



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 June 1989

Tuesday, 27 June 1989

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MR SPEAKER (Mr Prowse) took the chair at 2.30 pm and read the prayer.

PRIVILEGE
Use of Media Room

MR SPEAKER: On 1 June 1989 Mr Collaery raised a matter of privilege relating to the use by members of the press gallery of the fifth floor media room for the purposes of interviewing members of this Assembly. Mr Collaery wrote to me about the matter and also raised it orally in the chamber. I undertook to consider the issue and provide a response.

Standing order 71 considers the raising of matters of privilege. In brief, the standing order provides for a member to give written notice of the alleged breach to the Speaker as soon as reasonably practicable after the matter has come to the member's attention, and for the Speaker to determine as soon as practicable whether or not the matter merits precedence over other business.

Section 24 of the Australian Capital Territory (Self-Government) Act 1989 provides inter alia that the Assembly may make laws declaring the powers of the Assembly and of its members and committees, and further provides that, until the Assembly makes such a law, the Assembly and its members and committees have the same powers as the powers for the time being of the House of Representatives and its members and committees. As the Assembly has not made any such laws, we must rely upon the practice of the House of Representatives.

In 1987 the Commonwealth Parliament passed the Parliamentary Privileges Act declaring certain powers, privileges and immunities of each house of the Parliament and of the members and committees of each house. Section 4 of the Act states that conduct, including use of words, does not constitute an offence against a house unless it amounts, or is intended or is likely to amount, to an improper interference with the free exercise by a house or committee of its authority or functions, or with the free performance by a member of the member's duties as a member. Except as expressly provided in the Act, the powers, privileges and immunities in force under section 49 of the Constitution before the commencement of the Act continue to operate.

Privilege as applied to a member relies on certain rights and immunities such as freedom of speech and the freedom

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from arrest. The application of privilege to a member of the House of Representatives is generally confined to the member's work in the chamber, on a parliamentary committee or in representing his electorate.

There is a distinction between breach of privilege and contempt. Generally, any act or omission which obstructs or impedes a house of parliament in the performance of its functions or which obstructs or impedes any member in the discharge of his duties which has a tendency, directly or indirectly, to produce such results may be treated as contempt.

Whilst privilege is specific, there is perhaps some flexibility in relation to contempt. Nevertheless, for an action to be regarded as contempt that action would have to be of substance, such as a definite interference with or obstruction to the discharge of the member's duty.

In connection with the complaint raised by Mr Collaery, it is important to recognise that the media room on the fifth floor is not directly under the Assembly's control. It is also clear that a request for use of the facility was from a member of the press gallery and not a member of the Assembly. I have also been advised that at no stage did Mr Collaery raise with either the Chief Minister or her staff the possibility of Mr Collaery using the media interview room.

I have given careful consideration to the matter and to the material submitted to me and I have decided that it would be difficult to conclude that there has been a breach of privilege. Nor do I think that the matter is one which could be regarded as contempt. Accordingly, I rule that the matter does not merit precedence as provided for in standing order 71(e). I have written separately to Mr Collaery advising him of my decision.

MINISTERIAL ADVISERS

MR SPEAKER: I have received a request from the Chief Minister to make provision for ministerial advisers to be present in the chamber when legislation is being debated by the Assembly. Members will know that ministerial advisers' seats have been provided in the front row of the gallery, but in this location Ministers are not able to confer quickly and privately with advisers.

It is common in most Australian parliamentary chambers for advisers' seats to be located on the floor of the chamber in the vicinity of the Ministers' seats. This enables Ministers to confer easily with advisers and is of assistance particularly when Bills are being considered in detail.

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Whilst the size of this chamber and the limited access to it create a number of difficulties, I have made temporary arrangements which will meet the need which has been identified. A table and chairs have been placed adjacent to the door of the broadcasting equipment room and these will be used by advisers when the Assembly is considering a Bill in the detail stage.

The arrangement is not entirely satisfactory because, although the location is similar to that provided in other parliaments, it is somewhat intrusive in our small chamber. Unfortunately, access is possible only by moving through the chamber. This is undesirable and technically out of order, but until some building alterations can be implemented it will have to be accepted. When a particular Bill is being debated and advisers are required to attend, they will move from the seats at the front of the gallery to the advisers area on the floor of the chamber via the somewhat restricted space behind the Ministers' seats. Ministers' desks have been relocated slightly to make such movement a little easier.

These arrangements are an initial solution and I will review the situation at the end of the current group of sittings. I might add that the advisers will not be permitted to go on the floor of the chamber and are to remain at their position in the seating provided. Ministers will come to them, and not vice versa.

