member who has served in this Assembly over the last nine years, all of whom have made a contribution.

Mr Stanhope: Particularly you.

MR MOORE: Thank you, Mr Stanhope. Yes, Mr Stanhope, particularly me because - - -

Mr Corbell: Shameless, absolutely shameless!

MR MOORE: It is nothing to do with being shameless. It has to do with pride. I am fiercely proud of the effort that I have put in over this Assembly and, Mr Speaker, I have nothing to be modest about in terms of my achievements over the last nine years in ensuring that the Government answers to the Assembly. I have nothing to be modest about as far as that goes. It comes from hard work, Mr Speaker. I am not suggesting for one minute that I am the only one who has put in hard work here. The vast majority of members of this Assembly over the last nine years have put in a huge amount of hard work, and none of them should be embarrassed about what they have achieved.

I am certainly not embarrassed. I am fiercely proud of what I have achieved and I am fiercely proud of the fact that I have been prepared to look at a different system of government. I am fiercely proud of the fact that the Chief Minister, along with the other members of her Cabinet, was prepared to accept me into the Cabinet and - this is the critical part - allow me to pursue issues as a private member. Yes, I am proud of those things and I will remain proud. What is more, Mr Speaker, I am very proud of the fact that I have been able today to table my business program for 1998-99 and that it is consistent with the policies upon which I was elected. That is why it is that I put it up.

BURBIDGE INQUIRY - ASSESSMENT OF LEGAL ACTION **Ministerial Statement**

MS CARNELL (Chief Minister and Treasurer) (4.24): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the assessment of legal action relating to the findings of the Burbidge inquiry.

Leave granted.

MS CARNELL: Mr Speaker, members may recall that, when I tabled the report of the Burbidge inquiry into the contractual arrangements between ACTTAB and VITAB last December, I proposed that the Government, in cooperation with the ACTTAB Board, would look at the feasibility of legal action for damages from the promoters of VITAB, ACTTAB's legal advisers at the time, and any former staff of ACTTAB. I also undertook to advise members of the outcome of the necessary legal assessment.

Following tabling of the Burbidge report, a working party was formed to oversee the process. The group was made up of officials from my department, the Department of Justice and Community Safety, and the ACTTAB Board. The Auditor-General was also on the working party as an independent scrutineer. The working party was provided with legal advice as to whether there is a tenable basis for legal action and the prospects of success of any action to recover damages coming out of the findings of the Burbidge report.

On the basis of the working party's recommendations, the Government, in consultation with the ACTTAB Board, has accepted the advice that legal action not be taken because of the very poor prospects of success of that action, balanced against the very large cost of the litigation. Unsuccessful legal action would require the Territory to bear its own costs and to meet the costs of the defendants.

When I tabled the report of the Burbidge inquiry I indicated that we should not step unthinkingly into litigation and I flagged some of the reasons for this. One of the key issues is the fundamental difference between the fact-finding role of a board of inquiry and the requirement in civil litigation for the party seeking recovery of damages to discharge an onus of proof in accordance with rules of evidence. The Burbidge inquiry had recourse to coercive powers and the advantage of being able to draw conclusions from material that would not be strictly admissible in ordinary court proceedings.

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In some important respects, evidence upon which the Burbidge inquiry based its conclusions would not be admissible in a court in which civil recovery action was instituted. The advice of the two QCs who analysed the evidence considered by the Burbidge inquiry identified other weaknesses in that evidence for the purpose of establishing civil liability.

Two other issues were raised at the time the Burbidge report was tabled. First, Mr Burbidge, QC made findings about a fraud committed upon ACTTAB by certain ACTTAB promoters and about the veracity of evidence before the inquiry by Mr Daniel Kolomanski, one of the VITAB promoters. These matters were referred to the AFP for consideration and such action as they decide is appropriate.

Secondly, I raised the possibility that, if appropriate, disciplinary action would be considered against an ACTTAB employee remaining in the ACT Public Service. This was assessed and considered inappropriate as the evidence suggests a flawed culture or organisation. In these circumstances, action against this employee would be both unfair and difficult to sustain, given the more immediate responsibility of more senior staff who are no longer employed. In any event, legal advice has been provided which suggests that the transitional provisions of the Public Sector Management Act may be inadequate for disciplinary action to be taken in respect of conduct that occurred before the commencement of the Act on 1 July 1994. These issues have been carefully considered over the past six months to ensure that any decision about future legal action is soundly based.

I have also written to Mr Osborne in his capacity as chair of the Standing Committee on Justice and Community Safety. As members will understand, there are sensitivities about providing information about legal advice outside the Government. You will be aware that a recent decision of the Supreme Court limits the Government's capacity to provide all information, which includes legal opinions, without risking a subsequent court finding that legal professional privilege has been waived. While legal action is not proposed, it is not in the Territory's interests to risk loss of privilege. I thank members for their indulgence, and I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE Scrutiny Reports Nos 5 and 6 of 1998 and Statement

MR OSBORNE: I present Scrutiny Reports Nos 5 and 6 of 1998 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee, and I ask for leave to make a brief statement on the reports.

Leave granted.

MR OSBORNE: Scrutiny Report No. 5 which I have just presented was circulated when the Assembly was not sitting on 16 July 1998, pursuant to the resolution of appointment of 28 April 1998.

Scrutiny Report No. 6 of 1998 contains the committee's comments on 114 pieces of subordinate legislation. There are a number of issues in there which I hope the Government will look at - they are only minor ones, Mr Speaker - and one government response is also attached. I commend the reports to the Assembly.

URBAN SERVICES - STANDING COMMITTEE
Report on 1998-99 Draft Capital Works Program

MR HIRD (4.30): I present Report No. 4 of the Standing Committee on Urban Services entitled "The Government's 1998-99 Draft Capital Works Program", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

I have pleasure, Mr Speaker, in tabling the Urban Services Committee's report on the Government's 1998-99 draft capital works program. The draft program was referred to my committee by the Chief Minister and Treasurer on 19 May this year. In very quick time my committee held three public hearings and heard from all government departments as well as representatives of the following organisations: Koomarri school, Belconnen Community Council, ACT Athletics, the Master Builders Association, Pedal Power, and Gorman House Arts Centre.

During the inquiry, one member of the committee, Mr Wayne Berry, was replaced by his colleague Mr Corbell. I want to thank all members for their thorough consideration of the draft program. I would also, on behalf of the committee, like to thank the secretary, Mr Rod Power.

We finalised our report on 2 July and released it to the public, so, in a sense, this tabling speech has been overtaken by events. Mr Speaker, our report makes five recommendations. The first reiterates the call of this committee's predecessor for information about the extent of community consultation associated with projects that did not make the draft program. The second relates to the refurbishment of the former Health Building in Moore Street, Civic centre. The third asks the Government to carefully consider the level of expenditure devoted to ACT roads. Members of the committee are keenly aware of the massive asset represented by our roads, bridges, footpaths and so on. We do not want this asset to deteriorate. We need a program of expenditure for future years that reflects the fact that roads are a key budget item.

Our fourth recommendation asks the Government to facilitate the release of a call tender schedule for the Territory's capital works. This would assist our local building industry by giving advance notice of forthcoming government work. The firms can then factor this information into their schedule of possible construction activity.

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Our fifth recommendation is the most contentious. The committee states that the Belconnen aquatic centre should be built. But, of course, Mr Speaker, we are aware of the problem associated with the pool going ahead right away. This problem relates to competition policy and to the broad agreement by the Commonwealth and all the States and the Northern Territory on the need to create a level playing field on which private and public sector organisations may compete fairly to produce benefits for the community.

It is common knowledge that two organisations in Belconnen have formally complained that the proposed pool will detrimentally affect their business. Therefore, the Government has announced a study of the pool's financial feasibility and its public benefit. The study will commence next month and will report by January 1999.

I am pleased that the Government has moved quickly to get this study under way. I hope it reports quickly and I hope it concludes that the public benefit of the pool outweighs the other considerations. My committee, in its report, offers to do anything that we can to facilitate comment by members of the public on the proposed pool. I commend the report to the house.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan (No. 91): Signs Policies - Amendments
to the Territory Plan Written Statement

MR HIRD (4.35): I present Report No. 2 of the Standing Committee on Urban Services entitled "Draft Variation to the Territory Plan No. 91: Signs Policies - Amendments to the Territory Plan Written Statement", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, I have pleasure in tabling the Urban Services Committee's report on draft variation No. 91 to the Territory Plan. The variation deals with the policies applying to Territory signs. The variation was referred to the committee by the Minister for Urban Services on 25 May this year. We received a briefing by officers on 26 June, and we unanimously decided to endorse the variation. I thank my colleagues on the committee and also the secretariat. I commend the report to the house.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan (No. 93): Narrabundah - B5 Restricted
Access Recreation Land Use Policies (Golf Facility)

MR HIRD (4.36): I present Report No. 3 of the Standing Committee on Urban Services entitled "Draft Variation to the Territory Plan No. 93: Narrabundah section 34 block 16 and part block 27 - B5 Restricted Access Recreation Land Use Policies (Golf Facility)", together with a copy of the extracts of the minutes of the proceedings. I move:

That the report be noted.

Mr Speaker, I have pleasure in tabling the Urban Services Committee's report on draft variation No. 93 to the Territory Plan. The variation proposes to vary the land use policy at Narrabundah, at the corner of Jerrabomberra Avenue and Hindmarsh Drive, from urban open space to restrictive access recreation. This will permit the establishment of a golf facility on this site. The draft variation was referred to my committee by the Minister for Urban Services on 25 May 1998. We were briefed by officials on 26 June and decided to endorse the variation. This endorsement by the members of my committee was unanimous. I thank those members for their input, and also the officers of the Minister's department. I commend the report to the house.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS NOS 91 AND 93
TO THE TERRITORY PLAN
Papers and Statement

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members I present, pursuant to section 29 of the Land (Planning and Environment) Act 1991, approvals of variations Nos 91 and 93 to the Territory Plan relating to signs policies and Narrabundah section 34 block 16 and part block 27, a golf facility, respectively. In accordance with the provisions of the Act, these variations are presented with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I ask for leave to make a statement.

Leave granted.

MR SMYTH: Mr Speaker, I now table variation 91 to the Territory Plan for the signs policy. The variation proposes to vary the Territory Plan Written Statement to replace the existing signs policies at part C3 of the plan. The proposed policy provides for a comprehensive signs policy which recognises the important role of signage, recognises the visual impact of signage and ensures that it is appropriate and compatible with local amenity, clarifies those aspects of the current policy that have caused interpretative problems and conflicts with both the approval authority and applicants, and introduces performance-based controls which allow a focus on outcomes rather than prescriptive controls. The Standing Committee on Urban Services considered the draft variation and in report No. 2 of 26 June 1998, which was just tabled, endorsed the draft variation.

