



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

13 March 1991

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

**CONSUMER AFFAIRS (AMENDMENT) BILL 1991**

**MR CONNOLLY** (10.31): Mr Speaker, I present the Consumer Affairs (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill effectively provides for food use-by dates to have the force of law in this Territory. When I entered this place on 1 May last year, in my maiden speech - or inaugural speech, to use a preferable term - to this chamber, I lamented the fact that there was no effective food use-by date legislation in this Territory, and that the Territory was becoming the dumping ground for outdated food which it was unlawful to offer for sale in New South Wales but which could be offered for sale - sometimes at discount prices, sometimes not at discount prices, sometimes at full price - within the Australian Capital Territory. I urged that attention be given to this problem and action be taken.

Mr Speaker, some 10 months have passed and we still have outdated food being offered for sale on the shelves in the ACT, and we still - I suspect and many others suspect - have trucks bringing that outdated food, which it is unlawful to offer for sale in New South Wales, into this Territory. The Opposition has repeatedly stated that it is its policy to use private members' business to offer constructive approaches to government and to attempt to address problems that seem to be lost in the system, and that is precisely the purpose of this Consumer Affairs (Amendment) Bill.

It is particularly appropriate that it be offered for the consideration of the Assembly this week, because this week is Consumer Affairs Week and we see the billboard on City Hill with the pictures of the sheep and we are told, "Don't be fleeced" - and sound advice that is, too. The Minister has made some statements and has been raising public consciousness of the importance of consumer affairs and we endorse what he has been doing there, as it is a very important issue to raise in the public domain.

But it is important that there not just be rhetoric on this issue; there should be protection. What we have done here is effectively to take provisions that have proved effective in New South Wales in the Fair Trading Act, and

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introduce them as a new section in the Consumer Affairs Bill. The legislation, in short, Mr Speaker, allows the Minister by notice in the *Gazette* to prescribe what are known as product information standards. These can prescribe a number of items in relation to the product, but of most importance here is to require information relating to the durable life of the goods to be included on the packaging. And, of course, we are all familiar with that, because most packaged goods now manufactured throughout Australia as a matter of course do contain a use-by date which shows the durable life of the goods.

The second effect of this amendment is to include in the offence section reference to this product information standard, so that the substantive offence provision in the Consumer Affairs Act, section 15FE, will make it an offence for a person to supply goods that are intended to be used by a consumer, if in its amended form there is a prescribed consumer product safety standard or a product information standard in respect of the goods and the goods do not comply with that standard.

The existing offence is very important and is used to make it an offence to sell goods that do not comply with product safety standards. From time to time the Minister has announced here or through press releases, where he has seen fit to prescribe a product safety standard for unsafe goods, that it is an existing offence to sell goods if they do not comply with the product safety standard. Our amendment will make it a further offence to sell goods if they do not comply with the product information standard and, if the Minister sees fit to prescribe those standards in relation to the durable life of goods, it will be an offence to sell goods when they have exceeded their durable life, which is shown as the use-by date.

The Bill, if passed, will, of course, depend for its effectiveness on administrative action or executive action in prescribing the standards; but I would be confident, or I would hope that I could be confident, that the Government would address that. Mr Speaker, again this is an area where the ACT has lagged behind, where consumers in other parts of Australia have been protected, where we as an island in New South Wales are, in effect, a refuge or dumping ground for products which cannot be offered for sale across the border. That is not good enough for the citizens of the Australian Capital Territory. This is an obvious problem that cries out for legislative action.

There may well be, as I understand, some version 2, if you like, of food use-by standards in the production line that may go through that necessarily long and tortuous process of interstate consultation to prescribe national standards. That is a good thing, and we would support action by this Government if it happens within the life of this Government. We in government would be quick to work with other States and Territories in establishing national standards for food legislation and use-by legislation. But

it is just not good enough for us to wait. This was a problem that, as I say, I called attention to in my first speech in this place. I said then that trucks were crossing the border and offering goods beyond their use-by date for sale in the ACT, and that consumers in this Territory deserved a better deal. That is still the case. Nothing has happened from the government side to address that problem and the Opposition has once again, I would submit, shown that it is more effective in providing real protection to the consumers of this Territory than is the Government.

This legislation deserves support from all members of the house, unless those members of the house are prepared to allow Canberra consumers to be offered products that are considered unfit to be offered to consumers in other parts of Australia. If the Government feels that we may be appropriately used as a dumping ground, the Government can answer to the people of Canberra.

We suggest that this is very progressive legislation and that it provides the consumers of the ACT with a form of protection which means that they are not being exploited. It would be an effective protection until such time as a more modern uniform national standard for food use-by dates is arrived at through the, as I say, often long and tortuous processes of interstate consultation. It is not good enough to say to the people of the ACT, "Something might happen. Wait until later this year or next year or the year after". We have been too long a dumping ground, too long an island without adequate protection, and the Government ought to take this opportunity, particularly in this week when it is focusing attention on consumer affairs, to plug this gap and to provide protection for the citizens of Canberra, to ensure that the food that is offered for sale in this Territory is offered for sale within its durable life and that we are not offered sometimes discounted but sometimes full price out-of-date goods. I am sure that no consumer wants that, and all citizens would support this legislation. I commend the Bill to the house.

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

#### **POSTPONEMENT OF ORDER OF THE DAY**

**MR CONNOLLY** (10.40): Mr Speaker, I move:

That order of the day, No. 1, private Members' business, be postponed until the next sitting.

Mr Speaker, the reason for this is that, when the Subordinate Laws (Amendment) Bill was introduced in the last sitting period, I had some discussions with the Attorney-General and with some law officers. The law officers had some additional suggestions for this

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legislation. The house will recall that the purpose of this was to provide for deemed disallowance of regulations and to bring the provisions of this house into line with those of the Federal Parliament.

The Attorney-General kindly offered the assistance of the parliamentary counsel to look again at this legislation and to look at any improvements that could be made. I have spoken with Mr Hunt QC on this matter. He has made some minor changes to the substance of what was proposed, but proposed as well some additional refinements which will tidy up some aspects of the Subordinate Laws Act as it now stands. As a result of amendments over the years there is some confusion in language.

It will also add some additional protection found in the Federal legislation that deals with the situation where a motion has been moved to disallow regulations but the house comes to the end of its life. It preserves the motion hanging over those regulations. It will be a better Bill, and the drafting of that better Bill is now fairly well advanced and I would hope that next week we will be in a position to proceed with it.

I thank the Attorney for the cooperation that has been offered on this. I think the result of this process of delaying it a week will be that the ACT will not just be on a par with the Federal Parliament, but in some respects will have the best legislation in the country dealing with the supremacy of the parliament over the executive in relation to subordinate legislation.

Question resolved in the affirmative.

## **INDUSTRIAL RELATIONS MANAGEMENT**

Debate resumed from 13 February 1991, on motion by **Mr Berry**:

That the Alliance Government has demonstrated its inability to provide competent industrial relations management in the ACT.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (10.42): Mr Speaker, I will make a few comments on this matter. Mr Berry's comments on this matter on the last day on which we debated it were typical of the inflammatory sorts of comments that Mr Berry has made about the Alliance Government. He made some more this morning on the radio. He is very good at whipping up a theatrical appearance of crisis, of dire circumstances facing the Territory, of chaos and other disasters befalling the Territory; but I think that the facts of the matter are very different to those as portrayed by Mr Berry and his colleagues opposite. I was particularly intrigued by the fulminations concerning lost days due to industrial action in various areas of the

Government, and I have to say that, particularly as far as my portfolios are concerned, the picture as presented by the facts is very different indeed.

Looking first of all at the area of education, Mr Speaker, there is no doubt at all that, if one casts one's mind back to the seven months of Labor administration during 1989, for all that could be said about that period, one thing stands out very clearly, and that is that that period was one of great industrial disputation and chaos in the ACT. There is no doubt about it and the facts support that. In the field of education I am alleged to be the great wrecker, the great destroyer and the great disrupter of education in the ACT. It is interesting to note, however, Mr Speaker, that in the seven months of the Follett Government more than 4,300 days were lost due to industrial action - 4,300 days in the supposedly calm and tranquil period of Ms Follett's administration.

During the subsequent 15 months of Alliance Government administration - more than twice the period of Ms Follett's Government - less than 1,300 days were lost due to industrial disputation in the education area. It is less than one-third of the industrial days lost, despite the length of the period of government under Mr Kaine being more than twice that under Ms Follett. That is a very interesting fact and one which is very hard to argue around. But, of course, Mr Berry attempts to do that and I think that this is just one more example of how it is so easy to frighten people, so easy to distort the facts and to create a quite wrong impression about what is going on in the ACT at the present time. Mr Speaker, I will come to the health system in just one moment.

I think it is worth noting that much has been made of individual disputes and individual industrial problems during the life of the Government, but in fact the overall record of the Government on industrial relations is very good indeed. To the chagrin of those opposite, this Liberal led Government, this Government consisting of independents and members of a community based party, this coalition of groups has, in fact, established a very good working relationship with the union movement in the ACT.

The proof of that is in the sort of facts that I have been able to quote today, the evidence of lesser levels of industrial activity than was the case under a so-called union friendly Government in the form of Ms Follett's Government. Mr Berry, in particular, made great play of the nurses dispute at the start of last year. If that is what he relies on to challenge the Alliance Government's capacity to provide competent industrial relations management, he really demonstrates that over the last year the Government has been effective in industrial relations.

In the health area there have been major restructurings in the hospital system, as well as award restructuring, that will obviously generate important savings for the health

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system over the next few years. Despite what have been enormous changes in this area, there really has not been a significant level of industrial disputation. In fact, of 970 working days lost under the Alliance Government, a total of 675 were lost as a result of a single industrial dispute, and that was, of course, that week-long strike by members of the Hospital Employees Federation in December last year.

Mr Speaker, we spoke last night about good wars and just wars and wars that should not have been fought and so on. I think, Mr Speaker, that was one particular industrial dispute from which the ACT has profited handsomely. The evidence of that is that the considerable lack of cooperation that has been forthcoming from the Hospital Employees Federation over the last who knows how many years has been removed. This Government did not create that dispute; but it certainly delivered a very important benefit to the future administration of this Territory, and in particular to the industrial relations scene in this Territory, by taking on the HEF and winning on that occasion. As I said, 675 working days were lost as a result of that week-long dispute. In my view, Mr Speaker, those were working days that were well lost in the sense that the product of that dispute was well worth the effort.

The remainder is about 300 working days lost in the health sector in the last 15 months. Compare that with a total of 340 working days lost due to strike action in the health sector under Ms Follett - despite the fact that so far we have had twice as long in government as she had. I would have to say that those facts do not point to a disastrous and crumbling industrial relations scene; they point to competent government; they point to, in fact, a very smooth and generally productive working relationship between this Government and the trade union movement.

In the education area, just to return to that for a moment, there have been major matters of concern; major restructuring proposals have been put forward and carried out in the education sector, and one would have thought that they would have generated enormous industrial disputation. That has not been the case. Even in the area of teacher salaries, which has been a major ongoing concern to both teachers and the Government, that entire matter, lasting some months and recently resolved, in fact, resulted in almost no industrial days being lost because of the teachers' concern about the progress of talks. That is a pretty good record, Mr Speaker. I think that those opposite should be a little more careful to quote the facts when they next go out into the community and say what disastrous industrial relations have ensued under this Government.

With the full support and involvement of employers and unions in the ACT, the ACT Alliance Government has established a tripartite Industrial Relations Advisory Council - a very important development, I think. The



council advises the Government on all matters relating to industrial relations in the Territory. We have also implemented occupational health and safety legislation and established a tripartite Occupational Health and Safety Council. Again, it is an important device to defuse potential problems in this area. It has been supported by the establishment of a registrar's office within the Chief Minister's Department, which looks over or administers legislation and advises on those matters. The Vocational Training Authority is another tripartite body, bringing unions, government and employers together in the ACT and facilitating input from employers and the other parties - unions and government.

There is, what is more, the tripartite Workers Compensation Advisory Committee, again established by the ACT Alliance Government. All parties have worked together through this forum to achieve a reduction in the Insurance Council's recommended rates, and the committee is to undertake an overall review of the current scheme. These are only some examples of a number of joint management and union consultative forums which have been established at agency level in the ACT, and these are underpinned by consultative mechanisms at the workplace level within agencies. In the absence of Commonwealth legislation, the Alliance Government is finalising an occupational health and safety agreement with the ACT Trades and Labour Council covering ACT Government Service employees.

I want to say something, Mr Speaker, about the consultative processes that have been put in place during this Government's term of office. I have mentioned some of those forums in the last few minutes, and I emphasise that they are only examples of a whole series of devices - established not just at the top, as it were, of the pyramid, but also down the industrial pyramid - which have resulted in considerable cohesion amongst the working groups within our community. It is the case that in the health area, in particular, a great deal of controversy and confusion has been avoided by discussions at that level.

I have been insistent, as Minister for Health, that close working relationships be established with the unions in the area. I frequently meet with those unions to discuss problems in the areas of health and education. I have regular meetings with the nurses federation and with the Teachers Federation. I met with the HEF when it was a force in the Territory. I have discussed things as required with bodies like the Professional Officers Association, and any other body within the ACT administration work force which represents workers with whom we as the Government ought to deal.

So, Mr Speaker, it really falls to the point of asking: What is it exactly that constitutes the disastrous industrial relations record of this Government? Just where are the facts? Where are the sticks and stones that are supposed to knock our record of being good managers to the

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ground? I do not know. I cannot see what it is that could possibly be put forward reasonably and logically as a basis for attacking this Government's record in this area.

Like so much that has been put forward by the Opposition in recent months, it is contrived, it is deceptive, and it has the effect of only creating in the minds of people in the ACT confusion and fear about what is really going on. Unfortunately, when any community faces the sorts of changes, the large, in some cases quite traumatic changes, that have occurred in some parts of our public sector in the ACT, it is quite understandable that there will be that kind of confusion and fear about what is going on. But I believe that we have managed that very well and the industrial record, Mr Speaker, more than amply proves that.

**MR KAINE** (Chief Minister) (10.55): I think, Mr Speaker, that that demonstrates quite adequately how little interest the Labor Opposition really does have in this subject. It is like the motion against one of our Ministers yesterday. The Leader of the Opposition did not even support Mr Berry after he had moved the censure motion. I heard Mr Collaery suggest recently that they do not even travel in the lift together. They obviously do not even talk together about making any sort of attack on the Government either. They think that by one member getting up and making a few ideological remarks that establishes the case.

I know that it makes good reading for Mr Berry to chop that bit out of *Hansard* and mail it off to all his mates; but perhaps he ought to mail off the rest of the debate as well, so that they can see how weak and ineffective the whole argument from the Opposition is. If they had any conviction about this, they would all be on their feet yapping; but Mr Berry is it, and, certainly, Mr Berry would be the weakest of the members on the opposite side of the house when it comes to making any sort of a case.

Mr Speaker, the very wording of his motion simply underlines the absolute refusal - or the inability, I do not know which; I have talked about intellectual laziness, and perhaps it is the latter - of the Opposition to recognise or even to appreciate the nature of the Alliance Government's approach to industrial relations management in the ACT.

As has already been explained by Mr Humphries, we have excellent relationships with the trade unions. That is because we have worked at it. But, of course, the Opposition does not want to hear that. They would love to see the trade unions in a state of turmoil, contesting everything that we do and making life difficult for us. It simply is not like that. Right from the beginning our approach has been to take a course that gives emphasis to effective employee relations as the necessary precondition to sound industrial relations management in the Territory. Mr Berry would not even begin to understand that. If it is not confrontationalist, it obviously is not any good for Mr Berry, and, of course, his argument does not stand up.

Since December 1989 the Alliance has committed itself to working in consultation with the trade unions across a range of fronts and through a great number of individual forums, in order to bring about an harmonious climate in which both the public and private sectors can pursue their objectives in a cooperative way. We do not believe in confrontation. Let me dwell on some of the forums for a moment. Mr Humphries has mentioned one or two of them. We have the Industrial Relations Advisory Council, with representatives of the trade union movement and employer groups, where we work together at a peak level to deal with a range of industrial relations issues of general relevance to the Territory, not just to the ACT Government. Through its tripartite composition, IRAC is a forum which not only allows the Government to engage in fruitful discussion with the unions, but also encourages a similar exchange between the unions and private sector employers. It is a very effective forum, and the unions find it to be so.

There are other highly effective tripartite forums which the Alliance Government has committed itself to in order to promote, among other things, a cooperative industrial climate. The Occupational Health and Safety Council which also, incidentally, met last week, as did IRAC, is proving to be a valuable and productive forum. The creation of safe and healthy work environments is a priority for this Government, and it forms a significant dimension of its relationships with the trade unions. In this regard a registrar's office has been established within my department to administer and advise on the Occupational Health and Safety Act.

The Vocational Training Authority is another tripartite body which facilitates participation by employers, the unions and the Government on training strategies for the Territory - a matter on which a great deal of emphasis has been placed in recent years by the trade unions and one in which we are working cooperatively with them. There is a tripartite Workers Compensation Advisory Committee that this Government has established. All of the parties have worked together through this forum to achieve a reduction in the Insurance Council's recommended rates, and the committee is to undertake an overall review of the current workers compensation scheme. To this I should add, Mr Speaker, that within the ACT Government Service itself a great deal of work has been carried out towards the establishment of occupational health and safety agreements between the Trades and Labour Council and each department of the ACT Government Service.

I believe that this again demonstrates our willingness and our success - the success which the Opposition is in an absolute tizz about - in working quietly but effectively with the unions to provide not only a good working environment for employees but also a generally harmonious employee relations climate. The Alliance Government has also committed itself to working with the union movement

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through an array of consultative forums, the focus of which is the establishment of an effective partnership within the ACT public sector itself.

The Public Sector Management Board is at the top, and on that board there are representatives from the private sector and the unions. It provides a focus for enhancing the efficiency and effectiveness of the Territory's administration right at the top level. We have established a joint council, and this also has the support and involvement of the unions through the ACT Trades and Labour Council. Within each government agency, joint union and management consultative committees provide a forum for cooperative efforts to address workplace issues, and provide a regular medium of communication.

Similarly, employee representatives play an active role in equal employment opportunity committees right throughout the service. We have created a network through which we work with the trade unions at every level of government, and the existence and effectiveness of this multitude of forums is hardly a sign of a government which is unaware of its industrial relations obligations or of the most productive means to engender a cooperative working arrangement.

I repeat that the Labor Opposition would love to see us in confrontation with the unions, but the Government is not working that way and it has not worked that way. We have a situation of peace and cooperation between us and the unions which, in my view, is unprecedented in ACT history. Certainly, it was not in evidence when the Labor Opposition had government. I believe that the unions seek the reality of a government that takes its responsibilities, both as an employer and as a government, seriously, and one which is willing and able to set in place the mechanisms and atmosphere for sound employee relationships, and through that an industrial relations climate that is conducive to getting on with the Government's business.

It would be foolish to say that there have not been specific issues on which the Government and the union movement have had differences in terms of perspective. Of course, we have. This is hardly surprising, considering the important structural transitions necessary if the ACT is to meet the demands of the coming years. But here, too, we are able to put in place arrangements which work to resolve differences as they emerge, and we do that regularly.

For example, the Government's program of micro-economic reform involves the corporatisation of a number of ACT bodies, and we have been meticulous in our approach to these issues to ensure that trade union concerns are taken into account. Close consultation took place on the principles underlying the corporatisation legislation passed by the Assembly last year and, as we move towards the implementation phase of the Government's policy, further consultations are taking place regularly.

I met with relevant unions last week to reassure them of the Government's commitment to proper industrial processes, and as a result of that meeting it has been agreed that on a range of important employment issues the trade union movement and the Government will consult closely, and that an approach common to Territory owned corporations will be identified. At the same time, it was recognised that individually owned Territory corporations will continue to consult with relevant unions on a range of other matters that are more appropriately dealt with at that level.

