



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 March 1991

Wednesday, 20 March 1991

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

INTOXICATED PERSONS (CARE AND DETENTION) BILL 1991

MR BERRY (10.30): I present the Intoxicated Persons (Care and Detention) Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, the lack of proclaimed places in the Australian Capital Territory was raised with me by concerned workers in the Territory. I went to the New South Wales Act to compare what was available in New South Wales and in the ACT. The New South Wales Act was implemented by the Hon. Frank Walker, the then Labor Attorney-General, in 1976. It attempts to address the fact that intoxicated persons are quite often taken into custody for no other reason than their intoxication and therefore should not come under arrest but detention for their own safety.

The aim of the Bill is to provide a place for intoxicated persons which recognises the health implications of their circumstances and thus release police to perform other duties. During the Follett Government I had the opportunity to go out with a police patrol and it seemed to me, although there has been other evidence presented to me, that the police spent an undue amount of time dealing with people who were intoxicated. It also struck me that it was inappropriate for intoxicated people to be held in police cells as a consequence of their intoxication. What really is a social illness, as has been recognised in recent times, is being regarded as some sort of crime.

There are safeguards in the Bill for the police officers and those designated as authorised officers under the Bill. There are no implications, I am advised, arising from this Bill in relation to section 65 of the Australian Capital Territory (Self-Government) Act and this, Mr Speaker, will give the Government every opportunity to support it in a positive way. It is a positive piece of legislation. It is intended to provide better services for the people of the ACT and to improve the lot of people who might be affected on a long-term basis, or potentially so, from the effects of alcohol.

The commencement of the Bill encompasses the standard provisions of ACT Bills. The interpretation clause deals with definitions of authorised persons, detainees, intoxicated, premises, public places and prescribed places.

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The Bill allows for the Minister to declare and notify prescribed places. This definition ensures that the Minister is satisfied, before he acts, that the place is equipped with facilities suitable for the care and detention of intoxicated persons. The Bill, of course, provides that a police station may be declared as a prescribed place and allows for ministerial appointment of authorised persons.

Clause 6 gives guidelines for police officers or authorised persons to judge the behaviour of intoxicated persons. It also allows discretion for an authorised person or police officer to take the detainee to another prescribed place if there is insufficient space, or if the detainee's behaviour warrants his or her removal, or if the interests of the detainee would be better served by being taken to another place. So it allows wide discretion in that respect.

Clause 6 also provides for detainees to be held until they cease to be intoxicated or for eight hours, whichever occurs first. Clause 7 ensures that intoxicated persons will not be detained under clause 6 if their behaviour constitutes an offence under law. So it is not meant that people who are intoxicated would get off with other crime as a consequence of their intoxication.

Clause 8 ensures that detention in a police station is a last resort. That really is one of the prime aims of the legislation - to move people to other places where they might be treated differently from criminals who find their way into the cells in the normal course of police work. Of course, this reinforces exemptions under clause 6; namely, that, while temporary detention at a police station is acceptable to determine whether another prescribed place is available, it is unacceptable unless there is no other place available or it is impracticable to take the detainee home, which, of course, relieves the Territory of the responsibility of care - there are significant benefits in that, I suggest - or the behaviour of the detainee is such as to warrant not taking him or her to another prescribed place.

Clause 9 allows for reasonable restraint to protect the detainee and other persons from injury or damage to property. Clause 10 allows for a search and for police or an authorised person to take the person's belongings, with a provision to ensure that they are returned on the detainee's release. There was some comment that perhaps there ought to be penalties for authorised persons or police officers who do not comply with the provisions of clause 10, but it is held that these administrative arrangements would be better looked after by the management arrangements within establishments, whether in the police force or in the prescribed place; that is to say, if somebody does not comply, then it becomes a disciplinary measure for management to deal with.

Clause 11 provides for the keeping of records. Although, as I have said, there is no financial penalty for failure to keep records, the Minister can, by his powers, change the notification of prescribed places and authorised officers. So the Minister has the power to deal with that, indirectly, at least.

Clause 12 determines the release of the detainee into the care of a responsible person. Clause 13 protects police officers and authorised persons who have acted in good faith in the exercise of powers and the performance of duties under this Bill and, of course, protects them against legal action. That is a common provision, as I understand it. Clause 14 allows for the making of regulations by the Executive - an appropriate provision for territorial government.

The effect of the Bill is, I think, worth considering further. What I see as a major benefit of this Bill is the recognition that drunkenness is most appropriately dealt with away from police stations. It is accepted by society that drunkenness is a social problem and it therefore has to be addressed as such.

For many people in the community this social problem goes on to become a complex range of problems. We have all heard much discussion about the effect that alcohol might have in areas of domestic violence, and the problem ought to be addressed at all points along the way. We know that alcohol affects one's health. It also has an effect on the ability of individuals to seek employment and to hold down jobs. It results in family breakdowns and, as I have said, it also results in domestic violence. Crime also arises from one's addiction to alcohol. It therefore is necessary for the Territory to address these issues in a way which we hope will lead to a situation where the impact of intoxication on the community as a whole is lessened.

Many of us accept that reasonable intake of alcohol is a way of life; but we all know, I hope, that the consumption of alcohol will lead to a social problem if it is not dealt with properly. The aim of this legislation is to ensure that it is dealt with as a social problem rather than have people who are intoxicated find their way into the cells where, in the normal course of events, people who have trouble with the law in other areas find themselves.

I think a quote from Dr Tony Vinson, who was talking to a New South Wales Government seminar on victimless crime, is appropriate. He said:

Our present social response to public drunkenness helps to stigmatise the individual and thereby maintain his socially unacceptable behaviour. The arrest and incarceration of the drunk -

although that need not apply here -

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worsens his social maladjustment by further demoralising him and reducing any chance he may have had of putting his life on a better footing. The repeated experience of arrest, detention and appearance in court labels someone a "drunk" and minor criminal, and thereby encourages the individual to see himself in these roles.

I think it is very important for society to recognise that and it is very important for the legislature in this Territory to work towards a system of dealing with people who are intoxicated which results in better things for the people of the Territory.

It also has, one would hope, in the long term, some fringe benefits - if I can call them that - for the health and welfare system of the Territory. If appropriate services are provided at the places which this legislation prescribes as prescribed places, then we could look forward to a reduction of costs in the health and welfare areas, and money that is put to those purposes might be put to other better uses. But it is all about mitigating the effects of alcohol in the system and providing a progressive and modern approach to dealing with people who suffer from the effects of alcohol in a way which is unacceptable in public, at least, and in a way that might cause a hazard to themselves or to other members of the public. This also would pave the way for dealing with repeat offenders and would, at least, I would hope, lead to a situation where proper services are available to people suffering from what is really a serious problem.

I do not think that it is appropriate for the police to have this responsibility. That is not to say that the police do not deal with the situation in the Territory as best they can in the current circumstances; but it is not a police matter, in my view. It is a social matter and other means of dealing with the problem have to be developed. The police have an important role in society, to provide community policing, and I think the diversion of police time into dealing with intoxication in public places and so on is an expensive diversion which we as legislators would do well to avoid. By supporting this legislation the Government would relieve the police of the responsibility of incarcerating people affected by alcohol and would put such people in a place where the community might achieve better results in dealing with the problem of the effects of alcohol.

I want that point to be made very clear because I do not want anybody in this place to be saying that the Labor Party has an axe to grind with the police over the way they handle people who are intoxicated. That is not the case at all. This is about providing a better alternative to deal with people suffering the effects of that drug.

Mr Speaker, I look forward to the prospect that the long-term effect of this Bill will be the setting up of support networks which allow repeat offenders to be counselled and hopefully redirected back into lifestyles which do not depend on drink. If we are able to do that, if we are able to do nothing more than that, as far as the Labor Opposition is concerned we will have achieved something. I hope that the Government takes a positive approach.

I have to say that in the lead-up to the presentation of this legislation we have consulted widely with groups in the community, indicating to them our position on the issue. We have taken the matter up with the Australian Federal Police, although I have to say that there has been no significant consultation with them on the issue. I suspect that that means that they are quite happy with the prospect. We will now, of course, consult with them further and if they have any problems with the legislation they will be raised in due course.

I look forward, as I have said earlier, to the support of the Government on this piece of legislation. I think it delivers something for the Territory which, though not new by any stretch of the imagination, will improve the lot of people affected by alcohol and which may deliver benefits to the community in the long run.

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

INTERPRETATION (AMENDMENT) BILL 1991

MR CONNOLLY (10.48): Mr Speaker, I present the Interpretation (Amendment) Bill 1991.

Mr Speaker, this is, as members will see when it is distributed, a very little Bill. It adds a mere two and a bit lines to the Interpretation Act. But the effect of the Bill, if the Government sees fit to allow it through the house, could be quite significant. It gives effect to a suggestion that the Opposition has made on a number of occasions in debates in this place - - -

MR SPEAKER: Order, Mr Connolly! You are not speaking to a motion at the moment. You have to move that the Bill be agreed to.

MR CONNOLLY: I am sorry. I move:

That this Bill be agreed to in principle.

This Bill, as I was saying, gives effect to a suggestion that the Opposition has made on a number of occasions in this place that - - -

Mr Kaine: And a lot of other people as well.

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MR CONNOLLY: Mr Jensen says that a lot of other people have made the suggestion too, but - -
-

Mr Jensen: It was not me, Mr Connolly, thank you.

MR CONNOLLY: Was it Mr Kaine? I am sorry. I was not looking in that direction when I heard the muttering. A lot of other people have made this suggestion; but it seems that, as so often is the case, it is up to the Opposition to act on these things rather than simply espouse good ideas. Mr Speaker, the problem was brought home to the Opposition when we were looking at some machinery amendments to, I think, the Truck Act earlier this year, moved by the Government - an Act not dealing with motor vehicles but dealing with a fairly arcane but nonetheless important area of consumer protection.

It became apparent when we looked at that Act that this was typical of many Acts on the statute book here, as in other places, which have not been amended in many, many years. The penalty provisions which stood in that Act at \$20 could be traced back to the penalty provisions as they were in place prior to February 1966, that is 10 pounds, and were originally set when 10 pounds was a substantial penalty. But over time, as inflation occurs, it is very easy for a penalty which was at one time appropriate to become a mere trifle - almost a licence fee to commit an offence.

Making the penalty fit the crime is something that we would all agree is a desirable outcome; but making the penalty fit the crime is a matter on which, on the quantum of penalty, no doubt opinions would differ across the chamber. Mr Stefaniak might take a different view from me, for example, on that issue but I am sure that there would be general agreement that in the area of pecuniary penalties, of fines, it is important that the penalty keep up to date.

The course that has been adopted - this is certainly not a novel suggestion of the ACT Labor Opposition - in some of the States and in some areas of the Commonwealth with new Acts, as they are being introduced, is for penalties to be expressed in penalty units. There is a single point, and most commonly, as we are suggesting, that point is found in the Interpretation Act, where a penalty unit is equated to a figure. We have here taken, as is commonly the case, that one penalty unit shall equal \$100, or one portion of a penalty unit. So for a very minor offence under, say, a litter Act or what have you, or a traffic parking offence, it may be that it would be 1.5 of a penalty unit or 0.3 of a penalty unit or 0.4 of a penalty unit. You can have portions of a penalty unit.

At the moment we are proposing that the penalty unit would be \$100 and as we introduce legislation, or if this Bill is supported by the Government as government legislation is introduced, the penalties will be expressed in penalty units. In 18 months' or two years' time it might be appropriate to amend section 33 of the Interpretation Act

to provide that the penalty unit shall be \$110 rather than \$100. As years go past that may move to \$120, \$130 and \$150, and, no doubt, in several years' time, \$200 or what have you.

The advantage that this offers is that one amendment to the Interpretation Act on a two- or three-yearly basis will update and provide realistic penalties for all Acts that are expressed in penalty units. I would think it would be appropriate, if the Assembly passes this Bill, for us to follow the process that has been followed in States that have adopted this course; that is, when amendments to the criminal law are contemplated or when any general housekeeping amendments are made to Acts, the Assembly would take the opportunity to translate the penalty provisions in those Acts, as they come up, into penalty units.

I obviously would not expect that this Government - nor would Labor in government - would accord a terribly high priority to immediately rushing in and fixing up all the Acts on the ACT statute book; there are other more pressing needs. But over a period of time, some years, we would get to the position where most, if not all, statutes in force in this Territory were expressed in penalty units. This process of regularly updating the one statute, the Interpretation Act, will have the effect of keeping penalties realistic. That goal of keeping penalties realistic is obviously a desirable objective and one that members on both sides of the house would agree to.

As I said, we have here done this by way of an amendment to the Interpretation Act. We believe that that is the appropriate place to put this provision, although it would be possible, I suppose, to have had a freestanding Act called a Penalty Unit Act which provided for this. I think it is appropriate to place it in the Interpretation Act. It is placed immediately behind section 33 of the Interpretation Act - lawyers in the house would be familiar with this section - which is the provision that says that, where a monetary penalty is provided at the foot of a section, the court may impose any penalty up to and including that.

That is sometimes confusing to people in this house or outside this house. They will look at a provision introduced by a Minister and they will see "Penalty \$1,000". This was a criticism that I heard uttered in relation to the Weapons Bill, where penalties were expressed at, say, \$1,000 or \$5,000. People were saying that it was unjust. An example would be given of a comparatively trifling or inadvertent breach of the law and it would be put, "It is unjust to have a \$5,000 penalty". But, of course, anyone who is familiar with the operation of the criminal law would know that it does not mean that for any breach of that section the court will automatically impose a \$5,000 penalty. It has that discretion. As that is the section that the courts look to to interpret how you

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apply an offence provision, it seems to us to be the logical place in the Interpretation Act to place a penalty unit provision.

As I said at the outset, this is but a very little Bill; but the minor change that it makes by way of lines in the statute book belies its importance and its contribution to the desirable goal of keeping the criminal law up to date. It would be a major task for this Assembly or any parliament in any State of Australia, or, indeed, the Commonwealth Parliament, to be able to constantly monitor the range of penalties found throughout the laws in force in a Territory or State. No State parliament has ever been able to say that it has achieved that, because you simply cannot be looking, on an annual basis, at every Act and updating the penalties. We have seen repeated examples in this place already, in our short history, of penalties that clearly have no relevance to the conduct that has been deemed to be criminal. It is quite easy to see in some of these Acts that have been rarely amended that the penalty presently in force is merely the decimal currency equivalent of an old penalty expressed in pounds. The adoption of a penalty unit procedure in the criminal law provides the opportunity over time to ensure that the criminal law in this Territory remains relevant.

As is always the case when the Opposition introduces private members' business, we do so in a cooperative spirit, as Mr Berry said when introducing the important provision he has just put forward. He would welcome comment from the Government and, as I have said repeatedly when I have done so, that offer stands. We would be happy to discuss this with the Government and accept any amendments or suggestions that they have. I commend this concept to the Government. It puts in a concrete form a suggestion that we have repeatedly made and, as is abundantly clear from the volume of this Act, it is not a terribly hard procedure to achieve. It requires but a straightforward and simple amendment to the Interpretation Act. I commend the Bill to the house.

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

SUBORDINATE LAWS (AMENDMENT) BILL 1991

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

That this Bill be agreed to in principle.

MR CONNOLLY (10.58): Mr Speaker, I move:

That pursuant to standing order 152, order of the day No. 1, private members' business, be discharged.

When this Bill was introduced I indicated to the Government that we would be happy to discuss the Bill with the Government. The Attorney-General was kind enough to take up that offer and I discussed it with the Law Office. They had a couple of queries and I referred the Bill to Mr Hunt QC, the chief parliamentary counsel for the Territory.

There were a number of changes and, in discussion with Mr Hunt, I felt that it was probably more appropriate, rather than to have further amendments to my amending Bill, to simply seek leave of the house to discharge the Subordinate Laws (Amendment) Bill standing in my name and to substitute an equivalent Bill which I will be seeking to introduce later this day. The reason for seeking this discharge from the notice paper is to replace the Bill presently on the notice paper in my name with an improved version.

Question resolved in the affirmative.

SUBORDINATE LAWS (AMENDMENT) BILL 1991

MR CONNOLLY (11.00): Mr Speaker, I present the Subordinate Laws (Amendment) Bill 1991.

I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill is, as foreshadowed, the substituted and improved version of a Bill that I produced some fortnight ago, and I will not repeat the comments I made in the introduction speech then. The central effect of the Bill remains to provide, in this place, for deemed disallowance of legislation to ensure that no government can prevent this Assembly from having ultimate control over subordinate legislation. Should a piece of subordinate legislation be introduced and a member take exception to it, it will not be within the power of the government of the day to filibuster. As I made clear at the outset, this is not any form of partisan attack. We are talking about the government of the day well into the future and that, we confidently expect, would be more likely than not a Labor government whose subordinate laws will be being objected to.

As I said at the time of the original introduction of the now withdrawn Bill, this gives effect to a very important principle; that it is this Assembly that has the ultimate say over the laws in this Territory, and that the control of this Assembly and the right of every member of this Assembly to move disallowance is very important.

I have discussed this Bill with the Attorney-General and I hope that I may have some support from the Government. If this Bill is passed the ACT will stand alone with the Commonwealth in affording to private members this important

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procedural safeguard. No State parliament has seen fit to do this, although this was a major criticism from Professor Pearce in his major textbook on subordinate legislation some 10 or 12 years ago. It would be an important breakthrough for the Territory if this Bill could be supported.

Mr Speaker, the central provision in this Bill remains the amendment to section 7A of the Subordinate Laws Act to provide for the deemed disallowance. That remains effectively as it was in my original Bill. That is the heart of the Bill and it remains. A number of other amendments have been included in this Bill, I must say, at the suggestion of Mr Hunt. I have been happy to include those minor housekeeping-type amendments.

Mr Collaery: David Hunt.

MR CONNOLLY: David Hunt QC. I am happy to include those. The most important of those is to bring the terminology of the Subordinate Laws Act into line with the terminology of the Commonwealth Acts Interpretation Act on which it is modelled. The important change is to substitute, in all cases, that the effect of disallowance, be it deemed disallowance or actual disallowance by resolution, is that the disallowed provision ceases to have effect at the moment of disallowance.

The Act, as it presently stands, says that the consequence of a disallowance is that the subordinate law shall be taken to be void and of no effect. It may seem but a difference in wording. But the problem is that in administrative law the concept of a law being void can imply, and usually would imply, that the law is void ab initio; that is, that it has always been void and was never of effect.