MR HUMPHRIES: Mr Speaker, may I ask whether you will consider making similar space available for advisers to opposition members. When Bills are discussed in the chamber, it is necessary sometimes for opposition members also to have access to advisers, and in most chambers of which I am aware provision is made also for opposition advisers to be housed somewhere close to their masters. I would like you to consider it and report whether this is possible.

MR SPEAKER: Thank you, Mr Humphries. I will take that on notice.

PETITION

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

ACT Casino Control Ordinance

To the Presiding Officer and members of the Legislative Assembly for the Australian Capital Territory assembled.

The humble petition of the undersigned citizens of the Australian Capital Territory respectfully sheweth

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that your petitioners most humbly request the Legislative Assembly for the Australian Capital Territory to repeal the Australian Capital Territory Casino Control Ordinance 1988.

by **Dr Kinloch** (from 1,180 citizens).

Petition received.

QUESTIONS WITHOUT NOTICE

Sexual Harassment

MR WOOD: I direct a question to the Chief Minister. Given that the Human Rights Commission no longer has an office in Canberra, what provisions exist for the reporting of charges of sexual harassment within the ACT Administration and for any necessary subsequent action?

MS FOLLETT: I am sure all members would agree that it was an occasion for great regret when the Human Rights Commission did move out of the ACT. It left us in a position of having, for one thing, no place where people could make a complaint of discrimination. I hope that the Government will be able to address that matter very quickly, and the whole issue of discrimination.

However, there are currently some options available for staff who do have a complaint about sexual harassment, and those options consist of both formal and informal arrangements. For instance, staff may contact a staff counsellor, who is available to assist them. There are also sexual harassment contact officers available throughout the Administration. Less formally, staff would be able to make a complaint to the supervisor or to the Head of ACT Administration. I think the most commonly overlooked course of action in cases of sexual harassment is for the matter to actually be discussed with the person who has been causing the offence. It is also still open to staff, I am told, to lodge a written complaint to the Human Rights and Equal Opportunity Commission at its head office in Sydney, so I would suggest that it might be most appropriate if staff were to take local action as a first course of action and to follow some of the steps that I have outlined.

Leader of the Opposition

MR COLLAERY: Mr Speaker, my question is directed to you as Speaker. Will you advise the Assembly whether the legal opinion concerning the election of a Leader of the Opposition has been received and, if not, when the opinion is likely to be received? I further ask you, Mr Speaker, whether you are aware that members of the Liberal Party are

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describing themselves variously as Deputy Leader of the Opposition, shadow Minister and shadow Attorney-General. Will you examine this aspect and issue a ruling that such titles not be used at least pending receipt of the legal opinion and after due consideration about the confusion that it is creating in the public mind?

MR SPEAKER: I will address that matter at this time. Firstly, I might state that I take umbrage at the inference made during a media interview with Mr Collaery that this issue has been conveniently swept aside. That is not the case. This issue has been pursued with vigour by me and by the Secretariat. As Mr Collaery is aware, the legal profession requires an intermediary solicitor to present our brief to the barrister who will offer an opinion on this matter. In an attempt to save the public purse, I requested the permission of the Chief Minister to use the Government Solicitor as an intermediary. Unfortunately, this process has resulted in an unacceptable delay, for which I apologise.

With the wisdom of hindsight, I would have taken the alternative course. However, I believe that approval has now been granted and that the issue can be actively investigated. I can assure Mr Collaery that all members of the Assembly desire to have this contentious issue resolved as quickly as possible and that I personally do not intend to allow this or any other matter raised on the floor of this Assembly to be swept aside.

With respect to a ruling on the use of titles by the members of the elected Opposition, I see my role as following the formal decision of the Assembly. The vote was taken, and until that vote is swept aside or confirmed I am bound by the standing orders to allow the use of that term "Leader of the Opposition". I might add, though, in the interests of collegiate style and conferencing between Mr Collaery's party and that of the Liberals, I have suggested to individual members that they may wish not to use the term "shadow Minister". I take your point, but I do again strongly put to you that this issue has not been swept aside and that as soon as possible it will be resolved.

TAFE Teachers

MR KAINE: To get down to a question of real concern to the community, I would like to ask the Minister for Industry, Employment and Education a question in terms of a recent media release from ACT TAFE which seemed to be an explanation for a shortage of teaching staff in the auto-electrical course. I ask the Minister: Is there a teacher shortage in the auto-electrical school of the ACT TAFE? If so, what is the Government doing to rectify it? Can the Minister give an assurance that the students will be able to finish the courses they have started in that school?