I also table variation No. 93 to the Territory Plan for a golf facility at Narrabundah at section 34 block 16 and part block 27. The variation proposes to vary the land use policy from urban open space to restricted access recreation to permit a golf facility on the site at the corner of Jerrabomberra Avenue and Hindmarsh Drive. The Standing Committee on Urban Services considered the draft variation and in report No. 3 of 26 June 1998, which was just tabled, endorsed the draft variation.

INSTITUTE OF THE ARTS - GOVERNMENT FUNDING

Debate resumed.

MS CARNELL (Chief Minister and Treasurer) (4.40): Mr Speaker, there is no doubt that the Government has decided to change the way that it funds the ANU Institute of the Arts. As members would know, in the past the ACT Government has provided approximately \$1.6m to the institute. But, as Mr Wood did not say, the problem with that \$1.6m is that the ACT had no idea what it was getting for its money. The ACT Government would not give \$1.6m, or for that matter \$60,000, to any organisation if that organisation could not account for the dollars. The institute has said that this contribution is towards its general operating costs. Well, Mr Temporary Deputy Speaker, I have to say, and I suspect many other Canberrans would say, "Excuse me, why would the ACT Government pay for the general operating costs of an entity that is part of the ANU?". If we were going to pay for the Institute of the Arts, why would we not pay for the Arts Department? Why would we not pay for a Russian course that was recently discontinued? What makes this different? Well, Mr Wood made the point. What makes the institute different, potentially, is the fact that it provides some community-based services to the people of the ACT. The Government totally agrees with that. There is no doubt about that at all. But then we had to determine what services they were providing and at what cost. Again, Mr Temporary Deputy Speaker, we struck some significant snags. I have to say that the institute had very little idea of what was being provided and at what cost.

Prior to or during the budget process I was provided with information on the draft MOU that Mr Wood also spoke about with regard to the sorts of services that the institute was providing. I have to say that it was an unsigned MOU. The information I was given was that a very large number of the supposed services provided to the ACT either were not being provided or were not being provided at a level that would make them worthy of funding at the current level. Does Mr Wood believe that, given that sort of information, he would continue to have said, "No, \$1.6m. Thank you very much. Here you go. I do not really mind whether the services are being provided, whether they are being provided at a reasonable cost" - and that is really important - "or whether the ACT Government is funding administrative overheads for the Institute of the Arts or expensive overseas travel."? You do not know, Mr Wood. You have no idea.

If we have an organisation, an institute, that is not operating efficiently, does the ACT Government say, "We do not mind; we do not need to know. Have the money anyway. Fund the 12.5 per cent increase in teachers' salaries that was not funded by the ANU". There was a 12.5 per cent increase in salaries at the ANU that it did not fund. Is that what the ACT's money is being spent on? I would not think that was appropriate, Mr Temporary Deputy Speaker, but Mr Wood seems to think it would be; that it really does not matter what they spend the money on; the fact that they exist is enough. Well, I do not accept that, and nor does this Government. This Government believes that all taxpayers' money must be accounted for appropriately and that the people of Canberra should be funding services from the institute to the ACT community at a reasonable price.

Would it be all right for the institute to provide a service at, say, double or three times the cost that the same service could be provided for by another educational institution? Mr Wood thinks it is. Would it be all right, say, if the open art program could be provided by CIT at a third the price? Would you still say, "No, we will go for the institute at three times the price."?

Mr Wood: It could not be done.

MS CARNELL: Mr Temporary Deputy Speaker, how does Mr Wood know? He simply does not know. What we need to get to the bottom of, and I would have assumed this whole Assembly would have needed to get to the bottom of, is exactly what we were paying for what outputs.

Judging by Mr Wood's comments over the last few weeks, he really needs to sit back and ask himself a question. Does he believe that the Institute of the Arts is operating to maximum efficiency, or even to middle-range efficiency? The fact is that he has not got a clue because, I have to say, they did not have a clue when we started this whole process. Mr Wood, would you think that an institute operating with 15 per cent administrative costs was all right? I have to say I would not. We would not accept those sorts of costs anywhere else in the ACT Government. Yet, on their own figures, that is what administration costs. They are their figures, not ours.

I also have advice from some of the people working in the institute - they are quite open about the fact - that a number of the administrative activities conducted by the institute duplicate those offered centrally by the ANU. Is that all right? Should the ACT Government be funding duplication in administration? Mr Wood says yes. This side of the house says no.

Would it be all right for us to be funding almost \$200,000 worth of overseas travel for an organisation with a budget of, say, \$15m? You would have to ask questions, would you not? We would not allow those sorts of figures or that amount of overseas travel, undocumented, to happen in the ACT Government for a department or for an entity of that sort of size. That is a lot of travel. If you would like to consider some similar sized entities or entities in the ACT, InTACT has a travel budget of \$24,000; ACT Forests, \$19,000; and EPIC, \$7,600. I am not saying that they are the same entities or that they

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have the same requirements, but you cannot just say it is all right and we will not question it, as Mr Wood did. It is a nice entity and we do not want to take on a noisy, minority group. But the fact is that this side of the house will always ensure that taxpayers' money is being spent appropriately, whether or not the group involved is going to write lots of letters, because that is our job.

What have we done in the arts as well as ask the institute to be transparent, to be accountable and to be efficient in the services they offer the ACT Government and the ACT people? Over the last three years, when Mr Humphries was Minister for Arts, we spent over \$22m on arts facilities. What did Mr Wood do? A big nothing. It is all very well for Mr Wood to say, "Shock, horror, we have cut \$800,000 from the institute". It was not \$1.6m. What did Mr Wood do? He did not build the Canberra Museum and Gallery. He just rolled it over, rolled it over and rolled it over and did not do it. He did not make the decisions. What happened with the Tuggeranong Community Cultural Centre? Nothing. There was \$1.8m rolled over, rolled over, rolled over, rolled over. What happened about the new Playhouse? Nothing. It required us to come to government to do things that had been on the agenda for the whole time that Mr Wood had been Minister for the Arts. That does not indicate to me that Mr Wood was a Minister for the Arts out there doing things for the arts community, as he is trying to pretend.

Since we have been in government, as I said, we have spent \$22.1m on arts facilities. It is actually more than that, but that is a minimum. That is the bottom line. We provided \$7.7m for the Canberra Museum and Gallery, \$1.8m for the Tuggeranong Community Cultural Centre, \$8.6m for the new Playhouse, and the ACT contribution to the National Gallery was \$2m. There was the upgrading of the Canberra Theatre, the performing arts complex at Hawker College, refurbishment of the Erindale Theatre, the Belconnen Community Centre theatre and hall upgrade, and many other arts and heritage facility upgrades. We provided \$22.1m.

I think Mr Wood and others have made the comment: "Shock, horror, this is a government that is spending money on Bruce Stadium". I have to say that we are not spending \$22.1m. We are spending not much more than half of that.

The fact is that this Government has been committed to the arts. Even in the budget this year we are spending nearly \$11m on our commitment to the arts generally. But, where we are spending it we know the outcomes; we know what we are getting for our dollars. What we are not doing is funding excessive administration and very large travel budgets.

Mr Wood said that he had seen a list that showed that what the institute was providing to the ACT was worth heaps more than \$1.6m. I have to say that in that list that he was referring to there were such great figures as \$241,180 for services to ACT community arts organisations. That is so that teachers at the institute can be on community arts boards. Heavens! Nobody else is paid to do that, yet they want \$240,000 so that members at the institute, who you would assume would be committed to the arts and would want to be involved in community arts boards and so on, can be on those entities. That is just one of the many, many figures. I do not think it is fair for me to run through them at this stage, although I could, and many of them are more embarrassing than that.

Initially the institute was attempting to tell us, as Mr Stefaniak would know, that the program at Ainslie and Campbell was worth \$400,000. If that were the case, I would have to say, from an equity perspective in this place, that if we were spending \$400,000 of taxpayers' money on a few kids at one of the big schools, almost all at Ainslie, we would have to think again. We would. We could not spend that amount of money on a small number of children whose parents either happen to be living in the Ainslie area or are in a position to get their children to Ainslie every morning. That rules out a large number of other children in Canberra.

We are, at the moment, negotiating a more reasonable outcome for the Ainslie and Campbell programs, and the college programs also. We are committed to continuing those programs, but at a level of funding that provides appropriate equity with the rest of our public education system. I am surprised that Mr Wood would think it was all right to have a system whereby some people in our public education system were treated not just a little bit differently but absolutely fundamentally differently from other children in our system. I do not think that is all right, and certainly this side of the house does not, although we believe that giving children an opportunity to study music in a program such as the Ainslie program, or the Campbell program, or introductory jazz or the college program, is something that we should continue; and we will, but not at a level which would create inequity in our system.

We are saying to children with disabilities that we have not got the dollars in our system to give them one-to-one teaching. How could we turn around then and say that others in our system can have that level of funding? I do not think that is appropriate.

Mr Temporary Deputy Speaker, we wrote to the institute the day before the budget. Those opposite say we should have consulted. I have to say that you do not consult beforehand on what is in the budget. You talk to people about what they might like in the budget. (*Extension of time granted*) You do not say to people, "This is what we are planning to put in the budget. Now we will have a little consultation period and then we will put it in". That is not the way budgets work, and those opposite know that very well.

Since the budget came down we have been spending a large amount of time with the institute, attempting to come up with a package of services that they provide to the ACT community at a price that is competitive with other suppliers, and consists of services that the people of Canberra want. We have committed to continuing the Ainslie and Campbell programs, and also the college programs.

We are also interested in ensuring that other services that the institute provides to the people of Canberra are continued to be provided at a reasonable price. I think the important thing here, Mr Temporary Deputy Speaker, is the accountability issue. Those opposite, Mr Wood particularly, seem to be quite happy to say, "Here is the money. We do not care what you spend it on and we really do not care what we get for it. We just love you. We just love you, institute. We do not want to know". That is not a sensible way to go, and from a member who did nothing as the Minister for the Arts it is a tiny bit rich. As I said, we have spent many hours with the institute since. Negotiations are progressing, as I understand it, very well, particularly with regard to the most important programs that exist.

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I would like to finish by making a point about ANU funding. The ANU has reduced funding to the institute. It is an ANU entity. I do not believe it is appropriate for the ACT Government to shore up the institute to counter its managing entity's budget cuts, otherwise we will be shoring up forever. Our role is to fund services to the community; to provide for a better ACT and to do so in a transparent and appropriate manner. That is what we are doing, but those opposite do not seem to care. Those opposite have indicated time and time again that they believe we should just restore the funding. Not how; not why; no transparency; no negotiations; just restore the funding. I would like to know from those opposite where they plan to get the extra dollars from in this budget. Where do they plan to get the extra \$800,000? What would they like to cut as a result of the restoration of the \$1.6m? There is \$825,000 in this budget. There is no indication from them on that, no indication at all.