I understand that it was never the intention when the Subordinate Laws Act was passed that that be the effect and that this was pointed out at the time by the Senate scrutiny committee that looked at what were then themselves subordinate laws, that is, ACT ordinances. It was pointed out at the time that the use of the term "void" could cause confusion if it were ever argued that a law that had been disallowed was void ab initio.

The consequence of that would be that, if a Minister acted in reliance of the regulation, the Minister's acts could be held to be without lawful authority and there could be potentially quite difficult court proceedings. The Territory and the Territory Executive of the day, or public servants acting under the authority of the regulation as it stood, could find their acts under challenge. So we have taken the opportunity, throughout the legislation, to change the wording from "shall be taken to be void and of no effect" to "ceases to have effect". That does not change the effect and intention of the law as it originally

stood, but tidies up any possibility for confusion. The phrase "ceases to have effect" is identical to that used in the Commonwealth Acts Interpretation Act.

It is important to stress that the purpose of this is not to change a present provision that provides for invalidity from the date of implementation. That was never intended to be the present law, but it could be argued in a court and the use of the term "void" could well give that impression to a court.

The other important change in this legislation, introduced at the suggestion of parliamentary counsel - one that we are very pleased to support - is to take my amendment somewhat further. I provided in the original Bill simply for the possibility of deemed disallowance. The Bill now includes also a new section 7B which covers the situation where a member moves for disallowance of a regulation and within the 15 sitting days - the period, members will recall, which can run and at the end of which if the regulation has not been supported it will be deemed to be of no effect - the Assembly is dissolved or expires. This new section 7B, in effect, preserves the original motion for disallowance. It prevents the possibility that a subordinate law could slip through the net because it was introduced late in a period before an election. For example, a member moves disallowance, the government of the day prevents a debate, the house expires and when the newly constituted house sits again, of course, the 15 days would have passed and there would be no possibility of the matter being debated. That model on the equivalent provision in the Commonwealth Acts Interpretation Act tidies up the amendment by providing for the situation where the Assembly is dissolved or expires.

The other principal change is to substitute a new subsection 10, which is an improvement on the drafting of the subsection. In the original Bill I was not going to deal with subsection 10, which refers to the effect of disallowance. I relied on that to cover both deemed and actual disallowance. Subsection 10, as now proposed, is somewhat more elegant and separates the consequences of deemed disallowance and actual disallowance, although the consequences are, in fact, the same.

So, Mr Speaker, this is an improved piece of legislation. I compliment and thank Mr Hunt for his prompt attention to the matter and the elegant drafting in some of these new provisions. It will further improve the Subordinate Laws Act and will give effect, as I said at the outset, to an important principle, one which reaffirms the ultimate sovereignty of the Assembly, and members of the Assembly, over the Executive in the passage of laws in this Territory.

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

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CONSUMER AFFAIRS (AMENDMENT) BILL 1991

Debate resumed from 13 March 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.09): Mr Speaker, the Opposition have brought forward a number of Bills in the last few weeks which reflect matters which, I think, it can be said are shared priorities as between the Government and the Opposition. The legislation just introduced, I think, would fall into that category, and the legislation we are now considering, the Consumer Affairs (Amendment) Bill, also touches on a matter of concern to the Government, and obviously to the Opposition, namely, the inadequacies of the present ACT law with respect to what are commonly called use-by dates.

Mr Speaker, to share that concern is one thing; to actually achieve some solution to the problems that the ACT faces is quite another. I have to say that, as far as the Government is concerned, the concerns that we face in the Territory are not met by this Bill. I can indicate that the Government will not be supporting the Bill. The Government does have its own legislation in this area being presently drafted. The legislation will deal with the problems that are being faced by both sides of the house in a more comprehensive fashion than is evident in this Bill.

Mrs Grassby: A snail moves faster.

MR HUMPHRIES: For the benefit of Mrs Grassby, I am happy to explain why we have some concerns with this Bill. Mr Speaker, this Bill apparently is taken fairly liberally from the New South Wales Fair Trading Act of 1987. Section 38(2) of that Act and the provisions of this Bill are very similar and I can only assume that there was some borrowing from the New South Wales Act.

Mr Connolly: We said that in the introduction stage.

MR HUMPHRIES: Indeed, and that is acknowledged by the Opposition. Mr Speaker, the problem is that New South Wales, on my instructions, is not the best jurisdiction from which to be borrowing in these circumstances. There are better examples. In particular, there are examples which are more up to date with the developments in food law which are going on across the country.

Members may be aware, from previous discussions on this matter, that in 1980 a comprehensive model food Act was initiated in, I think, Adelaide at a conference chaired by the Commonwealth. That was set up as the basis on which then States, now States and Territories, would move to make uniform laws in Australia with respect to food labelling, food packaging and food standards.

Unfortunately, progress on that matter has not been very quick and we have seen considerable problems in a whole series of places in getting new legislation in place. The ACT, I have to say, also has been very slow in this matter and I lay the blame very firmly at the door of the Commonwealth. The legislation was provided in 1980 as a model Act and the ACT got self-government in May 1989. In those nine years nothing, apparently, was done to provide the ACT with this food legislation. We have had less than two years in the meantime to deal with the problem, and I am pleased to say that it will not be much longer that we will have to wait for that. However, to provide legislation in this area which does not take account of what has been happening in other jurisdictions would be quite wrong, quite false.

New South Wales does not conform with the procedures followed elsewhere in this country. New South Wales is, in that respect, behind other jurisdictions which have adopted the national food standards code. A major function of our own food Act will be to do just that - to adopt the national Food Standards Code and to incorporate that, by reference, into ACT legislation. That is what other jurisdictions in this country have done, except for New South Wales.

The Food Standards Code requires food to be labelled as prescribed. The labelling requirements include placing a best use-by date - that is a very different thing, I should point out, from the durable life date, and I will come back to that in a moment - or the date of packaging on the label of any food. So there are two sorts of information that can be provided - when the food was actually packaged or what is the best date by which the food should be used.

It is interesting to note that the Bill put forward by Mr Connolly requires that both these pieces of information should be provided. It is also interesting to note that, even so far as New South Wales is concerned, Mr Connolly is behind the times, because I am instructed that New South Wales has just amended, or is about to amend, its legislation to replace the "and" with an "or". So, in that regard, the model has been rather clumsily applied to the ACT.

The difference between a durable life and a use-by date is very important. They are not the same sort of thing. The best use-by date obviously is a date by which it is recommended that the food should be consumed. Durable life does have a different meaning and it is appropriate to not confuse those two terms. I understand that at the Premiers Conference in Brisbane last year discussion occurred concerning the Food Standards Code and the Chief Minister, on behalf of the ACT, agreed that there would be no variation to the Food Standards Code to enable food to be produced and sold nationally without local variations to labelling requirements.

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The amendment that Mr Connolly has brought forward to the Consumer Affairs Act includes the definition of a durable shelf life for food. The requirement to include a durable shelf life on a food label is at complete variance in that sense with the requirements of the Food Standards Code. The proposed amendment also, I think, duplicates some of the functions of the national Food Standards Code in such areas as food composition, method of manufacture and place of manufacture of a food.

The point, of course, is that by putting bits and pieces of the Food Standards Code into legislation in the ACT - rather inappropriately, I think, in consumer affairs legislation rather than in a proper food Act, I might point out - reduces the flexibility that the Territory has to adapt and adopt the national Food Standards Code. It is, in other places, adopted by reference, not directly into legislation. Obviously, if the States and Territories of this country agree to changes, those changes should occur automatically rather than having to have a whole series of legislation occur in each of the States and Territories concerned. That failure to adopt the code, I think, is the biggest single problem with this Bill. States and Territories have incorporated food shelf life legislation by adoption of the code, with the exception, at this stage, of New South Wales and the ACT. I also understand that even New South Wales is currently transferring the legislative requirements in this area relating to shelf life requirements from consumer affairs legislation into proper food legislation. If that does occur, then, of course, the ACT would be the only jurisdiction to have this legislation in consumer affairs provisions rather than in food legislation.

The ACT's own Food Act has been approved in principle by Cabinet. Drafting instructions, I am told, were delivered some months ago and are in the process of being transformed into legislation. I would expect to be able to introduce that Bill into the Assembly later this year. It will be a far more comprehensive and appropriate response to this problem.

Mr Connolly: The first half of the year or the second half of the year? Can you give us a month?

MR HUMPHRIES: Those opposite are very keen to be the first to win a point here, to be able to say, "We have brought in use-by dates". Unfortunately, this enthusiasm, this keenness to be the first, comes at the expense of proper consideration of the legislation. We are not about sitting around this place proving who can be the first to bring in a particular piece of legislation. That is not what we are here to do. We are here to provide the best possible legislation for the people of the ACT. There is no way that this Bill can be described as the best. In fact, this draft Bill put forward by the Labor Party is clearly not the best. It is clearly already out of date. I think there is every reason to reject it.

I think the proposed amendment to the Act would be contrary to the Chief Minister's agreement for uniform food legislation. It is certainly inconsistent with the national agreement on that score. It seems to me that we should be looking to reduce the number of incidents of the ACT being out of step, particularly with important and beneficial national developments such as uniform food legislation.

It is not a question just of making it convenient or pleasant for legislators or drafters and having the same legislation to work from. It is also a question of manufacturers, retailers and producers knowing that food which is acceptable and which conforms to the laws of one State will be acceptable and will conform to the laws of another State. It is extremely sad, I think, Mr Speaker, that we should find ourselves sitting in the middle of this kind of quandary when so much work is being done and has been done to bring the ACT into line with other States and Territories.

I accept the sentiment of what those opposite have done, but I hope that they realise that it is not appropriate to take that step at this point. The Government would be more than willing to approve and agree to legislation, even if brought forward by the Opposition, which actually conforms with those national food standards, with that national code.

Mr Berry: Why don't you amend it?

MR HUMPHRIES: Mr Berry interjects, why do we not amend it. There is no question of just changing a word here or there. The entire concept of putting into our own consumer affairs legislation provisions that deal with food is inappropriate. You cannot amend this. No amendment is going to cure this. It has to be thrown out and done properly in a food Act, which is what this Government is presently in the process of preparing. As I have said, it will be introduced into the Assembly later on this year.

MR BERRY (11.21): In the words of Mr Humphries, progress is not adequate. I think those words describe the situation most aptly. The Government's progress on this issue is inadequate, and I am very pleased that the Minister has recognised that. What I am disturbed about is his constant carping and whingeing about the fact that the Labor Party has recognised the problem and has done something about it. What we are about is providing legislation to improve the situation for the Territory's consumers. The Government opposite, of course, is not concerned about that.

Mr Humphries: It is inadequate.

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MR BERRY: The Minister interjects and says that it is inadequate. It would have to be better than nothing. This Government opposite has done nothing, and they do not look as though they are going to do anything for a while yet because the Minister cannot give us a time. He says, "Some time later this year". I must say that every time the Minister makes these sorts of announcements he expresses confidence that something will happen but never gives an unequivocal commitment that it will happen.

We are not confused on this side. He does not build any confidence in us because the results, of course, fly in the face of any confidence that this Government will ever do anything progressive. That has been the situation with this food legislation. "I'm gunna ..." has been the approach of the Government on these issues. Meanwhile, Territorians run the risk of being forced to eat rancid food; food that is just not up to standard. This Government is prepared to cop that. This Minister, who is supposed to be concerned with health, who cannot provide beds in his hospital system, cannot provide - - -

MR SPEAKER: Relevance, please.

MR BERRY: This is very relevant. It is to do with a health issue in the Territory. This Minister for Health has said that progress is not adequate, yet he carps about the Labor Party because it has done something about the issue. To point out the shortcomings of this Minister's performance, one has to turn to his failure to provide ambulance services, and his failure to provide beds for the people who are sick in the Territory - people might be affected by food which is not covered by proper legislation in the Territory, legislation which this Government has not been able to produce.

I know that Government members would be stinging because of their poor performance in the delivery of legislation to this Assembly. They dither about on important legislation. Mr Humphries expresses confidence that something will happen, but it does not; and then they complain because the Labor Party, even with its scant resources, is able to bring forward legislation which will improve the situation.

The only thing that is correct in the Minister's statement is that it might well be better later on, but what we want to do is improve the situation now. All that this Government could do with its 17,000 advisers is tell us where we are wrong. We have made the moves to improve the situation; all that the Government members opposite can do is whinge about progress.

Ms Follett: They have been caught out again; that is why.

MR BERRY: Indeed. The Leader of the Opposition says that they have been caught out, and there has never been anything truer. They get caught out day after day on their poor performance. The people of the ACT have been waiting

for this legislation for years. The Government opposite have attempted, I guess, to put forward the notion that they are doing something about this issue, but the results do not bear that out. We have seen a Minister for Health, who is supposed to be concerned about the health of the people of the Territory, move towards lesser services for those people. Now we see the Minister unable to give a commitment - - -

Mr Humphries: You did not ask for one.

MR BERRY: He is unable to give a commitment on the delivery of proper legislation to protect the food supplies for the Territory. The Minister interjects that I did not ask for one. Well, I am asking for one. Give us the commitment.

Mr Humphries: You have got one.

MR BERRY: When will it happen? This year? Next year?

Mr Humphries: This year.

MR BERRY: The second half? December?

MR SPEAKER: Order, Mr Berry!

Mr Humphries: We will see how the drafting goes.

MR BERRY: "See how the drafting goes", the Minister says. I suggest, Mr Speaker, that it will be a little bit like the planning legislation - month after month after month after month of dreary promises; dreary promises and no results.

Mr Jensen: Like Rosemary's promises.

MR BERRY: The Executive Deputy responsible for planning twitches. No wonder, because his credibility is shot to pieces, along with that of the Government. It is all based on lack of performance. The members opposite are unable to produce legislative business for this house - witness the daily program. It contains nothing of substance and, of course, the Government twitches about that. I can understand that because nothing would make a government twitch more than being shown up for poor performance. The Government stings; but what is most annoying is that all that they can do is whinge about the Labor Party in Opposition making progressive moves to provide better services for the people of the Australian Capital Territory, services which the Government opposite has not been able to provide. Day after day their services are in decline. It has been demonstrated. It has been demonstrated by the Minister himself. He has admitted that the services in his portfolio area are in decline.

Mr Humphries: I have not. Nothing of the sort.

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MR BERRY: He has admitted that there are 60 per cent more people - - -

Mr Humphries: What a lot of garbage.

MR BERRY: He says that he has not admitted that. Well, he has admitted that there has been a blow-out of 60 per cent - - -

Mr Humphries: Mr Speaker, I am gratified to hear Mr Berry's familiar speech yet again, in case any of us had forgotten what he said yesterday, or the day before, or the day before that. This is not relevant to food legislation or to this particular Bill.

MR SPEAKER: I uphold your objection, Mr Humphries. Mr Berry, please get closer to the debate.

Mr Connolly: People who eat rancid food end up in hospital, if there is a bed.

MR BERRY: As Mr Connolly says, people who eat rancid and rotting food might end up in hospital. They would have difficulty in the Australian Capital Territory; they might not be able to get a bed and they might not get transport to go to the hospital because of the inactivity of this Minister, the same sort of inactivity that we are now witnessing in the preparation of modern legislation to deal with food.

It is up to the Government to produce the goods. It has not been able to do that. As I have said previously, Mr Speaker, all it can do is whinge and complain about the Labor Opposition's preparedness to put its head down and prepare this legislation to provide better services and better protection for the people of the Territory. When Mr Humphries comes forward and produces the goods, that is the day he will get applause; but not before. He has not done it so far. He has been slow off the mark on almost every issue.

All he has been able to deliver to this Assembly is expressions of confidence; no more than that - words cobbled together to confuse and mislead the electorate about the service that this Government has failed to provide.

Mr Humphries: That is high praise from the expert.

MR BERRY: This so-called wordsmith opposite again tries to mislead the community into the belief that something is happening in government or is about to happen in government very shortly, or perhaps some time this year.

Mr Humphries: Have you anything at all to say about the food Bill, Wayne? I would like to hear it if you do.

MR BERRY: I am interested in providing services to the community and protection of the community in the area of the provision of food. I am also interested in pointing out the Government's failures. I know that that makes the Minister nervous, and so it should. After all, he was the one who promised that all sorts of progressive things would happen in the ACT when they took government, but we all know that that has not been the case.

He has been on a backslide since the word go. Recent evidence about budget blow-outs has demonstrated his incapability of delivering anything progressive, let alone in the area of food.

MR SPEAKER: Order, Mr Berry! Repetition is creeping into your speech and I would ask you to desist from that. Please proceed to the point.

MR BERRY: With respect, Mr Speaker, I had not mentioned before the inability of the Minister to manage budgets having an effect on his inability to provide food legislation, but I think it is most appropriate to do so and therefore it is entirely relevant in the context of this debate. The food legislation which has been put forward by the Labor Party is designed to do something in the Territory, but it has attracted nothing but carping from the Government. We expect that because of their poor performance in the past.

Mr Humphries: You are using your own time, Wayne. You are wasting private members' business.

MR BERRY: Mr Humphries is agitated about it, and so he ought to be. It is a matter of great shame that the government members opposite have not been able to deliver progressive legislation. Congratulations go to Mr Connolly for producing this legislation even though he has had no support for the project from government members.

MR CONNOLLY (11.33), in reply: Mr Speaker, it was very disappointing to hear the Government's response to this Bill. The high water mark of Mr Humphries' assault on this Bill, his most devastating criticism, was to say that all Labor has produced is a stopgap measure. We will take that criticism and turn it into praise. We are pleased to produce a stopgap measure that will provide protection to citizens of this Territory until such time as this comprehensive food legislation, based on the national model, is introduced, because we know how long that will take. We have seen this with the planning legislation. We are now into the second year of waiting for that.

Mr Jensen: You said that we have to get it right, Terry.

MR CONNOLLY: Indeed, that is right, Mr Jensen. It is important to get this important legislation right. We also have seen the Government pass one interim planning Bill and it has another one on the notice paper for this week. It

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has two pieces of legislation to act as stopgaps - to use Mr Humphries' devastating retort - to cover the situation until the comprehensive legislation is in place. We say, on this side, that it is better for the citizens of this Territory to have protection now than to do nothing until, when? Three months? Six months? Nine months? The Minister just cannot say.

We are told that drafting instructions have been sent out. We all know the complexity that this type of food legislation will involve. If the Minister could say, "It will be in before the finish of these sittings, it will be in before the July recess", perhaps we could say, "Okay, we will not proceed with this Bill because we know that there will be protection in three months' time". If he could say definitely that it would be in the third quarter, we might even have a think about it; but he has no idea of when this legislation will be in place and, going on the track record of this Government, it could be late this year, if we see it at all during the life of this Government - this Government marked by Ministers who are publicly associated with use-by dates.