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MR WHALAN: The recent resignation of a teacher in the school of engineering at the institute has left the institute without full-time teaching staff for the stage 2 component of the auto-electrical course. At present TAFE does not have part-time teachers in this field. The industry has been fully briefed regarding the staff problems and has been asked to provide qualified personnel as part-time teachers, as a short-term measure. Further consultations between the institute and the Motor Traders Association are scheduled for this week, and it is hoped that the outcome of these consultations will lead to the production of a list of potential part-time teachers and the formulation of a strategy to continue training in the short term.

The teacher shortage affects only one stage of the three-stage course and it will not have a long-term effect on students in the study program. The institute is confident that in conjunction with the industry a solution will be found to the problem which will allow for the continuation of study at the level of knowledge and expertise students have come to expect.

ACT Cancer Society

MR MOORE: My question is directed to the Minister for Community Services and Health. Will the Minister explain how he is handling the ACT Cancer Society's request for larger premises, which was given to him in writing at the beginning of June?

MR BERRY: I will have to take that on notice and report back to the Assembly in due course.

MR MOORE: I have a supplementary question that might add some light to it and assist the Minister.

MR SPEAKER: Mr Moore, are you going to ask a question or make a statement? I believe that, when a Minister has declined to answer and says he will give you a written reply, a supplementary question really is out of order.

Government Legal Services

MR HUMPHRIES: My question is to the Chief Minister in her capacity as Treasurer and Attorney-General. Is it a fact that the Minister has established a Government Solicitor within her department to perform a range of legal functions throughout the Administration? Is it also a fact that the provision of legal services is being duplicated in the Community and Health Service by legal officers exclusive to that area? Does this situation result in the unnecessary and costly replication of resources and facilities such as

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the provision of two law libraries? How can the Government claim to be providing efficient and cost-effective administration when waste and duplication of this kind occur?

MS FOLLETT: Yes, it is a fact that a Government Solicitor's Office has been established under the ACT Government Solicitors Act 1989. That office will be performing a range of functions for the ACT Government, as is the normal case, and will be taking over in particular the work that had been done by the Australian Government Solicitor when this administration was under federal control. That is not an unusual step to have been taken. I think it is a perfectly proper course of action for the handling of Government Solicitor's work, particularly where it might involve litigation. I think that is quite reasonable.

I believe it is also true that there has been a small cell attached to the Community and Health Service which performed specialised legal tasks and that this cell performed work separately from the work the Australian Government Solicitor had done previously. It appears to me that there has been no duplication of the work of those two bodies, but I think it is quite legitimate for me to undertake to ensure that there is no duplication of effort, and I will certainly be asking for a report where there may be any overlap between those two bodies. As you say, it is essential that we operate a lean and efficient administration and, if there is overlap there, then that matter needs to be addressed. It is not clear that there is, but I am certainly willing to have a look at that.

MR HUMPHRIES: I ask a supplementary question. The Chief Minister referred to a small cell in the Community and Health Service. I understand that recently advertisements have been placed in the Canberra Times for principal legal officers, senior legal officers and legal officers within that cell. Can the Minister say how many members are proposed to be employed as lawyers within that small cell?

MS FOLLETT: No, I cannot say. I do not have that information with me at present, but I could certainly undertake to get advice on it and provide you with that information as soon as I can. But I have made it clear that I am not anxious to see any duplication or overlap in this legal area, and certainly not to see any overexpenditure on resources where that can be avoided. So given that that is my intention to have a fairly streamlined and efficient Government Solicitor service throughout the administration, I would like members to understand that that is well and truly my intention. Certainly I will get further information on what is in place in the Community and Health Service and, as I have said, will be looking to see whether there is any overlap there or any wastage of resources.

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Bruce Stadium

MR WOOD: I direct a question to the Deputy Chief Minister and refer to an item in today's press which suggests that Victorian Football League matches are to be conducted next year at Bruce Stadium. Can he assure us that this is correct?

MR WHALAN: This has caught me quite by surprise! The article in the sporting section of today's paper is quite interesting and of course it is very important in the context of the current discussion about the redevelopment of Bruce Stadium as a multipurpose sporting venue. It confirms what the Government has been saying, that with the redevelopment of the stadium it will become an attractive proposition for a whole range of activities - not only sporting activities, but other events.

The article in today's paper was quoting the president of the ACT Australian Football League, Alan Hird, who announced that it was likely that the VFL would play one Panasonic Cup match and possibly two premierships games at Bruce Stadium next season. The ACTAFL has recognised the potential use of Bruce Stadium for Australian rules football and indeed, in conference with me, sought assistance in securing the use of the stadium during the 1990 season.

Following discussions with Mr Hird, I subsequently met with the VFL executive commissioner, Mr Alan Schwab, who confirmed that the Bruce Stadium facility would be an ideal venue for Australian rules football. He was particularly impressed to learn of the seating capacity of 28,000 spectators.