It is very easy to come up with a list of issues on the notice paper, saying, "Let's get rid of an entrance fee to Floriade; let's restore funding to the Institute of the Arts; let's make sure that nobody suffers as a result; let's make sure that, with regard to the SACS award, terms, conditions, salaries and everything are retained". Mr Temporary Deputy Speaker, that is not a responsible approach, but we are used to seeing that from those opposite. They are after the quick, easy headlines, not the hard yards of running a sensible and rational government. Earlier this year we were re-elected during what was a pretty difficult time for a Liberal Party to be re-elected in the ACT. I think the reason we were re-elected is being shown here during this debate.

Mr Berry: You were not re-elected. You were appointed by the Osborne group.

MS CARNELL: We got a whole heap more votes than you did, Wayne. The reason we were re-elected is being shown in this debate. The approach of those opposite is: "Just spend more money. We do not care where you get it from. Let's just spend more. Let's borrow it. Let's leave a debt for our kids". That is not the approach that this side of the house will take, but our commitment to the arts is a damned sight better than the commitment of those opposite ever was.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

INSTITUTE OF THE ARTS - GOVERNMENT FUNDING

Debate resumed.

MR HARGREAVES (5.00): Back in the early 1960s we saw the creation of the School of Music. I refer to the School of Music particularly because I know a lot more about it than I know about the School of Arts. I think their problems are common ones. The School of Music was founded by a shared vision between the Rt Hon. Doug Anthony, MP and Ernest Llewellyn, CBE, the founding director. Ernest Llewellyn's vision for the School of Music in the ACT was that it would be a centre of excellence centred on performance and centred on Canberra. He saw a natural progression of the community participating in musical activities, ultimately ending up in a performance excellence which would be an attraction to people overseas to reverse the brain drain out of this country in the field of music. At that time the school awarded a diploma in music, but all of its other activities were designed around the ACT, or the Canberra area as it was then, to foster musical development as part of the Canberra community, the municipal part of the Canberra community. He fostered the support that the school gave to the Canberra Symphony Orchestra, the development of the Youth Orchestra, the Canberra City Band, single studies through scholarships and the schools program. He saw that as an integral part of the way we had developed as a community and how he saw it going.

His biggest fear, Mr Temporary Deputy Speaker, was that ultimately the accent at the School of Music would shift from the community and its music to being a tertiary qualification and nothing more; that it would shift from the practice and performance of music into ethnomusicology and the more structured study of it. I had many conversations with him before he passed away about what would happen. He saw the School of Music's contribution to music in this town dying off if we allowed that to happen and, sure enough, that is what appears to be happening. This is the big tragedy.

Much has been said of the community's role. The Chief Minister is quite right in saying that she is having difficulty quantifying the extent of benefit. It is not the first time the Chief Minister has had trouble working out the public benefit. I do not think she really knows what a public benefit test is. The extent of the musical services provided to us by that institution flow from the association that performers of excellence have with people who have less than that excellence. There is an osmotic development. It is part of their employment conditions for these excellent performers to be part of the Canberra Symphony Orchestra. It is part of their conditions of employment. We have a regional responsibility and they go as far afield, I believe, as Wagga and other places of that distance.

Mr Temporary Deputy Speaker, we have to understand the responsibility that we have as a community to foster the passage of students from the time they are tiny kids through to the time when they become tertiary qualified and are performers of excellence on the world stage. I do not argue now, as I did argue once, that there is not a role to be played by the ANU. Certainly there is, provided that the ANU recognises that the tertiary qualification music is only part of it. The performance part is superimportant.

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We need to have world class performance venues to give these people that opportunity to develop that expertise, and that comes out of the School of Music, but we do not get that by just enrolling as a tertiary student from interstate.

In this town 30 per cent of the students of the Canberra School of Music are doing tertiary qualifications. The other 70 per cent are people who just do music as part of their lives. Most of that 30 per cent were born and bred and developed in this town in the very system that we are now defunding. We need to try to do something about that. We need to remember that a large part of the role of the School of Music is to support student performances, school performances and community group performances which contribute to our cultural lives. It is just not possible for these community groups to be able to afford to put these things on. A very small scale performance at the School of Music in Llewellyn Hall, where you need those sorts of crowds to attract ticket sales and to keep them going, costs about \$20,000 to put on. To do that on a cost-recovery basis is just beyond the means of these people. The same thing applies in some of the performance venues on level 5, the tiered ones and the flat studios. These community groups just cannot afford to do so. So we need to consider our community service obligation.

Musical and artistic culture in this town will be a mirror of what we are like as a society in years to come. When people look back on this society in years to come they will see whether we were a mature society, whether we had anything to offer, whether we left anything behind. We must recognise the fact that we need to nurture this stuff and keep it going. In making these statements, I recognise the Government's good works in supporting other parts of the arts. I do not wish for a moment to have this thing take centre stage, as it were.

I want to take issue about the process, the \$1.6m cut. The Government, as I understand it, has had a member or an appointee on the ITA board for some time.

Mr Corbell: Two, I think.

MR HARGREAVES: Two. Thank you very much, Mr Corbell. I understand from the School of Music staff and management that they recognise how difficult it is to cost out these community activities; to cost out the trickle-down effect. In fact, we are having that difficulty with the hospitals and casemix. It is very difficult to quantify this stuff. But they are not saying, "Give us the money and let us forget about it". They are saying, "Give us the framework to develop these costings and we are happy to tell you. Do not just cut us off and leave us to sink".

Mr Humphries: We are not doing that. We are not cutting them off. That is the point.

MR HARGREAVES: I hear Mr Humphries say, "We are not cutting them off". I accept that in part, but I do not see any evidence of any recurrent support. This Government has not developed with the ITA board and with the management of those institutions performance and output measures which can allow them to create a demonstration of public benefit. I would be urging the Government to come up with the

framework for determining exactly what it needs; to bring some experts into that system and work with them to determine those performance measures, but to do so in an environment of continuity, not an environment of restructure, which is what they are going to have to do. I do not accept that you just cut and then say, "Okay, we are not doing this. You go away and figure out what it is that we want to know". They have not been told.

Any examination of the School of Music management will reveal not the greatest management in terms of accounting qualifications and people of that ilk. I think their senior managers are either musicians or people who have done a little bit of management, but mainly they are musicians. Some of their more senior clerical people do not have qualifications in accounting. Quite clearly they need assistance in this. What they do not need is to have their funds cut off.

I would like to see the Government accept their responsibility to nurture the culture of the arts and music in this town and provide a framework of assistance to them, not abrogate their responsibilities; not bring in draconian measures and say, "Bang, you are gone"; shift the goalposts on them. I believe that is what they have done. I have seen it time and time again. I do not believe that that is the way to go in this town. Consider the uproar. Look at the number of people who have been outside this Assembly on the march, who have been writing to the newspapers and ringing all the offices of the members here, not to mention discussing it in their homes. Many people are devastated by this and I would ask that the Government take notice, instead of saying, "It is your responsibility, ITA". (*Extension of time granted*) I thank members. I think we really need to listen to what the people are saying here. We cannot ask people like ITA to come up and deliver a set of performance measures showing how they have gone on that over the last wee while without being absolutely specific about what we want.

I heard the Chief Minister quoting some of the costs and expenses. I accept that some of those are high, and so too does the School of Music management. They are quite prepared to say to the Government, "Let us sit down and work it out between us. Let us work it out, but within that framework of continuity, within that framework of fairness, and within that framework of recognising the responsibility we have to developing the musical aspects of this town". It is all well and good to fund art centres, but if you have not got any musicians to put in them it is no good. If you have not got any Canberra musicians in them musicians are going to come in from interstate, if we are lucky. I suspect that they will not.

I would really like to see the Government guarantee with the School of Art and the School of Music a continuity of funding of some size and work with them. We need to restore the funding to them and we need to address those processes. I say this to the Government: In all the time I have been in this town I have seen a few demonstrations of people who are not happy with a situation, but this one that we have seen in the last few days has been one of the more significant ones. So, please, how about working with them and not just cut them off?

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MR RUGENDYKE (5.12): Mr Temporary Deputy Speaker, since coming to this place a short time ago I have been exposed to a lot of the things that we are talking about here today. Prior to the election I had not been to the theatre, I had not been to a symphony concert, and I had not been to whatever it is they do at opera. But, since March, I have been invited to a lot of lovely things that I have become quite hooked on, and I can see the value of the arts in this community. I, too, would like to see the level of funding restored to these community groups that provide the arts, the music and the theatre that we are talking about. I have spoken at length to participants in the industry, to Nicollette Fraillon, David Williams and others, about their situation and I totally sympathise with what they are going through. I know that they are up until 4.00 am and 5.00 am trying to fit what they do into the boxes that the bureaucrats are trying to fit it all into. It is probably fair to say that a lot of what they have to do to fit into the purchaser-provider model of economics cannot be quantified. How do you value the benefit that a child gets from learning the violin? I do not know, and I am sure that is part of the problem. The Institute of the Arts and the School of Music cannot fit those sorts of things into the purchaser-provider model.

Also, since being elected to the Assembly, and during this budget process, I have stated that I will allow the budget to pass. It is something that I have said straight up and I cannot waiver from that. I see it as a responsible stance that I owe to my electorate. So, since this motion is tied to the budget, it is a proposal that I am unable to support. That is unfortunate.

I know that negotiations are continuing between the Government and the people involved. I can only hope and trust that those negotiations are genuine and serious negotiations, and that funding to a level that is acceptable to the community and to the people involved is reached. Funding should meet the needs of our community, our kids, and people like me who are enjoying what the School of Music and the School of the Arts are offering. As I said, it is with regret that I am unable to support the motion moved by Mr Wood.

Mr Hargreaves: Change your mind, Dave. No-one is going to bag you for it.

Mr Humphries: It is a budget matter, John.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Rugendyke has the call.

MR RUGENDYKE: Thank you, Mr Temporary Deputy Speaker. That is it, thank you.

MR QUINLAN (5.17): Mr Temporary Deputy Speaker, first of all I would say to Mr Rugendyke that I think an apology should go beyond this chamber to the people who thought for some considerable time that they had his support and who entertained and regaled him with their talents.

I have asked around this town to try to discover what precipitative event might have occurred to cause this change, this somewhat unheralded change, in the funding of the arts. I wondered whether they had committed some sin like the Southern Cross Club had committed in exercising free speech and therefore should have been chastised for it. Thus far I have not found the event, but I am sure there is a deeper explanation.

I really only rose to add a little perspective to this debate in terms of claims that the Chief Minister made. She said that the Institute of the Arts had 15 per cent administrative costs, and she claimed that they do not account properly. I have the impression that the accountability processes that have been applied to them in recent times have changed considerably, effectively overnight, and that that has been used more as an excuse than a reason for cutting this funding and claiming that they cannot account. We have seen across this administration very long gestation periods for the introduction of accounting change. I am sure Mr Kaine would know of some of those agencies. It took years to implement the much heralded process of accrual accounting in this Territory, but the Institute of the Arts must change overnight. Further, the Government accepts at face value from many other agencies the services that they provide. Look at all the community organisations that provide hours of service to - - -

Mr Humphries: That is not actually true. We ask them to acquit the funds that they get.