Again, on an issue which is close to the hearts of both the Government and the union movement, a systematic and cooperative approach has been established in order to address important industrial relations issues. Overall, the Government has found that the responsible elements of the ACT trade union movement have taken a constructive attitude to change and reform, and have, at the same time, properly and fully represented the interests of their members.

Given the many major reforms that are taking place in our transition to being a more financially independent Territory, the level of industrial disputation in the ACT has not been significant, and I believe that this reflects our thoughtful approach to these issues and a sensitive arrangement with the unions on the part of the Government.

Finally, Mr Speaker, I note that in Mr Berry's remarks on this motion he raised the question of the Government's industrial relations approach in relation to the South Curtin Primary School site. On this point I can only remind him that the union movement itself argued long and hard before the Industrial Relations Commission that the action at that site was not industrial in nature. Is he now claiming that it was an industrial action? Or is he simply happy to let the passage of time remove from people's memories this particular aspect of those events? The Government simply does not accept Mr Berry's motion. It does not have any basis in fact. It is a figment of his fertile imagination, poorly presented. As I noted before, nobody else on his side of the house is even going to defend him, and I think that speaks for itself.

**MR DUBY** (Minister for Finance and Urban Services) (11.05): Mr Speaker, I think the very fact that there is only one speaker from the Opposition indicates that this is really a furphy of a private members' business matter. For the Opposition to allege something which is quite serious, namely, that this Government is unable to provide competent industrial relations management in the ACT, and then to find that it cannot produce the facts in speeches to support that assertion, I think indicates just how futile that accusation is.

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Mr Humphries and Mr Kaine have both outlined the various initiatives that this Government has taken in terms of dealing with the trade union movement and in providing good industrial relations management in the ACT. I shall not go over that ground again, but it is worth stressing the point that a number of those things that are in place are things that have been welcomed, I believe, by the trade union movement generally. I will just name them. Of course, there is the Industrial Relations Advisory Council, the occupational health and safety legislation, the establishment of that registrar, the Vocational Training Authority; all these things work well and link consultation between the unions, the private sector and the Government in this Territory.

The demonstrably low figures of industrial disputation that we have here in the ACT are an indication that those particular bodies, plus other forms of consultation which we have established with the trade union movement, are working, and working very well. When one compares the figures that are quoted by Mr Humphries - that in half the time they had double the disputes, or triple the disputes in a number of areas - it makes one wonder about the much vaunted ability of people on that side of the house to supposedly get on with their colleagues in the trade union movement. I guess perhaps that is an indication of factionalism rearing its ugly head again.

There are a number of areas where this Government has taken the initiative in the absence of Commonwealth legislation. We are in the process of finalising an occupational health and safety agreement with the ACT Trades and Labour Council, covering ACT Government Service employees. I think everyone acknowledges that the ACT Government Service is going through an important period of transition, and significant change and reform is necessary. In any process of change, of course, it is expected that there will be points of resistance. I think a prime example of those series of changes that we mentioned was the matters raised by the Minister for Health that referred to the hospital system. I think it is also worthwhile pointing out the very good record that this Government has achieved in that area.

In relation to the schools reshaping program generally, the fact that there were bans placed on various sites and things like that was supposedly seen as an example of an indication of bad industrial relations. But it should also be pointed out - and I think we all acknowledge this - that, whilst there was support from some elements of the trade union movement for some community based and quite legitimate opposition to government policy, in the whole context of that debate the schools reshaping program was a political issue rather than an industrial one.

Indeed, when the private contractors notified the matter to the Industrial Relations Commission, Commissioner Simmonds ruled that the South Curtin problem in particular was not

an industrial matter; it had nothing to do with workers' pay and conditions or the safety of employees, but instead was a political issue. I think it was unfortunate that in circumstances like that the normally responsible union movement deserted the good sound industrial relations that it had had with this Alliance Government over that period of time prior to those disputes obtaining publicity, and became involved with such an unrepresentative case.

From the discussions that I had with the unions during that period when I was Acting Minister for Education, if ever there were embarrassed trade union officials it was at that time, because they knew that they had somehow involved themselves with a process that had nothing to do with the union reason for being there, namely, looking after the rights and interests of workers on sites. They had tied themselves up in a hopelessly complex political problem. I think that this Government has found that the more responsible elements of the ACT trade union movement have taken a constructive and cooperative attitude to change and reform, and at the same time they have done their duty in representing, fully and properly, the interests of their members.

The level of industrial disputation in the ACT has frankly been insignificant, particularly given the many major reforms that are currently taking place in our transition to becoming a more financially independent Territory. In that context I think corporatisation is a prime example of major changes to the way that work is being performed or will be performed in the Territory in the future; nevertheless, we have had good ongoing and fruitful discussions with the unions about a whole range of issues.

"Consultation" has been the key word in that process, and that, of course, is consistent with the commitment of our Government to consult with the unions regarding reforms within the public sector processes of consultation with unions. It has commenced in relation to the corporatisation of ACTEW and the health services complex at Mitchell. Indeed, agreement has been reached regarding consultations at a government level on employment matters outside the direct influence of individual agencies; for example, the matters of superannuation, workers compensation and long service leave cover which is presently provided under Commonwealth legislation. In many areas those matters are being resolved with the unions; in particular, the matter of voluntary redundancy, et cetera, where the unions are taking a responsible and cooperative approach to conform with government policy in this area. But the reason they are doing that, of course, is that the old cliché, "Our door is always open", has applied; consultation has been ongoing and full.

In our public sector, a number of grievances have been associated with the implementation of new award and classification structures applicable to both Federal and ACT Government Service employment. Again, the level of

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industrial action has been minimal. I think another example there that indicates this Government's commitment to consultation and ongoing good relations with the trade union movement is indicated by the establishment of our Public Sector Management Board, which, of course, has representatives from the trade union movement on it. It is able to implement and review policies affecting public service sector workers within the Territory.

The record of the Alliance Government as regards the management of industrial relations should not be judged on the relatively few instances of disputes that have occurred. As I have said, in my view they are minimal, although they tend to gain extensive media coverage, particularly when they have a political tail to them. The fact of the matter is that the Alliance Government is satisfied that, through cooperation with employers and unions, it is establishing a stable industrial relations base for the necessary reforms of the public sector and for the growth of the private sector here in the ACT.

If anyone maintains that this Government is failing to provide competent industrial relations management in the ACT, I think, frankly, they are talking through their hat. The runs are on the board and the record is there for all to see. We stand up very well, and our ongoing and good relations with the trade union movement in this Territory shall only continue to get closer and warmer.

**MR COLLAERY** (Attorney-General) (11.14): I feel constrained to endorse the comments of my colleagues, and to add a few brief words from my ministerial portfolio. But before I get to my portfolio, I do want to say that for a short time I acted as Chief Minister of the Territory and I had reason to deal with the industrial relations branch staff of Mr Kaine's department. I can only say that I was impressed by their performance. One or two matters arose that required attention, and I believe that Mr Berry's motion, consciously or unconsciously, cast a slur on the management skills of that important area of the ACT Government Service, and I do not think it was merited. Perhaps Mr Berry can clarify whether he intended to criticise the industrial relations staff of our ACT Government Service.

Mr Speaker, the other aspect of the issue, of course, is that our managers are being trained constantly to adjust to industrial relations skill management. That is an ongoing matter that has not started under our Government, but it is a satisfying process, and the evidence lies in the effective industrial relations skills of many of our managers and middle managers in the ACT Government Service. Speaking with experience, there have been a number of very complex and difficult situations emerge in corrective services, in welfare, in disability services and in one or two other areas of my administration since I have been Minister.



Mr Speaker, the unions involved in those issues have shown, in my view, sensitivity and understanding at all times. In particular, Mr Speaker, whilst the Chief Minister was on leave I had occasion to deal with the Professional Officers Association on an issue relating to entry rates for three-year trained recruits to the Government Service. The issue at hand was whether the Commonwealth proposition put by the Commonwealth Industrial Relations Minister, Senator Peter Cook, that different scales of rates could apply across career sectors which, by their impact, discriminated between men and women, should be supported. Acting on advice and information from my advisers in my acting role, and forming my own view on events, the ACT Government took a different view from the Commonwealth Government before the Industrial Relations Commission in Melbourne before Commissioner Judith Cohen, and I was pleased to note that the ACT submission won through. That was a credit to the stance that had been taken within the ACT Government on that issue.

It went unheralded, and I want to put on record the fact that a journalist's news report of that event was strangely not run in the Canberra Times at the time. Instead, the next morning, an extraordinary editorial appeared berating the fact that women would get equal rates of pay with men. That was an extraordinary editorial, but what it did not cover was a detailed story prepared by a competent journalist. My understanding is, of course, that the Canberra Times is only one of those ships that leak at the top. My understanding is that the journalist's story was not run on that issue because this Government took a different line from the Federal Industrial Relations Minister and supported a significant decision of the commission.

Mr Speaker, the other aspect of the Government's management relationship with the unions, so far as my department is concerned, is their considerable involvement in broader community issues through the social justice areas of welfare and community services. It is a great credit to the unions that they can understand the cross-pressures in those areas and can assist the Government to resolve issues.

I am very hopeful that we can get a career structure going - we have already changed one in the disability service area - and proper awards established for many of the auxiliary and ancillary workers who perform such meritorious work at places like the John Knight Hostel and other disability institutions. There is work there for the unions to perform on their own pitch, and I am quite sure that the Government would react positively to that area. Mr Speaker, I rise to congratulate those officers of Mr Kaine's department who handle this difficult area, and I rise at the same time to congratulate the unions for the understanding that they have shown during this period of great change in the Territory.

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**MR BERRY** (11.19), in reply: Mr Speaker, what we have to clarify in this place is that much of the industrial relations in the Territory - and that is industrial relations for either conservative governments like the Kaine Government or the next progressive government provided by the Labor Party - will be affected by the Commonwealth's approach to wages and conditions through the Industrial Relations Commission. Of course, in the period of the conservative Government opposite, the accord between the trade unions and the Government nationally has set the pace in the ACT on industrial relations.

The latest round of negotiations under the structural efficiency principle are, of course, pacesetters as well. What I am concerned about is the Government's approach outside of those principles, and the first one that I raised was the confrontation between the Minister for Health and the nurses over their working conditions. It needs to be placed on the record that this Minister took on these nurses outside the structural efficiency principle and attempted to set his own agenda. He fell in a hole, and it demonstrated the incompetence of this Minister and the Government as a whole to deal with industrial relations issues in the national context.

Justice Cohen asked why the Government was attacking the conditions of the nurses when massive savings could be made under the structural efficiency principle without industrial action. Of course, it took a little while; but the Government eventually woke up and back it went to where it should have been in the first place, namely, the structural efficiency principle negotiations, which everyone knew would be the end result - except the Minister. All he wanted to do was to take on the nurses.

The Minister makes much out of lost days. Industrial relations cannot be measured only in lost days. It is true to say that conflict is a part of industrial relations. The measure of good industrial relations is how one can avoid conflict at all levels, but a true measure of industrial relations has to take into account the social wage and the social justice elements of the social wage. How many unions have come and congratulated this Government on the loss of jobs in the ACT? How many unions have congratulated the Government? How many unions are marching in support of this Government, hoping for their re-election next time? How many unions are congratulating the Government for the cuts in services to their members? How many unions are congratulating the Government for the closure of schools? I say, none, Mr Speaker. None of the unions are congratulating this Government for what it has done to the social wage of Territorians, because the Government has attacked the social wage.

**Mr Humphries:** How?

**MR BERRY:** He does not even understand what the social wage is. He says, "How have we attacked the social wage?". Does he not understand that the delivery of health services is part of the social wage, and 1,500 people are waiting for a hospital bed in our hospital system? Does he not understand that the provision of schools is part of the social wage, and people are concerned about cuts in that area? That is the difficulty in dealing with these members opposite. They do not understand the issues that confront workers; they do not understand the issues that are involved in industrial relations.

I have to say that on top of that, Mr Speaker, there is a campaign going on against workers in the health system to prevent them from speaking out and pursuing rights which would normally be construed as industrial. We know that nurses who have complained about their professional and industrial conditions have been threatened - their careers have been threatened. We know that this Government intends to pursue those secrecy provisions which it set out in its Health Services Act to prevent workers from complaining and speaking out. That is what this Government is about, and that is what industrial relations is about. It is about allowing workers to pursue their industrial rights. This Government does not want them to do that; they are being threatened. What the unions in this town are doing is working for the return of a progressive government, and they will get one.

The Priorities Review Board, of course, was another debacle which led to thousands of people rallying against the Government because it took the wrong tack, and, of course, we are yet to see whether this Government will pursue the Priorities Review Board report in toto. There is a hidden agenda, Mr Speaker; the trade union movement is aware of that.

Mr Humphries, of course, goes on about the theatrics of politics in this Territory - something which he would know plenty about. He has been trying to cover up the chaos in the hospital system for months. He has been trying to cover it up, but it cannot be covered up any more. We know that there are 1,500 people waiting for a bed in our hospital system. We know that the Minister did nothing for 15 months after it was uncovered - by Labor, I should add - that his hospital system was in trouble in the budget area. He has done nothing.

I am pleased that Mr Duby raised the South Curtin school, because he was the architect of all the troubles that developed there. It was that Government opposite which tried to turn a political dispute into an industrial one. It wanted to involve the trade union movement to divert attention, so that it could have a good old fight with the trade unions - a traditional fight between the conservatives and the workers over this issue of schools - but it failed because the Industrial Relations Commission found out what the Government was up to and would not play

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its game, even though, try as it might, it could not follow it through. In fact, this Government tried to turn a political fight into an industrial fight, to widen the argument, to widen the blue to divert attention from its attack on the school system.

Eventually, through all sorts of chicanery, the Government brought in contractors, which it said it would not do, and, of course, we ended up with a confrontation where Mr Collaery supported the police arrests of community members protesting about the loss of their schools. That, of course, included the unfortunate woman who had no sight, and her dog. The end result was that there had to be an industrial settlement with the unions on the issue, and I can tell you that none of the unions were happy with the Government's performance on that matter. Of course, the ramifications are that the damage that has been done in industrial relations will persist for a long time, but it will be repaired by a progressive government.

Let us look at the Hunt Boilers dispute. Here we have a government who had assured the people of Canberra that it would not happen again. This Minister here, Minister Duby, said that what happened with the failure of the Shelleys company would not happen again. The people of Canberra well remember the disaster of the Shelleys collapse, and the roads that were closed for months and months under this Minister who claims to have fostered good industrial relations. The reason why the roads were closed was the collapse of the Government on industrial relations and its failure to administer contracts. The Hunt Boilers dispute was another example of where the Government could not deliver. This Government said that it would not happen again, but it happened again; and, of course, we are yet to see the final outcome of that. More information is to come.

The professional officers dispute was mentioned, where the Government tried to prevent workers from getting overtime payments in the course of a transfer from day to night shifts. That did not work in the end. There was the HEF dispute which Mr Humphries claims was a great profit to the community. It is well for the Government to say that there has been some troublesome leadership in a particular union in the Territory, and that there is a great victory when we get rid of those troublesome union leaders; but Mr Humphries did not once mention what was happening to the workers that were normally protected by that union. They are the ones that are the big losers. This Government has not performed well on industrial relations, Mr Speaker, and my motion deserves to be carried.

Question put:

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

The Assembly voted -

AYES, 4

Mr Berry  
Mr Connolly  
Ms Follett  
Mrs Grassby

NOES, 11

Mr Collaery  
Mr Duby  
Mr Humphries  
Mr Jensen  
Mr Kaine  
Dr Kinloch  
Ms Maher  
Mr Moore  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak

Question so resolved in the negative.

#### UNITED NATIONS DECLARATION OF VICTIMS' RIGHTS

**MR CONNOLLY** (11.35): Mr Speaker, I move:

That the Assembly endorse as a basis for future action the United Nations Declaration of Victims' Rights which provides:

The victim of crime shall have the right to:

- (1) be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity;
- (2) be informed about the progress of investigations being conducted by police (except where such disclosure might jeopardise the investigations);
- (3) be advised of the charges laid against the accused and of any modifications to the charges in question;
- (4) have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence. The information in this statement shall be updated before the accused is sentenced;
- (5) be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing;

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- (6) be advised of justification for entering a *nolle prosequi* (i.e. to withdraw charges) when the decision is taken not to proceed with charges. (Decisions which might prove discomfoting to victims should be explained with sensitivity and tact);
- (7) have property held by the Crown for purposes of investigation or evidence returned as promptly as possible. Inconveniences to victims should be minimised wherever possible;
- (8) be informed about the trial process and of the rights and responsibilities of witnesses;
- (9) be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- (10) not have his or her residential address disclosed unless deemed material to the defence or prosecution;
- (11) not be required to appear at preliminary hearings or committal proceedings unless deemed material to the defence or prosecution;
- (12) have his or her need or perceived need for physical protection put before a bail authority which is determining an application for bail by the accused person, by the prosecutor;
- (13) be advised of the outcome of all bail applications and be informed of any conditions of bail which are designed to protect the victim from the accused;
- (14) have the full effects of the crime upon him or her made known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report; including any financial, social, psychological and physical harm done to or suffered by the victim. Any other information that may aid the court in sentencing including the restitution and compensation needs of the victim should also be put before the court by the prosecutor;
- (15) be advised of the outcome of criminal proceedings and be fully apprised of the sentence, when imposed, and its implications;
- (16) be advised of the outcome of parole proceedings;
- (17) be notified of an offender's impending release from custody.

It is somewhat ironic that I am in the position of moving this motion. The proposal that this Assembly endorse the United Nations Declaration of Victims' Rights has been around for quite some time. It was in May 1990 that Valerie Forsyth, the secretary of the Victims of Crime Assistance League in the ACT, wrote to all members of this Assembly requesting that they support VOCAL in seeking to achieve a

unanimous endorsement by this Assembly of the UN Declaration of Victims' Rights. The Labor Party, at that early stage, wrote to VOCAL and said that we were fully supportive of this. I expected that perhaps a member of the Government might take the lead on this and introduce the motion to symbolically show our support for the Declaration of Victims' Rights, with Opposition support.

We waited and nothing happened. In late June of 1990 I issued a press release, which received some attention in the media, pledging Labor's support for the Declaration of Victims' Rights. Again I thought that might provoke some action, but nothing happened. So I put this matter on the notice paper in February and am moving the motion today. I am very pleased and proud to do so because it was a Labor government that was the first government in Australia to sponsor a resolution supporting the Declaration of Victims' Rights, and it must be said that when that was moved in the Parliament of South Australia it received the support of all parties; and I would expect that this motion would receive the support of all parties here today.

The declaration is, I am sure, non-controversial. It proposes commonsense principles of law enforcement, and I will go through them point by point somewhat later in my remarks. But I think it is appropriate that we today canvass in some detail how it came about that the United Nations in 1985 saw fit to sponsor a congress on the prevention of crime and the treatment of offenders which led to this Declaration of Victims' Rights.

In ancient history the criminal law, by and large, depended upon the victim or the victim's family to seek retribution or justice from the offender. There is one member of this Assembly who would favour the citizens of Canberra walking around with pistols on their hips and doing the same thing in 1991, but I am sure that that is one voice out of 17. The rest of us accept that the criminal law has moved on and society has moved on, and now it is a matter for the state to bring prosecutions. The concept of private prosecutions still lives on as a vestige in the criminal law in Australia. But in most States, with the introduction of independent prosecution services under the direction of a director of public prosecutions, the opportunity has been taken to provide that the DPP can take over a private prosecution and quash it.

So, in effect, the old legal concept of the victim taking the law into their own hands, either literally by exacting retribution themselves - "an eye for an eye" in biblical parlance - or legally by launching a private prosecution, has fallen into disuse, and that is a fortunate thing. The state prosecuting crime is certainly better than the victim prosecuting crime; but the problem with private prosecutions, of course, is that, while it is all very well if you are rich and powerful - you can hire lawyers to prosecute a matter - the ordinary citizens in England basically had little option of doing that and tended to remain victims without redress.