In response to an invitation from me when I met Mr Schwab in Melbourne, Mr Schwab is coming to Canberra on 21 July. We will be briefing him on the redevelopment of the stadium, and he will be visiting the site. I think it is a wonderful precursor to what I think so many of us hope will eventually happen, which is that the ACT will participate in the VFL competition.

Bruce Stadium

MR JENSEN: I have a related question and it is to the Deputy Chief Minister and Minister for Industry, Employment and Education. In view of the decision by the Commonwealth Government to pass responsibility for the Bruce Stadium to the ratepayers of the ACT, can the Minister assure the house and the people of Tuggeranong that the spending of \$5.6m from the ACT budget, including loan funds, will not have any effect on the provision of support for the construction of much needed sporting facilities currently being proposed by sporting groups in the valley?

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MR WHALAN: I must express my gratitude for Mr Jensen's continuing interest in the redevelopment of Bruce Stadium as a multipurpose sporting venue. He has taken the trouble to come with us to Bruce Stadium to visit the establishment. We had a look at the stadium and the redevelopment proposals there, and also went across and detailed the changes which are going to be made to the warm-up track to accommodate athletics.

We have a wonderful opportunity with the redevelopment of the stadium as a multipurpose venue for sporting events. We note in today's paper the reference to VFL football. There are also firm indications by the ACT rugby union, which expects that it will wish to use it for at least two major functions next year and possibly more. ACT soccer has indicated - - -

Mr Jensen: I rise on a point of order, Mr Speaker. I did not ask the Deputy Chief Minister to give us a rehash of what was proposed in the redevelopment. I asked a specific question in relation to the provision of sporting facilities in Tuggeranong.

MR SPEAKER: The point is taken. Please be brief, Minister.

MR WHALAN: I understood the question to refer to the provision of sporting facilities generally in the ACT. I did not think it was confined to Tuggeranong, but I am pleased to see that at long last Mr Jensen has taken an interest in Tuggeranong. I will answer it in relation to sporting facilities generally. Just as we have given a high priority in our government structures to tourism, and we have taken steps to raise the profile of tourism, we have also given similar attention to sport. This Government recognises that in the ACT, out of a population of about 270,000 people, there are 115,000 registered sportspeople. That is an extraordinarily high proportion of the population. It does not include people who are engaged in social types of sporting activities.

Mr Collaery: I rise on a point of order, Mr Speaker. Question time is running out and, quite frankly, this is another speech by the Deputy Chief Minister. Is he going to do something for Tuggeranong or not? That was the question and it has not been answered.

MR SPEAKER: Please answer the question, Minister.

MR WHALAN: I have concluded, Mr Speaker.

Government Promotions

MR KAINE: I congratulate the Deputy Chief Minister on getting his free kick in on the VFL, which I support. My

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question is addressed to the Chief Minister and Treasurer. I refer to a couple of events that have taken place during the month of June. One was the launch of the ACTION Bus Book at the Hyatt Hotel, and the other was the launch of the publication Light at the End of the Tunnel, in relation to the first Schizophrenia Week, at the Hyatt Hotel. Does the Chief Minister and Treasurer believe that the Hyatt Hotel is an appropriate place to make these launches, in one case of a relatively routine book, specifically the ACTION Bus Book? Secondly, is this an indication that this champagne and caviar government is going to continue to have these launches at such a location?

MS FOLLETT: I take it that Mr Kaine's reference to the appropriateness of the Hyatt Hotel is not a reference to the service that might be provided there and not even to the heritage significance of the Hyatt Hotel, but rather perhaps to the cost of both of those official functions.

Mr Kaine: That would be a fair bet.

MS FOLLETT: If that is the question, I do not have specific information available to me on the cost of either of those launches, but I do undertake to obtain advice on that if that is what Mr Kaine requires. I do think, Mr Speaker, that it is quite legitimate for the Administration to make something of the launch of important pieces of information, such as the ACTION Bus Book and, in particular, the Light at the End of the Tunnel booklet. It is essential that the community should know about these resources and their availability. That usually involves some form of promotion and press and media attention to the event itself.

I support that kind of promotional activity by the Administration. I think it is appropriate and a quite legitimate part of the Administration's work. I also would support, as I am sure Mr Kaine would, the promotional work being done at a modest cost, at a reasonable cost, and certainly not in any way in a lavish or extravagant manner. So I will undertake to review the expense of those kinds of promotional activities, to perhaps review what alternative venues there might be for those launches and for other such promotional activities.

Incidence of Cancer

MR MOORE: Is the Minister for Community Services and Health aware that the incidence of cancer in the ACT is projected to increase by 44 per cent over the next five years and that even now the funding given to the ACT Cancer Society and its premises forces the society's staff to carry out interviews outside its building?