MR QUINLAN: They provide hours of service. They acquit the funds, but the quality of service, the depth of service, is taken at face value. There are some levels - - -

Mr Humphries: That is not true.

MR QUINLAN: I have worked in the community sector for the last six years and I can tell you it is true. You cannot measure the quality of service you get from the community services. All you can measure is the number of hours. You take it; you sign contracts; people fill out lots of forms and account for it and acquit it; but you still do not know. You still have to rely upon the organisation to provide the level of service. What I want to return to is the 15 per cent, this pernicious waste of funds. Let us start with the Chief Minister's Department. They do not have a 15 per cent admin cost; they have a 58 per cent admin cost.

Mr Humphries: No, you are playing with figures, Mr Quinlan. That is not the case at all.

MR QUINLAN: Let us move to the Australian International Hotel School, an educational institution. It has 42 per cent administrative costs. The Department of Education has 17 per cent.

Mr Humphries: No.

MR QUINLAN: They are your budgets, Mr Humphries.

Mr Humphries: You are comparing apples with oranges, Mr Quinlan.

MR QUINLAN: Well, in that case it is a spurious thing for the Chief Minister to use in the first place, because your own budget this year contains these numbers. Let us take the Canberra Institute of Technology, an educational institution - 29 per cent admin costs.

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Mr Humphries, I will concede that there can be some variety in accounting, but it is for the Chief Minister to stand in this place and claim that a 15 per cent figure on one line of a report, one set of accounts, damns the Institute of the Arts. In that case, all the institutes that are your direct responsibility, all the other establishments and enterprises that are your responsibility, stand even more damned.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.22): I rise to oppose the motion and to indicate that I think it is important for the Government to put on the record very clearly what it is trying to achieve with the approach that it has taken until now. I must say that I do not think there was as much difference between what Mr Hargreaves had to say in this debate and what I would maintain is the Government's position. Mr Hargreaves conceded that there needed to be some accounting for the benefits that the Institute of the Arts delivers to the ACT. I would certainly concede that that is the case, obviously, and that we need to go through the exercise of working out what those benefits are. That, of course, is what the Government is presently trying to do. We are presently in the process of discussing with the Institute of the Arts what benefits they provide and how much those benefits are worth.

That in itself raises an exercise which I must admit has been very difficult. In a sense we are asking people involved in the delivery of arts products to quantify the value of what they do. To some, the idea of listening to the music of Bach or Beethoven and working out what it is worth, in a sense, or viewing original works of art and trying to work out what the value of the creativity process is, is not just repugnant; it is offensive. I would concede that that is certainly a valid point of view, but I have to say, almost apologetically, that it is the role of the ACT Government, particularly at this juncture of our history, to account for those sorts of expenditures in respect of the Institute of the Arts and every other organisation in an extremely thorough way. I do not make any apology for saying that this community needs to know that the commitment we make to the Institute of the Arts is an investment which is best made in that way and for that amount of money.

Nothing which has occurred in this 1998-99 budget prevents a process of deliberation and debate with the institute to work out what its ongoing value to the ACT community is and for us paying for that value in full. Nothing precludes that. I say to the Assembly that this Government is going to continue to engage in that debate with the institute to achieve those sorts of mutual goals. We do have to acknowledge that until now we have not fully and properly quantified that benefit to the ACT. Whether that is the fault of the ACT Government or of the Institute of the Arts is a matter that I do not intend to engage in at the moment, but I will say - - -

Mr Wood: Did you ever tell them that?

MR HUMPHRIES: Yes, I did. I believe that I did. The important thing is that we now work out what that benefit is.

Mr Wood: Okay. We now work it out.

MR HUMPHRIES: We now work out what that benefit is, and nothing that the ACT Government has done precludes that from occurring. Nothing we have decided is irreversible if it results in clear evidence that the ACT Government, and the ACT community, in turn, gets benefit at a certain level which warrants the continuation of certain streams of funding. Mr Temporary Deputy Speaker, I have to say that that has not been done to date. I have also spent some time talking to the leadership of the institute to work through these issues.

Mr Wood: They have not had much time, have they? You are going to be fair to them, are you not?

MR HUMPHRIES: No, you do not understand. I will come back to this point. Mr Wood seems to think that, with the passing of this budget, that is the end of the issue; that there is no further debate to be had and the door has closed.

Mr Wood: No. I do not. Did you hear what I said earlier?

MR HUMPHRIES: I heard you in silence, Mr Wood, and I would appreciate the same courtesy.

Mr Wood: Okay.

MR TEMPORARY DEPUTY SPEAKER: Order! You will have the right of reply, Mr Wood.

MR HUMPHRIES: He thinks the door closes and that nothing further can be negotiated. In a sense, Mr Temporary Deputy Speaker, the significant period is the period after this budget when we talk to the institute about its ongoing long-term needs, and we work out what its benefits are and cost them appropriately. I have already explained to the institute that I do not believe that can be achieved in a few days or a few weeks. It is a long-term process and we have already begun work on that in a very forthright way. But we do need to work out what cost those things come at.

I think Mr Hargreaves said that we need to support community venue hires. That is a good point. Institutions or bodies that hold concerts or performances in the auditorium of the School of Music need some support. I accept that point. But to assume that every user at the present time who is subsidised in some way needs necessarily to continue to be subsidised in the same way and to the same level is an assumption we cannot afford to make. We have to test whether the level of use is appropriate and, if it is, at what cost is it coming, and how do we work out what is an appropriate cost?

The Chief Minister pointed out that in the institute's attempt to justify levels of support till now, they have, for example, claimed that we should spend \$250,000 to provide for members of the schools to serve on community arts boards. That probably represents more than we pay every member of every board, body, advisory committee and so on that

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the ACT Government already operates across every area of government. It would be ridiculous to suggest that we support one particular organisation at that level for that amount of money. There is work to be done and I say, on behalf of the ACT Government, that we are prepared to sit down and do that work.

I also have to put on the record that until now some elements of the campaign that have been run by those who believe that they have been doing the work of the institute have not been particularly helpful. I think some parts of this campaign have been less than creditable to the institute, or at least to those who believe that they have an interest in the ongoing funding of the institute. I have seen lots of what I would describe as pleas for middle-class welfare. I think that is not in the interests of a Territory which is facing a pretty hard time at present.

We have heard some very eloquent pleas from some very well-heeled people for the continuation of various forms of subsidy for activities that relate to them. I am also well heeled and I also enjoy a number of those activities, and I look forward to them continuing. I am also a consumer, the same sort of consumer as Mr Rugendyke is, of many of those facilities and services, but I do not necessarily ask the ACT taxpayer to pay excessive amounts of money for the provision of those services. Certainly, I would hope that we can provide services at a reasonably cost-effective level, and I will support that being an outcome, but I will not support a state of affairs where excessive amounts of money are spent on things that, frankly, the Territory could get more cheaply and as effectively elsewhere.

Mr Temporary Deputy Speaker, much has been said in recent days about your own role in the Estimates Committee. I want to put on record that I have looked at what was said by you in the Estimates Committee and I consider your comments in that forum to have been quite valid and justifiable. You asked questions which I think needed to be asked. It is very easy for some members to grandstand, because there is a gallery full of people, about how outrageous it is that people who are witnesses before an Assembly committee are asked hard, fairly penetrating questions in those circumstances. The member in this place who has never asked hard, penetrating questions in those sorts of settings should stand up and contribute to this debate. I do not believe that there are any such people here.

Mr Temporary Deputy Speaker, a great deal of nonsense has been said, not just in this debate today but this debate generally in the community. It is time that we were prepared to get down to the nitty-gritty, which is what level of support is appropriate for an institution which is, in essence, a Federal institution. If the classics department of the ANU - I think there is still one in existence - came forward tomorrow and said, "We would like \$100,000 in funding from the ACT Government because we operate within the ACT and we believe we provide an ACT community service", why should we not accede to that request? There are a large number of areas of the ANU and other institutions, such as ADFA, all sorts of other Federal bodies, which provide some benefit to the ACT. We have not been in the business of funding them, for the most part, but we are now being asked to fund a particular Federal institution because, historically, we have. Well, that historical connection is being recognised by continuing funding over the next three years. But, Mr Temporary Deputy Speaker, it has to be justified. It has to be justified if it is to continue at levels which the institute would like to see it continue at.

Mr Quinlan made the rather strange comment in this debate that other community organisations do not have to account for the way they spend their funds, so why should the Institute of the Arts?

Mr Quinlan: I did not say that at all. Do not build straw men, Gary.

MR HUMPHRIES: All right. Okay, they do not - - -

Mr Quinlan: They do account for their hours. They do not account for quality.

MR HUMPHRIES: They do not account at the level that we are seeking from the Institute of the Arts. My comment to that would be that no other institution gets funding at that level without that level of accountability. In other words, any organisation getting that much funding from the ACT Government, in other areas, has to account at a much higher level than is the case with the Institute of the Arts.

Mr Quinlan: Rubbish.

MR HUMPHRIES: Can you name any other institution which gets funding at that level, Mr Quinlan?

Mr Quinlan: Go and have a look at the whole community sector, Mr Humphries.

MR HUMPHRIES: No, Mr Quinlan cannot.

Mr Quinlan: Yes, all right. Respite care.

MR HUMPHRIES: Nobody in the community sector gets \$1.6m in one lump from the ACT Government, Mr Quinlan, and when they do they get a much higher level of accountability than is the case for the Institute of the Arts.

This Government does value the contribution that has been made by the institute. We as a government have put more resources into arts in this Territory than any other government. We provided \$22m over the last three years in capital works alone, \$3m extra in recurrent expenditure, and a whole host of other items of expenditure. (*Extension of time granted*) I thank members. A whole host of commitments was made to the arts in this Territory. There was \$25m for new arts and cultural facilities, and Ms Carnell referred to some of those. There was a new Playhouse, a new Museum and Gallery, a new arts centre for Tuggeranong, the performing arts complex at Hawker College, the upgrading of the Canberra Theatre - a whole host of items on top of our extra commitment to recurrent expenditure in the arts. There is more than enough to demonstrate our commitments to the arts, but we do have to make sure that we deliver resources in a cost-effective way, and that is simply what we are saying in this debate. We need to ensure that we can account for the money that we spend on behalf of the Territory. I am confident that at the end of this process, which will not be today with this motion's defeat, we will resolve this process by negotiation with the Institute of the Arts, and that ought to produce a better outcome for all concerned.