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It is almost invariable that the victims of crime tend to be persons at the lower end of the wealth and power spectrum. People least able to defend themselves or assert their rights are often the people who are preyed upon. It is thus important that the state intervene and prosecute crimes. But in doing so the rights of the victims tended to be forgotten. It was in 1951 that an English magistrate first proposed the idea that the state ought to intervene and provide compensation when a person has suffered loss at the hands of a criminal where the criminal is either unable to be captured or is captured and prosecuted but is in no financial position to provide compensation.

That idea was first taken up, interestingly, by New Zealand in 1963, and by the 1970s criminal injuries compensation legislation came to be in place, certainly throughout the Commonwealth nations. But the victims' position still tended to be, perhaps, neglected. They were a bit player in the process. They were, in a sense, the focus of a prosecution - prosecution was always intended to, in a sense, validate what happened to the victim and to prosecute a person for their actions against the victim - but they played no important part in the process and they tended to feel that they were on the outer. They did not know what was happening. The process of a criminal prosecution is complex and, to a person not versed in the law, very confusing.

As the study of victims' rights and the concept of looking towards the victim have grown in the last 10 or 15 years, it has been generally acknowledged that it was the women's movement that provoked a focus on victims' rights. It was in the late 1960s and early 1970s that the women's movement began to agitate successfully, in a number of jurisdictions, for assistance and self-help assistance in the area of sexual assaults and domestic violence. Concepts such as the Rape Crisis Centre here in the ACT and other women's self-help groups really provided the first model of effective concern for a victim. It was the first acknowledgment that the victim needs to be assisted through the prosecution process, to feel they have a role in that process, and to have counselling, care and support.

As I say, the pioneering work that was done in that field was essentially from the women's movement. It has been established, quite clearly, that that was helpful in bringing offenders to trial, because it meant that women were more prepared to come forward and lay complaints. There is a lot still to be done in that field, and that is an area, of course, where there is support across this chamber. I am sure Ms Maher would be well aware of what is being done by the Government in that regard and what was being done by the Labor Government - and there is very little political difference in that area.



Following that, we had the emergence in Australia of more general lobby groups for victims of crime, led, in South Australia in 1979, by Mr Ray Whitrod, a former Commissioner of Police in Queensland, who established the Victims of Crime Service in that State. That was followed by the Victims of Crime Assistance League in Victoria and later, following a tragic incident in this Territory, by VOCAL in the ACT.

Governments began to take notice of this demand from citizens for a concern for victims, and the Milan United Nations congress in 1985 was the high-water mark of that international concern at which a declaration of victims' rights was proposed. We are saying in this motion today that that should be taken as a basis for future action. In some areas legislation may well be required, but in a number of fields the recommendations of this declaration can be dealt with administratively. That has been done in South Australia very effectively, and I will refer to that.

The first right that is referred to in the Declaration of Victims' Rights is the right to:

be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity;

One would think that that hardly needs to be stated and one would have some confidence that the police force in this Territory endeavours to do that in any event. So I do not think a lot of action needs to be taken there, but it does need to be stated as a primary goal of law enforcement. The second principle is the right to:

be informed about the process of investigations being conducted by police (except - obviously -

where it might jeopardise the investigations);

There is an element of criminal law secrecy for investigations that must be preserved. That is an area where action could be taken and where the police and prosecution services could improve their record. It is not a criticism of them that they are not doing it at the moment because they have never been directed so to act. But a very simple improvement could take place there, as has taken place in South Australia, where a very simple booklet has been prepared, "Information for Victims of Crime". It is written in a very plain English style, but my colleague Mrs Grassby will be pleased to know that it is also written in plain Italian, Greek, Serbian, Vietnamese, Chinese and a number of other languages. I have not brought the full range of documentation here.

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**Mr Duby:** How do you know that it is written in plain Serbian?

**MR CONNOLLY:** For those who speak Serbian I am sure there is plain Serbian and bureaucratic Serbian. These little documents, in the range of community languages, are basically held in police vehicles and, when a crime is first reported and the police first attend, the victim is given a copy. Perhaps one of the most important parts of this document is at the back where a police contact officer is identified. It says, "Your police contact number", and "Please keep this information. It will enable you to make direct contact with the police handling the matter. For any inquiry please contact ...", and there is provision for a telephone number and a report number and an officer is identified.

There is a real problem at the moment. The police, as a matter of routine, are not required to report back to the victim, and if the victim tries to find out what has been happening in a prosecution it is often difficult. The police operational arrangements are directed to law enforcement and crime detection. Matters are passed up and down the force into different areas, and it can often be very difficult for a victim to find out who the officer dealing with their problem now is and what is going on.

This very simple method that is being employed in South Australia is basically to put the onus on an individual police officer to be a contact or case officer for an individual victim, and be always a point of contact, so that the victim has a police officer that they contact and that police officer then chases up any information. The result of a comprehensive survey done in South Australia last year on the effectiveness of the victim program - because it has been in force now for some years in South Australia - was that the community was very satisfied with that.

From speaking to people involved in the program and police in South Australia, I understand that it has the added benefit that over time the individual who has been the victim of a crime comes to know police officer Brown or Smith as an individual, and this is a very effective program of community policing, which is the goal of the Australian Federal Police. This program would be very helpful because it personalises the contact between an individual officer and a member of the community. So, that is something that could be done very simply.

The declaration then provides that the person has a right to:

be advised of the charges laid against the accused and of any modifications to the charges in question;

That is something that is often overlooked. Prosecuting authorities have a discretion in determining what charge will be laid. It is common - as Mr Stefaniak, as a former prosecutor, would be well aware - for a series of charges to be laid against an individual but, on the day the matters proceed, perhaps for some of them to be dropped and one matter only to proceed.

That does not cause any eyebrows to be raised by anyone who has familiarity with the court processes, but to the individual that can be quite distressing. The victim can wonder why the charges apparently have been dropped or a lesser offence has been proceeded with. It would be an important improvement to the administration of justice in this Territory if the authorities bore in mind the need to always carefully explain to the victim why that has been done. Again, I am sure that happens in practice quite often in the Territory, but it is not a clear goal. The administration of justice would be improved if that occurred.

In point 4 is the requirement to have a comprehensive statement taken at the time of the initial investigation which sets out what happened and to have that tendered before the accused is sentenced. This is the so-called victim impact statement. There has been some controversy about victim impact statements and some parliamentary committees in New South Wales and Victoria have taken somewhat differing views on the advantages of a victim impact statement. I note, however, that the National Committee on Violence basically thought this was a worthwhile idea. I also note from discussions with people in South Australia that it has, in practice, proved to be non-controversial and, in practice, is being seen to be advantageous.

The concern, I think, about a victim impact statement is that it may be seen to be a sort of demand for retribution by an enraged victim and that that could be seen to be tilting the scales of the process of justice. But in practice it is presented in a very impartial and very calm manner and it allows the sentencing officer, the judicial officer, to have some understanding of how the crime has affected the victim, and that is important in weighing up the question of sentencing.

I will not go through all of the 17 points point by point, but the thrust of this declaration is to provide information to the victim and to make sure that the victim feels as though they are involved as a key part of the prosecution and law enforcement process. This declaration was adopted in South Australia. It has formed the basis of the South Australian crime prevention strategy, which seems to be working well and achieving community support and an effective basis for a community policing program.

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In our view, this would be a very positive step for this Assembly to take. A unanimous endorsement by this Assembly would give confidence to victims of crime in this Territory, to police and law enforcement authorities and to the community at large. I would commend the declaration to the Assembly, and I look forward to unanimous support.

**MR STEFANIAK** (11.51): I was heartened to see Mr Connolly put this motion on the notice paper, but I will move the amendment circulated in my name because I think it is important that credit is given where credit is due in relation to this question. I move:

Paragraph (17) after the word "custody", insert "and the Assembly congratulates the Government on its timely and full inquiry into the question of victims' rights announced by the Attorney-General on 13 December 1990 and currently being undertaken by the ACT Community Law Reform Committee".

I am delighted with Mr Connolly's comments and I know that he made them most sincerely. This is an issue that he has been interested in, and I have had many discussions with him on it since he came to this Assembly.

I think his party has, somewhat belatedly, seen the benefit of acting in this area - from a more cynical point of view, and that is a vote point of view - and is trying to catch up on a lot of lost ground, because in the police and justice area the Labor Party in the ACT does not have a particularly good track record. This move, initiated I would think by Mr Connolly, is a very welcome one indeed.

The question of victims' rights has concerned my party, the Liberal Party, for a number of years, and indeed I think the other parties in the Alliance since this Assembly's inception. I can recall having many discussions on this issue with Mr Collaery and some indeed with Mr DUBY, even prior to the Alliance Government forming. Indeed, my recollection of those discussions is that they were always supportive, even back in 1989, with regard to the question of victims' rights.

It is pleasing to speak in support of the points raised by Mr Connolly and also my amendment because this Government has initiated moves which I believe will see very effective benefits flow to victims, ensure that their rights are protected and, I hope, see whatever legislation is necessary - and I believe that some will be necessary - introduced into this Assembly and passed this year. If we can in fact get good victims protection legislation into this Assembly prior to our rising and going to the elections in February next year, that is probably one of the greatest things this first Assembly could do.

The ACT Community Law Reform Committee, established by the Attorney-General last year, had the question of victims' rights put to it for study on 13 December 1990. That

included this UN declaration because that is a fundamental document on the matter of victims' rights. That committee is currently conducting a full inquiry into the question of victims' rights.

In relation to that committee, I am also delighted to say that its chairman, Mr Justice Kelly, has had a long interest in the question of victims' rights. Indeed, he and I were involved, I think back in about 1987, in what could be called the first victim impact statement which was tendered by consent - as they still have to be, in the ACT, unfortunately - in the ACT Supreme Court. I certainly noted the judge's interest in relation to the question of victims' rights. That was a particularly interesting experiment, in which both the defence and the prosecution concurred, and I think the result was entirely satisfactory. Indeed, I think, at that stage back in 1987 I was shown the importance of victim impact statements.

The Liberal Party has certainly been concerned about this question for a long, long time. It is quite wrong for the Labor Party to say that we have been a bit tardy in relation to this. In our police and justice policy, which was finalised in October 1988, we acknowledged the importance, as indeed does the Alliance Government, of the question of victims' rights.

In paragraph 6 of that policy - and I believe that it is important to read it onto the record - we state:

6. An ACT Liberal Administration will shift the emphasis of the system towards the rights of victims, their families and the community.

We have four paragraphs under the heading "Victims" - paragraphs 26 through to 29 - in which we state:

26. In line with other States, the maximum amount payable under the Criminal Injuries Compensation Ordinance will be increased.
27. The powers of the courts to confiscate and apply the money and assets of criminals to the benefit of their victims will be widened. Money and assets so confiscated will be available to compensate both for personal injuries and property damage.
28. In serious criminal proceedings a victim impact statement will be prepared and tendered to a court prior to an offender being sentenced. The statement will set out the full effects of the crime on the victim and the victim's family, including where appropriate the financial, social and psychological harm suffered by the victim and the victim's family.

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29. An ACT Liberal Administration will explore alternative methods for victims of crime to give evidence before the courts. We realise that improvements in this field are especially important in the case of children who are the victims of crime, and we shall seek the early implementation of video-taped evidence by children in cases where the court deems this action appropriate.

I am delighted to say that I think that in that regard steps have been taken by the Attorney and the Chief Magistrate. Already there have been a number of occasions when videotaped evidence of children has been taken to save them the great trauma they suffer, especially in indecent assault cases and such like, when they give evidence in court. Indeed, in the deliberations of the ACT Community Law Reform Committee the full question of victims and victims' rights is currently being addressed. This is just a further excellent step in that process.

Mr Connolly alluded to the fact that for all too long the victims were the forgotten people in the criminal justice process. Basically, they would be there to give evidence. If it was a serious matter they would give evidence in a committal hearing; they would be cross-examined in many cases because of the adversarial system; and they would be made to look as if they were guilty rather than merely giving evidence on behalf of the community against an accused.

They would then, if it was a serious matter, have to give further evidence on trial. If there was a hung jury they might have to come back for a second trial. It was possible for a victim to be required to give evidence two or three times in a series of court proceedings. Quite often they would not be informed of the progress of a case or of what was happening with the charges. On some occasions in the past they may not have been informed of other relevant factors such as were taken up by this UN Declaration of Victims' Rights.

In the early days when I first started in court, I saw, both in New South Wales and in the ACT, occasions when victims were treated rather badly and were not made to feel as comfortable as they should feel in the adversarial system. I am pleased to say, from my experience as a prosecutor in the ACT courts, that, certainly in recent years, the police and the office of the Director of Public Prosecutions, which started in 1985, are showing much more concern in this regard and are taking more and more steps to, in fact, implement, as a matter of operational policy, most of the points raised in the UN declaration.

Indeed, most of those points are simply commonsense, but it is important that they are stated. I am pleased to see that Australia in fact was the guiding hand behind the UN adopting such a declaration. As Mr Connolly correctly

points out, there are States in Australia where currently the rights of victims are very well protected. Some States have victim impact statements. South Australia, of course, was the first State to introduce that measure, and certainly the ACT courts have used a number of matters from South Australia as precedents, especially in the sentencing area and areas such as this.

It is important for victims to feel that they are being cared for and that they in fact are not the criminals. They are there to give evidence because they have been wronged; they are there to give evidence on behalf of the community. There is a tendency in courts, because of our adversarial system built up over the years, for the defendant on occasions even to be treated as a special person, and almost as a treasured citizen, while the victims are the forgotten people. I am pleased to see that in recent years that question is being well and truly addressed. Defendants have rights and those rights must be respected, and courts do all they can to ensure that that is so. Victims also have rights and they have to be respected, and steps such as this go a long way to ensuring that that is the case.

In talking about victims' rights, I think I should say that in the ACT victims are well serviced by a group which was formed basically because victims were the forgotten people in the criminal justice system. Indeed, that has been the reason for the formation of similar groups throughout Australia. The Victims of Crime Assistance League had been going in Australia for some years, but the ACT branch was formed after young Grant Cameron was murdered, or killed rather - I think the fellow was ultimately convicted of manslaughter - at a school fete at Duffy in 1987.

I am happy and proud to say that I have had many dealings with that group over a two- or three-year period. They are a very supportive group and give a lot of support and encouragement, which I think is so terribly important for a victim, or the family of a victim, of a very serious crime. I have met many people in that group who have been victims themselves or whose children, wife, husband or parents have been victims, and they band together for support. They go to court to offer moral support and I think they have been very important in bringing to the attention of the courts and the legal system generally - and indeed to politicians in the ACT - the need for the protection of the rights of victims. Not only do they give support to each other but I think they bring to the attention of us all the need for the question of victims' rights to be addressed and, if need be, for proper legislation to be put in place to ensure that that is the case.

A number of States have adopted this declaration. I think virtually all Australian States have done so. It is a very sensible basis for further law reform. Mr Connolly alluded to a number of measures already in the South Australian legislation, including victim impact statements. In a

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recent talk I had with the New South Wales Director of Public Prosecutions, he brought to my attention section 447C of the New South Wales Crimes Act which provides for the preparation of victim impact statements and for putting them before New South Wales courts as part of the sentencing procedure. Indeed, having looked through that section, I can say that there is a lot of commonsense there and it tends to adequately cover some of the questions we are now dealing with. It is good to see the ACT also going down this track.

This motion from Mr Connolly indeed is a timely one. I am glad to see that the ALP now realises that there is a very great need for the rights of victims to be protected. I hope that this attitude shown by the ALP continues into other areas of law reform and of public behaviour, and I certainly hope that, when we come again to look at such things as the move-on powers in September of this year, when it is due to expire, their attitude to that matter will change. Those things are also very important to victims, and I remind the ALP members opposite of the support the Victims of Crime Assistance League has given to this Government and, prior to this Government coming to office, to me and the Liberal Party when the initial private member's Bill was introduced in relation to that particular matter. They see only too clearly the results of violent crimes in our society and they see the need for certain laws to be enacted to protect the ACT community.

I think that particular body also gave evidence before the public behaviour inquiry and made some very strong points in relation to such things as the consumption of alcohol and other behavioural problems in our society. Indeed, of all people they should know, because they are the victims; they indeed are people to be listened to. I am pleased to see that the Attorney-General, in relation to a number of bodies he is setting up, is also taking note of advice from such people and from other members of the community on this very important issue. So, to Mr Connolly I say: It is about time, but better late than never. I look forward to the handing down of the report of Mr Collaery's committee on this whole question of victims' rights, and to some very good legislation coming out of this first Assembly.

**MR COLLAERY** (Attorney-General) (12.04): Firstly, I thank Mr Connolly for his interest in the adoption by the ACT of the declaration of the principles of justice for the victims of crime and abuses of power. If the ACT, as a government, as a people and as a polity, does carry forward this motion, we will join Victoria, which subscribed in 1988, and Tasmania, which subscribed in 1989, and become the third polity in this nation to adopt the convention and declare it as part of its administration.

The rights of the victims of crime is an issue which must concern us all. I think enough has been said by Mr Connolly and by Mr Stefaniak. I will not repeat it. I will just say for the record that, of course, I endorse, as



Attorney, all that we are doing to catch up on what a responsible and sensitive government should do on this matter. It was my view, firstly, that we should create a law reform committee and, secondly, that this matter should be one of the early references to it. I will welcome the report of the committee when it comes down.

For the record, this issue was referred to the committee on 13 December. The committee is chaired by the Hon. Mr Kelly, a queen's counsel and a retired judge of the Supreme Court of the ACT. In that reference I directed the committee to have specific regard to the UN declaration in making its review and report. I am also aware, and wish to put on the record, that Mr Kelly travelled at his own expense to the United Kingdom and to the United States late last year to study different victim impact systems.

I understand that an issues paper in relation to this matter will soon be released. Indeed, an officer of the secretariat supporting that committee seems to have a voluminous draft with her now. I have resisted the temptation to peek over her shoulder, but I am sure all members will be very interested to see that discussion paper when and if it is released. It will be essentially an issues paper and it will refer in detail to the declaration before us today. The paper will be widely circulated for consideration and, clearly, the committee will again be asked to consider the issue.

I also wish to indicate that the declaration itself is a noteworthy recognition of the importance of the issue at an international level. Clearly, Australia needs to be exemplary in its relations in this regard. I am not seeking to tell Senator Evans his job; but clearly, by putting our utterances into reality, we provide an exemplary model for this troubled region of the world. Certainly, I am very proud that Australia took a lead in the formulation of the declaration. But, by the same token, it is incumbent on all Australian jurisdictions to see how they can adopt the convention and put it into reality. At the same time - and not wishing to be churlish to some States - there are corrective service difficulties of a profound nature in some of the northern areas of Australia, raising issues that we have already canvassed in relation to the declaration on the rights of the child. They relate to complex issues to do with policing structures, administrative capacity in remote areas, and so on. But I am sure that those States are working through those issues, and I do not wish, by singling out ourselves as possibly the third cab off the rank, to appear churlish about what other States are attempting to do.

I think Mr Connolly has adequately recognised the contribution that successive South Australian governments have made in the area. I believe that we have much to learn from that area. As members are aware, we are closely looking at the South Australian experience at the moment. The Government will be making a statement this afternoon

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that will add one aspect to this matter. I also think it is fair for me to say - I am sure my Cabinet colleagues would agree - that the Government has recently agreed to increase the criminal injuries compensation level from \$20,000 to \$50,000, and to make a number of amendments to the legislation to better reflect the needs and demands in this area of the victims of crime.

One issue that I trust will be examined in the future - and I say this by way of personal observation and comment - is the decision in one of the United States jurisdictions to give court ordered therapy awards ab initio - at the beginning of proceedings - so that a victim does not have to wait a lengthy period for a positive finding of guilt and so that there is a recognition by the court that there is a victim and that the injury is not self-inflicted, for example. In some circumstances in California - particularly in sexual abuse cases but also cases in other categories - rather than award money two or three years down the line, the court has awarded against an applicant a number of hours of government paid therapy or other intervention. That is an innovative idea - one which I am sure the committee will look at - and it exemplifies to us that there is still room for improvement in our response to compensation to the victims of crime.