We are proud to say to the citizens of Canberra that we have prepared a Bill that is not perfect; that it is not the most recent model national uniform food Bill which is proving so difficult that this Government can give us no firm idea of when it will be introduced. We have picked up a model that works, that will prevent what is happening this very day and this very moment in supermarkets around this Territory - that is, Canberra citizens being sold food that is considered unfit to be sold across the border in Queanbeyan. We have proposed a Bill that will give the citizens of this Territory that protection, at least that protection, until we see this comprehensive uniform food Bill.

Mr Humphries says that the Opposition can only carp. We are quite likely to be supportive of that legislation when it comes in. If you look at the record in this chamber, we are more often than not supportive of government legislation where it is updating and improving ACT legislation. We do not object on principle to every government measure. This uniform food Bill, if and when we see it in the life of this Assembly, is more likely than not to be supported in large proportions by this Labor Opposition. But we are not prepared to say that the citizens of the Territory should have no protection in the meantime. I think it is very sad that the Government wants to take a cheap political point on this and leave the people of this Territory unprotected in a way that citizens of other States and Territories are not so unprotected. Why is it that Mr Humphries is prepared to put substandard food on the tables of Canberra families?

Mr Jensen: Why didn't Rosemary fix it in the seven months she was in charge?

MR CONNOLLY: All Mr Jensen can say is, "Why didn't you do anything?". We have done something. We have introduced legislation that will provide that protection by way, perhaps, of an interim measure - I am prepared to accept that - by way, perhaps, of a stopgap measure, if Mr Humphries thinks that is a clever debating point. I would say that, if you asked the citizens of this Territory, "Would you prefer to keep being sold off-food, rancid food, rotting food, or have protection by way of a Labor stopgap Bill?", they would take the protection every time. They would not care if it is an interim measure, a stopgap measure. They want the protection, and that is what we have proposed.

The Government's only response is not that it should not happen; it is not that this is not an effective form of protection; it is that this is an interim measure; that the government Bill, if and when we see it, will be better. We do not doubt that, because we are aware that a lot of work has been done on this over the years. It is a complex area. The comprehensive food legislation that Mr Humphries is referring to will be a very difficult task of drafting. It will cover a lot more than this simple Bill, which simply relates to use-by dates, and it will, no doubt, improve the body of Territory law; but, in the meantime, we are prepared to provide protection.

Mr Jensen, like a broken record, can only say, "What did you do, what did Labor do in its bare six months of government?". Well, Mr Jensen, your lot have been there a year now and nothing has happened on this. We have produced a Bill which will protect the consumers of this Territory from the sale of substandard products, substandard products that cannot be sold over the border and substandard products that we have reason to believe - the belief is widely held in Canberra - are being brought into this Territory for sale. We are an island within New South Wales. We are the only island within New South Wales where this substandard and shoddy merchandise can be offered for sale, and it is not surprising that traders would seek, in compliance with the law, to sell food here that it is an offence to sell across the border. The very simple measure that we have proposed - it is true that it is a simple measure - that has been adopted in New South Wales to date and that has stopped this trade in New South Wales, would give that protection until we see Mr Humphries' Bill.

We are quite happy to debate this one out there in the constituency. We are quite happy to say to consumers, "Mr Humphries is prepared for you to eat substandard food, for you to serve to your families substandard food, and he thinks that you would rather have that while you wait for this comprehensive Bill; whereas we on the Labor side have prepared a measure that would stop that trade within a week if this Bill was passed - indeed, within a couple of days, because a Bill can be passed into law very quickly in this Territory".

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We are prepared to provide the protection. If the best that the Government can do is say, "All we are providing is interim protection", we do not duck from that charge. We accept it. We are proud to say that we are providing a form of interim protection for the consumers of this community. If the Government is not prepared to accept that, they will wear the odium in this community for continuing to allow Canberra families to eat food that it is illegal to sell in New South Wales, that is substandard and shoddy. It is the response that we could perhaps expect from a substandard and shoddy Government.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 6

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Moore
Mr Wood

NOES, 10

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

Question so resolved in the negative.

CHILDREN WITH DISABILITIES

MR BERRY (11.46): Mr Speaker, I move:

That this Assembly expresses its concern at the lack of full and coordinated services for children with disabilities.

The lack of coordination of services for children with disabilities is really the issue which has brought to attention what is a major problem in the Territory. One has to consider the problems of the parents and carers of children with disabilities. It is easy for people who have not had the responsibility of caring for those with disabilities to ignore the stress associated with providing that care. Of course, some of us would know that many of those in need of care require supervision for all of their waking hours, so that stress is something that we all need to bear in mind when we talk about these services.

There is a very clear need for respite care to give these carers some relief; but I have to say, Mr Speaker, that the Government's performance on this issue has been poor, and the perception is that there has been a downgrading of respite care services. In fact, at times there have been empty beds when there has been a strong need for respite care, and it has not been provided. That is why I am calling on this Assembly to express its concern with the lack of full and coordinated services for children with disabilities. They also need access to special training and remedial programs outside general schooling.

Mr Collaery: Where have the respite care beds not been provided? He is not going to answer this.

MR BERRY: Mr Collaery interjected and said, "Where have the respite care beds not been provided?". He knows, if he is truthful, that there were open beds at one of the hostels in his portfolio area which were empty, and that held people out of respite care because of the refusal of the Government to provide those services. What happens then, of course, is that people are forced to bear the costs of travelling to services, but under this Government they have had less and less access to services.

Members interjected.

MR BERRY: The government members complain, by way of interjection. They will have the opportunity to get on their feet in a minute and tell us what they have done. Are they not getting twitchy? They are going to have the right to speak like everybody else in this Assembly, but they cannot hold themselves back from interjections. Why do they not wait until they get the opportunity to speak, like everybody else has to?

The big problem for people in the Territory is the following question: Where do they go for help?

Mr Jensen: Because you keep misleading the people, that is why.

Ms Follett: On a point of order, Mr Speaker: Mr Jensen interjected that Mr Berry keeps misleading the people. I ask for that to be withdrawn.

MR SPEAKER: I think that that could be withdrawn, Mr Jensen.

Mr Jensen: "Misleading the public", Mr Speaker?

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MR SPEAKER: "Misleading people".

Mr Jensen: "The people, the public".

Ms Follett: Just withdraw it. You have been ordered to withdraw.

Mr Jensen: Why should I withdraw a statement of fact?

Mr Humphries: On a point of order, Mr Speaker: That phrase has not been asked to be withdrawn in the past. Mr Berry has, himself, used it many times in the past. "Misleading the public" and "misleading the ACT" are very acceptable phrases, apparently, in this Assembly, and it would be most unfortunate to change the rules about that matter now.

MR BERRY: I am glad that the Minister for Health, Mr Humphries, has said that it is now acceptable for - - -

MR SPEAKER: Order! Are you talking to the point of order, or are you about to resume your speech?

MR BERRY: I just got back on my feet.

MR SPEAKER: I thought you were talking to the point of order. I will not insist on withdrawal of that, Mr Jensen; but I would just remind members, again, to keep their asides to a lower level of volume. You can speak amongst yourselves, but if you are going to call across the chamber you will be called to order. Please resume, Mr Berry.

MR BERRY: I am pleased that the Minister will now accept the term "misleading" in this place for his actions in the delivery of health services in the Territory, because he has truly misled the people of the Territory into the false belief that services will improve under his Ministry. They will not, and they have not. When people who have the responsibility of caring for children with disabilities approach this Minister, they have been told in the past that the problem lies with Minister Collaery's area. Then on the other hand they have approached Mr Collaery and they have been told that education issues are the responsibility of Minister Humphries and that transport problems lie in Mr DUBY's area.

All of these difficulties, of course, emerge in my motion, because it is really the lack of coordination in the provision of services which is a problem for this Government. The community is not confident that this Government can provide these services, because of all the distortions which have been cobbled together by relevant Ministers. Those are the facts of life which the people of the ACT who rely on these services have to face. What it boils down to is that they are referred from one Minister's office to the other. I think the Ministers do it to get some respite care themselves, because there is a constant

flow of complaints to their offices, as we all know, because of their failure to provide services in the Territory.

Never do the people who rely on this Government get the solutions. The buck-passing will continue, and we will be faced with continuing complaints from the community and crises of confidence from the community about this Government's performance. It is bad. It is on the nose. The community is baffled by the meanderings of Ministers, and, of course, that is what it is intended to do - to baffle the community, to have the community feel that something is being done when it truly is not. You only have to listen to the complaints that come to one's office from time to time to confirm in your mind that the Government is just not up to it.

Government policies dictate what services are provided in the private sector, and some of them also add to the confusion and lack of confidence in the community. But the real problem is the failure of the Government to provide true participation in its decision making process. It is important that parents and carers have a true role to play in the preparation of policy and the delivery of services in the community. They do not have that. Bodge consultation is the order of the day, where the Government very often jumps up and says, "We have consulted with the community", but they have made it a dirty word because the community has no power in the development of policies because of this bodge approach which has been taken to consultation.

For most of the community suffering difficulties in this area, consultation has now become meaningless because of this Government's lack of honesty on the issue of participation by the community. I think one only has to consider the example of the parents of residents at Bruce Hostel to come to the realisation that there is a real problem. These people were asked to participate with management in what was described as a detailed consultation process, only to find out that the Government's agenda was set. And, of course, when they learned of this it was at the last moment and there was no possibility of change, or of change being achieved through negotiation. Of course, what the community members felt then was that they had been conned into participating in some sort of sham consultation, and they were supposed to walk away with a warm inner glow and place all of their faith in the relevant Ministers of this Government. They have joined the ranks of the many who now have no confidence in this Government and that is, of course, being developed by the Government's performances in health, education and other areas. What you find at the end of all of this, Mr Speaker, is a group of angry people who are baffled and confused, but at the end of the day none are satisfied with the results.

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One of the prime aims of consultation and proper participation of the community in the decision making process is that people walk away satisfied that they have been given a fair go, and that they have actually played a role or played a part in the development of policies. Then they are happy with the policies that have been finally developed by the Government. The Government has to realise that those are the needs that the community expects. If it is not going to play the game fairly, openly and properly, it should not play the game at all. It should give it up as a bad job. It has certainly not convinced the community that its consultation processes are fair and above board. Take the schools community as one good example. Certainly, you would be hard pressed to find anybody in the schools community that would trust this Government and, in particular, would trust Minister Humphries.

Mr Humphries: There are plenty of them, Wayne.

MR BERRY: Mr Humphries claims that there are plenty of them. I have not seen a line-up anywhere, and I certainly have not seen too many letters congratulating the Government on its brilliant performance in education, because, clearly, that is not true. It has not happened. It has been a disastrous performance. What it has done is left a whole range of people who are deeply ashamed of the process of self-government. They are ashamed because of what they perceive as dishonesty in a government which has tried to con the community through processes of consultation which have been shown to be shoddy, just like some of the government members' positions in relation to those areas which are being discussed with the community.

Referring still to the consultation processes that have been adopted by the Government, Mr Jensen, of course, has repeatedly said to the Lyons community that he is on their side, but the Lyons school community are going to lose their school. What is it worth to have Mr Jensen on your side? I think it is like dragging a large boat anchor in a 100-metre swim. You are bound to be pulled up and lose.

Mr Jensen: Relevance, Mr Speaker.

MR SPEAKER: Thank you, Mr Jensen.

MR BERRY: Mr Jensen would be very nervous about the issue of relevance, because consultation and the Government's approach to consultation in this very important area are most relevant in this debate. In fact, they are the root cause of the difficulties in the community, and that is why they have to be raised in the course of discussion.

What we have to ensure, Mr Speaker, is that we come to a situation where the members opposite stop grandstanding and squabbling for just long enough to get the focus back onto the needs of the community, the community that one hopes that they have in some way committed themselves to serve, although that is somewhat difficult to determine, given the

fairly dominant self-interest which has been demonstrated by many of the members opposite. They are supposed to serve the people of the ACT. They are supposed to give the people of the ACT priority over their party room squabbles. That is why this Assembly should express its concern at the lack of full and coordinated services for children with disabilities.

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.00): Mr Speaker, we have heard 10 or 15 minutes, whatever it was, of unmitigated waffle from Mr Berry. Mr Speaker, I am really wondering how much more of this we are going to hear. I suppose that there will be another 10 or 11 months of it, but I have to say - - -

Mr Duby: This is the next big lie.

MR HUMPHRIES: This is the next big lie; yes, Mr Duby puts his finger on it very clearly, and I will come back to that in just a moment. First of all, I want to say that there is no substance in what Mr Berry has said. He has not made a single, substantive allegation about the services provided by this Government for children with disabilities in the ACT. He has spoken for 15 minutes about disunity in the Government; about lack of cohesion; about the fact that we disagree with each other; about the fact that people in the ACT are upset and that they are writing against this Government; about the fact that they have lots of letters about how we are not doing our job; and that they have plenty of evidence that people are dissatisfied and up in arms about this Government.

He then called members of the Government names - the usual fall back position for Mr Berry. There are all the usual tricks, but where is the substance? I have notes here, Mr Speaker, which I brought down with me, on various areas in the question of children with disabilities - children in special schools; children requiring special services or therapy services, things like that; children needing welfare; children with mental health problems or intellectual disability problems; our hostels.

I have nothing to say because Mr Berry has offered nothing for me to criticise. He has offered nothing at all for anybody listening to this debate to take away and say, "This is the Opposition's criticism of the Government's performance in this area. This is what the Government is doing wrong". We cannot say; we do not know. It has not been spelt out. So, Mr Speaker, I am not going to waste the Assembly's time with the speech that I had prepared because, clearly, none of it is relevant. Nothing has been offered up.

Obviously, Mr Berry was caught on the hop here. He obviously did not count on getting this far through the agenda today, and he had not prepared much of a speech, because there is nothing much there. In fact, if you take out "children with disabilities" and put in "hospitals"

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instead, or slot that out and put in "ambulances", or slot that out and put in "schools", the same speech could be given. It is the same speech we have heard hundreds of times already and it has been trotted out yet again for the same purpose.

Mr DUBY puts his finger on a very important point, though, Mr Speaker. We have here the beginnings of the next big lie to come from the mouths of people who are prepared to mislead the population of the ACT about what is going on. The next big push is going to be that the Government is not delivering services in the area of children with disabilities; the Government is falling down; the Government has not done its job.

Mr BERRY, you owe it to the people of the Territory to tell them and us, for that matter, exactly what it is that we have failed to do. What area of government service is not up to standard? In which area of the various services that we provide, including things like intellectual disability services, mental health services, welfare services, school counsellors and special schools, are we falling down? Tell us, if you can.

I would have to say that that carries with it a special onus as well, an onus to say what you would do differently and I do not know what you would do differently. You have not told us how, in any of the areas in which you criticise this Government, you would do it differently or, for that matter, how you did it differently when you were in government in 1989. We have heard nothing about that. It is the usual same tired, old half-truths, distortions and misrepresentations.

I have to say, Mr Speaker, that I am really almost to the point where I would say that the people of the ACT switch off to Mr BERRY. There is no further interest in the drivel that he comes out with.

Mr Jensen: Minnie the Mouth.

MR SPEAKER: Order!

MR HUMPHRIES: I think that we deserve better in a debate in a serious Assembly such as this - a parliament which is establishing itself in the ACT - than the impressionistic overview that we have received from Mr BERRY.

Mr Berry: On a point of order, Mr Speaker: Decorum in this place is not served by name-calling such as we just heard in the interjection by Mr Jensen. I distinctly heard him refer to Mrs Grassby as "Minnie the Mouth". That is an outrageous and unparliamentary exercise in name-calling, and it must be withdrawn. Mr Jensen ought to be warned about his behaviour.

Mr Jensen: Mr Speaker, I was responding to Mrs Grassby coming over and interfering with our area over here. As far as I am concerned, I will withdraw it, Mr Speaker.

MR SPEAKER: One at a time, please, Mrs Grassby.

Mrs Grassby: On a point of order, Mr Speaker: I have the right to go and ask the person who is running the house exactly who the speakers will be.

MR SPEAKER: Mrs Grassby, please do not speak at this point.

Mr Jensen: Mrs Grassby made a smart comment while she was over here and I was just responding, so I would suggest that it is her fault for coming over here and upsetting the situation.

Mr Collaery: Can I contribute to this point of order?

MR SPEAKER: Mrs Grassby is next.

Mrs Grassby: This is my point of order now. Mr Speaker, I have the right in this house to go over and ask the person who is running this house - it is supposed to be Mrs Nolan, I gather - who are going to be the speakers on this, and not to have smart comments made at me. I asked whether Mr Jensen was going to speak; that is what I asked. He usually speaks on everything, so I just asked, "Is he speaking?".

Mr Collaery: Mr Speaker, he has withdrawn it; Mr Jensen has nobly withdrawn it. But I have never heard any withdrawal from Mrs Grassby of that time she called me "Mickey Mouse".

MR SPEAKER: Order!

Mrs Grassby: On a point of order, Mr Speaker: I have never called the Deputy Chief Minister "Mickey Mouse". I said that I knew what Mickey Mouse was getting for Christmas; he was getting a Bernard Collaery watch, and it was true.

MR SPEAKER: That is an accurate recollection, as I see it too, Mrs Grassby. I do not believe that the withdrawal of the comment by Mr Jensen has been made; nor do I direct him to do so.

Mr Jensen: I thought that I did withdraw it anyway.

MR SPEAKER: Did you? I think this is frivolous. Please proceed, Mr Humphries.

MR HUMPHRIES: Thank you, Mr Speaker. It is funny how, when the pressure goes on, Mr Berry resorts to the standing orders, of which he is the most flagrant flouter in this place. However, there is not much more to say, Mr Speaker. We have had from Mr Berry an impressionistic overview about problems in this area: He says that people are not happy; the Assembly is being hoodwinked; the people of the Territory are not getting value for money and they are

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seething with discontent. All those things are being said, but as yet nothing has actually been offered or volunteered to substantiate any of those claims.

Clearly, evidence is beyond those opposite, and I would suggest that they should put up in this area. It is too much to expect them to shut up, but they should certainly put up; let us see what they actually have. I am sure that the next speaker on that side of the chamber will have some concrete, substantive examples of where this Government is not providing services. I look forward to hearing from them right now.

MR WOOD (12.08): Mr Speaker, Mr Humphries said that his speech that was prepared was not relevant; how true that is. It is as well that he sat down after just a few minutes.

In supporting this motion, Mr Speaker, I will focus on some educational needs of children with disabilities. In doing so I will focus on - - -

Members interjected.