MR KAINE (5.34): I have to say, Mr Temporary Deputy Speaker, that the Government's response to this motion quite intrigues me. It is obvious that the Government is on the back foot and is trying to explain itself, trying to justify a position which, in my view, is an untenable position. Mr Humphries put forward the hypothesis: "Well, what happens if the classics department at the university comes along and says, 'Give us \$100,000 and we will tell you how we spent it later'?" That is totally irrelevant; it is a red herring. The reason is that the School of the Arts and the School of Music have been funded in the past by the Government. It is not a new request. This is a continuing requirement of an operating institution.

If the Government have had reservations about this in the past, I would have to ask: Have they ever expressed them? Did they ever go to the Institute of the Arts and the School of Music and say, "We have reservations about continuing to fund you. We think you are not an organisation that we should be funding. Let us talk about that."? It seems to me that nothing of the kind happened.

These institutions have been funded for some years and then, quite out of the blue, almost capriciously, the Government says, "We are going to chop your funding". I would have thought, under the circumstances, that if the Government has some reservations about the amount of money that is going into these institutions, about whether it should go at all, or about what they spend it on, it would say to them, "We want to go through a process of consultation with you to discuss these issues and to reach a conclusion about whether funding should continue, and, if so, at what level". You do not cut the funding first and then say, "Now, we will talk to you; we have cut the funding because you have not met our expectations", when your expectations have not been properly spelt out. That seems to be the situation, as I see it, and I have not heard anything from the Government that indicates otherwise. There has just been, as I say, almost a capricious decision, like so many other budgetary decisions that have been made lately, that means that somebody pays the piper while the Government calls the tune.

Another one that has yet to come up is the arbitrary imposition of a levy on insurance policies. I have seen no argument from the Government that says we needed an extra \$10m to put into emergency services, yet they impose an arbitrary levy that is, by their own budget, supposed to bring in \$10m. For what? Let us see what the moneys are meant to be spent on. That was another capricious decision by the Government. That one had to do with raising revenue. The one we are talking about here today has to do with the other side of the budget, the spending of money.

I have some sympathy for the position put forward by the Government that an organisation being funded has an obligation to demonstrate that it is providing services that the Government thinks are necessary and, secondly, that they are being delivered at an appropriate standard. But those are things that the Government could get into negotiation on to see whether or not the answer to both those questions is yes. It should not chop the money first and then say, "No, you come back and justify any funding at all". While I see some merit in the argument that is put forward by the Government, that an organisation that is funded by the Government must be accountable for it, I do not agree that the Government can arbitrarily chop the funding because the Government has changed the ground rules. That is not acceptable and not appropriate.

I have some difficulty with Mr Wood's proposition in its present form because it is totally uncompromising. I am not even sure, on the face of it, that it represents what the Institute of the Arts and the School of Music would be seeking, but I am going to support it because I have indicated to those institutions that I do support their ongoing funding, and this is the only motion before the house at the moment. Nobody, not even the Government, has attempted to amend this motion.

I am indicating that I will support the motion because I think the message needs to be conveyed to the Government by this place that we do not support the arbitrary application of decisions in budgeting or anywhere else, and this appears to be quite arbitrary and, at the end of the day, quite harmful to programs which are undertaken by these institutions on behalf of the Government and which have value for the community. So, I am quite prepared to support Mr Wood's motion on that basis, while having some reservations about whether it might have been worded in a slightly different way to give the parties concerned some flexibility; but that is a matter we can take up after the budget is debated and passed. We can consider what the long-term requirement of this place is in terms of government funding of these institutions.

MR CORBELL (5.40): Mr Speaker, I rise to support the motion moved by my colleague Mr Wood, and to also endorse a number of the comments made by the previous speaker. Before I do that I want to reflect on something which I consider to be of great concern. It comes down to the point of opportunities not yet lost and keeping faith. I direct these comments through you, Mr Speaker, to Mr Rugendyke, who spoke earlier. Like Mr Rugendyke, I am relatively new to the issue of the arts in the ACT, at least in my role as a member of this place. Like Mr Rugendyke, I have found it enjoyable to be invited to many of the great functions, events, concerts and other things which we all, as members of this place, get invited to from time to time. Since the Government's decision to cut funding to the Institute of the Arts I have been exposed to the most amazing diversity of people and activities related to arts and music in this city.

One of my most enjoyable exposures was to attend a rehearsal of the Canberra Youth Orchestra where I was given the opportunity to take the baton. They continued to play while ignoring my attempts to conduct them. It was a wonderful opportunity and is something I will always remember about being in this place. The sound and the quality that came from that orchestra was, to me, overwhelming. People as young as 12 or 13, right through to people as old as 27 or 28, were there. They are there every Saturday morning, rehearsing, and they gave us the opportunity - - -

Mr Wood: And who is teaching them?

MR CORBELL: Who is teaching them? As Mr Wood quite rightly points out, the people teaching them are people who are employed by the Institute of the Arts. That probably could not take place if the Institute of the Arts has its funding cut.

I raise this issue, Mr Speaker, not just because it was an enjoyable experience for me. Mr Rugendyke was also at that event. Mr Rugendyke took the opportunity to indicate his support for this issue by conducting the orchestra in a very loud cacophony of noise, objecting to the Chief Minister's cut to the institute. I think everyone there quite seriously and sincerely thought that that meant that Mr Rugendyke was going to do

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everything possible to oppose this cut to the institute. I have heard what Mr Rugendyke said about his position on the budget. I am not aware of what he has told representatives of the institute in private meetings, but I think it would be fair to say that for the majority of people who were not privy to those meetings there would be some sort of feeling that maybe he is opposed to this cut and will be voting against it. He has been not only to that event at the School of Music but to a number of other events, including, most recently, a demonstration outside this place only a few days ago where again he indicated his support.

Mr Speaker, at the beginning of my speech I talked about good faith and opportunities not yet lost. Mr Rugendyke has indicated to this place that he is acting in good faith, he believes, in his commitment to the Government not to oppose the budget. I want to highlight that and also the opportunity not yet lost, which is his ability to influence and change the decision of this Government. He is a crossbencher. It is his vote that retains the Chief Minister and the Ministers in government. He has considerable power if he chooses to exercise it on this matter. I would urge Mr Rugendyke to consider this proposition I am about to put to him. He has the opportunity to say to the Government, "I will support your budget overall. When it comes to the final vote on the Appropriation Bill as a whole, I will support it, but I will not support the division within the budget which relates to the cut to the Institute of the Arts". That option is available, and that is not, I put to you Mr Rugendyke, through you, Mr Speaker, a vote of no confidence in this budget. It is a clear indication that you are not prepared to accept a cut to the Institute of the Arts.

Ms Carnell: But then it would have to come from somewhere else, wouldn't it? Where do we get it from?

MR CORBELL: It is a clear indication that the Government must reconsider and reverse that cut.

Ms Carnell: And get it from somewhere else. If you don't change the bottom line, it has to come from somewhere else.

MR CORBELL: Mr Speaker, I heard the Chief Minister in silence and I would be grateful if she would do me the same courtesy.

MR SPEAKER: Yes. Order!

Ms Carnell: It was rubbish. You spoke the whole way through.

MR SPEAKER: Please continue, Mr Corbell.

MR CORBELL: You are a very rude person sometimes, Chief Minister.

Mr Speaker, this is an option that is available to Mr Rugendyke and I would urge him to consider it. I would urge him to talk with the clerks of this place if he has any doubts about procedure, process and precedent. That option is available to him and to the other members of the crossbenches. It is an opportunity for him to keep the good faith he has made in relation to his commitment to the Government, but also to keep the good faith

and the commitments that I think many people who support the Institute of the Arts feel he has made in relation to funding for the Institute of the Arts. I put that proposition to him most seriously. He knows in his heart of hearts that this cut is unjust. It has been exacted in a way which has been quite arbitrary. He knows how important the arts are for this community, and he does have a capability that other members in this place do not have. He can send the message to the Government that this cut is not acceptable.

Mr Speaker, the other point I want to make again comes to the issue of acting in good faith. I have before me the Select Committee on Estimates report for this year's budget, and I have turned to recommendation 12. Recommendation 12 says:

The committee recommends that the Government restore the Institute of the Arts funding for the current year to the same level as last year and that it retain funding at an appropriately indexed level in future years.

That is not a minority recommendation; it is not a recommendation that comes from a dissenting report; it is not a recommendation in the dissenting areas of the report. It is a recommendation in the majority area of the report, and it is a recommendation that Mr Rugendyke agreed to as a member of that Estimates Committee.

I feel very strongly, when you have an opportunity in a committee to argue the case in deliberative hearings, to work out the recommendations that you are comfortable with and which you put your name to as a member of a committee, that when that committee's recommendations come to this place you stand by them; you say that that is a recommendation that you want to see implemented because you have had the opportunity to consider it, you have had the opportunity to deliberate over it, you have also had the opportunity to change it if you are unhappy with what has been proposed in the chair's draft report.

This is the recommendation that has been brought down by the Estimates Committee, with the exception of Mr Hird who dissented. All other members accepted this recommendation, including Mr Rugendyke and Mr Osborne. I would urge Mr Rugendyke again to recognise that there is an issue about keeping faith with the recommendations that he makes. There is an issue of keeping good faith with those. It is much more difficult, I think, for anyone to argue that they can change their mind on this when they had been present at rallies and other demonstrations supporting the cause. (*Extension of time granted*) I thank members. Mr Osborne has not been present at these rallies and meetings which have been protesting against the cut. He has been quite noticeable by his absence. I would take that to mean that he is not prepared to support the cause that those people have been putting forward. But Mr Rugendyke has been present. Mr Rugendyke, as an elected representative, has an obligation to consider what message he is sending if he feels he cannot put his hand up in this place and support a cause that he has been supporting out in the public arena at rallies.

That is why I come back to my first point, Mr Speaker. There is an option here for Mr Rugendyke to oppose the area of this budget that deals with the cut to the ACT Institute of the Arts but not to oppose the Appropriation Bill as a whole. They are two very separate things. That is an option which I think those on the crossbenches

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should consider very seriously. I am sure members on this side of the house would be very happy to discuss this with you. We feel that this is a threshold issue for this Government if it is serious about recognising community concern and serious about supporting the viability of arts in the ACT.

Mr Speaker, in conclusion, the Institute of the Arts provides something which is beyond a monetary value to this city. It provides something which cannot be measured in a quantitative way. You cannot count the outputs for the Institute of the Arts, and nor should you. If we live in a society where we diminish everything down to something which is measurable and which can be counted, we are a poorer society. That is what the arts teach us. The arts teach us about things which cannot be measured in a quantitative way; about things which cannot be measured and counted and split up into little boxes like an accountant does. That is the beauty of the arts, and that is what gives this city the vitality it has through its arts. Mr Speaker, I urge members to support this motion here this evening, and I urge those members who have the ability to do so to seriously consider the avenues available to them when we come to vote on this item in the budget.