My view as a practitioner was - and I say it very frankly - that compensation often came through, under the Criminal Injuries Compensation Ordinance as it then was, too long after the event to have assisted the victim in the immediacy of the devastating impact of that offence, particularly in a personal assault situation where there had been physical and/or psychological injuries. I very much prefer a situation where we can have an immediate allocation of the resources that are required, sometimes in addition to those available under Medicare and other publicly funded programs.

That is an issue that I will bring back to the Assembly in due course. With Mr Connolly and certainly with Mr Stefaniak, I share a great eagerness to get on with the task and to improve the area of victims' rights. But we need to move prudently. I am sure the Law Reform Committee will bring up some further ideas and, hopefully, we will be able to go a little further in the overall national jurisdiction in respect of issues such as immediate response without requiring a finding of guilt in relation to an assailant. I assure the house that as soon as the Law Reform Committee's issues paper is released I will make it available in the Assembly.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (12.12): Mr Speaker, I want to contribute briefly to this debate. With my colleagues I also welcome the initiative that Mr Connolly has taken in bringing this motion forward. It is clearly appropriate and it makes, I think, a contribution towards ensuring that the ACT is at the forefront of developments in this area. I think it is hard for those of us who have not been the victims of serious crime - and I am fortunate to count myself in that category - to understand the devastating effect that crime, even some minor crime, can have on its victims. As a solicitor for a number of years in this city, I did deal with people who were victims of crime in various ways, and the impact in some cases was quite extraordinary and deserving, I think, of more attention from our legal system than was hitherto the case.

I have to say that the effects of even minor crime can be quite devastating. I recall dealing with some cases of people who were victims in a very small way but who felt extremely aggrieved and who, I am sure, suffered scars of a quite profound nature. I can also recall acting in a criminal injuries compensation matter for one particular client, the victim of an assault, whose entire personality was altered by that crime and who later committed crimes herself because of the devastation that was inflicted on her by the original assault some time before that. So, a focus on the rights of the victims is very important and I support that.

Mr Connolly mentioned in his remarks that there were some dangers in the concept of a victim impact statement but that the way in which they were handled, I think he said in South Australia, created a sensitive environment in which they were used, and that in those circumstances they had proved to be effective. There is, I suppose, an element of retribution in such documents; but, given what I have said about the psychological effect on victims of crime, perhaps that element is not inappropriate. I know that there is some jurisprudential impurity in the notion of giving victims some right to feel that vengeance has been exacted. That obviously cannot be the aim of any decent legal system; but it should, I think, if possible, be a by-product in some cases, such that the victims have some progress made towards rehabilitation - and the scars that I mentioned before can be, as I have said, extremely deep.

I will just comment briefly on a couple of the paragraphs in the motion which refer particularly to the rights of the victims of crime. These paragraphs obviously focus on information flow - on giving victims full information on their rights, on what courses of action are open to them, and on what is happening to the person who performed the crime against them. That is obviously all very important.

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In particular, paragraph 6, which refers to the right of the victim to have explained to him or her the reasons that a prosecutor might enter a nolle prosequi - a withdrawal of the charges - is also very important. One of the most difficult things for victims to understand is why, when an apparently black and white case of a crime having been committed against them has been presented to a court, or at least to the prosecuting authorities, the prosecution should not be carried through to its logical conclusion of the victim being satisfied with a charge being found to be proved against the particular perpetrator. That is very difficult to understand and I think full reasons do need to be presented to victims in those circumstances to allow them to understand what is going on.

Paragraph 11 is also quite important in that the effects on victims of hearings - not only preliminary hearings or committal proceedings as referred to in the motion, but even hearings claims for criminal injuries compensation - can be quite devastating. That former client of mine to whom I referred earlier in fact withdrew her application for compensation because she did not feel that she could face up to the presentation before the officer of the court to explain the reasons that she deserved compensation. And that is quite sad.

I welcome very much the announcement by the Attorney-General that the maximum amount payable under the Criminal Injuries Compensation Act will be increased from \$20,000 to \$50,000. Money obviously is only part of the answer, but for some victims it is a very important part of that answer, and I think that is a very important step towards strengthening our acknowledgment of the rights of victims which have for so long been overlooked or only partly acknowledged. I also commend VOCAL and its work. I think that it has, as the name no doubt implies, given voice to people who were previously silent in the process of criminal justice. The evidence I see of their good work makes me feel that the existence of such a body in the ACT is a good thing for those who are unfortunate enough to need its services.

I support the amendment moved by Mr Stefaniak. We do need to acknowledge that the Government has acted in this area and is progressing this matter. I think we can say, on a bipartisan basis, that it is good that there has been acknowledgment in this motion of the rights of victims, but it is also important to acknowledge that the Government has been active in this area. I hope, as Mr Stefaniak said, that a broader consensus will develop between the Government and the Opposition about the need to address this area, not just in terms of victims' rights but also in terms of reducing the number of victims that the ACT produces each year and, in particular, making sure that the police themselves have the powers to prevent those sorts of victims coming along. I support this motion. I think it is a valuable contribution and I am sure it will gain wide support in the Assembly.

**MR CONNOLLY** (12.19), in reply: It is gratifying that there is widespread support for this motion. I think it is unfortunate that the Government sees the necessity to add on an addendum that pats themselves on the head for a recent action in referring a matter to a law reform committee for further study and debate. That is a very short-term thing. The unanimous endorsement of this motion on its own would stand on the record of this Assembly for many, many years as the basis for action. In years to come this little addendum will clearly look inappropriate tacked on the end. If this area progresses with bipartisan support, we will have reports from this committee and legislation passed as a result of it, and it will look incongruous that the Government saw the need to tack this amendment on.

The Opposition is certainly not going to oppose the amendment. It would be churlish to do that. Indeed, we are pleased that this has gone to the Community Law Reform Committee. As I say, we will not be opposing the amendment, because that would be churlish; but I think the need to reassure themselves by tacking it on is itself rather churlish, and I am disappointed that that was necessary. It remains the case that this motion, which I hope will be unanimously passed, would not have seen the light of day but for this Labor Opposition putting it on the notice paper. Mr Stefaniak was berating Labor about being slow to join him on this issue, but I think the facts dictate otherwise. We have been looking at this sensitive issue for some time. We have been publicly in support of this since the middle of last year and, as a result of a lack of action from the government benches, we thought it was appropriate to put it on the notice paper.

I am pleased that Mr Stefaniak and the Attorney congratulate us for moving in that direction, but this should not be taken to mean that we are going to move in the general law and order direction that Mr Stefaniak might favour. Indeed, this approach - this recognition of victims' rights and a move towards a crime prevention strategy as has been endorsed by the South Australian Government and which works hand in glove with an acknowledgment of victims' rights - is often quite directly opposed to the sort of tougher sentences, more police power, "lock 'em up" approach of the knee-jerk so-called law and order lobby.

We certainly have no truck with those simplistic solutions; nor, I think, does VOCAL as a community group. I think they are well aware of the difficulties in this area. They will welcome this initiative, and we on this side of the house hope that the Government will act. It can certainly be assured of Labor's support if it brings in legislation which moves along in this direction of sensitive recognition of victims' rights. It can also be assured of piercing Labor scrutiny if it seeks to introduce any knee-jerk unnecessary law and order Bills for cheap

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public consumption. But I hope that the Attorney will continue to exercise a degree of restraint in this area and that we will not embark on that course.

The unanimous endorsement of this motion by the Assembly will reflect well on this Assembly. It will stand us in good stead. We will be joining, as the Attorney mentioned, South Australia, Victoria and Tasmania. I think Queensland has also moved in this direction, or is about to, and we hope that other States will join. It will be a positive step for this Assembly if this motion is unanimously carried and, because of the importance of the motion being unanimously carried, the Opposition will not be opposing the amendment that has been moved by Mr Stefaniak. Unanimous support for the basic motion is too important to risk by bothering to criticise or vote against this perhaps unfortunate and rather trivial back patting exercise. If the Government feels it is necessary to do that, we are prepared to go along with it.

Amendment agreed to.

Motion, as amended, agreed to.

### **PUBLIC SWIMMING FACILITIES**

**MRS GRASSBY** (12.24): I move:

That the Assembly condemns the ACT Government for its incompetent handling of the provision of public swimming facilities for the people of Canberra.

In proposing this motion I hope to highlight what has apparently become a trend with this Government, and that is that they have, for one reason or another, continued to mishandle the provision of public swimming facilities in the ACT for the people of the ACT. I should like to start by focusing on the way this Government handled the re-leasing of the Phillip swimming pool. For the people of the Woden Valley there are few accessible alternatives open to them if they would like to swim, other than using the Phillip swimming pool. Consequently, it is the responsibility of any ACT government to make sure that the provision of this recreational swimming facility remains stable and accessible to the people of the Woden Valley. Quite clearly, the bungling of the re-leasing of this facility over recent months by those opposite has not created a sense of optimism for those who use the pool.

If we look closely at the issue of the re-leasing of the pool, we find that two options were open to the Government. The first of these was to proceed with the then current leasing arrangement, which was to provide a 10-year lease. The lease under which the Phillip pool was operated since 1979 allowed for an extension of the lease after 10 years.

The extension would have been on a continual rental basis, with the rent being determined by the Government. This arrangement could have continued for 10 years until 1999, at which time the facility would have reverted to the Government, which would not be required to pay compensation. Simply put, the Government would have received the rent for 10 years and then owned the facility at the end of the 10-year period.

The second option available to the Government was that of providing a 99-year lease for the facility. This, we believed from the start, should have been done by providing for a full and open public tender. That is something which we agreed with. After months of harassment by me and members of the public, this was the option which Mr Collaery, the then Acting Chief Minister, chose. But it must be stressed that it took a considerable amount of time and energy on the part of a lot of people before this fair decision was arrived at. It took an unbelievable amount of time - almost eight weeks - to get the answer to some simple questions which could have been provided in a couple of days. But no, it took eight weeks.

The option favoured by the Government appears to have been an incredible arrangement with the current lessee which provided as follows: Pay \$32,000 a year for 10 years and you get the facility lock, stock and barrel; pay \$320,000 and you get the right to some prime real estate and a facility worth a lot more than \$320,000.

If this sort of attitude to the leasing of public recreational swimming facilities was supposed to reflect a deeply felt concern for the users of the Phillip swimming pool, then I am afraid I cannot see it. More significantly, I do not think the people of Canberra saw it either, which may explain the eventual outcome of this matter - and thank goodness we did get such an outcome. To be frank, I was outraged at the original decision to grant a 99-year lease to the current lessee of the Phillip complex without an open tender process.

The number of telephone calls and letters I received from constituents on this matter was also incredible. And, let me tell you, they were not very supportive of the Alliance Government and the way it was handling the matter. Frankly, why should it have been any other way when the Government should not have had anything to hide but would not make public its reasons for not providing for an open tender?

The debacle over the Phillip pool, however, was not an isolated incident. I now turn my attention to the latest little controversy to be created by the Alliance Government and one of its Ministers. I refer to the decision to demolish the weir at Casuarina Sands. This is yet another example of this Government's incompetent handling of the provision of public swimming facilities for the people of Canberra. It needs to be pointed out from the start that

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the Casuarina Sands recreational swimming area is one of only a handful of free swimming areas in the ACT available to the public. Like most - - -

**Mr Jensen:** The Labor Party sold the rest off.

**MRS GRASSBY:** Mr Speaker, can you ask Mr Jensen to hold his tongue. I know that he went to Vietnam - he fought like hell but he still had to go - but if he would just let - - -

**Mr Jensen:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Order! Yes, please withdraw that, Mrs Grassby.

**MRS GRASSBY:** I withdraw it, Mr Speaker. It was meant as a joke, but we know that he does not have a sense of humour. When I said "he fought like hell but he still had to go", it was only meant as a joke, Mr Speaker; but, if he cannot take a joke, then that is his problem.

Like most casuarinas - - -

**Mr Duby:** What is a casuarinas?

**MRS GRASSBY:** I am sorry; most Canberrans. I am sorry, Mr Speaker. I am still thinking of the fact that I made a joke to Mr Jensen; but he could not take it as a joke and I had to withdraw it. It is still annoying me, Mr Speaker.

**Mr Collaery:** You are going to dwell on that, aren't you?

**MR SPEAKER:** Order!

**MRS GRASSBY:** At least you had a sense of humour, Mr Collaery; you could laugh. Like most Canberrans - - -

**MR SPEAKER:** Order, Mrs Grassby! The time for private members' business has expired. It being 12.30 pm, the debate is interrupted in accordance with standing order 77, as amended by temporary order.

**MRS GRASSBY:** Mr Speaker, I would wish to take this up again, so I seek leave to continue my remarks later.

**MR SPEAKER:** Certainly.

**Sitting suspended from 12.30 to 2.30 pm**



## PETITION

**The Clerk:** The following petition has been lodged for presentation, and a copy will be referred to the appropriate Minister:

### Skateboard Facilities

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that skateboard facilities recently located on the shores of Lake Ginninderra have been situated close to a residential area. Unsupervised use of this facility and surrounding carparks late at night is resulting in residents being kept awake. We are also concerned that the addition of floodlights to the facility will exacerbate our problem.

Your petitioners therefore request the Assembly to: look into the possibility of enclosing the skateboard facility and restricting its use to reasonable hours.

By **Mr Duby** (from 19 citizens).

## QUESTIONS WITHOUT NOTICE

### Hospital Services Budget

**MS FOLLETT:** My question is to Mr Humphries, as Minister for Health. I ask Mr Humphries: Will Mr Jim Service continue to work part time and without pay as chairman of the hospitals board, following your decision to give him control of the financial management?

**MR HUMPHRIES:** Mr Speaker, I see no basis for any change in Mr Service's position in terms of his remuneration, or rather, lack of it. As far as I am concerned, I do not expect Mr Service to take personal responsibility in the sense of personal, day-to-day, hands-on management responsibility for hospital finances. I do expect him to appoint a financial controller as soon as possible, whose job it will be to perform that task. I think Mr Service's extensive experience in this area will provide him with ample opportunities to make that arrangement work quite adequately.

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### **Hospital Beds**

**MRS NOLAN:** Mr Speaker, my question is also to Mr Humphries in his capacity as Minister for Health. Mr Humphries, are you aware that this morning on ABC radio claims were made that no beds were available in Canberra public hospitals at the weekend? Was, in fact, this the case?

**MR HUMPHRIES:** Mr Speaker, no, it certainly was not the case, and I think it is most unfortunate that people make misrepresentations like that about the health system and apparently they get wide credence because of the circumstances in which they are made. I do recall a number of callers this morning, including one caller who sounded remarkably like the staff member of a member of this Assembly, but I do not know who that could be.

**Mr Collaery:** Was that the first caller, Sue?

**MR HUMPHRIES:** Yes, Sue, that is right; that is her name. I cannot recall just where I have heard that voice before, Mr Speaker, but certainly a concerned citizen called Sue obviously works in this building.

Mr Speaker, at Royal Canberra Hospital South, the situation on Saturday was that nine medical beds and 19 surgical beds were available, making a total of 28 beds. On Sunday, seven medical beds and 20 surgical beds were available, making a total of 27. At Royal Canberra Hospital North on Saturday, a total of 14 beds were available. There was only one bed available on Sunday, but certainly there were beds available at the other hospital for the rest of that weekend in fairly ample supply.

Claims that no beds were available across the ACT are therefore totally wrong, and, in fact, create quite unnecessary apprehension for people in the ACT. I would urge people who care to join the general hubbub and make accusations like that to check their facts very carefully. It is not just the Government's reputation that they succeed in damaging with those sorts of claims; it is, of course, the efficiency and the effectiveness of our hospitals themselves.

### **Hospital Waiting Lists**

**MR BERRY:** My question, too, is to the Minister for Health, Education and the Arts, Mr Humphries. Noting the massive blow-out in the hospitals budget, will the Minister give an assurance that waiting lists will not increase above their already excessive levels?

**MR HUMPHRIES:** Mr Speaker, first of all, I dispute Mr Berry's claim that there is a massive blow-out. Mr Berry keeps repeating over and over again wild and outlandish figures. He keeps asserting that there is a figure of - - -

**Mrs Grassby:** So does the *Canberra Times*.

**MR HUMPHRIES:** The *Canberra Times* does it because Mr Berry and others feed it false information along those lines. There is no blow-out in the hospital budget. There is, at this stage, a projected overrun of \$4.6m, or possibly more, depending on the outcome of the inquiry which is presently under way. That is the fact. If Mr Berry wants to take account of that fact he can; if he does not, it really does not bother me.

Mr Speaker, I cannot offer any assurances about waiting lists, any more than Mr Berry could while he was in government. It is simply not possible. Mr Berry thinks - and promises, I note, to the citizens of the ACT - that he will wave a magic wand on his return to government and get rid of long waiting lists. I do not think I will have the opportunity to watch him do that, because I do not think he will return to government in the near future; but I do think he is making a most irresponsible promise.

The problems relating to the shortage of staff in our hospital system are a matter of grave concern to the Government. We have done all that we can to promote an environment in which we can attract top quality people to the ACT, particularly nurses. I would be happy to explain in detail once more for Mr Berry, if he really wants to know what we are doing about nurse recruitment; but, unfortunately, that will not solve all the problems overnight. I suggest that, before alarming people further about whether they can get hospital beds in this Territory, he ought to be very carefully considering what the facts actually are.

### **Education Plan**

**MS MAHER:** Mr Speaker, my question is also to Mr Humphries, in his portfolio of education. *Education Plan for ACT Public Schools 1991-93* has recently been launched. Can the Minister inform the Assembly how significant the plan is, and what impact it will have on public education in the ACT?

**MR HUMPHRIES:** Mr Speaker, I thank Ms Maher for that question. It is an important one, given that the education plan has recently been launched, as she indicated. The plan is the culmination of a process begun two years ago. The process involved extensive consultation and participation by key groups interested in public education in the ACT. It is presented on two levels, Mr Speaker - as a three-year rolling plan, and as the 1990-91 action plan. Within the plan, the mission, core values and principles, the strategic approach and the goals of ACT public schooling are clearly articulated.

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This plan will provide a framework for decision making and resources allocation for the public school system in this Territory. The plan lays the groundwork for the need for change, including strategies that refer to school based management, changes in schooling structure, and efficiency in the use of human and financial resources. The plan details clear measures of performance progress towards achievement of the goals. It will be reviewed annually and the action plan will be updated.

I think, Mr Speaker, it could be described as a positive step in refocusing schools' and the community's attention on the provision of educational services. It focuses on curriculum, the classroom environment, quality of teachers and their teaching, supported by quality leadership and management.

### **Hospital Services Budget**

**MRS GRASSBY:** My question is to Mr Kaine, the Chief Minister and Treasurer. The Treasury report on the current hospital budget blow-out identifies \$3.5m caused by non-payment of accounts in 1989 to 1990. Who was left unpaid at June 1990, and when were they paid? What was the impact on their business?

**MR KAINE:** Mr Speaker, it is a fairly absurd question. It has been reported, and the Minister for Health has under investigation, that it has been said that there was \$3.5m worth of bills in the hospital system.

**Mr Connolly:** The Minister said it.

**MR KAINE:** Yes.

**Mr Connolly:** It is his justification for the blow-out.

**MR SPEAKER:** Order!

**MR KAINE:** And he has also told you that he is investigating it, so I am amazed that you would ask me the question when it is under investigation by another Minister. I keep repeating that, if you want the answers to your questions, you should address them to the proper Minister. He has already told you that there is a potential problem; he has already told you that he has it under investigation. I am quite sure that, when that investigation is finished, if he has anything that he thinks you ought to know he will tell you. I do not know how Mrs Grassby expects me to carry around in my mind the details of every bill processed in the hospital system, and some that happened over a year ago. Quite clearly, I cannot answer that question. Quite clearly, it is the responsibility of the Minister for Health to answer it. He has it under investigation, and I suggest that you just wait patiently until he gives you a report on his investigation.