Ms Follett: Mr Speaker, speakers on this side have had to contend with constant interjections and cross-conversations on the other side of the house. I ask you to call them to order as often as is required.

MR SPEAKER: Both sides of the house at times can become unruly. Please proceed, Mr Wood.

MR WOOD: Mr Speaker, I do not believe that these educational needs are well enough known by members in this Assembly, though they are certainly well known by parents and schools. These needs are considerable. First of all, they are often very specific, requiring specialised treatment. Secondly, they require specialised equipment in many circumstances and, as we would expect, more and more individual treatment by teachers and by therapists. Simply put, these children require more care and attention than the average child. Inevitably, there is a cost associated with this, and it is a cost that we must accept. I want to comment on special facilities that have recently been set up to care for two children with very specific needs. Let me acknowledge them.

Care for our children with disabilities is a measure of our humanity. Might I say, also, that it is a good investment, because by attending to these children we are making them less dependent, more reliant, and maybe self-supporting as far as possible as they mature. In considering this we are in something of a dilemma. First of all, many of these children require highly specialised treatment. Secondly, there is the desire that they not be separated from the mainstream school children, and in that there is something of a problem. I support the efforts of the Government - which have continued from the former Government and from

previous administrations - in the integration programs in our schools which get mainstream and special needs children closer together. I want to focus on the problems of at least two parents in this respect. They will be cases that I am sure are well known within the government ranks.

Carlos Moreno is a young child, about nine or 10 years of age, who has been diagnosed as being cerebral palsied, though his parent does not necessarily accept that that is the case. Let me say that I have great respect for Mrs Moreno, who may be known to some of you. She is utterly determined that her child will get the best education that he possibly can. To that end, she has made herself poorer and poorer, she has worn herself out financially and I hope not yet emotionally, because she is determined that that child will not be limited by perceptions about what he can achieve. I want to emphasise that, because I taught in special schools for 10 years and the danger that crept up on me - and I did not realise it - was that after a time I was accepting less and less from the students I taught, giving tolerance on the ground that, "Well, they cannot do that". There is a danger that we accept too little from people with physical or mental disabilities. So, I respect Mrs Moreno. She has put enormous commitment into her child and I have asked this Government to do more to match her effort.

I want to give credit to the agencies of this city that have provided her with a lot of support and assistance over the time. It has never been enough for Mrs Moreno. I accept that her demands are high, and quite properly. During the time that Mr Humphries was away, I wrote to Mr DUBY and asked that a special task force be established in the health department at that time to review the case of Carlos Moreno. I also, at that time, spoke to some of the bureaucrats who would be concerned and I was assured and I expect to receive a very serious and studied response. I have to say that I am still waiting for that response 2 months later, so it has not been a quick response. Perhaps the 2 months tells me that it is going to be a very serious and studied response. Minister, I expect that that will be the case, and I will be anxious to hear it. I believe that we want to help Mrs Moreno and her son, Carlos.

Let me raise the case of another child, Penny Caiger, who may also be familiar. This child has Down's syndrome. Her parents have a simple request that their child be educated as closely as possible in a mainstream school, and not at the special schools where many Down's syndrome children are educated. Her parents believe that that will be of the greatest benefit to little Penny, and they have had a struggle with the education department to have that view accepted. Recently, I believe that there has been some compromise in that. It is not entirely satisfactory to Mrs Caiger; nevertheless, it is acceptable.

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I believe that the policy that should apply is simply this: Wherever possible, children should go into mainstream schools. It is also necessary for special provisions to be made, and with those provisions the education department must provide, as it does, good guidance to parents about the best placement for their child. That happens now. That is the situation today, and it has been for quite some time. But beyond that, there is a further step that needs to follow and that is that, ultimately, the decision about where a child goes to school is the responsibility of the parent. That is not the case at the moment, and it is a matter, I understand, of some consideration within the Government, certainly within the education bureaucracy. At the present moment, the education department can veto a child's attendance at a mainstream school if it is considered that the child would be better placed in a special unit.

It may be that the education department is right; maybe its judgment is better than the parents', because I believe that good advice is given. Nevertheless, the responsibility is ultimately the parents', and I think that that is a further step that we need to take. I know that certain matters have been raised with the Human Rights Commission. I am not aware that it has yet reached any sort of determination, or recommendation, or whatever form the commission uses to make its findings; but that will come, and I believe that it will be a desirable change in this town. Let me say that I am not criticising the Government for this, because this has been a practice that has applied for quite a long time. So there is no element of criticism in what I say.

Let me focus on the integration program. It is a strange coincidence and an unhappy one in that today I believe that there is a crisis in the school where Penny Caiger has been enrolled. Because of sudden staffing changes brought about because numbers were not high enough, and that caused changed sizes of classes, it has been suggested to the school that maybe the integration program cannot continue. That has nothing to do with Penny Caiger. It is a totally different matter relating to staffing changes, and it is purely coincidental and unfortunate that it has happened at the school that she has not long been enrolled at - at least, I believe that that is the school that she is at. I am disturbed to hear that there is a suggestion that the integration program may be threatened. It is a very important program, and it has to be continued.

I want to conclude by saying, going back to the case of Carlos Moreno, that his parents should be able to decide what school he goes to. They should be in the position where they can assess whether the specialised facilities that his physical handicap needs override the desire that they have for an education in a mainstream school, where they believe that his intellectual needs can best be catered for. They need to be in a position to make that decision.

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (12.18): I have just a few comments. Largely, one could not cavil at what Mr Wood has said. Much of what he has said is a statement of reality and a statement that many of us share - an earnest hope to provide better services and so on. I want to concentrate more on dealing with what Mr Berry said, because he seems to have contributed nothing to the issues and he seems to have created another smokescreen. Mr Speaker, Mr Berry antagonises hardworking public servants when he makes these attacks. He is not really attacking the Government; he is attacking service providers and voluntary agencies who are working very hard in this area. I very much regret that he sees a political crown to win in taking these issues on.

As Mr Wood indicated, it is a very difficult area to talk about. I am not prepared to respond on the two cases - one of which I know a little about - because I have not had the privacy assurance from their parents. I assume that Mr Wood has. In the absence of that, I am not prepared to speak in this house about people in a situation where I could stigmatise them.

Mr Berry: That is something new from you.

MR SPEAKER: Order! I would ask you to withdraw that, please, Mr Berry.

Mr Berry: I do not think it was unparliamentary.

MR SPEAKER: I do. Please withdraw it.

Mr Berry: Mr Speaker, I will repeat what I said. I said, "That is something new from you". Mr Collaery said that he was not prepared to stigmatise. He has stigmatised people before.

Mr Collaery: Why did you run the NCA from the front bench yesterday? You hypocrite!

MR SPEAKER: Order! Mr Berry, I ask you to withdraw it.

Mr Connolly: I raise a point of order.

MR SPEAKER: One at a time, thank you, Mr Connolly. Mr Berry, I ask you to withdraw.

Mr Berry: I have made no - - -

MR SPEAKER: Mr Berry, I ask you again.

Mr Berry: I have said that he stigmatised people.

Mr Kaine: Get to your feet.

MR SPEAKER: Please rise.

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Mr Berry: I withdraw it, Mr Speaker, but I still retain the view.

MR SPEAKER: That is a qualified withdrawal, Mr Berry.

Mr Berry: It is not qualified. I withdraw it.

Mr Connolly: Mr Speaker, to say that someone stigmatises someone is now deemed unparliamentary. I presume that, under your ruling, "You hypocrite" from Mr Collaery stands, does it, or will he be asked to withdraw?

MR SPEAKER: In that circumstance, Mr Collaery, I would ask you to withdraw, because the imputation there was that it was - - -

MR COLLAERY: Certainly, Mr Speaker. I reacted too strongly to what Mr Berry said.

Mr Speaker, for those of us who have been to those places - and I am sure that Mr Berry and Mr Wood and other members have been to the places, none of which I want to stigmatise too much by talking about them, or the people in them - I want to say that we meet very dedicated staff. If Mr Berry referred to the last budget of the Alliance Government, he would know that we put half a million dollars into a new policy proposal to provide new respite care beds in this sector.

Also, Mr Speaker, we have followed on the initiatives that have been evolving interstate and here on deinstitutionalisation at places. I think Mr Berry was alluding to the Bruce Hostel situation when he took a point off me. He well knows from his time as Minister what an awkward situation that institution presents, and how very delicate negotiations need to be to reassure parents who have understandable concerns about whether their children will be safe if they are moved to a residential setting.

I am pleased to say that I have been personally involved in oversighting the move of six people from that hostel-type environment, which is a little antiseptic, to Stirling House, which is out in one of the southern suburbs. That is a great house to visit. It is marvellous to go through the rooms and see how homely they are, and how the occupants have developed concepts of possession, of owning and having their own home. It is a slow process of socialising some of these people, and I commend the staff at Stirling House.

Mr Speaker, members are well aware - and I thank the Opposition for being understanding at the time on the issue - how awkward it was to close Birralea, to move the occupants to Melba, and then to move the Melba occupants to Charnwood. That involved me on occasions in meetings with parents, and a great deal of stress and strain, but I am advised that the young people are enormously happy now at Charnwood. They are very happy with having a kitchen, a lounge room, a television and a homely environment.

There are other institutions around the city, but I do not want to say where they are or the streets. There is another one near where I live in Narrabundah, not far from my house. In fact, I walk past it often. It is only a few hundred metres from where I live. It is mainly for young to older people, and it is a respite care facility where parents who desperately need a weekend free can drop the child off and get a break for a weekend. I go there occasionally and sit down and talk to the marvellous staff there. I believe that they do a great job. I am sure that Mr Berry was not getting at them, but really at the Government, when he made these assertions.

Mr Speaker, I was got at recently for going over my budget. I mentioned yesterday that \$813,000 was for award payments and structural changes in the work force. Also, the house should know that we have had a couple of completely unanticipated crises. One young man is being cared for at the moment in a special section at Bruce Hostel, and it is costing more than \$150,000 a year for that 16-year-old. Members are also aware of a couple of other tragic cases where children with violent proclivities have had to be separated from mainstream services. We have had to create some renovations and set up a special house in Ainslie, and that is costing \$300,000 more than we anticipated for 24-hour, one-to-one care, for two youngsters there.

I think the opposition speech from Mr Wood was the one that should have been put on the table. I believe that we must face the issue of whether Down's syndrome children particularly have unrestricted access to normal schooling. That is an issue that Mr Humphries and I have discussed and corresponded with relevant people on. Also, it is necessary for us to tackle, in a reasoned way, the rule, that has been set for many years, that children do not enter these care environments until they are 12 years of age. That may present some problems under forthcoming age discrimination legislation, but that is an issue that we need to discuss in an informed sense in this house at some time. We need to get some agreements on these issues, because society does not agree at this stage - except for some of the special therapy lessons that are delivered in some of the places, in particular the Therapy Centre that has been much in debate recently. There is a difficulty in providing longer respite care for children under 12 years of age. We need to face up to that.

Also in the budget announced by the Treasurer, we provided an adolescent day care unit to provide a daytime therapeutic environment for young people between 12 and 18. That is going at the moment, and a group of interested departments and community service people are putting that together. There was a fair amount of money provided to interact in these areas in the budget. I will not go through them, but I enjoin the Opposition to have another look at it.

DR KINLOCH (12.26): We welcome a public discussion of this subject, of course. We would all agree with Mr Wood about these services being a measure of our humanity. Of course, there are problems with individual cases, and I was much touched by Mr Wood's two examples. I am especially affected by that because, if you will allow me to say this, it reminds me of my mother and my Down's syndrome sister, Helen, who is still alive, and all the problems that that gave our family. Helen dominated our lives as a family. I do not doubt at all that this is equally true for Mrs Moreno and John and Janelle Caiger.

I feel very strongly in sympathy. I do not know the Moreno family; I do know the Caiger family. Indeed, I am very grateful to both of them for many reasons. I have met Penny Caiger and I recognise the dilemmas there. I want to say that there are very grave problems about mainstream schools and special units. Down's syndrome children do not come all the same. They range over a great range, as we all do. There are Down's syndrome children of relatively high ability, intellectually or artistically, and there are some who are at the other end of the scale. Often there are physical difficulties that go along with some Down's syndrome children and which are not so with others. So you have to treat each case on its merits. There are, indeed, problems with integration. Being involved to some degree last year with the department of education on this matter, I found that there was a great deal of concern about these things. I certainly would now like to offer to the Minister or to anyone else in the house concerned with this matter anything I can do to assist in that particular matter.

May I also refer to another mother with three children, a daughter and then twins, a boy and a girl. Both girls suffer from a very terrible disability; they are both profoundly disabled. The mother had some worries. That brought about a formal visit through the Ministry for Education to Cranleigh School. We were able to meet her needs, and we all agreed about respite care. It is desperately difficult to be a carer. I do accept the theme that has been put forward here.

The ACT has ratified the Hobart declaration on schooling, which sets out common and agreed national goals for schooling in Australia. Two of these goals relate specifically to provision for students with these special needs. This is one of them:

To enable all students to achieve high standards of learning and to develop self-confidence, optimism, high self-esteem, respect for others, and achievement of personal excellence.

It is very difficult to do this for some children, children who are both deaf and dumb, physically disabled and so forth. One does what one can. The other part of the Hobart declaration states:

To promote equality of educational opportunities, and to provide for groups with special learning requirements.

MR SPEAKER: Order! Dr Kinloch, the time for this debate has expired. The time for private members' business has expired. You may resume your statement at the next opportunity.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospitals - Nursing Staff

MS FOLLETT: My question is directed to Mr Humphries, the Minister for Health. Mr Humphries, in response to a previous question on nursing staff from Mr Berry, you said:

Yes, absolutely. I deny that potential nursing staff have been turned away.

Mr Speaker, I table a copy of a letter, signed by the acting staff officer at Royal Canberra Hospital, advising a nurse that there are no vacancies at Royal Canberra Hospital North. My question is: Will the Minister concede, as he has in the past, that he has misled this Assembly?

MR HUMPHRIES: No, I do not. As a matter of course I treat these allegations as suspect until they are confirmed. I would be happy to look at the document that Ms Follett has tabled. I might point out that the quotation she has taken from that particular answer is slightly out of context. What I said was that the only occasions that people were turned away from positions was where positions were not available for the sort of work that they were qualified to do, or where they were seeking shifts that were not available at that particular time in the hospital system. However, I will take that question on notice and get back to Ms Follett with the answer.

MR SPEAKER: Ms Follett, before we go any further, I would just ask you to seek leave to table that document.

MS FOLLETT: I seek leave.

Leave granted.

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Regional Economic Development

MRS NOLAN: Mr Speaker, my question is addressed to the Chief Minister and it is in relation to regional development. Chief Minister, what steps is the Government taking to facilitate regional economic development?

MR KAINE: Mr Speaker, I think the facts demonstrate that the Government is in fact doing a great deal to facilitate regional economic development. Much of my energies over the last year and a half have been devoted to establishing Canberra as the centre of a region greater than just the Australian Capital Territory itself, recognising, of course, that there are major interrelationships between ourselves and that region out there and the people that live in it, and that we are not an island.

In fact, we are working quite closely with the New South Wales Government in the preparation of an economic development strategy for the south-east region of New South Wales. I have mentioned this many times before, I think, both in this chamber and out of it. The purpose of that strategy is to identify a direction for the development of the regional economy over the next five to 20 years, and opportunities for economic growth based on matching regional strengths to local, national and international market opportunities.

The strategy also aims to identify private sector, government and community actions and initiatives needed to capture those opportunities that are identified. The successful implementation of the strategy, of course, will depend on the support and commitment of the entire regional community. I think we are seeing that many of the shire councils in this region are quite strongly behind the regional initiatives that the Government has taken, and there is strong evidence that they are very much in favour of this regional approach.

To facilitate community involvement in the preparation of the strategy, a series of briefing meetings, workshops and interviews have been held with key individuals right throughout the region over recent months. The latest series of workshops has focused on identifying potential development opportunities for the region and the actions and initiatives that need to be undertaken to realise those opportunities; in other words, to identify where there are gaps in the economic development at the moment and what we, in conjunction with the regional shire councils in the State of New South Wales, can do to fill those gaps and to turn them to our advantage. The next stage of the strategy involves a series of advance feasibility studies on selected development opportunities.

Mr Connolly: I raise a point of order, Mr Speaker. Are we getting close to having one of those ministerial statements that we continually have in question time, or are we going to get a concise answer to the question?

MR SPEAKER: Order! That is not a point of order.

Mr Connolly: The Chief Minister seems to have four or five pages that he is reading from.

MR SPEAKER: That is not a point of order. The length of the statement you may object to, but -
- -

MR KAINÉ: Mr Speaker, I would like to make a point. Just as the Leader of the Opposition and other ex-Ministers when they were in government read from notes on matters of importance, so do the Ministers of this Government - and we will continue to do so. It is one way of ensuring that we give a comprehensive answer to a question. If Opposition members do not like comprehensive answers to questions, then perhaps they will not bother asking any questions and we can get on with the other business of this house.

The oversighting of the strategy process, of course, rests with the South East Economic Development Council which was jointly established by the Premier of New South Wales, Mr Greiner, and me some months ago. It is a peak advisory body which was established to advise the ACT and New South Wales governments on strategic matters affecting economic development in this region. Day-to-day management, of course, is vested in a committee of New South Wales and ACT government representatives that support that regional council.

I believe that we have taken the initiative in fostering this regional concept. I believe that it is in the interests of the ACT that we do so to exploit all of the economic and other advantages that exist in this region.

Mr Berry: On a point of order, Mr Speaker: You indicated that we could raise the issue of the length of the reply. I draw your attention to this very long reply and the requirement that replies be concise. I think the Chief Minister ought to just table the papers.

MR SPEAKER: Thank you for your observation, but I do not believe that it is a valid point of order.

Mr Berry: With respect, Mr Speaker, the standing orders are clear on that matter - "shall be concise".

MR KAINÉ: Neither do I, Mr Speaker. I think that if we go back to the *Hansard* for when Mr Berry and his mates were in government we will find that there were some very long answers to some inconsequential questions. They established the pattern; they established the precedent. They have to live with the consequences of it.

MR SPEAKER: Chief Minister, have you concluded your statement?

MR KAINÉ: Yes, I think I have fully answered the question, Mr Speaker.

Planning Legislation

MR CONNOLLY: My question is also directed to the Chief Minister. I remind the Chief Minister that it is now two weeks past his self-imposed deadline of two weeks for the release of the package of planning legislation which I noticed he was waving around this morning. Can the Chief Minister inform the Assembly when the legislation will be available to the Canberra community?