MR BERRY (5.53): Mr Speaker, the first thing I want to deal with is a comment that I understand was made by Mr Humphries in defence of Mr Hird. I think Mr Humphries referred to the *Hansard* report and Mr Hird's performance in the Estimates Committee. He said that the questions that Mr Hird asked were reasonable, as if to suggest that Mr Hird's performance was reasonable. We do not pick up anything from reading the *Hansard*. You do not pick up the intemperate nature of Mr Hird on the day. You do not pick up the red face and the angry body language, and you cannot smell the alcohol. You cannot get that from the *Hansard*.

MR SPEAKER: I beg your pardon.

Ms Carnell: Mr Speaker, I do not think it is appropriate in this place to make those sorts of comments.

MR BERRY: There is nothing wrong with drinking alcohol. Probably all of us drink it. Some drink more than others.

MR SPEAKER: Please, Mr Berry.

Mr Kaine: I would like to be doing it now. Could we get this over?

MR BERRY: Yes, and I am trying to hurry it along.

MR SPEAKER: Mr Berry, please withdraw any implication there.

Ms Carnell: I would rather be doing it now, too, but I do not think it is appropriate - - -

MR BERRY: I do not impute. I am just saying that is a matter of fact.

Ms Carnell: Mr Speaker, sorry. It is simply not right to suggest that somehow Mr Hird was drunk.

MR BERRY: I did not say he was drunk. I said you could smell the alcohol.

Ms Carnell: You jolly did. You inferred it.

Mr Humphries: You did not have to say it, Mr Berry.

MR SPEAKER: Well, I think it should be withdrawn, please. Now, look, we have now - - -

MR BERRY: Well, he was under the influence of alcohol.

MR SPEAKER: Mr Berry, we have now put certain things into *Hansard* - - -

MR BERRY: There is nothing wrong with being under the influence, just - - -

MR SPEAKER: We have now put certain things into *Hansard*. I believe, in all fairness, we should at least also put in a withdrawal.

MR BERRY: Well, Mr Speaker, I cannot see how a statement of fact is a problem. All I am saying is that if you read the *Hansard* you cannot smell the alcohol. That is the point I make. Mr Speaker, I just do not think this is worth worrying about. Mr Humphries is the one who branded Mr Hird a dipsomaniac.

MR SPEAKER: Mr Berry, would you please withdraw the implication?

MR BERRY: Imputation, Mr Speaker.

MR SPEAKER: Imputation.

MR BERRY: Thank you, Mr Speaker. It is withdrawn. Remember, Mr Humphries is the one who branded Mr Hird a dipsomaniac. Remember? So do not ever criticise us for mentioning alcohol in this place. Mr Speaker, there are a few other things that I would like to deal with in relation to this matter. I should add that that is why I have put a motion on the notice paper which deals with a change to the standing orders to give the chair of the committee - - -

Mr Hird: Yes, and I am supporting it, too.

MR BERRY: - - - an ability to deal with the sorts of problems which were created on that day which - - -

Mr Hird: Go outside and say it. Come on, outside and say it. Put some backbone in it.

MR BERRY: - - - the chair was unable to deal with on the day, as I found out later on.

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MR SPEAKER: Order! Mr Hird, settle down, please.

MR BERRY: Mr Speaker, that event was a sad day for the committee process in the ACT Assembly, and it is one that I hope will be remedied once we deal with the standing orders. I see that Mr Hird is going to support that, so that will make it easier.

Mr Speaker, the other matter which needs to be dealt with in the context of this debate is how the budget might be adjusted. If the Independents were using their power wisely they would, quite unashamedly, indicate to the Government the basis upon which their budget might be passed. They could say in relation to the funding for the Institute of the Arts, "No, we are not going to support a budget that has those cuts in it. Go back and fix it. Rearrange your priorities. Do something about the \$10m black hole payment that you do not have to pay anymore because there is no longer a black hole". The Chief Minister could say, "We are not paying that". The Chief Minister could say that much of the \$2m Business Development Fund that has been laying idle for two years could be put to a different purpose. There is a range of priorities which could be changed by the Government if the Independents were minded to do so. What has occurred here is a political advantage at the end of the day, I suppose, because we can go out and say, "Well, you cannot take any notice of these Independents because they say one thing and mean another".

I saw Mr Rugendyke enjoying his popularity behind the baton with the orchestra and he was having a hell of a time. He created the impression that he was right onside. Many people there would have believed that he was right onside, but they will be extremely disappointed if he fails to support this motion, and rightly so. They will be extremely disappointed if Mr Rugendyke or Mr Osborne do not support the recommendation which they warmly supported in the Estimates Committee. It regrettably will be seen as two-faced if they do not support those recommendations. That is their decision at the end of the day. If they are saying that they are unable to deal with the Government's budget because the Government has refused to change it, all they have to do is say, "Well, we are not passing it until you change your priorities". They have not got the courage to do that.

Mr Osborne: That would mean that you become a Minister.

MR BERRY: You have not got the courage to do that. Have they threatened you with that one, Paul? "If we do not get our way we will resign".

Mr Osborne: No, no; it is the thought of you being a Minister. That is what scares me.

MR BERRY: Have they threatened you with that one?

Ms Carnell: If we do not get our budget, we are out. It will not be up to us to resign if our budget does not go through.

MR BERRY: I am sure they want to keep the perks that go with office. I am sure they would be able to fix it if you really wanted them to, but the fact of the matter is that you have not properly used your influence to have them do it. Otherwise they would have done it by now. There is an option open to you now to clear yourself of suspicions that

many in the community have about your role and your rusted-on relationship with this Government. You should be supporting the recommendations that you supported in the Estimates Committee without any arm-twisting. It was not as if you had to have your arms twisted up your back to support these recommendations. You supported them warmly and, one would think, in good faith on the basis of the evidence that was put to the committee by the people from the arts when they gave evidence to the committee. It was a good submission and it deserved the recognition that the recommendations gave it. They were deserving recommendations.

I understand that Mr Rugendyke said he is not going to vote for this. He has an opportunity to redeem himself. It will be a great slug on the development of our culture if he wavers on this issue. It shows disinterest and, I guess, a level of dishonesty if he does not support this motion.

MR RUGENDYKE: I seek leave to speak again, Mr Speaker.

Leave granted.

MR RUGENDYKE: Thank you, members. I do not think it is any secret, Mr Speaker, that I have said that I would allow this budget to pass. Having said that, I do not think it intentional that Mr Wood framed his motion in terms that he knew that I would not be able to support. I still offer support for the music industry. Had the motion been one that I could have supported, I would have been happy to. As I say, I do not believe that Mr Wood intended to put me in this spot when framing his motion.

Mr Corbell: You can always amend the motion.

MR OSBORNE (6.03): Mr Corbell interjects and says we can amend the motion. I may well do that so that it says, "This Assembly requests the Government to continue to fund the Institute of the Arts at 1997-98 levels". I always find it interesting when I am in this place, Mr Speaker, to hear somebody like Mr Berry talk about being popular. Of all the people in here to give advice on being popular, I would have thought that he would be the last one to get up and speak. It is very easy for the Labor Party and other members of the crossbench to be able to make decisions on this when the reality is that this is - - -

Mr Kaine: It is no easier than for you. It is no easier than for you, Paul. You can make decisions, too.

MR OSBORNE: Mr Kaine says it is no easier for me. I recall that back in 1995 we attempted to amend the budget or do something similar to this. I think the issues were education, something to do with nurses, and the Greens had something else. Both major parties came in with legal advice saying it was unconstitutional and that effectively the money is controlled by the Executive. That is the reality, Mr Speaker. The system of government that we have, the system that we have in this place, is such that Cabinet decides how the money is spent. I do not know that anyone on the other side can disagree. Effectively, if we supported this motion, we would be forcing the Government to spend money in a certain way. The members of the Labor Party, people who have been here a lot longer than I have, realise that that is not the way that things operate in here.

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Mr Speaker, the one thing that I have attempted to do in my time here is allow the Government to govern. I have not agreed with everything they have done. I certainly supported this recommendation in the Estimates Committee's report but it was only a recommendation.

I have been very impressed with the campaign run by the Institute of the Arts. I think it has been very effective and I do encourage the Government to look at ways of funding it. The thing that stood out for me on this has been the community groups that will suffer. I had the Llewellyn Choir come to see me. Their bottom line will increase by about \$16,000. Obviously there is an issue here, Mr Speaker, and I would encourage the Government to look at ways of spending money there.

As I said, I cast my mind back to 1995, and the members of the Government are the people we put in there to spend the money and, whether we like it or not, there is nothing we can do about it. Voting against a line in the budget effectively is a vote of no confidence in the Government, Mr Speaker. In saying that, I understand the motives of Mr Wood. He has been an advocate of the arts for as long as I can recall. I think the bottom line is that directing the Government is effectively telling them how to spend money. If the Labor Party would like the motion amended, I am happy to do that; but, as it stands at the moment, I cannot support it.

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, just very briefly - - -

MR SPEAKER: Chief Minister, would you like to speak again?

MS CARNELL: Yes, thank you. Could I have leave to speak?

Leave granted.

MS CARNELL: I will be very brief. I want to respond to Mr Kaine's comments. Mr Kaine seems to believe that we have cut \$1.6m from the Institute of the Arts. That is not true. We paid the Institute of the Arts \$825,000 on 28 July. That is the normal amount of money they would get for the first six months of the year. In terms of their capacity to continue to operate while negotiations are being undertaken, even at their current level, they have the money now. Mr Kaine would then say, "But what about the first six months of next year?". The institute have indicated to the Government that they have no cash flow problems. They have got cash. The fact that they operate on a calendar year and we operate on a financial year makes no difference to them.

Yes, certainly, the level of funding will be reduced, but there is quite a significant timeframe while negotiations happen for us to determine what services will be provided in the future. The Government did take that on board. An absolute cut in funding - you know, bang, no more funding - I would agree with Mr Kaine would have been unfair and would have made it very difficult for the institute to continue. The reality is that the institute can continue well into next year on the money they already have while we negotiate and while we determine what will be in next year's budget which, because of their cash situation, according to them, they can budget for next year. So we did take those things into account, obviously.

With regard to Mr Corbell's comments, yes, it is quite easy for any member of this Assembly to change the budget, but if you change the internals of the budget and you do not change the bottom line, that means - - -

Mr Corbell: I did not say change it; I said oppose it.

MS CARNELL: Sorry, Mr Speaker. If you do not change the bottom line, if you pass the bottom line and you suggest that one particular area needs to change.

Mr Berry: There must be some more silly futsal slabs in there, or a few aeroplanes, or a few Woodies.

MS CARNELL: Mr Speaker, please.

MR SPEAKER: Order! The Chief Minister has the floor.

MS CARNELL: It was Mr Corbell who got so upset when I interjected. If you leave the bottom line in place and you change items inside the budget, or attempt to, or direct the Government to, in line with the Estimates Committee report, on things like Floriade, SACS, the Institute of the Arts, streetlights and the insurance levy, all of that money would have to come from somewhere. I think what Mr Rugendyke and Mr Osborne are saying is that the Executive really puts a budget together and lives or dies by their own budget, which we do, and we take that responsibility. What those opposite are suggesting is not that at all. They say where they do not want cuts to happen or where they do not want revenue to be raised, but they take no responsibility.