**MRS GRASSBY:** I have a supplementary question, Mr Speaker. Could the Chief Minister get back to me when he does have the answer to the question, please?

**MR KAINE:** The answer is no, Mr Speaker. I said that the responsible Minister would reply at the end of his investigation.

### **Lyons Primary School**

**MR MOORE:** Mr Speaker, my question is directed to Mr Humphries as Minister for Education. Minister, considering that the end of the first school term is imminent, and therefore the closure of Lyons Primary School is also imminent, can you tell the Assembly what, if any, arrangements have been made concerning the fate of the school in respect of the buildings themselves?

**MR HUMPHRIES:** No, I cannot. In fact, the fate of the school buildings themselves is not actually my responsibility. Having determined that the school should close, of course, my responsibilities as Minister for Education obviously cease when it ceases to be a school. However, I can indicate that the Government has not formed any firm intention as to what will happen with the school; but there will, of course, be a process of consultation with the community on what appropriate uses can be made of that school building when it is no longer used as a school. The normal processes will be followed in every respect, and I think Mr Moore should be patient enough to see those carried out.

### **Teacher Promotions**

**DR KINLOCH:** My question is to Mr Humphries as Minister for Education. This is a rather strange thing to have to say, but I note that the New South Wales Department of School Education has recently decided to promote teachers on the basis of merit. You would have thought that for the last 200 years it would have been promoting people on the basis of merit. However, it has just decided to do this. Can the Minister please advise the Assembly on the situation regarding promotion for teachers in the ACT?

**MR HUMPHRIES:** Mr Speaker, yes, I can. I fully understand what Dr Kinloch means when he says "a strange matter". In the ACT we are used to an arrangement whereby teachers, among others, are promoted on the basis of merit, and it comes as some surprise, I think, to discover that in other jurisdictions - in this case in New South Wales - in fact, there has not been a regime of promotion on merit. I think that it is legitimately raised in that light.

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The ACT system has, in this area as in many others, led the way in this country. We have for some time been promoting teachers on merit. That has been the model used for teacher promotion in the ACT since its inception as a system in 1974, and the merit principle is fundamental to that approach. In 1986, the peer assessment and selection section was established with the primary function of ensuring that teachers were provided with high standard, equitable assessment in their quest for promotion. Members of the section are selected jointly by the ministry and the ACT Teachers Federation, thus ensuring a balanced and conclusive selection process which is not subject to appeal.

The section also provides continued support and advice for potential and unsuccessful applicants. Equal employment opportunity principles are adhered to closely, and are seen as a priority. No longer are women discriminated against due to shorter or broken periods of service. A measure of this is the continuing proportion of women achieving promotion positions, a figure more closely reflecting the percentage of women teachers in the service.

The ministry is also introducing a teacher review and development process to maintain and improve the quality of teaching and learning within the government school sector. Probationary procedures have also been recently improved. The ministry is currently reviewing promotional procedures with a view to making sure that that information is based on the best available data, and a range of data generating options, including the assessment centre method, are presently being considered. That is a quite exciting possibility. Discussions are being held with the Teachers Federation to ensure that promotion procedures remain at the cutting edge of contemporary personnel procedures and practices.

### **Hospital Services Budget**

**MR CONNOLLY:** My question is also to Mr Humphries as Minister for Health. Minister, given the history of financial problems in the hospitals and given the fact that you had the Treasury report some 15 months ago, what actions did you take, on assuming office, to ensure that you were able to scrutinise the budget closely throughout the financial year?

**MR HUMPHRIES:** Mr Speaker, I do not know what Mr Connolly was doing yesterday when we had a debate on the motion of censure, but all those things were set out in quite some detail then. Apparently he was not paying attention. I do not think Ms Follett was even here, so I do not know how she could comment on that. I will run through it again for his benefit, so that he can refresh his memory about these things.

First of all, of course, the ACT hospital budget faced a \$7m blow-out at that time, and the most important and pressing task facing me and this Government was to bring that budget back on track for the end of the financial year. That required a number of measures to be taken at that time, including a number of expansion and restraint measures to bring that budget in on target. That was the most important and pressing task facing me at the time.

It was obvious to the Government that financial information systems within the hospital budget processes were not up to standard and were not adequate to provide the Government with prompt information about the situation. As a result, it invested considerable sums of money in ensuring that the ACT hospital system got improved and updated systems of financial information accounting. The fact that those systems have been put in place, or are being put in place, does not necessarily reflect that there was anything improper or inappropriate in doing that, and the fact that there has now been a further budget problem does not indicate that that original decision of the Government was inappropriate. What it does indicate is that either these measures were not at the heart of the problem that we now face or, of course, they were inadequate to actually meet that problem. Either way, the inquiry which is presently being conducted by the Government should provide an answer in due course.

The Government also, of course, most importantly of all perhaps, moved quickly to put in place a structure of accountability in our hospital system which was essential for providing community responses to the issues that were being raised as a result of that problem and as a result of ongoing issues of concern in the hospital system. The board structure particularly provides that kind of accountability. It provides for a body of people whose job it is to monitor this process. I have said - yesterday, I believe - that, in my view, the previous Interim Board of Directors was not aware of the problems that have now come to light when it was in charge of those matters. I do not think anything should be said about that to indicate any displeasure or any lack of satisfaction with them doing their job during that period. But I do think that the processes - basically as outlined - are appropriate for keeping control of hospital budgets. I should not have to be sitting down every day with spreadsheets, looking at what money is flowing where.

**Ms Follett:** You should have.

**MR HUMPHRIES:** I do not think I should; I do not accept that that is my job. I do think, however, that a hospital board - a health board as we now have - is an appropriate mechanism for looking at those issues and monitoring them on a day-to-day basis. Those are three important things done by this Government to address this problem. Obviously, other things need to be done, and are needing to be done, and that is why this Government has taken the extra steps as announced in the last few days.

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**MR CONNOLLY:** I have a supplementary question, Mr Speaker. Given the system of accountability that you have described, why did you say, only three weeks ago, "I have received no advice of any variation on the patterns of expenditure on the part of the hospital system vis-a-vis the budget; I, therefore, operate on the assumption that the budget is on track"? Does that not indicate that your systems of accountability are hopeless?

**MR HUMPHRIES:** No, it does not, Mr Speaker, because the information coming to me, in those senses, is very similar to information coming to the Board of Health. If information is not flowing through to the Board of Health as it should be, then, naturally, I also, as Minister, will find that I am not getting an adequate or sufficient flow of information.

I have to say that those opposite seem to have a complete and cavalier disregard for the fact that at the present point in time there are two inquiries going on into this matter: One by Mr John Enfield, as announced yesterday, and the other by Ms Follett herself, as Leader of the Opposition and as Chairman of the Public Accounts Committee. What kind of impartiality can we expect from the Labor-led inquiry in the Public Accounts Committee while those opposite continue to press for answers on these issues in this place? I would have thought that the Public Accounts Committee was at least one venue where those questions should be asked and answered.

Nonetheless, Mr Speaker, as I have said: I accept that there is a problem with the financial accounting systems in the hospitals. If there was not a problem, presumably I would not have asked for an inquiry to be begun by Mr John Enfield, would I? We accept that there is a problem. We have acted to deal with that problem, and it only remains to await the outcome, if those opposite can possibly wait that long.

### **Fluoride**

**MR STEVENSON:** My question is to the Minister for Health, Gary Humphries. I refer the Minister to a letter from the Australian Dental Association regarding fluoride, which was sent to his office and dated 15 February 1991. I was sent a copy of that letter. Paragraph 2 of the letter states the following:

The total fluoride ingested by individuals can be readily determined by urine analysis techniques. The methodology is well established and reliable and is not invasive, costly or otherwise troublesome to implement.



My questions are as follows, and they number four: Firstly, how would this be done? Secondly, what scientific evidence is there to suggest that urinalysis is effective in the determination of total fluoride ingestion? Thirdly, where in the world is this used on a community basis? And, fourthly, where in Australia would these tests be made?

**MR HUMPHRIES:** Mr Speaker, I cannot answer those questions at the moment, but I am happy to take them on notice and I will get back to Mr Stevenson.

### **Hospital Services Budget**

**MS FOLLETT:** My question is to Mr Kaine as the Treasurer. I ask Mr Kaine: Will you give a commitment that your Gaming and Liquor Authority and Community Development Fund slush funds, which came about as a result of the abolition of both those bodies, will not be used to bail out the hospitals budget?

**MR Kaine:** First of all, I do not know about any slush funds. If there were any, they were created by the Labor Government when they were in office, I would have to point out; but I do not believe that there are any. Secondly, the purposes for which the money was paid into the Community Development Fund in the first place would certainly preclude that money, so far as the Community Development Fund is concerned, being used for the purposes that you described. The purposes are quite clearly defined. If there is any Labor Government generated slush fund in the Gaming and Liquor Authority, that, such as it is, would go into Consolidated Revenue, and it would be used for whatever purposes this Government thinks is appropriate. I certainly would not give you that sort of guarantee in connection with that money, if there is any.

### **Board of Health**

**MR BERRY:** My question is to the Minister for Health, Education and the Arts. Mr Humphries, have you directed the Board of Health to relieve the chief executive of any of his statutory duties under the Health Services Act 1990? If so, under what section of the Act was the direction made?

**MR HUMPHRIES:** Mr Speaker, the answer is no.

**MR BERRY:** I have a supplementary question, Mr Speaker. The Act is specific about the powers and duties of the chief executive, and there is no provision for removal of part of the duties only, or for sharing the duties. When will the Minister and the board comply with the Act?

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**MR HUMPHRIES:** That is a hypothetical question, Mr Speaker. I am sure that I have acted within the terms of any legislation that governs the position of the chief executive. I think Mr Berry is barking up the wrong tree as usual.

### **Rental Bond Board Legislation**

**MR MOORE:** Mr Speaker, my question is directed to the Deputy Chief Minister, Bernard Collaery. Is the Government proceeding with significantly different Rental Bond Board legislation from that circulated for community consultation? Is a further consultation period envisaged? Has the Minister been advised today of serious community concerns about another redrafting of the Rental Bond Board legislation, which removes real estate agents and their tenants from the proposed coverage of the board? Does he intend to meet with the community sector in the next 24 hours, as they have requested?

**MR COLLAERY:** I thank Mr Moore for the question, and I doubly thank him for allowing me to put down this absurd rumour that seems to be gravitating from certain sources down towards those interested parties. The fact is that the Government is still re-examining the rental bond process. One of the proposals put by the REI is that it use a statutory trust account system similar to those employed by solicitors. We have taken that on board, and I have asked the department, as late as early this week, to give me further advice and, hopefully, an issues paper on that aspect.

The issue is some way from resolution. There is no need, in my view, for me to arrange any emergency meeting with tenants. I see Mr Connolly shaking his head. I suggest that he meet with the real estate agents and other reputable people in this community to consider the very valid arguments that are being advanced on both sides on this issue.

The fact is, Mr Speaker, that ACTCOSS has submitted to me that about 6 per cent of bond moneys go into dispute out of 14,000. It has been put to me by the REI: If more than 90 per cent of bonds are not in dispute, should we not have a system, as is employed by the Law Society in the statutory interest account and so forth, where the bond money goes into an untouchable trust account for that 90 per cent? When there is a dispute, the money goes across automatically to the bonds office of the Government. That is an arguable case. It has been put to us. It has gone no higher than that. There is some fear mongering out there. I suspect that it is somewhat ideologically driven. No decision has been taken. The issue has not been brought back to the ministry. It is far too early to jump to conclusions.

I thank Mr Moore for allowing me to put that down, because shortly before I came down here I received a fax, a frightened facsimile, saying, "We need to see you within 24 hours, because the Government is changing the ball game". We have not even got it on the agenda this week or next week and, as it is a matter that needs further discussion with the community and with all the sectors involved, I give them that assurance.

### **Psychiatric Day Care Centre**

**MRS GRASSBY:** My question is to Mr Humphries, the Minister for Health, Education and the Arts. Why is the psychiatric day care centre being moved from Woden Valley Hospital to Kambah? Who has been consulted, and how much will it cost?

**MR HUMPHRIES:** Mr Speaker, the centre is being moved as a result of a decision that coincides with the hospitals redevelopment project. It is part of that process, and I have to say that it is not a matter that I would have been as concerned about as Mrs Grassby obviously is, given that the processes of consultation employed by this Government are large enough and ample enough to ensure that people are not left out in the cold when a decision is made.

**Ms Follett:** Whom did you consult?

**MR HUMPHRIES:** Mr Speaker, obviously the people concerned in the system are part of the client group with which we consult. So, I cannot answer the question as to exactly who was consulted in this matter. I am happy to take on notice the question of who was consulted and how, and any other parts of that question that Mrs Grassby would like to have answered.

**MRS GRASSBY:** There is a supplementary question, Mr Speaker. Will the Minister reassure this Assembly that the same range of support services will be available at the new location, Kambah, as I gather that that is where it is to be located?

**MR HUMPHRIES:** Mr Speaker, I would not jump to any conclusions about its location. I understand that Kambah is one location that is presently being considered, but not, by any means, the only location. Mr Speaker, I would suggest that, obviously, a move like that would not be contemplated unless it was possible to provide an adequate range of services to people who use that facility. As to what you describe as full support services, I do not know what they are; but I can certainly indicate that the Government would be sensitive to the needs of that centre before any decision would be made about exactly where it should go.

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### **Outstanding Government Accounts**

**MR STEVENSON:** My question is to the Chief Minister, Trevor Kaine. As of this date, 13 March, are there any outstanding accounts payable by ACT Government departments which have been outstanding for more than 30 days? If so, what amounts are owed, whom are they owed to, and when were the bills incurred?

**MR KAINE:** My photographic memory has failed me for the moment, Mr Speaker. I seem to recall that there were one or two, but I do not recall the details of them. Quite frankly, Mr Speaker, that is a question that would take the entire ACT Government Service days to answer. It is a foolish question to ask, and I will not even take it on notice, because I think it would use up enormous resources of a lot of people, all for nothing. I will not even take the question on notice.

**MR STEVENSON:** I have a supplementary question. As I said "over 30 days", I do not mean those accounts that have been paid on time. I mean accounts that have not been paid on time, when the Government demands within an inch of people's lives that they pay their accounts on time. So, you are suggesting, Chief Minister, that it would take the departments ages to do such a thing?

**MR KAINE:** I am not suggesting anything, Mr Speaker. I am asserting that for every agency of the Government to go through the exercise that Mr Stevenson is talking about would certainly require literally hundreds of man-hours of work. It is not just one or two agencies. Every agency of the Government has an accounts processing section. It may be in the minds of the Opposition that they will completely clog up the administration so that it cannot actually get on and do anything useful. It is not in my mind to do that. I think that it is a question that simply could not be answered with a reasonable allocation of resources, and I do not think it is a question that Mr Stevenson really expects me to answer.

**Mr Stevenson:** It certainly is, and I will put it on notice.

**MR KAINE:** You can put it on notice; but it will take a long time to answer it, I can tell you.

### **Motor Vehicle Servicing**

**MR CONNOLLY:** My question is to Mr Humphries as Minister for Health. What is the Government's policy on the servicing of department of health vehicles - that is, the SES vehicles, health surveillance, community nursing services, et cetera - and does the Government plan to change the procedures for servicing of these vehicles?

**MR HUMPHRIES:** Mr Speaker, I do not know and I will find out.

### **Akuna House**

**MS FOLLETT:** My question is to Mr Kaine and it relates to his responsibilities for the ACT Government Service. Mr Kaine, are you aware that many staff from your department who occupy Akuna House are absent from work with medical certificates relating to the poor conditions in that building? Are you aware that fibreglass particles are loose in the building and have been removed from an officer's eye and legs by a doctor? What do you intend to do to ensure that the safety and health of workers in that building is ensured?

**MR KAINE:** Mr Speaker, I am not the manager of government property and I do not know of the assertions that the Leader of the Opposition has made. I suggest that she should address her question to the responsible Minister, who is Mr DUBY, the Minister for Urban Services.

**MR DUBY:** I seek leave to provide an answer. Actually, it is a timely question, Ms Follett. The issue is, of course, that the second floor of Akuna House has been evacuated and some 41 staff have been involved. Thirteen members of that staff are on sick leave with skin complaints, and they have medical certificates to certify that they are suffering from a rash of some kind or a skin complaint. The staff working on the second floor of Akuna House have been evacuated from the offices, and plans are now in hand to urgently relocate them to Allara House as an interim measure.

As I said, 13 members of the staff are on sick leave with skin complaints on advice from their doctors. It is not clear at this stage what has caused the medical complaints. However, the problem at first hand appears to have been caused by a combination of the residue from pest extermination spraying using roach bombs, that was arranged by the staff to get rid of cockroaches in the office, and glass fibres from the ceiling tiles, a number of which were disturbed recently in regular maintenance. The health surveillance officer and Public Works engineers have carried out preliminary tests on the airconditioning system and on airborne fibres, and these were found to be all clear. Testing of ozone layers, radiation from computers, fluoro lights and photocopiers and the like - - -

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**Mr Berry:** Ozone layers are a bit higher than that.

**MR DUBY:** Ozone levels, I should say - is being carried out this afternoon. The department's occupational health and safety officers, the health surveillance staff and the chief medical officer are all involved to ensure that the offices are completely safe before they will be cleared to be reoccupied. The first floor will also be checked and tested.

As you are well aware, those offices have been occupied by the Chief Minister's personnel unit and the disruption will result in some delays in processing pay variations, such as HDA, leave entitlements, et cetera. The normal pays will be paid as these are automatically processed through the Department of Finance's computer system. As I said, all responsible methods of testing to find out exactly what the problem is are being undertaken. Until such time as the area has been cleared as being fit for human habitation or whatever, all the other staff on that second floor will remain at home until relocation to alternative suitable accommodation is completed. I anticipate that that will be agreed to in a day or so.

**MS FOLLETT:** I have a supplementary question, Mr Speaker, and it is to Mr Kaine, to whom I did address the question. Mr Kaine, given that they are staff from your own department, the department for which you have ministerial responsibility, I would ask: Were you advised of the problem and of the arrangements made to rectify it, and, if not, why not? Why did you not answer the question?

**MR KAINE:** No, I was not advised, Mr Speaker, and I imagine that I was not advised because it is an accommodation problem, and that is properly the responsibility of the Minister - - -

**Ms Follett:** You are the Minister.

**MR KAINE:** I do not provide accommodation. That is the responsibility of the Minister for Urban Services and I directed your question to him. You have had your answer, and my answer to you is the same as it was then. I was not advised because it is an accommodation problem and it is a matter for the Minister for Urban Services, who, I might point out, in case it has escaped your notice, also happens to be Minister for Finance. The staff, in fact, probably work for him, if the truth be known.

**Ms Follett:** No, they are in the Chief Minister's Department. He said that. They are Chief Minister's Department staff.

**MR KAINE:** I know that, but some of those people work for him.

### **Hospital Services**

**MR BERRY:** My question is to the Minister for Health, Education and the Arts. Minister, is it true that, to overcome the disastrous overcrowding of Woden Valley Hospital, the Government is considering a \$2.5m plan to move rehabilitation and aged care from the south campus to the north campus of the Royal Canberra Hospital? I would ask you as well: What is the new estimated cost of the Government's hospital redevelopment plan? Will the costs be met from within budget. If so, what other services are to be cut? You might also advise what consultation has gone on with medical staff.

**MR HUMPHRIES:** Mr Speaker, once again the rumourmongers that feed Mr Berry have got it wrong. There is no proposal to move the rehabilitation and aged care unit - or at least there is no decision to remove the rehabilitation and aged care unit to the north campus of Royal Canberra Hospital. At one stage a question was put to the Government concerning whether it would be appropriate to relocate that service to the north campus, given that the Government, as Mr Berry would have heard yesterday if he was paying attention, has decided to establish a slow stream convalescent care unit at the north campus. However, it was decided by the Government that that would not be an appropriate move.