MR KAINE: Mr Speaker, Mr Connolly, as is typical of the crew opposite, is constantly misquoting. I did not say that the legislation in consolidated form would be released in two weeks. I said that the legislative draftsmen had indicated that they could produce a consolidation in two weeks. They have done so. In fact, I showed it to you this morning, Mr Connolly. It is still a draft document. It is not yet in final form. It is a document that has been put together by the legislative draftsmen in response to my request that it be consolidated into a single document. I have not fully read and analysed it in its final draft form yet. When I have done so, and when the Government is satisfied that it fully represents the Government's view, it will be made available to the public.

Of course, my first action will be to do what I have done with every other document that is associated with the development of this legislation: I will make it available to the chairmen of the two Assembly committees, along with all of the other documentation that they have already received, so that they are fully informed on where the Government is heading with this legislation. If they, in their wisdom, think that they should make some report to this Assembly on the matter I am sure they will do that. I believe that I gave an undertaking that I would keep the committees fully informed on the Government's actions in this matter. I will do so. But that does not mean that I will give to Mr Connolly, Ms Follett, or anybody else in this house a draft document that is not yet ready and which does not yet reflect - - -

Mr Berry: You said that you had my copy there this morning to show to me.

MR KAINE: I did, and it is a draft document - - -

Mr Berry: Where is my copy?

MR KAINE: You will get your copy, Mr Berry, when it is ready and when I am prepared to give it to you - not before. You do not push the Government's program; I do. You will get the document when, in my opinion, it is in an appropriate form for you to have it, and not one day before.

Civic Library

DR KINLOCH: My question is addressed to Mr Duby, the Minister for Urban Services, and it relates to the area of libraries. The library that used to be in the South Building is now in East Row, and I am wondering how that library is going.

MR DUBY: I thank Dr Kinloch for the question. I think Dr Kinloch is referring to the Civic library which was actually located in the North Building. Of course, the Civic library has been moved from that location to East Row, and that occurred prior to Christmas - in late December last year. Since then it has been extremely well patronised, with between 700 and 1,000 persons a day utilising the library, compared with an average patronage of between 200 and 400 people per day whilst it was at the old location. Loans have at least doubled compared with those from the previous location in the North Building, and there is an average of 35 new borrowers and re-registrations each day at the new site. So I think it is fair to say that the move to East Row has proved to be a great success. It has proved to be a great advantage to people with disabilities who come to the library by public transport, now that they do not have to cross London Circuit.

As well, of course, Dr Kinloch, there is a significant increase in the number of elderly people who borrow heavily from the large print collection that is held there in the East Row collection. Most seating is filled during the lunch period, between 12 o'clock and 2 o'clock, and the periodicals and newspapers area is very heavily used. Another group which has benefited from the new location, going by usage, is that of students, both school and higher education. I am pleased to say that the main comments by people entering the building have been, "What a convenient site" and, of course, "What a beautifully decorated library this is". And they are delighted that the bus service is adjacent to the front door.

Mr Berry: How many say, "Good on Craig Duby"? Not many.

MR DUBY: You would be surprised, as a matter of fact, Mr Berry, just how many do say those very words. All in all, it has been an outstanding success and something that we are very proud of, because what we want to see, of course, is increased usage of the library services in the city. That is something that I think should be endorsed by all members of this Assembly and not ridiculed, as is being done by members opposite.

Hospital Redevelopment - Radiology

MRS GRASSBY: My question is directed to Mr Humphries, Minister for Health, Education and the Arts. Given the concern expressed in today's *Canberra Times* by the Director of Radiology that the 3,600 square metres currently occupied by his department is to be reduced to approximately 2,500 in the redevelopment, will the Minister undertake to review the decision in order to ensure that the ACT health services are not downgraded?

MR HUMPHRIES: Mr Speaker, I have said this so many times in this place that I am almost hoarse with saying it: There is no way you can characterise this redevelopment project in our public hospital system as a downgrading. It is clearly a significant upgrading of the services.

Mr Connolly: That is not what the doctors say in the paper. The doctors are wrong; the Opposition is wrong; the nurses are wrong; the *Canberra Times* is wrong.

MR HUMPHRIES: Mr Connolly interjects that that is not what the doctors are saying; but I would, with the greatest respect, differ with him. I do not think that one doctor's opinion, or even a handful of doctors' opinion, necessarily constitutes a consensus with respect to what is going on in our hospital system.

The fact of life is that that view that has been expressed is one view. It is a perfectly legitimate view and I am quite prepared to accept that that view is held, but it is quite another thing to show that that is, in fact, a genuine concern about the future of hospital redevelopment. The fact of life is that all the areas of the hospital are experiencing significant opportunity to upgrade and that the hospital redevelopment will produce a substantially better level of service, because of the superior quality of facilities available through the hospital redevelopment. It is simply mischievous for some people to suggest that this is, in fact, a retrograde step. I stand by the view - - -

Mr Connolly: This doctor is mischievous, is he?

MR HUMPHRIES: The assertion that there is some diminution of quality in the area in which that doctor works is mischievous, yes. I am sorry, but the fact of life is that all areas of the hospital are going to experience upgrading as a result of that redevelopment. That is the objective of the Government; it will be the achievement of the Government, and a substantial part of those objectives will be achieved in the next 12 months. I have to say that it is very unfortunate that one person's views, or the views of a small number of people, on so-called inadequacies in this process are given so much coverage in newspapers and on programs on television and radio.

Mr Kaine: And by the Opposition.

MR HUMPHRIES: Yes, substantially stoked up by the Opposition. This is obviously done without any regard for the impact that that kind of criticism has on the morale of people operating in the health service. I stand by the view that, as a result of these development changes, the service will be able to provide a very substantially improved quality of service.

Political Advertising

MR STEVENSON: My question is directed to the Chief Minister. It concerns legislation proposed by the Federal Labor Party to ban any radio and television advertising which may be held to have political content. Firstly, does the Chief Minister believe that this proposal, which is not just for pre-election periods but at any time, is a serious restriction on the freedom of speech? Secondly, in light of the current program by the ALP to gather survey data on the major concerns of individual households so that it can be used to attract their votes, is the Chief Minister concerned that this high-tech, computer controlled, direct mail campaign is one of the reasons why the ALP may wish to restrict electronic advertising?

MR KAINE: Mr Speaker, I thank Mr Stevenson for the question. I think that this is just one more nail in the coffin of the Federal Labor Party. They know that the skids are under them and they will do anything to prevent the parties that do not agree with their political viewpoint from getting their view across.

Members interjected.

MR KAINE: The Labor members opposite do not want to hear this, of course, because it must be very painful to their ears. They will make as much noise as they can to try to distract me so that I do not get to give the answer to the question I was asked.

Mr Berry: Mr Speaker, I raise a point of order. I think the Chief Minister is required to answer questions which are relevant to his portfolio, and I just do not think this is relevant.

MR SPEAKER: Order! It is also seeking an opinion. But the situation is that if the Chief Minister has decided to take it on board I will let it go. Please proceed.

MR KAINE: As I was saying, Mr Speaker, these Labor members opposite are going to squirm - - -

Mr Berry: I raise a point of order, Mr Speaker. We have questions that are relevant to the Territory and to Ministers' portfolios, and we would like the Chief Minister to stick to his portfolio area and give us a chance to - - -

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MR SPEAKER: I dare say the Chief Minister will be lenient with the time at the normal end of question time and give us a few more minutes.

Ms Follett: Mr Speaker, on a point of order. Standing order 117, part (c) says:

Questions shall not ask Ministers:

- (i) for an expression of opinion.

I do not think that that is a discretionary matter. It also says, at 117(b)(ii), that questions shall not contain arguments. I would ask you what Mr Stevenson's question did contain, if not arguments. It is clearly out of order.

MR KAINE: Mr Speaker, Mr Stevenson's question asked me whether I was concerned. It did not ask for a matter of opinion. It asked me a specific question and I would like to answer it, if the squirming members opposite would give me half a chance.

Mr Connolly: On the point of order, Mr Speaker: The power to ask questions comes from standing order 114, which says:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected.

Can the Chief Minister advise how what the Federal Government may or may not be doing in regard to electronic advertising is part of his portfolio? I would suggest that it is no part of his official responsibilities. Therefore the question is out of order.

MR KAINE: Since Mr Connolly has asked me another question, Mr Speaker, I would like to answer that one too.

MR SPEAKER: Order! To give a ruling on the points of order raised on this issue, I believe that Mr Kaine, as Chief Minister in charge of the Territory, has a wide-ranging responsibility and I would ask the Chief Minister to answer the question. Please proceed.

MR KAINE: Thank you, Mr Speaker. I really think that Mr Stevenson has the answer to his question, as demonstrated by these members opposite who will do anything to defend the position put forward by the Labor Government at the Federal level. It perhaps indicates that, if they had half a chance, they would impose the same constraints here that Mr Hawke would impose on the nation. Quite obviously we have here, first of all, a constraint on freedom of speech. I would argue that any political party has not only a right but also a responsibility to put its viewpoint and to express its policies leading up to an election. And a government has a responsibility to defend its record leading up to an election. But what is the Federal Labor Government purporting to do? It is purporting to put constraints on how this can be done.

If any of the members opposite can explain to me how this is other than a curtailment of the freedom of speech and a curtailment of the right - - -

Mr Berry: It is a gross infringement of the standing orders of this place.

MR Kaine: It is a gross infringement, all right - a gross infringement of civil rights and the right of the electorate to hear what political parties have to say leading up to an election.

I think that Mr Stevenson's question is a good one. This party over here constantly talks about public consultation. What do we have? We have the Federal Labor Government saying, "This is how it is going to be. Do not talk to us about it; we do not want to hear your opinion. This is what we are going to do" - and they have the effrontery to talk about the great public consultation program of the Labor Party. Well, let us hear from you: Where is your public consultation program now? I see that you are sitting there quietly now. There is not a peep out of any one of you because you have not a single defence.

Mr Connolly: On a point of order, Mr Speaker: He is exhorting us to answer questions. Since you have allowed him to answer a question that is not in order, can he at least be directed to get on with answering it rather than rhetorically asking us to respond? We would love to respond, but you tend to rule us out of order if we do.

MR SPEAKER: Thank you, Mr Connolly. Chief Minister, I would ask you to draw your answer to a conclusion.

MR Kaine: I will try to make it brief, but it is a question of grave importance and I do not think that it should be lightly cast off by the squirming Labor members who do not want to hear the answer to the question. It should be dealt with fully. There should be open discussion about it.

Mrs Grassby: We have had seven minutes on this, Mr Speaker.

MR Kaine: It might go to 17 yet - and I have not got to Mr Connolly's question yet either.

Mr Berry: Mr Speaker, on a point of order: That is just treating this place as a joke; it is treating the standing orders as a joke; it is treating your rulings as a joke, Mr Speaker. If you allow this to go on, Mr Speaker, the contention out in the community will be that your rulings are a joke as well.

MR SPEAKER: Thank you for that warning, Mr Berry.

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MR KAINE: Mr Speaker, I will briefly address the third part of Mr Stevenson's question when he asked about the high-tech, computer controlled, direct mail campaign and the like. I think that it needs to be said that what we can be absolutely certain of is that Labor's electoral campaign will now go down market. Labor's junk mail experts will begin flooding the letterboxes of the ACT, and indeed of the whole of Australia, with material destined only for the rubbish bin - like their policies and like their performance.

One shudders to think of the environmental hazard recently created by all of those fridge magnets bearing the name R. Follett and printed in a particular shade of magenta, which are now littering the Mugga Lane and west Belconnen tips - and that is just the tip of the iceberg in terms of what is going to happen nationwide when the Labor Party launches its letterbox campaign. Every letterbox in Australia is going to get filled up with junk mail which nobody is going to read. It is going to cost the Labor Party a lot of money and the effect of all of that will be to curtail public discussion on the issues leading up to the election instead of engendering it. I thought that was what elections were all about. I think Mr Stevenson's question indicates that he agrees with me that this is a shameful thing for a Federal Labor Government to do.

Teachers' Qualifications

MR STEFANIAK: My question is addressed to the Minister for Education. Mr Humphries, is it true that you support moves by your New South Wales counterpart to simplify recognition of teachers in New South Wales to enable teachers to move easily into New South Wales from other States?

MR HUMPHRIES: I thank Mr Stefaniak for that question. The ACT is continuing to discuss with New South Wales the reciprocal recognition of qualifications of teachers employed in New South Wales and the ACT. It is a first move towards the national registration of teachers. I certainly agree with statements by Mrs Chadwick, the New South Wales Minister, that making easier the transfer of teachers between systems, whether it is New South Wales and the ACT or the ACT and anywhere else, is a step towards more cohesion in the emerging national education industry in this country.

The question of teachers' professional qualifications is also being considered in the broader nationwide forum of the national project on the quality of teaching and learning, and also by the Vocational Employment and Education and Training Advisory Committee's working party on recognition of professional qualifications.

In this regard I might point out that recently my ministry actively recruited all over Australia for teachers. More than a thousand applications were received as a result of that, and offers of employment were made to approximately 290 of these applicants. Obviously for those people, particularly those from outside the ACT, that question of portability and transferability is very important. Teachers who have come here or are coming here from other States and Territories are undoubtedly quite pleased and excited at the prospect of joining our outstanding and dynamic education system.

Lyons School Community Survey

MR WOOD: I direct a question to the Minister for Education, Mr Humphries. Firstly, is the Minister aware that a survey conducted by the Lyons school community shows that parents are gravely concerned for their children's safety and that 97 per cent indicated that, because of unsatisfactory access to Curtin Primary School, their preferred option is for the children to stay at the Lyons school site as an annex of Curtin Primary School? If the Minister is aware of this, what is his attitude to this clear expression of opinion?

MR HUMPHRIES: In answering that question I should point out that many of the parents at Lyons who unfortunately, at least in the case of some of them, have not accepted the Government's decision on the future of their school have made it very clear for at least the last eight months that it is their intention that their children would not go to the new South Curtin Primary School under any circumstances anyway. Mr Wood might like to characterise their recent so-called survey as proof that there is, in fact, a strong view that they should not go to the new South Curtin school; that there is a new concern in this area with respect to things like paving between the two schools, and access routes and buses and so on. I tend to think it is part of a campaign which unfortunately has been run and which is designed to get the Government to change its mind on that matter.

I have to make it perfectly clear to those parents, as I have made it perfectly clear to everybody else in this debate, that the Government will not be changing its mind on that matter. In respect of the access, about which they have expressed concern, they should be aware that there is work going on at the present time, involving both my ministry and Mr Duby's department, with respect to access and transport.

I understand that last night a meeting was held of the combined Curtin and Lyons school boards and that a further public meeting is being held tonight to discuss the issue. I understand that draft plans outlining the Government's proposed response will be tabled at that meeting tonight.

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I also think it will be a quite satisfactory response in terms of the level of service being provided to those who have to travel on buses and the degree of additional infrastructure that will be laid down for those children travelling between those two schools. So I am not concerned about that. I think it is a matter that parents ultimately will see great benefit in, and I think that when those facts are clearly laid before those parents there will be less concern about this matter.

School Closures - Task Force on Traffic and Safety

MR MOORE: It is quite timely that my question should follow the last one. I believe that it ought to be addressed to Mr Humphries, but if in fact Mr Duby is the appropriate person to answer this question I am quite relaxed about either person taking it. Was the establishment of a representative task force on traffic and safety associated with the travel of children between Lyons and South Curtin part of the agreement between Mr Duby on behalf of the Government, the Chief Minister's Department, the Trades and Labour Council of the ACT and Lyons parents which led to the lifting of community and TLC pickets at South Curtin Primary School in late January? Has the task force been established? If so, who are its members? If it has not been established, why not?

MR DUBY: It is clear that members on the other side of this house do not listen to the answers to questions. Mr Humphries, in the answer given not 30 seconds ago, advised that meetings have been going on between representatives of my department, his ministry and parents from the Lyons and Curtin primary schools. The issue at hand in all of those meetings has been the provision of safe access to children attending the South Curtin school, and the provision of a safe method of travel between the Lyons area generally and the South Curtin school. That group has been meeting now for, I believe, over a week; and, as Mr Humphries announced, government proposals in response to the specific requests that the parents had raised will be put, I believe, to a meeting tonight.

MR MOORE: Mr Speaker, I ask a supplementary question. The question also asked who were the representatives of the P and C Council and Lyons Primary School on that particular task force.

MR DUBY: The actual names of the persons involved, I do not know. I suppose that next you will want me to give their phone numbers. I do not know their names. They are representatives of the P and Cs of the Lyons and Curtin schools.

Oxygen Supply for Terminally Ill Patient

MR BERRY: This question, Mr Speaker, is directed to the Minister for Health, and is designed to show him up for his usual inaction. A month ago I sought and was granted an urgent meeting with the Minister concerning the supply of oxygen for a terminally ill man who was trying to spend the remainder of his life at home and at work rather than in hospital. The Minister reassured me that he would give the matter urgent consideration. That was a month ago. One month later, despite repeated phone calls - - -

Mr Kaine: Mr Speaker, I raise a point of order. Mr Berry took issue with me a little while ago, saying that I was making a rather long answer. I rather suspect that he is reading a very long question, and he might table it.

MR BERRY: I will. One month later, Mr Speaker, despite repeated phone calls from my office, there has been no response from this Minister, and I am informed by the man's wife that there has never been any acknowledgment of her letter, let alone an answer. The man's health deteriorates further every day, and the high cost of this oxygen is mounting up. When will the Minister respond?

MR HUMPHRIES: Mr Speaker, it is extremely unfortunate, I think, that Mr Berry seeks to raise personal cases of people who are dealing with my office, or with his office, as political ammunition in this place. I did meet with Mr Berry and discuss with him the case of this man. I indicated to him at that stage that the case was not one that could be viewed in isolation and that if any particular dispensation or concessions were granted to that individual it would obviously have a flowthrough effect to other people in the same position.

I have received some preliminary advice from my department and I have sought further information. If Mr Berry wants to have me get up right now and give him an answer, I am very happy to give an answer, and it would be that I cannot help this gentleman. However, I am prepared to take the matter more seriously than that. Unlike Mr Berry, I am prepared to give the time it requires to get a considered policy to give - - -

Mr Berry: He has not got the time.

MR HUMPHRIES: I am sorry; as I have indicated to Mr Berry already, it is not just a question of this one individual. There are many people who fall into the same category and who would be affected by a change of policy. I cannot take individual X out in the community and grant him a concession on domiciliary oxygen and not grant it to everybody else out in the community in the same category. However pressing the case might be, I cannot do that, because if I give it to him I have to - logically, reasonably, rationally - give it to everybody who is in the same position as that man.