MR BERRY: No, I was not aware that the society was forced to carry out interviews outside its building, and I look forward to receiving any information from you on the issue.

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But in relation to treatment for cancer patients in the ACT, I would report that cancer patients in the ACT are able to commence their treatment within two weeks of diagnosis. I am advised that the waiting time is considered to be reasonable and is less than in other States. The projected 44 per cent increase in cancer patients has been reported to me, and I am aware that the Community and Health Service has anticipated that projected increase and has commenced plans to ensure that its services match the projected increase.

The service is in the first year of a five-year equipment replacement program and has sought an additional \$1.5m from the Commonwealth hospital enhancement program. I can assure you that I will be pressing my colleague Dr Blewett to make additional funding available in order to reduce the period of our equipment replacement program by two years. But in relation to the revelation of cancer sufferers being treated in some way outside premises, I would appreciate some further advice on that, and I would be happy to talk to you further about the matter.

MR MOORE: I ask a supplementary question. Are you aware then, considering that you are speaking of millions of dollars being put together by the Community and Health Service, that the ACT Cancer Society receives \$25,000 a year from the ACT Administration and, with that contribution by our Government, runs four staff and many others performing a fantastic service. Would you consider increasing that contribution and improving the premises?

MR BERRY: Yes.

ACT Agents Board

MRS NOLAN: My question is to the Chief Minister, and the question relates to the membership of the ACT Agents Board. Has the ACT Law Society recently been asked to nominate a member to the board? Did the Law Society renominate a person who has served on the board for several years and thereby built up considerable knowledge and understanding of the operations of the board? Is it the case that the nomination has not been accepted because the nominee is a man and the Chief Minister has expressed the view that a woman should be nominated by the society? Where does this leave other organisations entitled to nominate people to boards and statutory authorities? Will their nominees also be rejected if they do not meet the Chief Minister's gender requirements? Is this an indication of how future nominations to boards are going to be dealt with?

MR SPEAKER: I would like to comment again here that Ministers' answers will be brief, but I would ask members to ask reasonable questions. I do not know whether more than half of the question was understood by the Chief Minister.

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MS FOLLETT: Thank you, Mr Speaker. I would ask you to examine standing order 117, which makes clear that questions without notice are not supposed to contain argument. I believe that this one does. However, I am happy to answer it and say that the question of nominations for membership of the Agents Board has not been put to me. I have made no comment whatsoever on the membership or on any proposal to change that membership.

Civic Pool

MR JENSEN: Mr Speaker, my question is directed to the Minister for Housing and Urban Services. Can the Minister assure the people of Canberra that the Civic pool will reopen for the 1989-90 swimming season on the October long weekend, and what steps will be taken to extend the swimming season at the Civic pool?

MRS GRASSBY: As for it being open, the swimming pool at the moment is being examined for damage. Quite a considerable amount of money needs to be spent to have the pool put back into order. At the moment the Government is looking at this. A report on the situation the pool is in at the moment has not yet come to me, but as soon as it does I will be very happy to report to you on that.

MR JENSEN: I ask a supplementary question, Mr Speaker. In relation to the report that the Minister referred to, I presume she is referring to the Northrop report. If so, when will that be made available to the public?

MRS GRASSBY: That I cannot tell you at the moment, but the moment it comes due it will be made available to the house and to the public.

Bruce Stadium

MR STEFANIAK: My question is to the Deputy Chief Minister as Minister responsible for sport. In relation to the cost of the Bruce Stadium extravaganza, has the Minister considered the proposal to sell off part of Reid oval - that is, Rugby League Park - for medium density housing? If he has not, why does he not do so to pay for the move to Bruce?

MR WHALAN: The ACT rugby union has not approached us at all about doing anything with the oval. I am not quite sure what Mr Stefaniak means by "the move to Bruce". It is a vague sort of statement and it confuses me a bit. But, if the rugby union does approach us with some proposal about its existing facilities, naturally we would be only too happy to discuss any proposal.

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MR STEFANIAK: Perhaps I could say by way of a supplementary question or even an explanation - - -

MR SPEAKER: No, we will not have any explanation.

MR STEFANIAK: I think the Deputy Chief Minister is talking about a different oval. My question related to Reid oval, or Rugby League Park, Braddon, where there is a large area, part of which could be sold for medium density housing. I refer to Rugby League Park, Braddon - Reid oval, not Ainslie oval, which is Rugby Park and which is a different code.

MR SPEAKER: Order! Would you like to take that on notice, Deputy Chief Minister?