There is already a well-established service with ample facilities, some of them only recently upgraded, at the south campus, and it would be appropriate to leave those facilities there. That is the Government's decision, and I can tell Mr Berry and the others who spread the rumours around the place that there is no justification for the assertion that we are going to move it; we will not be moving it. Therefore, the other questions that he asked are redundant. Certainly the answer to the question whether the hospitals development project is on target is the same as yesterday: Yes, it is.

### **Department of Urban Services Float**

**MR MOORE:** Mr Speaker, my question is to Mr DUBY as Minister for Urban Services. Minister, I notice that the Department of Urban Services float won first prize in the parade last Saturday and I congratulate your department on its achievement. But I wonder whether you would clarify a few points by giving this Assembly a breakdown of the costs involved in creating the float. In particular, how many people helped to build it; how many hours did it actually take to build; was any overtime claimed for those hours and, for that matter, for the participation; and, if not, does that mean that it was built during standard Public Service working hours? If it was, what more pressing public problems were left unattended while this endeavour was taking place?

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**MR DUBY:** Mr Speaker, I regard this as a very churlish question. I do not know the answers to those questions off the top of my head, and I shall undertake to obtain them; but I think it is worth pointing out, of course, that the Department of Urban Services float in the Canberra Day parade won the grand champion award for the best float - something that I personally was very proud of. I do not know what those costs or man-hours involved will come out at. I know that an awful lot of it was volunteer labour and volunteer services provided by people in terms of both design and execution and in staff time on the weekend itself to participate in that particular parade. However, I shall obtain those costs that Mr Moore requests. I know that the staff at Urban Services will be delighted to obtain them for him.

### **Fyshwick Bus Services**

**MRS GRASSBY:** My question is also to Mr DUBY. Can the Minister explain why the 371 Fyshwick bus route has been cancelled when it appears to have been better patronised than the remaining Fyshwick bus route?

**MR DUBY:** I thank Mrs Grassby for the question. I notice that she says "appears". That seems to be the operative word in the question, so it is pretty apparent that she has gone fishing here. I know that there have been a number of complaints about the changes to the bus services that apply to Fyshwick, but I can say that there was consultation between ACTION management and users concerning the disbanding of the Fyshwick express service,. In particular, the consultation also occurred, I believe, between ACTION and the Fyshwick Chamber of Commerce.

But, despite that, ACTION is now receiving submissions, especially for the introduction of the express service from Civic to Fyshwick. I know that one particular newspaper reporter who works in the Fyshwick area at the *Canberra Times* is very keen to have the service reinstated, and good luck to him too. We are reviewing the loadings for the Fyshwick services and we will be meeting with the Fyshwick Chamber of Commerce later this very week to determine whether it is appropriate that an express service be introduced. At this stage, it would appear that that would be the likely outcome, given the indication by many users that they would patronise an express service at certain times of the day and make it a more viable service than that which previously existed.

**MRS GRASSBY:** I have a supplementary question. Can the Minister inform the Assembly what he has done to placate his departmental officers based at Fyshwick who have been affected by this decision?



**MR DUBY:** I think that has already been answered in the response to the thrust of the main question, Mr Speaker. As I said, consultations have occurred with users. There are going to be further meetings with the Chamber of Commerce later this week. At this stage, the likely outcome is that an express service between Civic and Fyshwick shall be reintroduced, the exact time of which I am not able to say. It is surprising how many people now indicate a willingness to catch the express service, whereas when the service was running they somehow managed to miss the bus.

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

### **Thermal Insulation in New Buildings**

**MR Kaine:** Mr Speaker, I would like to provide the answers to a couple of questions that I had taken on notice previously. The first of those was from Mrs Grassby. On 20 February she asked me about the incorporation of thermal insulation in new buildings, and she asked that question with reference to our environment strategy paper that we released last year. Mr Speaker, as I made clear in my ministerial statement last April when I tabled the paper entitled, "Developing an ACT Strategy to Respond to the Greenhouse Effect", the paper was released as a discussion paper. There was no commitment from the Government to do anything. It was a discussion paper and remains so.

I stated at the same time that the Government would await the report of the Assembly Standing Committee on Conservation, Heritage and Environment on an integrated energy resources environment strategy, and the outcome of community consultations, before finalising its position on the issues raised in that paper. There was extensive community comment on the discussion paper, but I understand that the committee report will not now be finalised until the second half of this year. So, I do not want to anticipate what that committee might come up with. As Mrs Grassby noted, the paper proposed requiring the incorporation of thermal insulation in new buildings, and a working group of officials will shortly report to the Government on options for an energy conservation strategy.

Whilst energy conservation is one of the most effective ways that the ACT can help to reduce greenhouse gas emissions, the Government is also conscious of the cost implications for home buyers, including first home buyers. A further issue is that the ACT's building regulations reflect the standards of the building code of Australia which has been agreed by all States and Territories, and these standards do not, at the moment, require thermal insulation.

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Accordingly, officials are also addressing the advantages and disadvantages of a unilateral move by the ACT to require thermal insulation. Mr Speaker, I reiterate that that was a discussion paper. It remains so, and the matters are still being actively pursued before a government policy on the matter is arrived at.

### **Retail Trading Hours**

**MR KAINE:** Mr Speaker, the second answer is to a question that Mr Stevenson asked yesterday, and it had to do with retail stores in Canberra acting in contravention of Sunday trading legislation. The answer to that question is that the Trading Hours Act 1962 limits the hours that some businesses may be open, but also exempts the sale of a number of commodities from the provisions of that Act. Items which may be traded at any time include foodstuffs, garden requisites, souvenirs, hobby and handicraft goods, motor vehicle parts, flowers, books and periodicals.

I understand that some businesses which trade in a mixture of exempt and non-exempt goods cordon off the non-exempt goods at a time when their sale is not approved. Some problems have arisen in the past due to interpretations that can apply to exempt goods within the wording of the Act, and this has caused some complications in administering the Act. This is one of the issues which I would expect to be addressed in a review of ACT trading hours currently being undertaken for the Government by the consultant group ACIL Australia Pty Ltd.

Mr Speaker, I have no information on any current breaches. If Mr Stevenson has specific information on any contraventions, perhaps he would provide it to me and we will take it under advisement.

### **Psychiatric Day Care Centre**

**MR HUMPHRIES:** Mr Speaker, I had a question from Mrs Grassby during question time about the Woden psychiatric day care centre and am happy to provide some information about that matter. I think it answers the question that Mrs Grassby asked. The day centre has felt for some time that its current location in the hospital is not in keeping with its community oriented program and has been searching for a community location for about three years.

Because of the scarcity of community facilities on the south side of Canberra, up until now no suitable premises have been found. However, space is about to become available at the Kambah Health Centre because of the transfer of many of its services to the new Tuggeranong Health Centre which will open in the near future. At the

same time the premises the day centre currently occupies at Royal Canberra Hospital South are urgently required for essential hospital services.

Apart from Kambah Health Centre, there are no other community premises certainly available, although one other possibility is being explored. While there are some concerns about the Kambah Health Centre site, presumably expressed by some of the users, it does provide the day centre with a setting away from the hospital. There is a regular bus service from Woden bus interchange at 15-minute intervals throughout the day, which makes it well accessible by public transport.

I recognise that it is important for the day centre to be able to continue to operate its program with minimal disruption. Negotiations have been conducted regarding the space available and the services and equipment which will be transferred from the hospital, in particular kitchen facilities and access to transport. If there is anything I have not covered in that, Mr Speaker, I will get back to Mrs Grassby on notice.

### **CASINO PROJECT Allegations by Member**

**MR MOORE:** Mr Speaker, I seek leave to make a statement in response to a motion which was carried in the house yesterday.

Leave granted.

**MR MOORE:** Mr Speaker, before I start on my prepared speech I should point out that I was somewhat distressed this morning when, after a motion of this nature had been passed in the house - I took it very seriously and I was prepared to respond to it in an appropriate manner - I had a call from the Government Whip. I was informed that if I did not respond to this matter today - I had intended to do that - pressure would be put on me to do so and, in fact, I would be forced to do so.

Mr Speaker, rumours have certainly passed around today about the range of options that would be available to the Government, including things like for how long I could be removed from the Assembly by a vote of the Assembly - in other words, a vote of the Alliance if they carried the majority. I consider that entirely inappropriate and totally outrageous, and I thought I would start by saying so.

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The motion carried by the house yesterday was prepared by Mr Collaery and states:

That this House calls upon Mr Moore to:

- (1) name the alleged Minister or Ministers of the Alliance Government who he alleged in question time yesterday had met with the principals of the firms involved in tendering for the casino; and
- (2) provide the date or dates of any alleged meetings, the identity of the stated principals, and any other information to assist the House to assess the accuracy of these allegations.

Mr Speaker, I would like to take the house back to 6 July 1989, when this house decided that it was appropriate to suspend so much of the standing orders as would prevent Mr Collaery from having enough time to address the members of the Assembly on the matter of ministerial and public service impropriety in the ACT. Mr Speaker, that motion - - -

**Mr Kaine:** I raise a point of order, Mr Speaker. I have no idea of the relevance of what Mr Moore just said to the matter under attention. Mr Moore has been required by this Assembly to provide details of an allegation that he made. Something that happened in the Assembly in the past is totally irrelevant to that. He is required by this Assembly - I repeat "required by this Assembly" - to justify his statement. I would suggest that he ought to be required to keep to the point, to keep to the facts and to make a statement on that matter.

**Mr Berry:** On the point of order, Mr Speaker: Leave has been granted, I understand, Mr Speaker.

**Mr Moore:** On the point of order, Mr Speaker: I sought leave to respond to the motion. I was given leave to respond - not respond in any particular way; to respond - and that is what I intend to do.

**MR SPEAKER:** I would ask you not to embellish the story, please, Mr Moore. Please proceed.

**MR MOORE:** Mr Speaker, I have been given leave to respond. I intend to continue responding in the way that I feel like responding.

**Mr Kaine:** Mr Speaker, he is obviously determined not to take any notice of your ruling, no matter what it is.

**MR MOORE:** Do not ignore the Speaker.

**Mr Kaine:** I will not ignore the Speaker; you had better not either.

**MR MOORE:** Sit down, you old fool.

**MR SPEAKER:** Order, Mr Moore!

**Mr Collaery:** Mr Speaker, I wish to address this point of order. I have the right to do so.

**MR SPEAKER:** Yes. Please proceed.

**Mr Collaery:** Mr Speaker, the motion moved by me as leader of Government business yesterday was quite explicit. It was to put up or shut up. Mr Moore should put up now. He can embellish it later. We want to know the details of his allegation. We need to know who the Minister or Ministers are, if they exist; the nature of the allegations; the names of the principals. They should be put on the table, Mr Speaker. He has been given leave to do that. That is what he was given leave to do, and he should speak to that. He has already started off as a victim and he is embellishing his response.

**MR SPEAKER:** Do any other members wish to speak to this point of order?

**Mr Berry:** I have made my point that he has been given leave.

**MR SPEAKER:** I would rule, Mr Moore, that you restrict your reply to the immediate question. If you wish to then proceed to a further embellishment, that can be done at a later time. Please proceed.

**MR MOORE:** Mr Speaker, I have a prepared speech. I am prepared at this stage to respond to this allegation and to respond in an appropriate way. I clearly have leave to respond. Now, there is no restriction on the way I respond. I have leave to respond. I will respond, Mr Speaker. I assure you that my speech has been prepared in such a way that I will lead to an appropriate response. I believe that that is entirely appropriate, Mr Speaker, and I ask that you reconsider that ruling.

**MR SPEAKER:** I will take advice on this matter.

Mr Moore, the situation is as indicated previously. You were asked to respond to a particular question. You were given leave to do so by the assembled members because of the understanding that you were answering the direct question posed. Regardless of the fact that your speech is prepared, I would ask you to get to the original points and then go back to the original statements if leave is then granted for you to do so. I would ask you to answer the question as proposed. The problem is that, if you do embellish to such an extent that it brings in other issues, the original question that you have been asked to answer will be clouded and not obvious to those who have given you the leave to respond.

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**Mr Connolly:** I take a point of order. Mr Speaker, at the opening of Mr Moore's remarks he referred to 1989, when Mr Collaery was in a put up or shut up situation in a similar matter and he was given considerable latitude. At a number of points, I notice in the transcript, members objected to irrelevance and he was given considerable latitude to proceed. I would have thought that that may be a precedent that would apply here. It is from page 746 onwards of the *Hansard*. At various points irrelevance was taken as a point but not accepted.

**MR SPEAKER:** I must also advise members that some leniency when answering a question such as this is allowable - some deviation from the course - but I am asking Mr Moore to not cloud the issue. I am afraid that this is what could develop.

**Mr Collaery:** Mr Speaker, the motion calls upon Mr Moore to name the alleged Minister or Ministers and to provide the date or dates of any alleged meeting. Mr Speaker, I submit that he should start with that and make his explanations afterwards. That is what he has been given leave to do and that clearly is your ruling.

**Mr Moore:** Mr Speaker, perhaps I can explain my intention. That might help resolve the problem. Mr Speaker, I have some difficulty in presenting the evidence which I am prepared to present, but I feel it is appropriate that I draw some comparisons to precedent, to previous circumstances, in order to explain why I have taken the approach that I have taken. I feel, Mr Speaker, to explain it afterwards, there is the risk that the house will not give me leave. It only requires one person not to give leave. I am not prepared to be put in that situation, Mr Speaker. I have a relatively short speech. It is certainly nothing like the seven hours that Mr Collaery went through on 6 July 1989. You can see the length of the speech, Mr Speaker; it is double spaced. It is only a matter of half a dozen pages or so. I believe that it is quite appropriate, Mr Speaker, for me to respond. When the house is forcing me to respond in a way that I had not intended, I think that there is - - -

**Mr Humphries:** I take a point of order.

**MR SPEAKER:** This is a point of order, Mr Humphries.

**Mr Moore:** I think it is quite appropriate under such circumstances, Mr Speaker, to allow me to proceed, briefly, in the way that I intend to respond, especially considering that I was given leave to respond to the motion, not to respond in any specific way. I intend to respond to the motion. It is a quite normal process - Hector Kinloch, I am sure, would verify this - in academic circles and other circles, in writing and in speech writing, to lead to a climax, Mr Speaker, and then to fall off into the denouement. That is the way the argument should run, and that is the way I have prepared it.

**Mr Humphries:** Mr Speaker, you have ruled, already, twice on this matter. Mr Moore is again, for the third time, arguing with your ruling. I would suggest that Mr Moore should be made to take the floor and provide the information required in the motion moved by Mr Collaery, or not speak at all.

**MR SPEAKER:** I gauge from the feeling in the house, Mr Moore, that the leave was granted for a particular purpose and if - - -

**Mr Berry:** I take a point of order. Before you gauge that - - -

**MR SPEAKER:** Mr Berry, do you mind?

**Mr Berry:** You cannot gauge that feeling from anything I have said. He was given leave to respond.

**MR SPEAKER:** Mr Berry, do not speak over me. Thank you. The situation, Mr Moore, is that the general feeling of the house is that you were given leave for a specific purpose. My feeling is that if you do not approach it in the manner that was requested the leave will be withdrawn.

**Mr Moore:** Then withdraw the leave.

**MR SPEAKER:** Therefore I would ask you to approach the question in the manner in which it was asked.

**MR MOORE:** I am quite happy to come up with the evidence, but I will do it my way.

During his long speech on that particular topic - and I in no way intend to repeat the length of time Mr Collaery wasted in his speech at that time - Mr Collaery made allegations about Mr Whalan, and made a number of allegations about Mr Tony Hedley. Those allegations, he then attempted to substantiate in that debate.

**Mr Humphries:** I raise a point of order.

**MR SPEAKER:** Order! Mr Moore, please resume your seat.

**Mr Humphries:** Mr Speaker, Mr Moore is defying your ruling - a ruling given three times now. I think it is appropriate to consider naming Mr Moore.

**MR SPEAKER:** Thank you for that observation, Mr Humphries. Your objection is upheld. Mr Moore, the situation is getting out of hand. I would ask you to answer the questions, as posed to you, in the manner for which leave was granted.

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**Mr Connolly:** I take a point of order. This house has no power to cross-examine. A motion was passed which referred to several questions. Mr Moore was given leave to respond. He was not given leave to answer the questions or to comply with the terms of the resolution. He was given leave to respond. In ordinary parlance, in any use of the English language, a response implies a member's general answer to the questions. Mr Moore's response could well be, "I defy you; I say nothing". That would be a response, and a certain consequence would no doubt follow. But it is surely up to Mr Moore to respond, and the house ought to hear his response before it judges him. The house has no power - unless the house wishes to attempt to call him to the bar, which it cannot do, he being a member - to say, "You must answer, 'Who is the Minister?' and 'On what dates were certain things said?'". This house has no power to cross-examine a member. He has been given leave to respond, and that does not mean to answer specific questions in an order that the Chief Minister or the Deputy Chief Minister may require.

**Mr Kaine:** Mr Speaker, Mr Connolly's argument is specious, and he knows it. Mr Moore sought leave to respond to a specific motion of this house.

**Mr Moore:** I am responding. I am not responding your way; I am responding my way.

**Mr Kaine:** Well, there is a question of relevance here, Mr Speaker. He was not given leave to introduce a whole range of irrelevant subject matter. He was given leave to deal with a specific motion of this house, and I require that he address it.

**Mr Moore:** Then withdraw the leave, if you do not like it.

**MR SPEAKER:** We are reaching a point of no return. The situation is that there is no relevancy rule, as requested by the Chief Minister, for a response. However, leave was granted for a particular reply to the question posed. What is concerning me is that we are going to dredge up old accusations in front of the press for a particular purpose that is not relevant to the question posed to Mr Moore. Mr Moore, I would again ask you to - - -

**MR MOORE:** Mr Speaker, I have been given leave to respond. I will develop my response in the way I intend to respond. If you look up a dictionary on the word "response" you will see that I can respond in whatever way I feel.

**MR SPEAKER:** I am aware that Mr Moore has a degree of accuracy in his statement. That is correct. I would now put to the Government members whether they wish to move that that leave be withdrawn. They are in a position to do so. But - - -



**Mr Kaine:** No; he has leave, and we want him to put up or shut up.

**MR SPEAKER:** Please proceed.

**MR MOORE:** That is what I intend to do. Thank you, Mr Speaker. I refer to page 804 of the *Hansard* of 6 July 1989, where Mr Whalan moved that, pursuant to standing order 213, all documents from which Mr Collaery quoted during his address be presented to the Assembly. Mr Collaery presented a series of papers. Included in that series of papers, of course, was a statutory declaration from Miss Libby Daly. Her statutory declaration appears on page 802 and was read into the *Hansard* by Mr Collaery.

You will note, Mr Speaker, that it was not difficult for Mr Collaery to read that into the *Hansard* because, if you look at the copy of the motion that I have from yesterday in Mr Collaery's handwriting and compare it with the handwriting of that statutory declaration by Miss Libby Daly, you will notice a surprising similarity, nay, an uncanny similarity - in fact, a sameness. I will now read from the *Hansard* at page 802 how Mr Collaery substantiated his allegations. That statutory declaration read:

I, Elisabeth Frances Daly of 24 Willis Street, Evatt in the Australian Capital Territory, invalid pensioner, do solemnly and sincerely declare as follows:

1. I have personally known Geoffrey Da Deppo of 36 Monkman Street, Chapman since 1974.
2. I recently asked him to sponsor me in the Miss Australia Quest and I have had a number of meetings with him and many telephone conversations.
3. My brother Christopher Daly has been employed casually at a city restaurant/wine bar known as De Depot.
4. In August 1988 I said words to the effect to Geoffrey Da Deppo, "How's business", and he said, "Great - I've got the casino". I said, "How long have you had that?" and he said, "Since the beginning of July". He then said, "Don't tell anyone".
5. On 28 June 1989 I telephoned Mr Da Deppo on his telephone number some time after 1.30 pm. I said, "I'm concerned about the lack of time to sell tickets for a fashion parade at De Depot". He said, "Don't worry I can get people there, Paul Whalan's coming. I've got to look after my \$100,000 investment". I said, "Really?".