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I am sorry; I am not going to jump to Mr Berry's timetable. A consistent theme of those opposite in the last few days, incidentally, has been that this Government is taking too long about things; that it will not make a decision; and that it will not get to the point of making any of the decisions that it is in the process of making now. They ask why we will not hurry up these processes and so on. They are fully aware of the fact that the process of good government requires careful consideration of all the ramifications of these sorts of issues. I, for one, as Minister for Health, will not make a decision before I am satisfied that it is the right decision to make and that it has an effect fairly and equitably across the system. I will get Mr Berry an answer on that matter at the first available opportunity.

Hospital Redevelopment

MS MAHER: My question is directed to the Minister for Health. Is the Minister aware that the Opposition's health spokesman, Mr Berry, criticised the Government's plan to redevelop the ACT hospital system on ABC radio this morning? If so, did Mr Berry give an accurate picture of the redevelopment project?

MR HUMPHRIES: I thank Ms Maher for that very good question. I did hear at least part of the interview and, as usual, Mr Berry has distorted the facts in that regard. The interview on Julie Derrett's program arose from an article that appeared in the *Canberra Times* this morning, claiming that some senior health administrators believe that the hospital redevelopment is ignoring the needs of hospitals in favour of "random action" to meet budgets. "Random action" is the term that was used. Of course, this is simply not the case. As I was quoted in this morning's paper:

Everybody in the redevelopment process, particularly those who have been working on those working parties, have all put in claims which in many cases are vastly above what the total redevelopment can afford.

As I have repeated many times in this place, the total cost of the hospital redevelopment will remain at \$166.32m in June 1990 prices, and not one cent more. Obviously, we, as the Government, are able to deliver on our promise that we will provide a better, more modern and comprehensive hospital system. As I said this morning, the assertions about problems with that process are mischievous and without foundation; and we remain without any evidence at all that there are any problems in that process.

Mr Berry's redevelopment plan, as expressed in his statement of October 1989, was given an arbitrary costing of "\$200m to \$210m". I have given a precise figure of \$166.32m from my costings. Yet Mr Berry says that his plans were much better and much more definite and would produce a much better result. I really wonder whether, if he were Minister today, he would be able to be more specific than \$200m to \$210m. I doubt it.

When asked today by Julie Derrett what he would do now if he were Minister for Health, he said:

It would be difficult to say exactly what we'd need after the next election.

That is Mr Berry's contribution - no answers. He has had a year and a half in Opposition and he still has no answers.

Mr Kaine: He did not know when he was in government. How would he know now?

MR HUMPHRIES: Indeed, Chief Minister, he did not know when he was in government and unfortunately the seclusion and solitude of opposition has not given him any more ideas. I am afraid I treat these claims with contempt until I see what the alternatives are.

Linear Accelerator

MS FOLLETT: My question is also addressed to Mr Humphries, the Minister for Health. The current waiting list for radiotherapy is unacceptably long and, since access to prompt treatment can affect both the lifespan and the quality of life for cancer sufferers, will the Minister tell the Assembly when the new linear accelerator will be commissioned? Tell us about your quality service.

MR HUMPHRIES: First of all, Opposition members may not be aware - because they do not bother to take an interest in the matter - that work has been commissioned at the Royal Canberra Hospital South to extend the radiology department, which will provide, of course, for a new bunker to accommodate the new linear accelerator which this Government has indicated previously will be provided.

The linear accelerator presently at the Royal Canberra Hospital South is a \$1.5m machine which generates X-rays and electron beams, for those of you opposite who do not know, used in radiotherapy. The biomedical engineering service at the hospital has obviously monitored repeatedly the progress and the state of capability of that machine to deliver services, and it has experienced breakdown in the past. Procurement of a new wave guide from the United States would normally cost about \$140,000. That is one of the problems with the present equipment, and that particular piece of equipment would take eight to 10 weeks for delivery and installation.

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The director of radiation oncology has arranged for the manufacturer to provide equipment as required, and that sort of equipment comes through very quickly. Obviously also additional equipment is required. The Government has a commitment to providing an additional linear accelerator and the question of the fate of the existing accelerator, of course, will have to be determined in due course. If we can afford to leave it in commission for a long period of time, that will obviously benefit patients in our hospital. When a new accelerator is installed it takes some time to become operational and to get to full capacity. I cannot say how long the present accelerator will be there after the new one is installed because obviously that depends very much on how well it is able to survive. It is obviously subject to some ageing. However, I am confident that the creation of that additional resource in Royal Canberra Hospital South will be a tremendous improvement for those people who are suffering from cancer and will significantly improve our capacity to deal with those cases quickly and have those people treated promptly when they require it.

MS FOLLETT: Mr Speaker, I ask a supplementary question. Mr Humphries himself alluded to some of the problems associated with regular maintenance and breakdown of this kind of equipment, which is, after all, very sensitive. I ask Mr Humphries whether he will give a commitment that he will retain the current radiotherapy unit after the commissioning of the new unit.

MR HUMPHRIES: I think I have just answered that question. I have said that I cannot give a commitment; that I have to see what the cost of maintaining two machines in the hospital would be and how long it would take before the other machine was fully operational. However, if we have an existing machine there and it has the capacity to continue to deliver services because it is operational enough to be useful, obviously it would be nice to leave it there and provide those services. But a lot depends on the cost of doing that and the needs elsewhere in the system, and I will consider that when the new machine becomes available.

Food and Wine Frolic

MRS NOLAN: My question is directed to the Attorney-General. Can the Attorney advise how many members of the Australian Federal Police were deployed to the Food and Wine Frolic over the weekend, and how many arrests were made?

MR COLLAERY: I thank Mrs Nolan for the question. I have been advised by the chief police officer that from 7.00 am until 10.00 pm on 17 March 106 members of the Australian Federal Police, ACT Region, were involved in policing the

Food and Wine Frolic in Commonwealth Park. This number included traffic, general duties and specialist police. Total overtime costs amounted to \$10,640 and total penalty payments came to \$8,786. I am further advised that the crowd was generally well behaved. However, a total of four persons were arrested - two for offensive behaviour, one for assaulting police and resisting arrest, and one for a drug related offence. One Australian Federal Police member received minor burns when a cup of hot coffee was thrown over him whilst he was walking through the crowd. In addition, six persons were taken into protective custody for drunkenness.

An estimated 80,000 people participated in the event. The number of arrests, therefore, is relatively small. I think this demonstrates two things. Firstly, it clearly demonstrates the value of forward planning by the Canberra Festival organisers, police and other interested ACT agencies to ensure that such a major event runs smoothly and can be enjoyed by all elements of the community. It also demonstrates, in my view, the problems in the proposal put forward today by Mr Berry in his Intoxicated Persons (Care and Detention) Bill.

It is proposed by Mr Berry, at clause 6 of his Bill, that where a person is found intoxicated in a public place and is behaving in a disorderly manner, among other things, that person can be detained and taken to a prescribed place, which could be a police station, and held for more than eight hours. I have already stated publicly how astounded I am, as Attorney, to find a Bill of that nature propounded in a democracy. It is the most extraordinary proposal I have ever seen. I do not know where he got it from. Clearly he did not read it. If he had read it he would know that, while subparagraphs (b) and (c) of his clause 6 are probably acceptable, subparagraph (a) would mean that a large number of the people at the Food and Wine Frolic could, in theory, be detained.

It is an astounding threat to civil liberties by a person who stood outside the Assembly and pushed us along over a watered down move-on powers Bill. It is extraordinary - - -

Mrs Grassby: This was your Law Office.

MR COLLAERY: The member for the vowel brigade out in Belconnen is suggesting that it is my Law Office - - -

Mr Connolly: On a point of order: What is this reference to "member for the vowel brigade"? Is it some sort of slur on the ethnic community or what?

MR COLLAERY: A-E-I-O-U, Mr Speaker.

Mrs Grassby: We know that he is racist against ethnic communities.

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MR COLLAERY: There is nothing racist in it.

Mr Humphries: Mr Speaker, I would ask Mrs Grassby to withdraw the suggestion that the Attorney-General is racist.

MR SPEAKER: I am afraid I did not hear that; there was so much chatter going on. What is to be withdrawn, Mr Humphries?

Mrs Grassby: I do not think I need to withdraw that. If I have to withdraw that remark, the Attorney-General must withdraw the remark that he made about me. It was a racist remark, as far as I am concerned.

MR SPEAKER: I will review the *Hansard* and report back to the Assembly. There is too much chatter and banter going on. Please proceed, Mr Collaery.

MR COLLAERY: Thank you, Mr Speaker. This Bill put forward today would allow, in theory, half the frolic to be conveyed to - - -

Mr Berry: I raise a point of order, Mr Speaker. He is debating a piece of legislation that is already on the notice paper and he will have the opportunity to do that during the course of debate.

MR SPEAKER: I uphold your objection there, Mr Berry. Mr Collaery, I believe that you are going against standing orders.

MR COLLAERY: Yes, Mr Speaker; I could not wait.

MR SPEAKER: Have you concluded your statement?

MR COLLAERY: Certainly.

Hospital Redevelopment

MR CONNOLLY: My question is to Mr Humphries as Minister for Health. Minister, a major plank in the Government's hospital redevelopment plan was the formation of working parties which were going to contain people with expertise in the health system. I understand that there was to be consultation, which was to be done before the master development control plan was finalised. Minister, is the reason that that plan has not been released that it does not comply with the Government's hospital budget?

MR HUMPHRIES: I could be facetious by giving the short answer "no".

Mr Connolly: We would not believe you.

MR HUMPHRIES: That may be, but I do not put much store by that, Mr Connolly. Mr Speaker, Mr Connolly's question assumes that there is some lack of operation or some ineffectiveness in these working parties. He used the past tense, saying, "There were to have been vehicles for consultation", or words to that effect. He ignores the fact, deliberately probably, that there has already been, and is, a very effective process of consultation through those working parties. There is nothing notional about it; it has actually happened. The Government has actually been able to engineer an enormous degree of consultation through those 50 or so working parties. So there is nothing notional or futuristic about it.

The master control plan is part of the process of establishing the final shape of the hospital redevelopment. That process depends upon the full consultation process being carried through to the end. It obviously depends on everyone having the chance to express their views and to be fully heard. It therefore cannot be done early; it must wait until later in the process before it can be concluded and finalised. That is the case here, Mr Speaker. The master control plan will be released when the final process has produced all the consultation that is required to make its release appropriate.

It is also true, of course, that in any process like this there will be a number of bids. People will seek facilities that may or may not be obtainable at the end of the day, and the Government, of course, has to be responsible about what it can afford to fund. I must say that I have no objection to people making large bids for ample facilities and for high quality equipment. That is part of the general desire by people in our hospital system to create the best hospital system in the world. The Government might not be able to deliver the best hospital system in the world. It does not promise to do that, but it certainly hopes to achieve one of the best - if not the best - hospital systems in Australia.

Mr Kaine: Mr Speaker, I request that if there are any penetrating questions from the other side they be put on the notice paper.

Financial Accounts

MR KAINE: Yesterday Mrs Grassby asked:

When will the 1989-90 audited financial statement for the entire ACT Government be available?

The answer is a very short one. The audit financial statements for the entire ACT Government will be available to the Auditor-General during this month of March, and will be published shortly after they are presented to him.

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Ms Follett: You did not know the answer.

MR KAINE: Well, it is a pretty big question, is it not - the entire ACT? It took me a little time to get the answer and I have now given it to you.

Financial Accounts

MR KAINE: Also yesterday, Ms Follett asked:

... have the 1989-90 financial accounts for the Treasury been completed and submitted to the Auditor-General for audit, and, if not, why not?

The answer is that the Treasury is yet to finalise its financial statements for the 1989-90 financial year. The statements are in an advanced stage of preparation and will be available to the Auditor-General this month. Preparation has been hampered due to the limited number of specialised resources required to prepare this first statement - and it is the first such statement.

Kingston Foreshore Redevelopment

MR KAINE: A much more penetrating and longer question came from Mr Stevenson, and it had to do with the development at Kingston. Members will be aware that there has been an interest in potential development at Kingston for some time and also, therefore, an interest in a possible variation to the policy relating to that area.

As members will also be aware, the proposal has an advocate in the private sector who is keen to press for priority action on this particular project. Initially, the then Interim Territory Planning Authority, with my agreement, intended to address the issue in the draft Territory Plan. However, recently the Chief Planner advised me that, because of the complications of Territory land-national land and the National Capital Planning Authority, et cetera, associated with that area, it was preferable in his view to deal with it as a separate plan. The Chief Planner then took the initiative to inform Mr Ian Hirst, who is the advocate referred to, and this news was well received at the time.

At the meeting, a date of four weeks hence was set for the next meeting so that initial work could be prepared by the Authority, and so that Mr Hirst could have the opportunity to discuss some of his ideas in more detail. I am informed that the work by the Territory Planning Authority is under way and that the meeting with Mr Hirst is expected to take place next week. However, there will be a process of consulting the National Capital Planning Authority and the Administration's various agencies before release of any

proposed plan for public comment. It is not possible to provide an exact date, but it could take up to three months from today before a policy variation proposal that can go out for public comment is available.

Asbestos Removal

MR DUBY: During question time on Tuesday, 12 March, Mr Stevenson asked me a question which also related to Kingston. He particularly referred to the old Kingston Technical College. He asked:

Is there an asbestos removal program for the site, as it presents a potential hazard to citizens in the area should it also be burnt down?

Mr Stevenson, my answer is as follows: The Kingston Technical College stood on block 16, section 8 of Kingston. Technical College buildings have been removed over the years, but I assume that the question relates to the old stores building fronting Wentworth Avenue, also on block 16, section 8 of Kingston. A portion of this building is currently used as a furniture store for old furniture awaiting disposal.

As a result of a survey several years ago, asbestos was identified in the ceiling space and on pipe lagging. Signs have been installed inside the building to indicate the problem areas. Access to that area is infrequent and conditions for access have been agreed with the relevant union, namely, the Transport Workers Union. The work practices at this site have also been agreed with the occupational health and safety authorities. There is no current program for removal of asbestos from the site at this time. The building is not programmed for demolition as it is still in infrequent use. The need for removal of asbestos will be reviewed, should the circumstances change.

PERSONAL EXPLANATION

MS FOLLETT (Leader of the Opposition): Mr Speaker, I seek leave to make a personal explanation?

MR SPEAKER: Do you claim to have been misrepresented?

MS FOLLETT: I do, indeed. In attempting to answer my first question during question time today, which related to Mr Humphries misleading the Assembly on the question of nurses being turned away from the hospital service, Mr Humphries alleged that I had quoted him out of context. I have not. I refer members to pages 62 and 63 of the proof *Hansard* of 21 February. They will there see the question that Mr Berry asked:

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Will the Minister now deny that potential nursing staff are being turned away as costs are cut?

Mr Humphries' very first sentence in response to that was:

Yes, absolutely. I deny that potential nursing staff have been turned away.

The remainder of his response is not relevant to that question. I have quoted the only relevant statement that Mr Humphries made. He will be shown to have misled the Assembly on that point.

Mr Collaery: On a point of order, Mr Speaker: Ms Follett, in introducing that question, said, "My question on the subject of Mr Humphries misleading the house ...". I put it to you, Mr Speaker, that she should have put it this way: "On my claim that Mr Humphries has misled the house ...". She is making it determinative and putting it in the record.

MR SPEAKER: I will review the *Hansard* on this aspect and report back to the house.

BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BOARD Report 1989-90

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

Audit Act - Building and Construction Industry Long Service Leave Board - Report and financial statements, including the Auditor-General's report for the period 11 May 1989 to 30 June 1990.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

HOME PURCHASE ASSISTANCE ARRANGEMENTS Ministerial Statement and Paper

MR COLLAERY (Attorney-General and Minister for Housing and Community Services), by leave: I wish to make a statement announcing an Alliance Government reform of ACT home purchase assistance arrangements. To assist the Housing Trust to properly deliver adequate housing services in the ACT, we must change the manner in which housing assistance is targeted. We need to ensure that assistance is provided to those families who do not qualify for public rental housing and are not able to gain access to private sector home loans. In addition, we need to revitalise the Housing

Trust and ensure that it becomes more efficient in the way that it delivers assistance and the manner in which it controls and manages its resources.

Further, the Commonwealth-State Housing Agreement and recent Federal budgets point to a trend in national housing policy that encourages innovation in the use of public and private housing finance to reduce the incidence of housing related poverty. The Alliance Government's objective is to provide affordable and secure housing through a mix of housing programs which matches the tenure choice and financial capacities of families and to maximise the cost-effectiveness of all ACT housing assistance programs.

We see home purchase assistance arrangements as an essential part of this mix. For this reason we believe it is critical that we put in place the best housing purchase assistance mechanisms that are available to us. This Government has reviewed the ACT home purchase assistance arrangements and has approved the Commissioner for Housing introducing a package that will immediately put into place new assistance arrangements for low and moderate income families.

The new arrangements do not compete with existing private sector lending arrangements, but fill a niche not satisfied by others. This package will benefit those people presently not able to gain access to home ownership. The package includes new administrative arrangements for managing existing and future Commissioner for Housing loans; revised eligibility criteria for Commissioner for Housing loans so that more people qualify for mortgage finance and a new maximum loan amount; a new form of deposit assistance to help home buyers enter home ownership; and revised criteria for stamp duty concessions for home buyers.

I will also be announcing a staged program of sales of government housing to existing public tenants. The new arrangements establish the first part of a major reform of ACT home purchase assistance, and constitute the framework for expanding home ownership opportunities and, importantly, the number of households able to be assisted with housing. These arrangements can be delivered now.

For the second part of the reform, we have directed the Housing Trust and Treasury to explore off-budget funding options, similar to those now existing in the larger States, that will support the ACT's housing programs. I expect that the off-budget funding mechanisms will be available at the commencement of the 1991-92 fiscal year. The move towards the use of private sector finance and financing techniques has advantages in terms of equity and efficiency: Equity by ensuring an adequate provision of housing for those unable to secure assistance from the private sector; and additional efficiencies by making the best use of all available resources, with subsidies clearly targeted to those in need.

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I will now describe the new administrative arrangements for managing loans. These will be incorporated in a new Commissioner for Housing loans scheme. The new scheme will be known as the HomeBuyer housing assistance program and will be gazetted on, and operate from, 2 April. It will bring all existing and future mortgagors under the one assistance program.

The gazetted program has been drafted so that it complies with the Commonwealth-State Housing Agreement provisions by ensuring that all subsidies are recovered, except in cases of individual hardship. Loan repayments are income geared; and single applicants are afforded the same access as other applicants to home purchase assistance. It will also include provisions for appeals and information privacy which do not exist in the present loans schemes.