MR WHALAN: No. I think that Mr Stefaniak is confused. I do not know of any Reid oval and I do not know of any proposal to redevelop Reid oval.

Civic Pool

DR KINLOCH: My question is directed to the Minister for Housing and Urban Development. As a very brief preliminary, Mr Speaker, the Assembly congratulates the Minister on her lively, attractive, and appropriately daffodilic, spring-like costume. I need to say that because we are back with the Civic pool, and the Minister is surely a harbinger of a new swimming season. Can the Minister provide details of the budget allocation for the Civic pool in the next financial year? Is the Minister aware that the Civic pool could be turned into a profit-making concern by the erection of a dome to provide all year round swimming facilities which we all need, as has occurred at the North Sydney pool, and, if so, will the Minister initiate appropriate action?

MRS GRASSBY: I would like to take that question on notice. Because there is quite a lot involved in this, I would like to get back to you on it.

ACT Ambulance Service

MR BERRY: I would like to respond to a question raised by Mr Duby on 1 June concerning ambulance services. The question obviously arose out of concern for services to the community but also, I suspect, for services that might be called on by members in this place, given the amount of pressure which is imposed from time to time. I suspect that Mr Duby was concerned about the pressure which is sometimes placed on Ministers during this part of proceedings. The question requested my advice on the number of ACT Ambulance Service vehicles on call in the ACT. I was asked how this compared with other cities in

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Australia and whether there were there any proposals to upgrade the ACT Ambulance Service.

Mr Speaker, the ACT Ambulance Service operates a fleet of 14 ambulances, and they are utilised as follows: 10 fully equipped ambulances; three operational support vehicles; and one clinic patient minibus. There are four fully manned and equipped ambulances on duty at any time throughout each 24-hour, seven-day period.

To assist in meeting peak needs, the Ambulance Service is able to bring additional staff on duty on a recall basis and also to receive assistance from the New South Wales Ambulance Service stationed at Queanbeyan, which of course is only minutes away. Those strategies are rarely necessary and the service usually relies on the four fully manned ambulances over the 24-hour period.

In April 1989 there was a quality assurance review of the capacity of the service to effectively resuscitate and transport collapsed heart attack victims and it identified that the Ambulance Service's overall mean response time to assist these urgent cases was 8.2 minutes. This performance is better than the Australian metropolitan ambulance response standard, which is set at 10 minutes.

On those occasions when the Ambulance Service experiences a period of short-term excessive demand, it has well-developed procedures for classification of cases which ensure that the most serious cases are dealt with as a priority. It is neither physically nor economically possible for the Ambulance Service to guarantee a response time below 8.2 minutes to every emergency patient in every circumstance. However, the capacity of the Ambulance Service to respond promptly to demand is constantly monitored to ensure that its excellent record is maintained. There are no proposals to upgrade the Ambulance Service as it is considered to be already of a high standard.

HOURS OF MEETING

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

That the Assembly, at its rising, adjourn until tomorrow at 10.30 am.

OCCUPATIONAL HEALTH AND SAFETY BILL 1989 - SELECT COMMITTEE

Motion (by **Mr Whalan**), by leave, agreed to:

That paragraph (2) of the resolution of appointment of the Select Committee on the Occupational Health and

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Safety Bill 1989 be varied by omitting "27 June" and substituting "6 July".

SUPPLY BILL 1989-90

Debate resumed from 1 June, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR COLLAERY (3.14): Mr Speaker, the Residents Rally does not intend to oppose, and would not contemplate opposing, the Supply Bill. I say that at the outset. The Supply Bill 1989-90 is a provision to bring funds into the system essentially for five months. This Supply Bill, the first of this Government, is based upon a foundation document which was prepared before self-government. In that respect, and in all my comments, the Rally acknowledges that the Chief Minister was not the author of the foundation document. As such, the Rally does not intend to comment about this Supply Bill in the manner in which it might otherwise comment on the Bill as an avowed instrument of the ACT ALP election program, because we all know in honesty that both the budget and to a great extent the forward estimates are a fait accompli for this Chief Minister. But there is great scope within the appropriation process for the Chief Minister, who is responsible for finance, to ensure that the election promises of the ALP to ensure that there is a community based budgeting process do take place. In other words, this Supply Bill sets funds aside formally, as is required by law, but it does not in itself, so far as the Rally's understanding of the system goes, preclude this Chief Minister from moving the funds around within certain allocations and votes. To that extent the Chief Minister could reprioritise within funding allocations, and it is in that area that the Rally wishes to make specific pertinent comment in relation to this budget.

The first emphasis the Rally wishes to see in the drawing of the Appropriation Bills by the ACT Treasury is that the ACT Government acknowledges that the budget for this city-state must be community based, realistic, and improve the economic situation of the Territory. By way of introductory comments, a little more needs to be said about the general economic circumstances that the Territory finds itself in with self-government.