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The allegation that Mr Collaery levelled at Mr Whalan of receiving \$100,000 proved to be unsubstantiated in this case; but the penalty paid by Miss Libby Daly, who had worked incredibly hard to support Mr Collaery in the election and in many other ways, reflects his concern for himself and not for protection of the sources of his information. Mr Speaker, I draw your attention to the *Canberra Times* of 9 July 1989, which contains a picture of Miss Daly and an article headed "Woman forced out of quest over allegations". That was the result of Miss Daly being prepared to make that statutory declaration and to have it tabled.

I certainly have a far greater concern for my sources. Considering that Miss Daly's attempts to raise funds for the Miss Australia Quest were brought to a halt by the publicity she received following the statutory declaration, and the difficulties she suffered, I have no intention of putting my sources through the same difficulties.

However, I will point out one thing: The allegations that I have raised are very different from those raised by Mr Collaery. Mr Collaery raised allegations about the then Deputy Chief Minister receiving bribes of \$100,000. The allegations I have raised are of a very different nature indeed. The Alliance Government chose to follow the Labor move in making the casino tendering process an arm's length one. That system certainly made sense, and would have made more sense had the process lasted some two or three months. But here we are, the best part of 18 months later, only now having got some kind of result. At what point, the question has been asked in the community on many occasions, should the Government have said, "This is not working", and walked in and changed it? That question still remains to be answered. It has to do with the overall concept of the competence of this Government. Quite clearly, this Government, in almost everything it does, is incompetent.

However, the allegations I have raised are about broken promises. They are about the notion that the Chief Minister promised the people of Canberra that the Executive would remain at arm's length from the process. If this is a broken promise, and if that allegation is correct, then it is just a matter of another broken promise of the Alliance. Why have they taken it so seriously?

In my question in question time yesterday I expected to see the result that I got from Mr Humphries and Mr Kaine: Basically, a fairly nondescript answer that went right over their heads because they did not take the matter seriously. That is what we got from them. But Mr Collaery and Mr DUBY were running around like inflated balloons allowed to freely expel their air, trying to work out what was going on. Now, if ever there was a question of guilt, then their own conduct has indicated that they have some guilt.

**Mr Kaine:** Mr Speaker, I just do not believe that you can allow this to continue. Mr Moore has been asked by this Assembly to explain himself. What he has done so far is attack everybody in the Assembly except himself. I think it has just gone too far. Mr Speaker, when he goes on radio and says that there are two or more Ministers involved, and he does not name them, I presume, by implication, that I am one of them. Now, I resent that, and I require that he answer the request put to him by the Assembly and not continue to smear everybody in this house. I do not believe that you should tolerate it, Mr Speaker.

**Mr Berry:** I hope to bring some sense into this debate. The Government has it open to them, I suggest, to withdraw leave. It can just move that leave be withdrawn.

**Mr Kaine:** That is not correct, and you know it, Mr Berry.

**Mr Duby:** Mr Speaker, I would ask that Mr Moore withdraw his statement that some action of mine, in particular, and of Mr Collaery is an indication of guilt. I regard that as absolutely disgusting and outrageous.

**MR SPEAKER:** I uphold that objection, Mr Duby. Mr Moore, the point you made was that they were running around and by some mannerism had indicated guilt. I think that is a long bow, and I ask you to withdraw it.

**Mr Moore:** Mr Speaker, I am responding. I am responding, with leave, to an allegation. If I draw that long bow as part of my allegation, then allow - - -

**Mr Duby:** He is further alleging that I am guilty of some offence.

**MR SPEAKER:** Order!

**Mr Moore:** I am responding to the point of order, Mr Speaker. If, in responding to those allegations, I draw some long bow, as indeed Mr Collaery did in 1989, then let me be judged for putting weak allegations.

**MR SPEAKER:** I would just ask you, under the words - - -

**Mr Moore:** What I am responding to is the allegations. That is the point of it.

**Mr Duby:** I would like the implication of guilt withdrawn.

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**MR SPEAKER:** Order! Mr Moore, I ask you to withdraw at this stage. You then are in a position to prove your point one way or the other, but you cannot draw the conclusion before you present your facts.

**MR MOORE:** Mr Speaker, I can see no reason whatsoever. If I wish to make an allegation - - -

**Mr Collaery:** Oh, name him. Mr Speaker, you are bringing the chamber into disrepute and you are allowing this man to head you. I say that with great respect, Mr Speaker. You either name this man, or make him do what you gave him leave to do. We want to hear it, and he will live with it.

**MR SPEAKER:** Thank you. Order!

**MR MOORE:** Are you getting touchy, Collaery? I withdraw anything they find offensive, Mr Speaker. I do not know why we raise these things if they are going to get offended at them.

**MR SPEAKER:** Thank you, Mr Moore. Please proceed.

**MR MOORE:** He is the one who set it up. At the time, Mr Speaker - - -

**Mr Kaine:** Well, we will see how you feel about that when you get a writ.

**MR SPEAKER:** Order!

**MR MOORE:** Mr Speaker, this man is interjecting again. Can you control the Chief Minister, or name him?

**MR SPEAKER:** Order! Thank you, Mr Moore; please proceed. Members, please; this is a very serious event. Let us do it with some decorum.

**MR MOORE:** Mr Speaker, Mr Collaery's response at that time prompted me to interject, "Methinks thou protesteth too much". The further action from Mr Collaery in bringing this motion indicates quite clearly that he has some concerns about his own conduct. It indicates that he has in some way acted inappropriately.

**Mr Collaery:** I take a point of order. Mr Speaker, because I am Government leader of the house and move a motion, after consulting my colleagues, that should not give him the right to make that imputation against me.

**MR SPEAKER:** Yes, that is a valid point. Mr Moore, please choose your words carefully. I would ask you to withdraw that imputation.

**MR MOORE:** I withdraw anything that you want me to, Mr Speaker.

**MR SPEAKER:** I am pleased about that.

**Mr Collaery:** That is a qualified withdrawal, Mr Speaker.

**MR MOORE:** That is not a qualified withdrawal. I will withdraw anything you want me to.

**Mr DUBY:** Well, do not say it in the first place.

**MR MOORE:** I want it on the record.

**MR SPEAKER:** Order! "Withdrawal" is another word for apology.

**MR MOORE:** On the contrary, Mr - - -

**MR SPEAKER:** I would ask you to withdraw the implication that Mr Collaery had taken some action on his own behalf when in fact he moved it as a result of being the leader of government business. That is all that has to be done. I would ask you to withdraw the implication that you raised on that issue.

**MR MOORE:** I already have, Mr Speaker.

**Mr Kaine:** You have not.

**MR MOORE:** I have said that I will withdraw anything that you request. What could be more - - -

**Mr Collaery:** Just say, "I withdraw that imputation".

**MR SPEAKER:** Order!

**MR MOORE:** Have you not requested it?

**MR SPEAKER:** Mr Moore, please do not lose the position you hold at this time. The point is that all you have to do is withdraw.

**MR MOORE:** Mr Speaker, I withdraw.

**MR SPEAKER:** Thank you. Please proceed.

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**MR MOORE:** This is pathetic. However, Mr Speaker, I now go back to addressing the question as it was answered by the Chief Minister yesterday. The question I asked was: What would you do if you knew one of your Ministers had broken that commitment of the Alliance Government, in the same way that the Rally had broken its commitments to hospitals, to planning, to schools? What would you do? Of course, I got no answer.

**Mr Kaine:** It was a hypothetical question because it is a scurrilous suggestion.

**MR MOORE:** The reason I got no answer is that you would do absolutely nothing. You would do absolutely nothing, just as you did for Mr DUBY. I refer back to the *Hansard* of 29 May 1990 and a censure motion put by Mr Berry. I will now read that censure motion. It states:

That, noting for the second time within two years the Minister for Finance and Urban Services, Mr DUBY, has been convicted under the Motor Traffic (Alcohol and Drugs) Act 1977, and noting that Mrs Robyn Nolan took the honourable path and stood down from the position of Mr DUBY's Executive Deputy following a conviction under the Commonwealth Taxation Administration Act, this Assembly censures the Minister for Finance and Urban Services, Mr DUBY, for failing to resign as Minister.

That followed an editorial in the *Canberra Times* on 26 May headed "Why Kaine should dismiss DUBY", which stated:

The Chief Minister, Trevor Kaine, refused again this week to sack his Minister for Urban Services, Craig DUBY, who has been convicted of two drinking driving offences in the last two years.

... ..

Any man who accepts the job of Minister for Transport while facing a drink-driving charge and knowing the facts surrounding that charge as Mr DUBY did is a hypocrite. Mr DUBY is a hypocrite. His hypocrisy in this matter far surpasses his hypocrisy in standing as a No Self Government Party candidate and then taking on a ministry as a crucial number in the Alliance Government.

Later on the editorial stated:

Mr DUBY's position would not be tolerated in any other parliament in Australia.

It should not be tolerated here.

**Mr Kaine:** And nor will you. Nor would you. You are a disgrace.

**MR SPEAKER:** Order!

**MR MOORE:** It should not be tolerated here, but you are too weak. You are pathetic and weak.

**Mr Kaine:** You ought to be out of this place.

**MR SPEAKER:** Order, Mr Moore! Order, Chief Minister!

**MR MOORE:** The editorial continued:

Given Mr DUBY will not act himself, the Chief Minister, Trevor Kaine, should dismiss him.

That was the general public's opinion, and it still is. It also said:

That Mr Kaine has not dismissed him shows that Mr Kaine is not setting a high enough standard for Ministers.

I see that Mr Kaine is going red, and quite rightly so. The editorial concluded:

Therefore Mr Kaine should dismiss him - better to be out of government altogether than be sharing it with Craig DUBY.

Earlier on, Mr Speaker, it stated:

It gives this newspaper no joy to have to call an ACT Minister a hypocrite and say he is unfit to hold office. The *Canberra Times* has been a long and vigorous campaigner in favour of self-government in the belief that people should take responsibility for their own affairs.

It was quite clear that public opinion should have gone with that editorial and its final sentence, which I repeat:

Therefore Mr Kaine should dismiss him - better to be out of government altogether than be sharing it with Craig DUBY.

With such a strong statement as that, what did Mr Kaine do with Mr DUBY? Absolutely nothing. Why? There is a simple reason - because government is more important than ministerial standards.

Then we have a situation where a hospital budget has blown out by some \$12m. Certainly \$3m or \$4m of that can be accounted for in one way or another, leaving a categorical blow-out of some \$8m for a Minister who knew what the problems were. He has failed to grapple with them and he has failed to handle them. He is incompetent. What has the Chief Minister done about that? Has he fired this Minister? Has he called for his resignation? No, he has not.

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Mr Collaery has a \$1.9m blow-out in his budget. What reaction do we get from Mr Kaine? "Oh, well, I suppose we will look after it." Is he prepared to fire Mr Collaery? What have we got, Mr Speaker? What we have is the most motley lot we have ever seen, a totally motley lot in government. What did they promise? What did they originally promise? I have here the first page of the accord for government. This accord, Mr Speaker, has on the very first page the signatures of Kaine, Collaery and DUBY.

**Mr Collaery:** Notice the writing.

**MR MOORE:** I am glad you drew that to our attention for comparison; but never mind. What do we see on this first page? It states that the signatories will:

- (a) establish a stable government for the duration of the term of the first ACT Legislative Assembly; ...

Above that it states:

This alliance will continue until the date of the next ACT election.

With all the conjecture we have heard, what are the chances of broken promises? Item (b) of the accord states:

provide positive financial management for the ACT.

Well, that is becoming a great joke, with all these blow-outs. Item (e) states:

ensure maximum performance of the Assembly in the public interest and thereby enhance its role as the locally elected legislative body.

That is the greatest joke of all. What a joke. So much for the accord. So much for promises. All we have here is just another one of the broken promises. That is what we have in this situation, Mr Speaker - another one of the broken promises.

Trevor Kaine, on the casino issue, has pinned so much on the notion that these Ministers are remaining at arm's length; that the Executive is remaining at arm's length in the casino process. Clearly that has not been the case. One of the results when you put together a motley crew and their credibility drops to zero is that, so, too, Chief Minister, will your credibility drop to zero with it. You have only one choice - - -

**Mr Kaine:** Put up or shut up.



**MR MOORE:** I am getting there. You have only one choice, and that is to start unloading Ministers. I do not believe that you will do it, because if you were going to do it you would have done it with DUBY. I doubt, whatever information I come up with, that you would ever do it. You would never do it, because if you were to fire them, if you asked them to resign, you would wind up losing your position as Chief Minister, and you are not prepared to do that, not to maintain any standard.

Anyone who has dealt closely with Mr Collaery will know that he has the problem of believing his own stories. He reaches a stage where he cannot distinguish what is from that which is not. He has a problem with the truth because he believes his own lies.

Mr Speaker, I do not deal in allegations lightly. However, I do believe that when I have strong evidence it is appropriate for me to pursue such matters in the house. In fact I believe I have a responsibility to pursue such matters in the house. I have been presented with a statutory declaration from a constituent which alleged, inter alia, the following:

In April 1990 the Chief Law Officer conveyed to senior officers in his department that he, the Chief Law Officer, ought not be advised by him, the Minister, of private discussions he was having with casino developers.

I should point out, Mr Speaker, that the response of the Chief Law Officer in this morning's paper may well refer to the time period that I was referring to in yesterday's question on other examples. The statutory declaration continued:

Furthermore Mr Collaery used opportunities such as days at the races (eg Canberra Cup and Black Opal meetings) to discuss casino operations and developments with prospective developers. One such meeting which I observed -

that is not me personally; I am quoting from the constituent's statutory declaration -

took place in a private function area at the race track and I was advised by several participants that the casino was on the agenda. Meetings with lobbyists and principals of casino development companies have continued throughout 1990, the latest being during the week commencing 24 February 1991.

Mr Speaker, when I am given a statutory declaration of that calibre I have no choice but to ask questions. What I did was ask questions in the house yesterday, and those questions could have been resolved without the situation coming to this.

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Mr Speaker, having such a statutory declaration in my hands, I believe that I had a responsibility to the people of Canberra to pursue the matter further. I had far stronger evidence than that provided by Mr Collaery on Paul Whalan. However, because this matter had to do with broken promises rather than with taking bribes, I chose to deal with it in a minimal way. I was prepared to take the allegation to the Chief Minister, as he invited yesterday, until this Minister who I had not named overreacted to the question and moved this motion to which I now respond.

Mr Collaery has brought the results of his reaction on his own head. It was not my intention to name him, but he has demonstrated his own guilt by his response. One cannot help but ask why there was such a mild reaction from Mr Humphries and Mr Kaine and such a reaction from the Attorney-General. Perhaps we need to go back to referring to him as "Corruption" Collaery, but for different reasons.

**Dr Kinloch:** Mr Speaker, I ask that Mr Moore withdraw that comment.

**MR SPEAKER:** Order, Mr Moore! I ask you to withdraw that. I ask you to withdraw "'Corruption' Collaery".

**MR MOORE:** I withdraw. No doubt, Mr Speaker, the Attorney-General will now jump to his feet to deny the allegations. What choice does he have?

**Mr Kaine:** Mr Speaker, I require that Mr Moore table the statutory declaration from which he has been quoting.

**MR SPEAKER:** That has to be moved under standing order 213.

**Mr Moore:** I need to respond to that, Mr Speaker.

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

That the document quoted from by Mr Moore be tabled under standing order 213.

**MR MOORE (3.51):** Mr Speaker, the reason I went through the speech in the way that I did and drew attention to the damage done to Miss Daly was that I presumed that at the end of the speech standing order 213 would be used to bring this about. For that reason, Mr Speaker, I chose to take the following action: I took a copy of that statutory declaration to Mr Connolly and I covered the name of the constituent at the top, where he had signed it, with my thumbs and allowed Mr Connolly to read it. Then, because I intend to protect my sources, as I will always protect my sources, I shredded that statutory declaration. It is now shredded. By the way, Mr Speaker, I shredded that statutory declaration in front of Mr Connolly.

**MR COLLAERY** (Attorney-General) (3.52): Mr Speaker, I rise more in sorrow than anger. I do want to say at the beginning, of course, that Libby Daly remains a member of the Rally and a friend of mine and my family and other members of the Rally. I do wish to put into the record that that statutory declaration was written during a luncheon adjournment of this Assembly. It was taken by me in the presence of a reputable solicitor of this town, and it has never been suggested otherwise. You will recall, of course - - -

**Mr Moore:** It was signed by Miss Daly, of course.

**MR COLLAERY:** He concedes that Miss Daly signed it, Mr Speaker, and the record will show that the statutory declaration was procured during an adjournment following a motion moved by the then Government.

**Mr Moore:** I take a point of order, Mr Speaker. I wonder under what circumstances Mr Collaery is speaking. Is he speaking to a point of order?

**Mr Collaery:** I am speaking to the motion.

**MR SPEAKER:** Well, you may well wonder, Mr Moore. He is speaking to a motion that has been put.

**Mr Moore:** On the contrary, Mr Speaker, I believe that we have a situation where I sought leave to respond to a motion.

**MR SPEAKER:** Order, Mr Moore! The situation, for the benefit of you and others who have not paid attention, is that the Chief Minister moved a motion for you to present the paper. You addressed that motion and now other members are entitled to do so.

**MR COLLAERY:** I said, Mr Speaker, that I rise more in sorrow than anger. I want, firstly, to remind the house of the outcome of the ICAC inquiry into commission procedures in New South Wales and the rights of witnesses in that State. In that State the Council for Civil Liberties and other reputable persons, including Mr Costigan of queen's counsel, expressed great concern about a situation where people are named and are unable to respond on the day on which the allegation is made. I believe, given the experience in New South Wales and given the position of importance that Mr Moore holds for our community in this Assembly, that it was incumbent on him yesterday to have identified me, the person the subject of his allegation, and to have cleared my colleagues. He did not do that. He has left the slur and innuendo go against the Government. Shame on him for that.

Mr Speaker, moving to the substance of the matter, I am the first law officer of this Territory and upon me falls a very abiding and fundamental duty to observe the law; to observe not only the law, but the letter and the spirit

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that goes with it. If Mr Moore is suggesting that I have had private discussions with casino principals, then I can assure the house - - -

**Mr Duby:** In connection with the casino.

**MR COLLAERY:** In connection with the casino. I can assure the house that I have not. I can also assure the house that on the unnamed day, the Black Opal meeting - there have been only two in my time as Minister - I was required as Minister responsible for racing to be at the racecourse. I have met only one person who could remotely fit the description of casino principal. That was at the last Black Opal meeting, just a couple of weeks ago - a very successful day for me until now - when I went as a guest of the chair of the racing club. My colleague Mr Kaine sat with the chairman, a Mr Dugald Stuart. I sat with his deputy, Mr Colquhoun, his wife and my wife, and some other representatives, and across a table - - -

**Mr Moore:** I raise a point of order, Mr Speaker. I am quite happy for Mr Collaery to deal with this in a substantive motion if he wishes; but I believe that we are speaking to standing order 213 and this is totally irrelevant to standing order 213. By all means have a substantive motion - - -

**Mr Collaery:** I am speaking to scandal, Mr Speaker; I am addressing scandal.

**Mr Kaine:** Yes, one that you have avoided your responsibility on, you scumbag.

**MR SPEAKER:** Order! I think under the circumstances - - -

**Mr Moore:** I take a point of order, Mr Speaker.

**MR SPEAKER:** I will finish my statement. Under the circumstances of what has been said here today, I will allow Mr Collaery leniency to proceed slightly at divergence from the motion which is before the house which relates to the tabling of the document. I think it has opened up general discussion.

**Mr Moore:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** What is your point of order, Mr Moore?

**Mr Moore:** Mr Speaker, the Chief Minister referred to me as a scumbag. I think that is particularly unparliamentary and I think it is entirely inappropriate.