With the gazettal of the HomeBuyer program, the clauses in the 1983 and 1986 Commissioner for Housing loans schemes will mirror the assistance, appeals and information privacy provisions in the HomeBuyer program. The 1930 scheme will be abolished and these mortgagors will receive assistance under the HomeBuyer program.

For existing mortgages, no retrospective changes will be made to previous assistance levels which were handled under the then conditions. The only changes are prospective. There are changes in other respects for those mortgagors who obtained loans under the 1930 and 1983 schemes where the portion of the monthly mortgage instalment that exceeded 25 per cent of a mortgagor's income was waived. It will now be deferred temporarily and will be recovered in full as soon as the mortgagor can afford it. The change for those mortgagors who obtained loans under the 1986 scheme is that the deferred payments will be temporary and will be recovered as soon as the mortgagor can afford it.

Interest rates on loans where loan applications were submitted prior to 1 August 1990 will remain at 13.5 per cent. Interest rates on loans where applications were submitted on and after 1 August 1990 will continue to be at the rate charged by the Commonwealth Bank for owner occupied home loans, currently 14.5 per cent. Those mortgages that allow higher interest rates to be charged where the property is not occupied by the mortgagor will attract a higher charge that is equal to the rate charged by the Commonwealth Bank for investment properties, which is currently 16.25 per cent.

The important feature of the HomeBuyer program is that it now provides for a maximum loan repayment equal to 27 per cent of a mortgagor's gross income. This is above the current ratio of 25 per cent. However, the higher ratio, together with the practice of assessing an applicant's payment capacity over the term of the loan, will improve the borrowing capacity of the lower income earners and ensure that they have access to affordable home loans. In

addition, mortgagors still have the comfort of knowing that arrangements will be put into place to temporarily defer a portion of the loan payments until they can afford to repay it.

Loans issued under the HomeBuyer program will be underpinned by a new central mortgage which secures a range of collateral agreements covering the principal loan amount, deferred payments, and any other debts accrued by the mortgagor. Bringing all mortgagors under the provisions of the one scheme means that the Commissioner for Housing will provide the same benefits to all mortgagors. I now table in this Assembly the HomeBuyer housing assistance program and an explanatory statement for this program. I table:

HomeBuyer -

- Explanatory statement.
- Housing Assistance Program.
- Memorandum of Mortgage.
- Loan Agreement.
- Deferral Agreement.
- Miscellaneous Amount Agreement.
- Revocation of 1930 Scheme.

1986 scheme for providing or assisting in providing dwelling houses.

1983 scheme for providing concessional home loans.

1930 scheme for providing and assisting in providing dwelling houses.

Commonwealth State Housing Agreement.

I turn to the revised criteria for eligibility for Commissioner for Housing loans. The underlying philosophy behind the revised criteria is to extend home purchase assistance to those families who cannot afford home loans through the private sector and who do not qualify for public rental accommodation. The new criteria for Commissioner for Housing loans increase the maximum income from \$630 per week to \$750; they increase the maximum property value from \$90,000 to \$117,000; and they raise the loan limit from \$70,000 to \$95,000. The limits will now be revised at least every six months. The new limits bring the Commissioner for Housing loans back into line with market conditions. The new loan limit of \$95,000 will allow families with a minimum deposit of 5 per cent to purchase a home valued at up to \$100,000. The maximum loan in each case will be 95 per cent of the purchase price of the property.

The property value limit of \$117,000 is the median price for residential properties in Canberra at the end of 1990 and is a reasonable cut-off point for home buyers needing loan assistance under the Commissioner for Housing loans scheme. However, where the Commissioner for Housing assists families to remain in their existing homes by refinancing an existing private loan or paying out a spouse, the property limit will not apply. In these cases,

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Housing Trust loans assessors will examine the affordability of the refinanced loan with the client. Our objective here is, to the extent possible, to keep families in their present homes rather than having them move elsewhere.

The income limit under the Commissioner for Housing loans scheme has been set at the point equal to the minimum level required to secure a loan from the private sector. The income limit will be on a sliding scale, decreasing as the loan amount required decreases. The new criteria will ensure that there is no gap between the eligibility point for public rental assistance and the minimum salary level to afford private home lending. They also mean that, as interest rates continue to drop, the income limit will drop because access to private loans will improve.

I would now like to talk about the new deposit assistance program, which will be known as the HomeEntry housing assistance program. HomeEntry provides a grant of \$1,500 to home buyers who qualify for and receive a Commissioner for Housing loan. Grants will also be available to those people who meet the eligibility criteria for Commissioner for Housing loans, but receive loans under schemes operated by the Aboriginal and Torres Strait Islander Commission. The grant will assist home buyers to bridge the deposit gap and help offset some of the costs of mortgage insurance, legal and conveyancing fees, loan administration, moving, et cetera. The grant is repayable only if the property is sold within a period of three years. The money will not meet the total cost of entering home ownership, nor should it; but it is a healthy contribution that will assist families intending to enter home ownership to achieve their goal earlier.

The funds available this year for the scheme, \$231,400, are provided to the ACT under the Commonwealth mortgage and rent assistance program. That program also provides funds for mortgage and rent relief. Schemes already exist which target those mortgagors and tenants in the private sector who are experiencing temporary financial difficulties. HomeEntry replaces the assistance previously available under the first home owners scheme, but is not restricted to first home buyers, as our intention is also to assist families seeking to re-enter home ownership.

In addition to the deposit assistance, low and moderate income home buyers will be assisted with stamp duty concessions. This extends concessions to people who are re-entering home ownership as well as first home buyers. The income criteria for stamp duty concessions have been extended from \$34,000 to \$39,000 per annum, and match the new criteria for eligibility for Commissioner for Housing loans. In addition to those people who receive Commissioner for Housing loans, concessions will also be available to people who finance their loans through the private sector, but still qualify for Commissioner for Housing loans. Full stamp duty exemption will continue to

be granted on properties valued at below \$97,000 and concessions will be provided where properties are valued at between \$97,000 and \$117,000.

The deposit assistance grant and the stamp duty concessions available from the Government provide a good incentive for new home buyers to enter the home purchase market. This will have a positive impact on the ACT economy, particularly the building industry. The initiatives in the package I have just announced provide the framework for the further extension of housing programs when off-budget funding mechanisms become available.

Mr Speaker, I now turn to the staged program of sales of government houses to tenants. This program provides public tenants with the opportunity to own the homes that they have put care and pride into. It also generates more funds that will be used to acquire new rental stock. This means that the Housing Trust will be offering more houses to families on the rental housing waiting lists. The sales program is to be staged, with those tenants having a running tenancy period of 10 years or more able to purchase their homes in the first instance. This criterion will be progressively extended downwards to those tenants with shorter tenancy periods. However, the timing of the extensions will depend on the level of tenant demand; the availability to the Housing Trust of replacement properties; and the overall impact that the program will have on the ACT housing market.

While it will take some time to extend the program to the majority of tenants, it is a major new initiative that will replenish the public housing stock and provide home ownership to public tenants. Tenants can take comfort in the knowledge that the program is now in place, but it will take some time to fully implement it. In announcing a program which allows tenants to purchase their government homes, I refer the Assembly to the home purchase assistance package in which I announced revised eligibility criteria for Commissioner for Housing loans. While some public tenants can afford to finance their purchases through the private sector, other tenants who have low and moderate incomes will also be able to purchase their government homes with Commissioner for Housing loans. The deposit assistance grant and stamp duty concessions will also assist those tenants to enter home ownership.

I will read to the Assembly the criteria that will be used for properties available under this program, so that members will see that this Government is not simply selling off the public housing stock. Firstly, the program is aimed only at separately titled properties. However, rural properties will not be available. Secondly, properties will be sold on an outright sale basis for cash and tenants must make their own arrangements to obtain finance and, if eligible, can apply for a Commissioner for Housing loan. Thirdly, the Commissioner for Housing will reserve the right to refuse a sale where properties have been

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identified as being required for future redevelopment and in areas where it is difficult for the Housing Trust to repurchase. Fourthly, the Commissioner for Housing will withhold offering for sale any property which is less than five years old or which has undergone major upgrading within the last five years. Fifthly, all sales will be at market value less an allowance for the structural improvements made by the current tenant. Market value, and the value of improvements, will be determined by an independent valuer nominated by the Commissioner for Housing. Sixthly, properties will be sold in "as is" condition. Seventhly, the Commissioner for Housing will reserve the right of first refusal to buy back the property if it is to be resold within a period of three years.

It goes without saying that, in the area of purchasing and sales, managers will be vigilant to ensure safeguards, integrity and controls are maintained. In adding to the criteria determining those properties that will be available for sale, our objective is to keep area holdings of public stock constant unless, of course, these are high. Properties will be introduced as replacements and into low stock areas through the spot purchase program and, where it is cost-effective, constructed on land that is controlled by the Housing Trust.

I must stress that, under the sales program and pursuant to the Commonwealth-State Housing Agreement, the Alliance Government must use the funds obtained from property sales to purchase and construct new rental stock on a one-for-one basis, preferably - and it is a preference of this Government - in the same regional area. This program will not see the downgrading of stock but will enable us to revitalise the quality of public housing and reduce the total cost of maintenance whilst retaining the social homogeneity of the ACT community.

I should now like to inform the Assembly why the Alliance Government is providing tenants with an opportunity to purchase their government homes. The answer is really straightforward, as this Government wants both to tackle the waiting list for public housing, which stands today, I am advised, at 3,145, or thereabouts, and to help those public tenants who wish to become home owners to buy the homes that they are currently living in and have worked hard on. Long-term tenants who have put care and pride into their properties should have the opportunity to own their own home. We also believe it is important to create a mix of home owners and tenants in Housing Trust areas.

In addition, when we sell homes to tenants, we raise money to provide replacement housing so that we can offer homes to other families and other applicants on the rental housing waiting lists. The replacement houses will enable the Housing Trust to change the housing mix to better match the changing demographic profile of public housing applicants. Therefore, Mr Speaker, when a tenant buys a

home from the Housing Trust they not only help themselves to a secure and rewarding investment, but also help to provide another Canberra family, or applicant, with a home to rent.

I have already mentioned that this program will be a carefully staged commencement of sales to tenants. It will also have regard to our firm commitment to the replacement of houses that have been sold, to the dispersal of the public stock, and to ensure that the ACT housing market is not distorted. Tenants will be able to register their applications to purchase their government homes with the Housing Trust from 2 April. Information about the sales program and registration forms will be available from all Housing Trust district offices from that date. A registration list will be maintained and all applications will be considered.

However, tenants will need to note that in normal circumstances it may take about two months to process applications and to transfer properties. This is because property valuations, agreements on valuations, land surveys and lease preparation, contract exchange and settlement will need to be completed. In introducing this program from all its offices, the Housing Trust will be deploying special staff to support those staff who currently work in the district offices.

The reform of the home purchase assistance arrangements by the Alliance Government is the most significant development in housing in the ACT since we became a signatory to the Commonwealth-State Housing Agreement. This reform will make us more efficient and will achieve the following key objectives: It will reduce the rental housing waiting lists; it will help those people who cannot access loans in the private sector and who do not qualify for public rental housing; it will target assistance to those in genuine need and do this for those periods when it is needed; and it will revitalise the Housing Trust and improve its operational efficiency.

In announcing this reform, I should like to emphasise the strong social commitment that I have found among Housing Trust staff, some of whom are in the Assembly today. With the compelling social challenge facing us to provide secure and accessible housing, I look forward to working with my dedicated officers to create a new sense of direction and reform within the trust. I commend the acceptance of the new home purchase assistance arrangements to the Assembly. I move:

That the Assembly takes note of the paper.

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

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PERSONAL EXPLANATION

MR COLLAERY (Attorney-General): Mr Speaker, I wish to make a short personal statement.

MR SPEAKER: Do you claim to have been misrepresented?

MR COLLAERY: I claim to have been misrepresented.

MR SPEAKER: Please proceed.

MR COLLAERY: I believe that I was misrepresented by a suggestion from across the floor that I am a racist. But, at the same time, on discussing a remark I made with a colleague here, I believe that my remark is capable of misinterpretation. That is the remark I made referring to Mrs Grassby's electoral supporters as the vowel brigade. I unreservedly withdraw any imputation that I am reflecting on her constituents. That was a statement made in the heat of the moment in response to a criticism of my Law Office.

MRS GRASSBY: Mr Speaker, I withdraw the remark in which I called Mr Collaery a racist because I took that statement to be a very racist statement. In view of the fact that he has withdrawn it, I withdraw my remark.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Reports and Statement

MS MAHER, by leave: I present the following reports:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Reports Nos 4 and 5 of 1991, dated 4 and 20 March 1991.

Report No. 4, which I have just tabled, details the Committee's comments on the Stock Bill 1991 and the Government's response to the Trade Measurement Bill 1990. The report was presented pursuant to the committee's resolution of appointment on 4 March 1991. Report No. 5 details the committee's comments on the Consumer Affairs (Amendment) Bill 1991, the Criminal Injuries Compensation (Amendment) Bill 1991, the Occupational Health and Safety (Amendment) Bill 1991 and the City Area Leases (Amendment) Bill 1991, together with three pieces of subordinate legislation and the Government's response on the Stock Bill 1991. I commend the reports to the Assembly.

SOCIAL POLICY - STANDING COMMITTEE
Report on Public Behaviour

Debate resumed from 19 March 1991, on motion by **Mr Wood**:

That the recommendations be agreed to.

MR STEFANIAK, by leave: Last night I indicated a number of improvements that the Government is initiating as a result of the public behaviour inquiry which the Standing Committee on Social Policy undertook. It brought down its report some time ago. Before I stopped last night I had mentioned that the AFP is particularly well placed for community policing, and has been, indeed, since the inception of the ACT Police Force. I am pleased to see that this Government is encouraging the AFP, and that the AFP has undertaken to open more shopfronts. There are shopfronts in Belconnen, Woden and Tuggeranong. There is a beat station in Garema Place. All those measures ensure greater access of the public to the police and provide a more visible police presence.

It is also pleasing to see the AFP undertake - apart from its recruit training, and as part of its rapport with the public - a program in schools. Police are sent out to schools to talk to school students and to relate to them and ensure that students can get used to the police, trust the police and break down any possible barriers that might exist between youth and police. It is very important - and I do not think there is probably any substitute for it - for police to be seen on the beat. In recent times there has been a tendency in some Western countries and, indeed, in Australia for more and more police to be patrolling around in cars rather than going back on the beat.

I am pleased to see that the AFP in Canberra is encouraging more and more police to go back on the beat, because that is a visible deterrent. I know that some of my colleagues opposite in the ALP place great store on that, and they are correct to that extent. Despite the fact that it is essential that police are seen on the beat, it still does not negate the fact that police do need sufficient powers so that they can act when things go wrong.

I mentioned yesterday when speaking on the Social Policy report that the committee and, indeed, the Government were adopting a wait and see attitude in relation to whether one aspect that was put before the committee by a number of groups, especially by the police, should be considered further. That is the restricting of on licence times. Indeed, as a result of continuing problems in certain areas, namely, around Brierly Street in Weston Creek and, indeed, the continuing problem in such areas as Weedon Close, Belconnen, I feel that it is very important that licences be restricted so that on liquor licences do not permit trading between the hours of about 4.00 am and 10.00 am.

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I note that my two Assembly colleagues made some mention of that in their additional comments to this report. Dr Kinloch and Mr Stevenson recommended that licensing hours cease at 4.00 am each day and recommence at 8.00 am. I do not think I would have any particular problem with that. I note that the police recommendation was 4.00 am to 10.00 am. I think that there is no justification for licences to really continue between the hours of 4.00 am and 8.00 am, or 10.00 am, especially when we have ample evidence of the problems caused by drunks leaving establishments - damage caused to property and damage caused, indeed, to people. We continually see the results of that. That is something that I would like to see introduced.

I initially raised with Mr Holding, prior to the Assembly commencing, the possibility of banning the consumption of alcohol in certain areas. I also mentioned that matter during the course of this debate. I note that in South Australia they gazette certain dry areas. We have some dry areas in the ACT. I note that part of the Bruce Stadium is, in fact, a dry area where people can take their families and sit there without worrying about persons abusing alcohol. In some of the trouble spots, that again is something that the Government and this Assembly can look at. The relevant Minister could be empowered to proclaim certain dry areas when certain trouble spots really do become most evident. We have a few of those in this city at present.

There is one other point I would make in relation to the public behaviour inquiry. It might be prudent for the Assembly and the Government to follow up a further point mentioned in the course of the report, and that is, what to do with persons who commit damage as a result of their rather bad public behaviour. What I recommend there is that we should explore one of the points raised before the committee, and that was making defendants repair the results of their illegal actions, either through community service orders, or otherwise. (*Extension of time granted*)

Basically, a number of studies were put before the committee from other States and, indeed, from other jurisdictions outside Australia, whereby offenders were made to repair their handiwork. That is something that the courts would probably like to do, and whatever legislative reforms are necessary should be put in place by this Assembly. There is no better way to bring home to offenders - certainly young offenders - the error of their ways than by making them fix up the damage they cause to the community.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.54): I should just refresh the memory of members of the Assembly about the circumstances under which this report of the Social Policy Standing Committee was commissioned. Those members who were here will recall that in the midst of the debate about the move-on powers Bill presented by Mr Stefaniak there was a motion from the then Government - I

think Ms Follett herself moved the motion - that certain matters dealing with public behaviour be referred to the Standing Committee on Social Policy.

It was widely seen - certainly by those of us who were in Opposition at the time - that this was a mechanism to defuse a potentially difficult situation where there was clearly a perceived problem which the then Government was perceived not to be doing anything about. It was in that inauspicious sense, therefore, viewed with some scepticism by the then Opposition. Looking through the recommendations of this report - notwithstanding its genesis - I have to say that it has proved to be a useful tool in examining a whole series of important social issues in the ACT.

As far as I am concerned, speaking as Minister for Health, there are a couple of recommendations which particularly touch on my portfolio and which I might make a brief reference to. The third recommendation, in paragraph 3.1, deals with the recommendations originally made by SHOUT concerning a review of the Mental Health Act in the ACT. As members will be aware, that has occurred. There has been a review of the operation of the Act and, more broadly speaking, of the way in which the ACT can provide a better legislative framework for mental health services and mental health policy in the Territory.

That report on the review reached me in November last year. I explained, in answer to a question yesterday, what action the Government is taking to respond to the issues that were raised in that document. It is an important and far-reaching review. It obviously has an impact on social behaviour and public behaviour in that, very often, people who either are under treatment orders, or potentially could be under treatment orders, are found to be in breach of some law with respect to public behaviour or otherwise causing problems. It is important that we have that particular part of the problem covered through a comprehensive and up-to-date piece of legislation in this regard.