Taking no responsibility is not the approach that Mr Osborne or Mr Rugendyke have taken. They have accepted the responsibility that a budget is a holistic product. It has a bottom line which this Assembly will decide to pass or not pass next week. We take the responsibility for things like the cuts and the extra revenue, and we face the people on the basis of that. What those opposite are trying to do, Mr Speaker, is take none of the responsibility. I think Mr Osborne and Mr Rugendyke should be congratulated for accepting that there is responsibility in this place for good government.

MR OSBORNE: Mr Speaker, I seek leave to move an amendment to this motion.

Leave granted.

MR OSBORNE: Mr Speaker, my amendment is about to be circulated. What it does is in line with what I said. It deletes "directs the Government to continue" and replaces it with "requests that the Government continue". The new motion will read:

That this Assembly requests that the Government continues to fund the Institute of the Arts at 1997-98 levels.

That is in line with what I said, Mr Speaker, 1997-98 levels.

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MR SPEAKER: Are members clear?

Mr Berry: No.

MR SPEAKER: The word “directs” is deleted and “request” is substituted. The amendment is coming around now.

MR OSBORNE: I move:

Omit “directs the Government to continue”, substitute “requests that the Government continues”.

I will clarify that, Mr Speaker. The new motion will read:

That this Assembly requests that the Government continues to fund the Institute of the Arts at 1997-98 levels.

It basically is designed to remove the direction and replace it with a request, which is in line with what I said earlier, Mr Speaker.

MR WOOD (6.12): Mr Speaker, I am addressing the amendment, not closing the debate. That is my understanding.

MR SPEAKER: I understand. That is right.

MR WOOD: I will oppose the amendment. I understand where it comes from, but I am not sure how far a simple request will go. I should indicate at this stage that Ms Tucker is not here. Members know that she has been called away because her daughter has had a sudden operation. She would be speaking in support of my motion, and the Government has indicated that she could make her comments tomorrow. If I had a view on whatever votes come out of here tonight, I would seek to reraise the issue tomorrow, although the information I was getting was that the motion I have proposed was not going to get up.

I am happy for people on the crossbenches, two key people, to request the Government. I would be happier if they would require the Government. I have looked very carefully at the debates and the legal opinions in, I think, 1994, when Mr Moore amended the Labor Party education budget, and 1995, when Mr Moore again endeavoured, unsuccessfully on that occasion, to amend the budget. I have read the legal advice. I understand a lot of what was said then, but I believe it is possible and I will be trying to do this when the Appropriation Bill emerges here next week. I will be trying to vote no on the Chief Minister’s line. It is entirely up to the Chief Minister as to how she accepts that. She could say, “This is a motion of confidence in me, you cannot change this”, or she could walk away and say, “Well, we will see what we can manage. There is \$96m, I think, in that budget line, and I think we might be able to manage to rework that \$96m in order to accommodate this direction, this negative vote that we might be facing”. It is possible to look at that.

Mr Rugendyke is an ex-policeman and I think when he has been here a few more years - you learn quickly in this place, so maybe it will not be as long as that - he will use some of his police tactics. I am sure there were times when Mr Rugendyke confronted a number of people in the street somewhere and stood eyeball to eyeball with them and won out. That is what he should have done with the Chief Minister. I am sure that Mr Osborne has done that on various occasions. This is what should have been done. This is what might have been done. I think a simple request is not going to succeed. I remain disappointed that we do not have an indication yet of where this is taking us.

The Chief Minister, in her letter of 22 June, indicated that she would negotiate on what might be purchased. I said that before. The Chief Minister is being evasive when she says, "We have to do this and the institute must tell us". I asked Mr Humphries a question and I think he backed off. I said, "When you were Minister did you ask the institute to provide information in a different way?". I will read the *Hansard* tomorrow. I think initially he said, "Yes", and then he backed off that. My understanding is that he did not. There was no prior discussion.

I seem to recall that the Chief Minister said in her speech that there is not to be consultation on the budget. I think that is how it came out. Of course, the Government does consult on the budget. It invites all sorts of comments. But there was certainly no suggestion anywhere along the line to the Institute of the Arts that the process of acquitting their funds, if you like, was going to change. Nowhere was there that. It just did not happen. That is the big problem. Suddenly they get this bombshell and there is a dramatic change without any reference.

There are groups out here that have had to change, and there is a continuing, long process. I think Mr Quinlan pointed this out. They are having to change the way they are acquitting their funds and receipting their funds to the Government. They are being given time to do that. But this was sudden and there was no time. There are other comments I will make based on earlier comments from those who contributed to the debate, but I will leave that until I close the debate totally. I repeat, please request, but do more than that; do a bit of demanding. I think it would work.

MR BERRY (6.18): Mr Speaker, I would like to speak to the amendment, just briefly. The Estimates Committee has already requested by recommending that the Government restore the Institute of the Arts funding, and the Government has said no. This is just a waste of time, requesting it again. What are you going to do when they say no next time?

Ms Carnell: The Government has not responded to the Estimates Committee report because you have not tabled it.

MR BERRY: Well, you opposed it. You have opposed the motion, which makes it pretty clear.

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Ms Carnell: You have not tabled the Estimates Committee report. Why?

MR BERRY: You have indicated where you are coming from and you have made sure that you oppose the motion. You put up all of the spurious arguments that one would expect. Mr Speaker, the request is already well known. The Government has indicated its position. I think, Mr Osborne, that your amendment suggests that you might be getting cold feet, but they are not cold enough yet. The only way to deal with this issue is to require the Government to do it and make sure that they adjust their priorities.

I am disappointed that Mr Moore is not down here talking about this. I would have thought that he would have some sympathy for the arts.

Mr Wood: Well, he has shown it in the past.

MR BERRY: I understand that he has shown it in the past. I hope he has not changed since he has become a Minister with independent aspirations. It is interesting to see somebody who is a Minister now aspiring to be an Independent. The sort of independence I would like to see from Mr Moore is some support for the Institute of the Arts and the development of our culture out there.

No, Mr Osborne, there are opportunities within this budget. You can back it in that there are futsal slabs sprinkled throughout this legislation. There are funny coloured aeroplanes with funny little signs on them. You will not be able to tell what they are as they go past at 1,000 feet and 400 kilometres per hour, but there are those sorts of things. There are "Feel the Power" numberplates. There are a few left over these days. There are all of those little disasters sprinkled right throughout the budget. All you have to do is say, "Look, we do not want any more of these Bruce Stadium debacles and all of these sponges that soak up millions and millions of dollars. We want to put it to some long-term purpose, and a good purpose to put it to would be funding the Institute of the Arts". No, do not ask them; they will ignore you and treat you with contempt. What are you going to do when they say no? The only way is to demand. Use a little bit of your muscle.

MR OSBORNE: I seek leave to speak to the amendment, Mr Speaker.

Leave granted.

MR OSBORNE: I am going to ignore Mr Berry. I will go to the one point raised by Mr Wood. He said to stare at them, eyeball to eyeball. I have to say that I had no input into the budget. Mr Rugendyke had no input into the budget. There are a lot of things in there that I would like to see changed. I would like to see more money spent on policing. I would like to see many other issues approached, Mr Speaker. I think there is a real danger in picking one or two issues when we have had no input into the whole process. I think my amendment just reiterates the recommendation from the Estimates Committee. I once again encourage the Government to see what steps they can take to ensure that the arts community here in the ACT does not suffer because of this decision.

MR HARGREAVES (6.21): I will oppose the amendment because I, too, believe that we ought to put some strength into the directing of it. I think it is pretty obvious. Blind Freddy can work it out. We can request as often as we like and nothing will happen.

The bottom line about this is that you can juggle within these budgets. Anybody with any sort of financial experience at all will see that because of the size of that budget it is possible to carve a little bit off this and a little bit off that to find this kind of money. It is not an impossible task. Otherwise the budget would be so tight that there would not be any freedom to move at all. You would not be able to find the money to pay these people for the hep C compensation if there was nothing sitting there. We have that sort of thing. I do not believe that this budget does not contain contingency funds to be able to effect this. It is possible to effect some rejigging of some numbers in there without affecting the bottom line.

I address my remarks through you, Mr Speaker, to the crossbenches. It is not going to happen if we request these people. They have to be directed by this chamber to do so. We are not bringing on a no-confidence motion. We are saying we want this particular one done.

Picking up Mr Osborne's point about liking to see more policing, liking to see more this and liking to see more that, I would like to see fewer pharmacies, and they would like to see more pharmacies and things like that. Wonderful. The reality of the day is that we had a whole stack of people outside this chamber. We had a whole stack of people on the march. You saw it for yourselves when we went to those performances at the Canberra School of Music. Those people have risen up and said to the Government, "We do not like that part of your budget". They have to wait three years before they can toss this Government out if that is how strongly they feel about it. But we can direct them to go back and do a little paring. For example, you can carve a little bit off the capital works program and it would not be noticed. There are sufficient moneys provided in those sorts of budgets for future price rises based on guesswork. We can take a little bit of that off. There is a whole stack of smallish programs in there. You can carve off a slice and it will not matter at all.

I urge you seriously to think about this. This is not a no-confidence motion in the Government. That is a furphy. We are not saying that mucking around with this budget is not on. We do not believe it is on. Let me put it to you for the last time - they can slice off a bit. They can do it.

Ms Carnell: Mr Speaker, I take a point of order. Mr Hargreaves is supposed to be addressing you, not Mr Rugendyke.

MR SPEAKER: That is true.

Ms Carnell: Thank you.

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MR HARGREAVES: Thank you very much, Madam Speaker! Through you, Mr Speaker, I would like the Chief Minister to listen to what I said. I did address my remarks through you. I do not adopt the discourtesy that the Chief Minister does in this chamber by speaking over everybody. Thank you very much for that reminder. Mr Speaker, it is possible to shave a little piece off a whole stack of pieces in this budget. It is possible for the Government to do it, and I think this Assembly ought to demand that they do so.

Question put:

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

The Assembly voted -

AYES, 10

NOES, 6

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Mr Wood

Question so resolved in the affirmative.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MR WOOD (6.27): I will be closing the debate.

MR SPEAKER: Yes, you will be closing the debate.

MR WOOD: Mr Osborne and Mr Rugendyke, I hope you do something constructive about this. I hope that you use your muscles. You have an onus now to do something and not be walked over as you have been so far.

Mr Moore: Do you remember how they used to run this same line to us?

MR WOOD: Mr Moore, you might do something too because I have not heard a word from you in all this debate. I have seen you out there before. I have seen you being a bit of an arts supporter, but not this time.

Let us wait for a statement from the Chief Minister. She has given all sorts of reassurances here that things are all right; that they have cash; that they can carry on and there are no problems at all. "What is all the fuss about?", she says. Well, that is not the story I hear. We will see what the outcome is. Let us come back here in a few weeks or months and see what the outcome has been.