There are increasing and profound concerns in the housing sector - the private housing sector in particular - with interest rates, measures to combat which cannot simply be initiated in this Territory. But the Chief Minister is a Labor Chief Minister, close to the seat of power, at the seat of government, and we expect that the Chief Minister will adopt a very statesmanlike role in ensuring, since she is of the same political persuasion as the government on the other hill, that the very great concerns in the

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community about interest rates are taken into effect. After all, the Federal Treasurer of this country plunged the middle class in particular of this country into economic difficulty by deliberately ensuring that the flow of imports would be halted, according to his theory, by a restriction on the funds available and consequently by increasing interest rates.

At the moment, interest rates to come on shore for a lender are 18 to 19 per cent in this Territory. The bank having brought the funds in at 18 or 19 per cent needs to make a margin, and the essential issue is whether that margin is three or four points. The fact is that business is attempting to survive at the moment on interest rates at one-fifth. It is unprecedented and has not happened since the 1930s. Interest rates for unsecured overdraft funds for Canberra business retailers and the like are approaching 23.5 per cent today. That is an extraordinary situation. It is a situation that the Chief Minister and the Deputy Chief Minister must address very quickly in terms of the retail trading situation and the private sector problems in the ACT.

The Chief Minister has indicated that there are many good reasons why the private sector should be expanded in the ACT. It will contract and shopping centres will be emptied. There will be clear plate glass in every shopping centre in this Territory soon, unless the Chief Minister develops, with her Deputy Chief Minister, a proper policy of protection, some form of moratorium for retailers who are in difficulty merely over the supply of funds and high rents which have been forced on them to some extent by high interest rates paid by landlords who have borrowed to the margin.

Mr Speaker, the Supply Bill itself, in its first allocation, program community and health services, requires the Chief Minister to pay close attention to the calls during the election campaign by community groups for triennial funding at least. The Chief Minister is well aware that many hard-working community organisations are looking towards a responsive result from the framing of the Appropriation Bills.

Similarly, the allocation to health requires the Chief Minister to go ahead now with an expansion of community health centres, on the Rally's hypothesis, and for health to move into the suburbs at community base level - and that is not to avoid the very important issue surrounding the debate about the one principal hospital - but there must be an appropriation in due course under that supply heading that will attend to the promises during the election campaign.

Similarly, there needs to be a very careful assessment of the administrative structure pertaining to the Schools Authority itself. There needs to be, on the Rally's analysis, a very close examination and a forward plan prepared for the Schools Authority structure in the ACT.

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The Chief Minister herself has a personal interest in the program on arts and heritage within her department. Given the heavy focus on these issues at the present time, the Rally has no particular caveat to place upon the appropriation process, other than to indicate to the Chief Minister that she must resist glitzy calls upon funds for so-called arts activities by others who may be sitting with her across the Assembly.

The corporate management services of the Territory face a great challenge. In recent years the Board of Works in Melbourne has gone through a profound review, and similarly in Brisbane. It is time, Mr Speaker, that we moved away from a municipally based budget that functions on the basis of the roles of various public service branches.

The Appropriation Bill must contain and acknowledge the fact that the former Australian Public Service pyramidal structuring of this town has to cease and we must see a corporate strategy furthered in the ACT Administration. It is starting. It must be developed within this supply period, and aggressive moves must be made to ensure that the overlapping, the duplication, of functions which we revealed during question time are all brought to book and that there is a very close examination of the municipal service structure in this town.

One issue that concerns the Rally to a considerable extent, Mr Speaker, in this area is the duplication in the infrastructure services in this town. For example, we understand that ACTEW, the electricity and water authority, posts out 5,000 bills each day of the year to ACT residents, many of them on a suburb by suburb computer basis. What other instrumentalities in the ACT belonging to the ACT are posting out bills, how many forests are being cut down for this, when will we see examined the proposal for a central billing structure as modern corporations have developed elsewhere in the world, and will this reduce computer purchasing, usage, paper consumption, postal expenses and the rest?

Will these activities by the municipal services of Canberra also take account of levels of youth unemployment, for instance? Could the suburb by suburb billings not be carried out on a tender basis by letterbox droppers who could earn the funds which otherwise go to Australia Post?

Mr Wood: What; get all my bills at once?

MR COLLAERY: Well, you would be able to afford that. The law and justice allocation is very important and there have been increased calls for extra allocations to the Magistrates Court, a review of the present appointment to the Supreme Court in terms of numbers, and urgently required legislation, particularly in the mental health area. Funds must be allocated and appropriated in due course to those requirements.