The controversy which accompanied that legislation, or the equivalent legislation in New South Wales, has led the Government to some caution. I reaffirm that a cautious approach is very important and necessary in this matter. On the one hand, there is considerable public anxiety about the civil liberties of people who might be affected by changes in legislation and, on the other hand, there are the rights of the public, in particular, members of families of people who suffer from mental problems. There is a need for those two matters to be balanced and for the law to protect both parties. That is obviously the goal that the Government seeks to advance through its consideration of this report.

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The other part of that recommendation deals with a review of the ACT mental health services policy towards service delivery. That is a slightly more difficult proposition. Certainly, quite significant changes have occurred in terms of our actual service delivery in the ACT over recent months. Notably, the establishment of a crisis service operating from the Woden Valley site of the hospital is a significant change in this area. We would all welcome the advances being made there. I, of course, acknowledge, as does the Government, that there is room for improvement and that we have some way to go before we have a comprehensive safety net in respect of mental health.

The other recommendation is in paragraph 8.2. It deals with alcohol advertising. The words there may have been somewhat prophetic, given that the Government has moved in a very similar way in respect of tobacco. The recommendation says:

The ACT Government should prohibit alcohol advertising in all areas of the ACT except at the generic point of sale.

Mr Stefaniak: A bit overboard.

MR HUMPHRIES: Someone made the comment, "A bit overboard". That may be a quite fair comment, in fact. We have to be very careful about becoming too jack-booted about our general approach towards advertising. I know that some people have accused me, even in today's paper, of having a less than tolerant approach towards the advertising of legal products such as cigarettes and alcohol.

I do not want to be doctrinaire or in breach of people's civil liberties, but I think that that particular recommendation in this report clearly acknowledges that there is a significant problem, and that alcohol advertising does not help. I personally am of the view that millions of dollars would not be spent on alcohol advertising if it was not believed that it would have some impact on the general consumption of alcohol in our community. Unfortunately, that may be taken in different ways by different people. There is a difference, of course, between alcohol and tobacco. There are no safe levels of use of tobacco, except for none. Of course, one can enjoy alcohol in moderate amounts and, indeed, even benefit from it, as I hear that the latest medical opinions are saying. That is one thing. It is quite another thing to suggest as a result of that attitude that there should be open slather on alcohol advertising.

This matter will be discussed in Adelaide next week when the conference of Australian Health Ministers convenes. I will be looking with great interest to see what developments arise from that conference. I would predict that, if that meeting develops a comprehensive consensus across this country on the need for further restrictions on alcohol advertising, then of course the ACT will be part of

that; it will join in that push. We would like to see more cooperation in the area of tobacco. In that regard the ACT can only be said to be leading the way. Nonetheless, it is not possible, in the case of some things, to move beyond the pace that other jurisdictions are setting. As far as the labelling of alcoholic products is concerned, it is particularly important that we have a consistency across the country. It would be inconceivable that the ACT should impose, for example, labelling restrictions which did not apply in New South Wales, thereby making it impossible for people to sell in the ACT products that were freely available in New South Wales.

A whole range of matters are referred to here which, in a sense, are becoming a bit out of date. The report was tabled a year ago. It is not surprising that there should be some issues that have been adequately dealt with in some way by the Government since that time. I am aware, for example, that the Government has provided some additional facilities in the way of skateboarding facilities in the ACT. Not ever having used a skateboard or having children who use skateboards, I can only assume that to be a valuable development. I am aware, certainly, that skateboards do cause a problem, particularly for elderly people, in public places, in shopping centres, and so on. It is very appropriate that we should be developing that particular sort of facility. We have also had some movement on major national events such as the Summer Nationals. I believe that as a result of the approach taken at this year's Summer Nationals the concerns of many in the community have been greatly relieved.

There is much work in the future in these recommendations. The Government will have to look very carefully at the way we can enhance the general recommendations here; for example, cooperation between different arms or agencies of government, such as AFP and GALA. I would like to see that advanced. As I said at the beginning of my remarks, this work has been valuable. It does not solve the problems, but it does point to a number of steps that the Government ought to take. I remain convinced that there are other measures which must be considered in conjunction with this. I will not mention move-on powers, because I have not time. I believe that there is a wider picture which we all need to bear in mind when we look at preventing and curing breaches in public behaviour.

MR COLLAERY (Attorney-General) (4.04): The Government generally supports the thrust of the recommendations made by the committee. I will run through a few issues and make a more detailed comment on one aspect of the report from my perspective and my portfolio perspective. I want to put into the record a number of points that my advisers have picked up from the report in relation to government policy or actions. Firstly, this Government has been working to identify areas where skateboarding might be banned. We have also provided special skateboard facilities throughout Canberra. My colleague Mr Doby has put a lot of effort

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into that and he is to be congratulated. That, of course, is the necessary prerequisite to dealing generally with the skateboarding issues raised by the committee.

I believe, in retrospect, that the organisation for the 1990 Summernats was very successful, although I am still awaiting advice so that I can inform the Assembly as to the economic equation relating to that event. Certainly, there were fewer public behaviour problems than in the past. Of course, it has now become the style, after self-government, for all major public events to involve consultations between the police, other government agencies and organisers to minimise public behaviour problems.

The issue of alcohol consumption is one that interests me considerably. Firstly, on safety concerns: The Government is considering alternatives to glass container deposit legislation which is supposed to promote recycling. This accords with New South Wales concerns in the area, but it would be too costly and ineffective for the ACT to go it alone.

On that point, Mr Speaker, I was appalled on Sunday night to walk through the city from this Assembly. I walked to the bus interchange, down through Garema Place and out to Bunda Street, and up around the Private Bin. I was appalled to find broken glass everywhere I walked - broken stubbies, to be correct. There were jagged ends facing upwards and there were numbers of young people with bare feet and unprotected foot coverings. I have raised that concern with my colleague Mr Duby, but I think that raising penalties is only one aspect of the matter.

Clearly, there is a public education issue that has to be addressed when our national capital streets are covered with glass the way they were last Sunday night. It was a disgraceful situation, and one that we need to be aware of if there is to be another Food and Wine Frolic. I can assure members that I will station police and others to watch that situation because I only wish the 106 police who were in Commonwealth Park were also in and around that area to catch those louts who threw and left glass around our streets. It was a disgrace. Full marks go to Mr Duby's urban services operation for cleaning up that mess on the Monday.

I believe that alcohol consumption remains the No. 1 issue in our community. I welcome the tentative comments made by my colleague Mr Humphries about the need to start looking at alcohol advertising. It is an issue, of course, that the Ministers at the Ministerial Council on Drug Strategy -
- -

Mr Connolly: We had a speech about free speech in relation to restricting advertising from the Chief Minister earlier on.

MR COLLAERY: We will be taking up that issue. He was not speaking necessarily for me, Mr Connolly.

Mr Wood: He was not speaking for Mr Collaery?

MR COLLAERY: Certainly not. Mr Speaker, the ACT Government cannot control national advertising in newspapers, magazines, television and the media. That is an issue that we also need to address in the challenge of alcohol advertising. As Mr Wood well knows, the ACT Board of Health is undertaking some measures to encourage young people not to drink, but these measures need to be part of a long-term program aimed at changing attitudes.

On the subject of alcohol advertising, members have interjected and said that it may raise a question of free speech, as was alluded to by my colleague Mr Kaine in the matter of banning election advertising. I want the house to fully understand that the Residents Rally, which I lead, has not developed a policy on that issue yet, although I hold personal views. It will be announced shortly and we will stick by it.

The support services that we have looked at in the context of the committee report include encouraging my colleague Mr Humphries in relation to the 24-hour Mental Health Crisis Service which is now operating - and operating effectively, on the advice of my advisers. The comprehensive review of mental health services is under way, and the first report is available.

The Conflict Resolution Service has been funded to establish an adolescent mediation centre. I am sure members welcome that event. Also, an adolescent day clinic to assist 12- to 16-year-old people with severe emotional and behavioural problems has been established. Of course, we have the well publicised Street Link program which will interlink causes of unemployment, homelessness and offending behaviour.

The Australian Federal Police generally agree with the thrust of policing recommendations. For example, there is the Summernats and there are the Liquor Act amendments which we have made unanimously in this place to equalise police and the powers of the liquor inspectors. There is an AFP community liaison group which meets regularly with ACT youth workers, where information is exchanged and common goals are explored. I believe that, if we can rotate police - particularly younger police - through that liaison function, we can improve the interface in confrontation situations which seem to be developing once again, sadly, always around the alcohol focus in this town. ACT police training is focusing now on community policing. We have established, as you are aware, a community policing advisory committee.

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In summary, the Government has brought in quite a number of useful measures. Mr Berry has today pushed the Government further by bringing to this house a Bill to reflect the concept of a proclaimed place which, of course, the Government has already endorsed. I want to say that I do not question Mr Berry's motives in bringing forward that Bill. If there had been some contact between Mr Berry and me, I could have advised him. I was about to write to him. In fact, I am reading from a draft letter that I was about to send Mr Berry. It was delayed because I understand Mr Berry wrote to the police in December. I do not believe that I received a copy of that letter at the same time from Mr Berry. I have only just connected with it.

The police would prefer - and this may aid the debate on Mr Berry's Bill - intoxicated persons to be processed in a manner similar to current AFP procedures pertaining to persons taken into protective custody. This procedure will help to identify habitual visitors and to identify persons in need of detoxification. The police welcome the initiative but also wish to see that medical assistance is available and that inmates are regularly monitored. That, of course, will concern us all, having regard to the Aboriginal deaths in custody syndrome, if I can use that expression. The police are also keen for inmates not to be released whilst they are under the influence of alcohol, and that a minimum detention time should be set. I believe that Mr Berry has said eight hours.

Mr Berry: Or less.

MR COLLAERY: Or less. The police would also prefer that inmates be released to a responsible adult. That reflects, of course, the high level of alcohol dependency already in the youth age bracket. The police also are anxious that the facility does cater for both males and females, and separately, perhaps, for young persons. The police have also advised me that some distinction should be made as to the kind of person who may be detained. For example, it would need to be determined whether the following persons are allowed to stay, even voluntarily, at a proclaimed place - which is another issue that we need to debate when Mr Berry's Bill comes forward: Those under the influence of drugs or inhalants; those liable to cause a disturbance at the place; very vocal and rowdy people; habitual drunks; and walk in off the street drunks who are just looking for a bed, who have not accessed our other services and who should really be pushed up towards Ainslie Hostel, for example.

I welcome the initiative taken by Mr Berry. He is chiding the Government and wanting us to move forward with that proposal. I assure him that we are in the process of developing that in the context of those other services. I am now advised that Mr Berry's Bill was drawn by the legislative drafting service of the Law Office, and that

there may well be a communication issue that has resulted in a matter relating to that Bill which I am sure Mr Berry does not intend and which, I am sure, he might care to comment upon shortly.

MR WOOD (4.14), in reply: As I close this stage of the debate - for I am sure it will continue - let me remind members that the Social Policy Committee that was looking into public behaviour, or misbehaviour, heard evidence that Canberra was one of the safest cities in the world. That is something we ought to bear in mind. We heard also that public misbehaviour is not seen by many as a major problem or even a very serious problem. Nevertheless, the committee took the view that there is scope to make Canberra a more congenial city, a city where there is less anxiety on the part of its people in moving around and less disruption to their freedom of movement, even from such relatively minor things as skateboards.

The committee took the view that we ought to work to improve our city and to make it an even better place than it already is. The report and the aftermath have demonstrated that this can be done - that Canberra can become better. The report demonstrated that it does pay to focus on particular events. Much mention has been made of the Summernats and the recent Canberra Festival. The point has been made that there was much less concern about those events than there was in earlier years, though I do mention that the Canberra Festival has always had a very good record.

Earlier today, the Minister responsible for police mentioned that there had been only four arrests at the Food and Wine Frolic. I am sure my memory tells me that in other years the number has been much closer to three figures. That shows what happens when we focus on the issues and there is discussion amongst all concerned and an interest from all people to see that the situation is improved. That is the reason, I suggest, that this is still only one stage of the debate, because that focus will continue. I thank the Government for its response and for the general support that has been received from members.

The Government's response, I think, can be categorised in three ways. First of all, it indicated that action is being taken as a result of those recommendations; for example, amendments to the Liquor Act that went through this chamber recently, or proposals on skateboard facilities. Secondly, the Government has indicated - and we have heard further comment on that today - that action is about to be taken. I would encourage that to be done expeditiously. The third level of response was one of sympathetic consideration where there are, perhaps, some difficulties in implementing a recommendation of the committee. For example, we acknowledge that container deposit legislation, though highly desirable, is, nevertheless, not necessarily easy to implement in what is an island in New South Wales.

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I was pleased to hear the comments that various people have made about advertising. I believe that it is possible to curtail the level of advertising purely within the ACT - on billboards around the place. When we looked at it, there were not a great number of places - because of our policy on advertising generally and on billboards - where liquor is advertised; around the stadium, and around Natex, perhaps. I do not know whether they are currently there, but these are places where it can be done.

That is desirable, and I think there is agreement here that it can be diminished. Most significantly, the advertising that we see on television is somewhat beyond our control, but that is where this has to start. The Chief Minister's response indicated that this issue will be raised with the Commonwealth Government's Ministerial Council on Drug Strategy. Mr Humphries made mention of it. I am sure that you will speak out very strongly in encouragement of bans on alcohol advertising. I urge you to keep these very important matters on the agenda.

Where there was a problem of public misbehaviour identified, inevitably it related to alcohol. So much of this report, and so much of other consideration of our problems in Canberra, focused on alcohol. We have to do everything we can to try to diminish the problem that abuse of alcohol causes. The *Violence - Directions for Australia* report from the National Committee on Violence makes a point that I think is very significant - one that demonstrates how difficult it is to overcome the problem. They comment:

The fact remains that drinking has been an integral part of Australian culture since European settlement. It is particularly central to the culture of young males. Hard drinking (and often, fighting) has been a central part of male identity.

That is the culture of alcohol. It is a very difficult one to overcome, yet I believe that it is necessary to take steps - even in Canberra, even in this relatively small community of 300,000 people - to do so. That same report draws our attention to the fact that its research concluded that more young people are starting to drink alcohol, and at an earlier age, and they do so in a manner that might be described as binge drinking.

It seems that the problem is accelerating. We must take steps to try to reverse that development. It is particularly undesirable. It was my view on the committee, as we heard our evidence, that alcohol is a significant problem when it comes to the public misbehaviour that we were looking at. Nevertheless, alcohol plays a much more

significant role in causing trouble in other areas; for example, in private behaviour; in what happens in homes in the matter of domestic violence or a family breakdown. The problem there is so much more serious. It is also more serious on our roads. We know of the strong measures that we support to try to diminish that. Alcohol also, of course, has a very significant impact on the health of people.

Finally, alcohol is a very significant factor in crime. Many people commit misdemeanours under the influence of alcohol, and many people do things that they would not do were they sober, or, perhaps, if they did not need the bravado that alcohol gave to them. So, extending my thoughts beyond the matter of public behaviour, the problem of alcohol is much more widespread and much more serious. I would encourage relevant Ministers, while they remain in this Government, to push very hard on this matter and support the moves that are being made in other quarters to ban altogether the advertising of alcohol on television.

Mr Collaery: Is that ALP policy? I want to know.

MR WOOD: I could not tell you offhand. I will have to find out. I certainly hope it is. I am pleased at the consideration that has been given to this measure. I am pleased to note that the Government has set up a working party to look at that report on violence and to attend to each of the matters together. It is a very useful document. I believe that our Social Policy Committee report, though less comprehensive, is also a very useful document. I believe that by working through the recommendations that have been made in these documents we can make Canberra an even better place.

Question resolved in the affirmative.

COURT STRUCTURES IN THE AUSTRALIAN CAPITAL TERRITORY - REVIEW Ministerial Statement and Paper

Debate resumed from 25 October 1990, on motion by **Mr Collaery:**

That the Assembly takes note of the papers.

MRS NOLAN (4.24): Mr Deputy Speaker, I rise to make a brief contribution in this debate today. Firstly, of course, I also agree that the transfer of responsibility for the courts from the Commonwealth to the Territory Government does provide an appropriate opportunity to

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consider the appropriate system of courts for the ACT. To have the Curtis report as a discussion paper allows a starting point to consider that appropriate system. The summary of Curtis' proposals prepared by the Government Law Office as an internal working document, I am sure, has also assisted in developing comment. I understand that, while the summary of Curtis' proposals does not purport to replace or modify the Curtis report in any way, it was made available for comment with the Curtis report. While I understand that the submissions closing date has now passed, I await with interest a briefing on the comment received, including not only the number of submissions but, more importantly, the comment on those recommendations.

There is, of course, no doubt that such features as improved administrative procedures and the provision of common services between the courts could be seen as a distinct advantage. Common services, such as library and computer systems, and common statistical data collection and workload measurement could, I would have thought, have also been considered an advantage. Concerning the recommendation of proposed new accommodation for the courts, while I concede that our current accommodation is certainly inadequate and somewhat fragmented, it is my view that it could hardly be considered as a high priority.

Many of us are aware that the Northern Territory is only now just constructing a new court building. We are aware of the number of years that the Northern Territory has had self-government. Members, of course, are aware that the Northern Territory celebrated 10 years of self-government in 1988. That building is due to open later this year. While the Federal Government guaranteed the loan it is, in fact, being paid for by the Northern Territory Government. So, at this point in time, I think it is very important to realise just where that funding would be coming from, because the Federal Government has not indicated that they would be forthcoming with that funding.

As I mentioned at the beginning of my remarks, this report can serve a useful purpose as a discussion paper. However, I would hope that full and proper consideration is given in weighing up that input. I share the Minister's view that he stated in the house last September, namely:

... the basic need is for a system of justice which can deliver effective justice without imposing undue financial demands on its principal users, the members of the general public.

That is a very important point. I look forward to seeing those discussions and deliberations as ongoing and hope that all views will be taken into consideration. Those recommendations of a controversial nature must, and I am sure will, provide that basis of those deliberations. I stated at the outset that my remarks would be brief. I think that this is probably an appropriate point to cease. There is no doubt that a lot of work went into this report. I consider it to be a good starting point and I look forward to those ongoing discussions.

Debate interrupted.

ADJOURNMENT

MR DEPUTY SPEAKER: Order! It being almost 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Question resolved in the affirmative.

Assembly adjourned at 4.28 pm