The Chief Minister said half-a-dozen times or more in her speech, "Mr Wood supports inefficiencies in this place". "Fifteen per cent administrative costs". She said I support inefficiencies. I do not remember saying that. I do not recall it. But let us have a look at some of these inefficiencies she talks about. Look at this concept of inefficiencies. In doing so I will suggest where we can make some savings to find a piddling \$1.6m. Administrative costs; administrative expenses as a proportion of total expenses in the budget; Chief Minister's Department, 57.8 per cent. Well, let us cut that back to 15 per cent and there are some decent savings. The Department of Education - this is not the teaching component - 16.9 per cent. Let us cut that back and there are some savings. The Canberra Institute of Technology, 29 per cent. Let us cut that back. My gosh, the 15 per cent at the Institute of the Arts sounds pretty efficient to me. The Chief Minister should not make these sorts of statements without looking at her own budget first. She should not make them at all. The Chief Minister constantly raises smokescreens to cover the appalling decision that she took. All these smokescreens are constantly occurring.

Let us see what the outcome of this is. At the present moment they have to go back and come up with a different model. I do not have any trouble with that. Yes, they have to be accountable. I have no difficulty with that, by all means, but tell them first. Be fair about it. They are going to be accountable.

I just happened to pick up the Department of Health and Community Care purchase agreement. The Chief Minister is going to make them accountable in this sort of way. This is on the page I opened it at: "Possible Assembly questions, questions on notice, ministerial briefs" - that level of detail. That is the way they are going to be accountable. That is what is being imposed on them. The responses, the smokescreens, the feeble excuses we have had here today, are outrageous. You have a valuable resource here, a wonderful resource, and I am sorry that you cannot see it and you cannot understand just how much it puts out there in real physical terms.

Mr Humphries: Well, let us find out.

MR WOOD: Why did you not say that to them when you were Minister?

Mr Humphries: We are finding out now, Mr Wood.

MR WOOD: You did not. There is nothing on the record that says that you, as Minister, went to them and said, "We are going to do things differently, folks". There is nothing there. I think you understand the importance of the institute, Mr Humphries. There is no question about that. I think you understand the importance.

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I just wish that you had been able to stand up to your Chief Minister, like Mr Rugendyke and Mr Osborne, and tell a few facts here. That is where you needed to be. That is where Mr Moore and others needed to be. You should stand up and admit, "Well, I never told these people we were going to change the running rules here. We never went out and told them". So there we are.

Mr Speaker, the motion now is to request the Government. Put it up to the Government, you people. This is not any outcome tonight. This is not an outcome. You put it up to them and see what you can now deliver as a result of this, and see what you will do next week when the matter is next raised, both in the Estimates Committee discussion and the debate on the Appropriation Bill itself. Do something now instead of these mere words.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 9

NOES, 7

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Osborne
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Mr Wood

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Arts - Funding

MR WOOD (6.36): Tonight I will read into the *Hansard* another letter about funding for the Institute of the Arts. Earlier today the Chief Minister said there is a lot of middle-class welfare with the arts. She might listen to this. It is a letter from - and she has approved my reading it here - Dr Rosamund Dalziell of 36 Paterson Street, Ainslie. The letter reads:

I am writing to urge you to reinstate the \$1.6 million you had planned to cut from the budget to the Institute of the Arts. This unanticipated cut, coming on top of the Federal government's cuts to the university budget, will inevitably have a devastating effect on the Institute's community programs. It is important to spell out the effects - - -

Mr Moore: I have a point of order, Mr Speaker. I would have thought Mr Wood would recognise that this is reflecting on a vote of the Assembly. We have just had a - - -

MR SPEAKER: No, I do not uphold the point of order. Proceed, Mr Wood.

MR WOOD: The letter continues:

It is important to spell out the effects on the lives and budgets of ACT families, and the deprivation it will cause in the lives of the musical young people as well as in the wider community.

For example, single studies tuition will become financially out of reach of ordinary families. In addition, and you may not realise this, there are not enough private music teachers in Canberra to meet the demand, even for popular instruments like the violin (my daughter's instrument): teachers are fully booked with long waiting lists, so these cuts will effectively deprive many of the most promising young Canberra musicians of instrument tuition. School-aged students who learn from full-time members of the School of Music staff will be the worst affected. I am sure you understand the time and commitment that musical children make, often, like my own daughter, from the age of five. It is hardly fair to cut short their musical development, thereby depriving the community of their gifts and causing individuals great grief. Both our children are single study students of the School of Music, already stretching our family budget. Like many ACT families we have only one full-time income because of the cuts to the Public Service and to the universities.

A second effect is that community groups such as the various ensembles of the Canberra Youth Orchestra Society will no longer be able to afford the full commercial rates that will be necessary to rehearse or perform at the School of Music. You may not be aware that suitable and affordable venues are very hard to come by. This will affect my thirteen-year-old son, who rehearses with the Percussion Ensemble of the Canberra Youth Orchestra Society at the School of Music ...

The School of Music has shaped our children's lives in many important respects, and at least one of them may make a future career in music ...

It is important to acknowledge that musical children trained at the School of Music make an unquantifiably valuable contribution to the community. For no payment whatsoever they perform at public festivals such as Floriade, Autumnfest and open days at Lanyon.

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They play and sing in hospitals, old people's homes and the ACT Hospice. They give low cost public concerts with a wide range of repertoire. They perform in shopping centres, schools and fetes. In so many ways they enhance the quality of life of the residents of Canberra and enchant the tourists. Canberra's musical children deserve to be nurtured and appreciated, as does the School of Music for this important contribution to the community.

I would like to make one final point. Canberra has become a difficult place to live in the last three years. Cuts to public service and other institutions have made employment precarious for parents. Well-qualified women like myself have been unable to return to the full time workforce and scrape up what intermittent, casual work we can. This uncertain income goes towards music lessons, musical instruments and Youth Orchestra fees. If Canberra ceases to be an hospitable place for our musically gifted children, we will think seriously of moving elsewhere.

The letter is addressed to the Chief Minister. I wonder whether Rosamund Dalziell has had an answer yet.

Mr Alan Hocking

MR BERRY (6.41): I would like to express my appreciation of the brave efforts of Mr Alan Hocking in his rescue of a young girl down at the lake, where he operates a tourist vessel. I dropped in to see Alan a few days ago whilst I was out for a jog, and he described to me the events which took place on the day that he rescued a young girl who had fallen in the freezing waters of the lake. It appears that Mr Hocking was in his vessel enjoying lunch. Some people were on the wharf nearby enjoying the view, and all of a sudden a very small girl fell between the boat and the wharf and disappeared into the water. Mr Hocking quickly left the vessel, plunged into the water, and he found the little girl. From the way he described it, it seemed to me to be fairly difficult, given the circumstances. The lake is turbid at this time of the year, and it is not the sort of water body in which you would expect to find something as small as a little child.

He told me that he drifted underneath the wharf and for a moment he saw a bubble, just one. He then moved further under the wharf and felt along the bottom with his feet. You can imagine how cold the water is at this time of the year. He did not feel much because everything was happening and the adrenalin was up. He was able to bring the little girl up after finding her with his feet. He passed her up to somebody on the wharf. He then got himself out of the water and up onto the wharf and quickly moved to resuscitate the girl, but she brought up some water and pretty soon started to breathe by herself. I understand that Alan's brave efforts are going to be recognised at some time in the near future. He has been recommended for a bravery award. I trust that that comes through well, because this is an act which I think deserves accolades. It was a brave effort. A mother has a child she would not otherwise have if Alan Hocking had not been there.

It is a source of some pride to me as I look back that Alan Hocking was a work mate of mine. He was in the Fire Service. He was also one of my union members. As you take into account all of the things that happened, it makes you appreciate more the association that you have had with people who have been able to make a contribution to society as Alan has. I hope his award goes well and I hope that his recognition lasts for a long time, because he deserves it. I know the family of the young girl. Of course, the young girl will appreciate it in the future. It was a brave effort.

One other thing I would like to say about Alan is that he left the Fire Service and went off into private enterprise. He left the city and returned some time later. He has taken a risk with the vessel on the lake to provide a tourist service. It was the subject of much publicity when the previous tourist service on the lake was withdrawn. It is a bit of a punt for him. He has invested a lot of money in it and I hope it goes well for him. He is a small businessman.

Mr Hocking has been involved in another act of bravery. He has said that he is going to cut through the fence around Floriade if it is put up during the Floriade Festival, because he has commitments and bookings for passengers during the Floriade Festival. I do not think Mr Hocking will get any bravery awards for cutting through the fence, but he certainly has some grounds for his anger over this issue, because he is an operator who has taken a punt on the tourism industry in the ACT. He has gone in to fill a gap that was obviously there. I hope that this small businessman's business is not damaged by the actions of this Government in the way that they have handled the Floriade Festival. Best wishes to Alan Hocking.

Mr Alan Hocking : Canberra Raiders

MR HIRD (6.45): Mr Speaker, following on from what Mr Berry has just said - it is unique for me to join with Mr Berry - I also would like to compliment Mr Hocking on his bravery. Members would be aware that I am a member of the Royal Lifesaving Society and I have been involved in lifesaving since 1956. Mr Hocking will be put up for suitable awards, both within Australia and within the Commonwealth, from that society, as will the two police officers who assisted Mr Hocking on that occasion. I join with all members in saying to Mr Hocking, "A job well done". I think his deeds speak for themselves. I am certain that they will be recognised by the society, certainly within Australia. Mr Hocking has also been nominated for a Commonwealth award, the Edinburgh Award. Only one Edinburgh Award is issued throughout the Commonwealth countries each year, and it is a great honour for anyone even to be put forward for consideration. We will wait to see the outcome.

On another matter, Mr Speaker, on Friday night the Canberra Raiders will play at Bruce Stadium in one of the National Rugby League finals. The new complex at Bruce will have an extra 1,900 seats available for the game, for which I compliment those concerned. The citizens of the ACT and surrounding areas will have the opportunity to see two fine teams play at a magnificent venue. I encourage all members to go and support their local team.

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Floriade

MR CORBELL (6.48): Very briefly in the adjournment debate this evening, I want to encourage members to consider another possible outing. I had the opportunity to be down at Commonwealth Park at the weekend and stroll around the beds for Floriade. Thanks to the unseasonably warm late winter we are having, many of the blooms are out. If members are concerned about the entry charge for Floriade, now is the time to go. The blooms are out. They look great. It is a great shame that a fence is going to be put around that area and people will have to pay to go in. The blooms and the work that has been done by CityScape gardeners are excellent. It is two weeks before Floriade opens. I reckon you are going to get your best viewing between now and then, so I urge members and anyone else listening to go along and to get it for free.

Question resolved in the affirmative.

Assembly adjourned at 6.48 pm