**Mr Collaery:** It is entirely appropriate.

**Mr Duby:** It is entirely appropriate. It is straight out of Mr Keating's mouth.

**Mr Moore:** Mr DUBY in turn and Mr COLLAERY have said that that is entirely appropriate. I ask you to pull them into line.

**MR SPEAKER:** Order! I did not hear the comment.

**Mr Moore:** Mr Speaker, why do you not ask the Chief Minister did he say it? It was heard by these members. You can hardly say that you did not hear it.

**MR SPEAKER:** Order! Please proceed, Mr COLLAERY.

**MR COLLAERY:** Mr Speaker, the luncheon was pursued on Black Opal Day last and a gentleman was brought into the room and introduced to me as a Mr White - clearly Mr Geoff White of White Industries whom we all met at the opening of the National Convention Centre. No more than a most perfunctory word has passed between me and Mr White. As members here know, so profoundly do I take my duties in relation to this casino tender that I declined an invitation to attend the show jumping in Glebe Park because it was hosted by White Industries. Now, that is an excessive response on my part. I believe that other Ministers or members did not feel so constrained, but the fact is that I put a very high standard on this matter.

Mr Moore does not understand what he has done today. He has impugned the first law officer of the Territory. There is no-one to judge me or to investigate me because I am responsible for the policing of the Territory. It is now incumbent on the Chief Minister and my colleagues to determine whether they use the mechanism which is employed in this country to clear an Attorney when an allegation like this is made. That could be a reference to the chair of the National Crime Authority, Mr Justice John Phillips. That would involve an investigation of these matters which I am quite confident would clear me entirely. But I do say, Mr Speaker, that I have been put upon today by the most scandalous allegations that I have heard in all my practising career.

**Mr Kaine:** So have the other three Ministers, by that thing across there.

**MR COLLAERY:** What he has done is a disgrace. He has effectively - - -

**Mr Moore:** I take a point of order, Mr Speaker. I recall a reference last evening to Mr DUBY as "that thing". You asked Mr BERRY on a number of occasions to withdraw such comments. I would ask you to apply the same standard to the old fool there.

**MR SPEAKER:** Mr Moore, it is unfortunate that words are used across the chamber. I wish all members would restrain themselves at this time. It is not doing anything for the debate.

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**Mr Moore:** Are you going to go for some consistency at some stage?

**MR SPEAKER:** Please proceed, Mr Collaery.

**MR COLLAERY:** Thank you. I come back to the luncheon table at the Black Opal. It is true that I was there and that in the room was someone who might be regarded as a principal, although my searches today do not disclose whether that gentleman has a direct role in relation to the casino tender process. I am also aware that coming to the glass door during that luncheon adjournment were a number of people, the member for Canberra and other people, including the Leader of the Opposition, Rosemary Follett, and one Peter Conway, who saw me sitting at the table with Mr Geoff White. I now ask Mr Moore whether I should have the courtesy to know whether his informant is a former member of the ACT Administration. I also ask Mr Moore - - -

**Mr Moore:** I believe that he should ask the question through you, Mr Speaker. I believe that that is unparliamentary procedure.

**MR COLLAERY:** I ask through you, Mr Speaker, whether Mr Moore is aware of his obligation under the Archives Act and aware of his obligation generally as a member of parliament to have retained that document, that most important document, and not to have shredded it. I remind him that he might well have impugned himself in admitting that he shredded a vital piece of evidence that goes to the credit of one of the Attorneys in this country.

Mr Speaker, I will complete this remark because clearly I cannot respond in detail on every person I have met since April 1990 and determine whether any of them have had a connection, direct or indirect, with a principal of the casino processing. I conducted company searches this morning. I had my officers conduct company searches into the named bidders for the casino expression of interest, names that I was not aware of until the Cabinet meeting this week. There are names that I recognise, but I can find no name of anyone there that I have any recollection of meeting.

Mr Moore has also alleged that I have had private discussions. That is an horrendous allegation. I have never had any private discussions with anyone who could remotely fit that description. I may well have met people who may be on the periphery of this affair, who may well be lobbyists. We go to functions, but I can assure the house that any conversations I have had that refer to the casino have never been in the context of the casino tendering process. There may well have been jocular remarks about a casino, there may well have been comments made by those people to me; but certainly there is nothing in my life that could remotely fit any of the suggestions Mr Moore has made.

The outcome of his allegations will certainly be great damage to the office of the Attorney in this Territory. It will make the news, of course. The media will feel obliged to report it. It is a great blow to me personally and to my family, and I trust that Mr Moore is satisfied with what he has done to my career.

**Mr Moore:** I believe, Mr Speaker, that a question was asked. Should I seek leave to answer the question that Mr Collaery asked, which he should have asked through the Chair? I will answer it very briefly.

**Mr Kaine:** Yes, please answer it, and we will know exactly who you are and what you are; and we will not forget.

**MR SPEAKER:** Order, Chief Minister!

Leave granted.

**MR MOORE:** Mr Speaker, I have decided not to respond with the sort of attitude of the revolting old man over there.

**MR SPEAKER:** Order!

**Mr Humphries:** Mr Speaker, I raise a point of order. Mr Moore has flouted standing orders in this place at least a dozen times this afternoon in a whole series of ways - calling people names deliberately across the chamber, knowing he will have to withdraw them; flouting your ruling three times on whether he could speak on a particular matter in this place. I ask you to name him now.

**MR SPEAKER:** Mr Moore, I would ask you to refer to the request made to you by Mr Collaery and answer the questions posed to you.

**MR MOORE:** Mr Speaker, Mr Collaery asked me whether the person was a past or present member of the ACT Administration. I made it very clear, Mr Speaker, that I intend to protect my source. I will continue to protect that source.

**MR DUBY (Minister for Finance and Urban Affairs) (4.04):** Mr Speaker, I would like to get on the record that I think this is the most outrageous, disgusting attack on people's integrity that I have heard in a long time. First of all, to my way of thinking the key words in the supplementary question that Mr Moore asked yesterday were "clandestine meetings".

So far this supposed piece of information that people have seen refers to people meeting at the race track. I for one know for a fact that I have met people involved with the supposed casino project at social occasions. Mr Collaery mentioned one occasion that I can think of straight away - the show jumping at Glebe Park. I attended that, quite rightfully and quite properly. I dare say that other members would be in the same category. I should point out

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that in his question yesterday Mr Moore deliberately - then again he is so dopey that maybe he did not think of it - said that the meetings happened towards the end of 1990 when, of course, both the Chief Minister and the Minister for Health were absent from this country. So the imputation referred only to me or the Deputy Chief Minister and Attorney-General. As far as I am concerned, that is the clear situation. These clandestine meetings, it turns out, appear to be no more than what people in our line of business engage in on a regular, social basis at various functions and social gatherings which we are required to attend or choose to attend.

We are all losers today, but the biggest loser out of today's episode undoubtedly has been Mr Moore. He has been shown up to be what he is - a cheap thrill seeker who will do anything, anything at all, to get his name in the newspaper. I think now that he has turned out to be not only that but an impostor and a fraud in making these allegations in the first place.

**Mr Moore:** I take a point of order, Mr Speaker. Are you going to protect me from that language or not?

**MR SPEAKER:** Mr Moore, unfortunately you have brought this upon yourself, as I see it.

**Mr Moore:** Mr Speaker, I would ask you - - -

**MR DUBY:** Will you please resume your seat?

**MR SPEAKER:** Order, Mr Duby! Mr Moore, is this a point of order?

**Mr Moore:** I would ask you to present a balanced position from the chair, Mr Speaker.

**MR SPEAKER:** It is very difficult to do so sometimes, Mr Moore. Please proceed, Mr Duby.

**Mr Collaery:** That is an imputation.

**MR DUBY:** It certainly is. We have now heard this ludicrous suggestion that Mr Moore has taken a statutory declaration by someone - it could only be a mischievous declaration in the first place - covered the name of the person and shown it to Mr Connolly. I notice, of course, that Mr Connolly, Ms Follett, Mr Berry and Mrs Grassby are sensible enough and cautious enough to have removed themselves from this Assembly during this outrageous and disgusting display of yours.

I am fascinated also as to why the name, in someone's handwriting, was shown to Mr Connolly. It would seem to me that it may have been a little bit more appropriate to show it to Ms Follett. The statement that Mr Moore has put up indicates to me that the thing is either a complete fabrication or a complete distortion of the facts; an out-



and-out distortion of a deluded mind or the statutory declaration never existed in the first place. I think, frankly, that most people around town will know which way it goes. My personal view is that Mr Moore made up the whole story. It is something he dreamt up in the afternoon, probably at lunch time when he was trying to work out what questions he could ask the Chief Minister today.

**DR KINLOCH** (4.08): Mr Speaker, I also was at the horse jumping show at the White Industries building and I enjoyed that afternoon. Indeed, I shared a table with Mr Berry. Is Mr Moore suggesting that I was consorting with the casino group? Is that what he is suggesting? I wish to reject any notion that, when we go to social events where there are people who inevitably we cannot avoid meeting, that is something wicked.

What I really want to get onto is this: Mr Moore has got himself into very great difficulties here. There are such things as apology and forgiveness. I ask Mr Moore to apologise to this house, and we will then forgive him.

**MS MAHER** (4.09): I think today is a very sad day. I think that what Mr Moore has done is disgusting. If someone is willing to sign a statutory declaration with such information on it, they must know the consequences and that other people will see it. Why he has shredded it, God only knows. I think he owes all of us in this Assembly an apology because I think he has put us all down.

**MR STEFANIAK** (4.10): The purpose of a statutory declaration, Mr Speaker, is to put something on record. People can be prosecuted if they make a false declaration. The purpose of it is to put on record the truth of matters alleged therein. If it is falsely made, I think the current fine is several thousand dollars or six months' imprisonment. The whole purpose of a document such as that is to prove alleged facts.

Mr Collaery, to my recollection, back in 1989 - when he went on for about three hours, not the seven Mrs Grassby spoke of - in fact tabled the statutory declaration he referred to and which formed the basis of his allegations. Certainly that was a very lengthy speech. I think that was the only substantive matter, but he did table that statutory declaration. I am very disappointed to hear that Mr Moore has not attempted to table the statutory declaration he alluded to. I wonder why that person would make a statutory declaration if they did not intend it to be used as some form of evidence, because that is, indeed, the very purpose of statutory declarations. I wonder why, in fact, it was shredded. I think Mr Moore raises some very mischievous allegations here today which he has not backed up with any substantive proof at all. I think this is a very sad day for this Assembly.

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**MRS NOLAN** (4.11): I want to make a very brief statement in relation to this debate this afternoon. Frankly, I am amazed that Mr Moore has chosen to respond in the way that he has done to the motion passed in the Assembly yesterday.

I would like to make a brief statement in relation to the allegation of pressure made by Mr Moore about me. I did contact Mr Moore's office this morning by telephone. He was unavailable, but he did return my call and I, in fact, did ask him whether he would be responding to the motion of this Assembly of yesterday. His reply to me was that he might seek leave after question time. I did, in fact, indicate to him that leave would be available. I think I suggested at the time that perhaps it would be better that it be made after the ministerial statements. His reply to that was no; that if he decided to go ahead with the response it would be made after question time. In fact, I agreed with that, Mr Speaker. I do not consider that in any way that was pressure being put upon Mr Moore.

As I said, I am amazed that the response has taken the tack that it has this afternoon. I think it is really unfortunate that this Assembly and members of the gallery, members of the press and the public, have to put up with such an outrageous situation as has occurred.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.12): Mr Speaker, I will also add some words on this matter. When one makes allegations of the kind that Mr Moore has made there generally is an element of doubt introduced into people's minds. When one hears someone else accused of something one invariably wonders to oneself, "Well, could this be true under most circumstances?". In this case I am afraid that the manner and the nature of the way in which Mr Moore has made these allegations convinces me quite completely that they are false, quite apart from anything else that might be a basis for making such a decision.

Why was it necessary for Mr Moore to attack the Government comprehensively in the course of giving his answer? If Mr Moore felt that the facts he had to bring to our attention in this Assembly were such that they would genuinely raise and bring into open discussion and open light a matter of real concern to the administration of this Territory, then no doubt he would have done so without embellishment.

But he chose to do so in such a way as to round on all members of this Government, more or less; certainly on members of the ministry. He did it in such a way that I have to wonder why. The only conclusion I can come to is that Mr Moore felt he had little hard evidence of anything wrong and decided to add to that in the way in which he presented his case today.

I have to say that I am quite appalled by what Mr Moore has done. The saddest thing of all, Mr Speaker, is that these events are going to be widely reported. Mr Collaery's name

is going to be slurred by Mr Moore's actions. I must say that until today I had never quite realised the depth of hate for Mr Collaery which is obviously apparent on Mr Moore's part. I do realise that today.

The biggest casualty in these arrangements, of course, will be, once more, the authority and status of this Assembly. Those on this side of the track, even the Labor Party, will all be held in lower esteem by the citizens of this Territory because of what has happened here today. Whatever Mr Moore might have done, nothing could be more damaging than that, in my view.

**MR JENSEN** (4.15): Mr Speaker, I wish to make a few brief comments in relation to the matter on which Mr Moore started his comments this afternoon - the statutory declaration that was subsequently tabled by my colleague Mr Collaery in this house almost two years ago now. I was present at the particular meeting and discussion when that statutory declaration was prepared. That statutory declaration was prepared in Mr Collaery's handwriting; that is correct. But it was dictated by Miss Daly because, in fact, Miss Daly has some difficulty writing, as Mr Moore full well knows.

**Mr Duby:** She has a disability, doesn't she?

**MR JENSEN:** That is correct. The statement was given to those people in the presence of her mother, her brother, me and the lawyer that Mr Collaery mentioned.

**Dr Kinloch:** And I was there.

**MR JENSEN:** Dr Kinloch was there as well. Clearly, Mr Speaker, Mr Moore's suggestion today, by holding up the statement, saying that it was written in Mr Collaery's handwriting and saying that there was some impropriety in the taking of that statutory declaration, is scandalous. Miss Daly made that statutory declaration knowing full well that it was to be tabled in this Assembly, that it was to be made public. She was a very courageous lady who was prepared to back up her commitment and understanding of what she believed to be the facts. There was no compunction; there was no concern on Miss Daly's part that what she was doing could possibly cause her some problems in the future. She did it because she believed what she saw and heard. That is why, Mr Speaker, that statutory declaration was made the way it was. I am proud to say that Libby Daly is a friend of mine.

**MR KAINE** (Chief Minister) (4.17): Mr Speaker, given the evidence that Mr Moore has given that he destroyed the document that I have asked to be tabled, I seek leave to withdraw my motion.

Leave granted.

### Motion of Censure

**MR KAINE** (Chief Minister) (4.18): I seek leave of the Assembly to suspend so much of the standing and temporary orders as would prevent me moving a motion of censure against Mr Moore.

Leave granted.

**MR KAINE:** Mr Speaker, I move:

That this Assembly:

- (1) deplores the gross abuse of privilege by Mr Moore in raising an allegation yesterday against a Minister or Ministers without providing sufficient information to enable the Minister to respond to the allegation on that day; and
- (2) censures Mr Moore for his actions in the matter.

I think there has been enough expression of disgust at Mr Moore's behaviour in this matter today. It was quite clear that he had no evidence to offer to back up his accusation. He made a slur against all the Ministers of this Government. I know that in the debate today he has tried to narrow it down and somehow exclude, for one reason or another, Mr Humphries and me; but his statements on the matter originally did not exclude us, and his statements on radio yesterday did not exclude us either, because he said that the process had been at arm's length and that "at least one of the Ministers ...". So, by implication there was more than one and, since he did not name them, it could be any one of the four of us.

I think that his behaviour and his gross abuse of the privilege that this house gives him is unacceptable. His action is nothing but malicious. In trying to excuse his own actions, he did everything in his power to scatter as much muck as he could over everybody in sight, and anybody would do. It did not matter as long as he somehow hid his own guilt and his own malicious nature in this matter.

I think it is noteworthy, Mr Speaker, that the members of the Labor Opposition have been so upset and concerned at this proceeding that they have deserted the house; they simply will not be a part of it. They simply will not line up alongside Mr Moore and be associated in any way with his disgraceful behaviour, and I commend them for that. It shows quite clearly where they stand on this matter, and I think that there will be a unanimous vote of this Assembly in terms of the censure motion that I have put. The fact that the Labor members may not return, I think, speaks for itself however. They are voting with their feet. I think Mr Moore had better note the absolute abhorrence with which he is held by all of the members of this Assembly and, I am sure, will be held by all the members of the public when they know the facts.

**MR MOORE** (4.20): No doubt the Government will use its numbers appropriately to carry through this censure motion. I think, Mr Speaker, that if we went back to the original question and the response of the Chief Minister we would see a very different result from that we will see today. The response of the Chief Minister was, "If you have some allegations, bring them to me". I was quite prepared to do that, Mr Speaker, but before I had a chance to speak to the Chief Minister, before I had left this house and the debate - - -

**Mr DUBY:** You are a liar. You are a liar.

**MR SPEAKER:** Order, Mr DUBY! Please withdraw that.

**Mr DUBY:** I withdraw, Mr Speaker, but I do point out that Mr Moore left as soon as he had finished his question. He went immediately to the media to make those allegations. For him to suggest that he was ready to go to the Chief Minister is, frankly, an absolute load of claptrap.

**MR MOORE:** I reiterate that I was happy to take those allegations to the Chief Minister. I did not have that statutory declaration with me at the time. Mr Speaker, the statutory declaration that was given to me was given to me perhaps with the understanding that it could well be tabled. It was my decision, not that of the person who made the statutory declaration, to show that statutory declaration to Mr Connolly so that, should anybody ask him, he would be aware that there was such a statutory declaration; but it was my intention to protect the person who had provided that information.

That information did not have to be public, Mr Speaker. It was this Government and Mr Collaery that forced the situation by its motion. Accordingly, I responded to that motion. I still believe, Mr Speaker, that when somebody is given information of that nature it is most appropriate - indeed, there is a responsibility - to take some action. I believed then, as I do now, that there was a basis for asking the question of the Chief Minister. I still believe that that was an entirely appropriate way to go about it. It is not just the duty of a member, but also there is an obligation on a member when there is some doubt about the propriety of the Minister, to follow that through. It seems to me, Mr Speaker, that, if that brings this house into some kind of disrepute, then it is appropriate that that be the case.

That I made a decision to shred that evidence after showing it to Mr Connolly, who I am sure will verify that, may well have been a mistake. However, I was very much aware, Mr Speaker, of the situation and the publicity that followed Miss Libby Daly's case, which is why I drew attention to that. I am also very much aware of the effect that a statutory declaration of that nature could have on a

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person's career. For that reason, Mr Speaker, I decided not to have that document in my possession in such a way that I could present it.

**MR JENSEN** (4.24): Let me comment briefly on the matters that Mr Moore raised yesterday in question time. Quite clearly, Mr Speaker, from the way that the question was framed and the way it was asked, there was a clear implication - there is no doubt about it - that executive members of this Government were involved in some way in some sort of clandestine arrangements. Quite frankly, Mr Speaker, if Mr Moore was prepared to make that sort of an allegation in question time, he should have been prepared and have been in a position to back it up that afternoon. Those sorts of allegations, I would suggest, as has already been indicated, should and must be followed through at the moment they are made. They are very grave allegations and anyone who is prepared to make them should be able to put up, as Mr Collaery did on the day that those other allegations were made.

I suggest, Mr Speaker, that because of the way in which Mr Moore handled this matter it is a grave reflection on his standing within the community and the house. I am sure that the members of this house will vote to censure Mr Moore accordingly.

Question put:

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

The Assembly voted -

*AYES, 10*

*NOES, 1*

Mr Collaery  
Mr Duby  
Mr Humphries  
Mr Jensen  
Mr Kaine  
Dr Kinloch  
Ms Maher  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak

Mr Moore

Question so resolved in the affirmative.

**ADJOURNMENT**

**MR SPEAKER:** It being slightly past 4.30 pm, I put the question:

That the Assembly do now adjourn.

Question resolved in the affirmative.

**Assembly adjourned at 4.32 pm**