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Mr Speaker, the Rally congratulates the ACT Electricity and Water Authority on the success it has had to date in obtaining and securing a corporate structure after the water functions were imposed upon an efficient electricity authority. The area of great innovation in this Territory, and an area that the Rally supports for proper appropriation in due course, is in the program of post-school education and training. The TAFE relationship with industry is exciting, it is very interesting, it is novel in some respects, but it does mean that further emphasis can be given not only by way of technology parks but towards education in other areas, particularly nurse and paramedical education. Of course, great discrimination in this country always prevents the development of paralegal diploma and qualification and paramedical diploma and qualification.

Many of you will not be aware that nurse trainees go from the TAFE college up the road a kilometre or so to Calvary to complete one of their daily courses, they come back down and they are not even on a set campus. The Chief Minister needs to examine the possibility of acknowledging the nurses for what they are - health professionals - and creating and appropriating funds to ensure that TAFE's exciting programs in terms of technology transfer and clean industry access to this city also extend to the creation of a paramedical school in this Territory and an examination of the appropriateness of ongoing medical postgraduate education in the Territory, so that our children who go out of this city to be educated, particularly in medicine, nursing and related areas, come back to live here to practise their professions. That is not happening at the present time. There must be funds allocated to encourage that.

Mr Speaker, land management is one of the pet subjects of the Rally. I will spare this Assembly from hearing it again, other than to say that it is most apparent that the Territory is very, very vulnerable at the moment to foreign ownership moves. Those of us in law practice know who is besieging our doors at the present time not only from interstate but from out of this country. There are significant purchases already taking place in this town and further purchases are most surely under way.

This town will undersell itself within the next budget period unless we look at the prospects of foreign ownership. A foreign ownership register is needed. It is not a xenophobic reaction by the Rally; it is a necessary requirement at an early stage of this administration, particularly in view of the economic climate.

Mr Speaker, the situation of rural licensees in this Territory is hardly ever alluded to by us city dwellers. There are many rural licensees living on properties from the boundaries of the ACT inwards, and some quite close to the city limits, who live from day to day or week to week

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on licences, some of which have not been renewed for years. They are only tacit occupants of the properties - in some cases properties those families formerly owned for generations.

The fact of the matter is that, with questions being raised as to whether we will get up to Gungahlin, it is hardly likely that we will get down to the remoter regions around and past Tharwa and other areas. Is it not time to properly assess and properly derive revenue from these areas? Is there not a capacity for a rural industry revival in some sections of the ACT? What funding can be provided for that? What will be this Government's interest in those people who live out in these areas, save for occasional calls from the land licensing branch of the City Administration. I call upon the Chief Minister at an early date to establish a register of licensees and to determine what their personal wishes are in respect of the land they are on.

In many cases soil erosion, fencing and other issues are not being attended to, but are being attended to at the cost of the infrastructure costs of this Territory. Our municipal services go out there and carry out these works because these people are not going to spend money on land they do not have an interest in.

That brings me to the situation of housing in the Territory. Clearly public housing is now another major force in the interests of young home owners. Clearly the Federal Government's allocation of \$310m from Loan Council funds towards housing throughout Australia with an ACT component was pathetic. Of course, it was seen as an election gambit by Mr Hawke; he was going to win votes out of that. Now it can be seen as a measure to stop the vast ills of the private housing program at mortgage belt levels. We would expect that the supply allocation and Appropriation Bill in the area of housing would ensure that innovative programs are developed to assist government tenants to secure deposits.

The Rally has spoken before about a system to ensure that there is a progressive equity participation in the Housing Trust tenancy area. An element of all Housing Trust rents could be raised to contain that and be assigned towards a deposit fund. After some period during which the tenants take care of the homes they know they will eventually own, the deposit has been earned on that progressive system of allocation between rent and deposit and there can be a purchase to some extent within confined boundaries of these government housing developments. Not only will they be government housing developments, but the Rally encourages joint venturism and joint participation in the development of public housing in the ACT.

Not many people are aware that the whole suburb of Gordon is now owned by one private developer, a company, the principal of which is Mr Alex Brinkmeyer. Stages 1 and 2

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originally were sold, and now the Rally understands that the other stage has been sold. The Rally does not have details and does qualify its comments in that respect, but the sale price of around \$3,000 per block reflects the need for the City Administration to look very carefully at seeing whether we can offer joint venturism and joint participation in developments in the ACT to ensure that housing on-site costs are kept as low as possible. The supply allocation, which should lead to an appropriation with proper explanations, will, the Rally hopes, recognise that housing will be a major initiative, the major necessary program of this Government.

In particular, an appropriation has to be made at an early date, in the Rally's judgment, to ensure that there is a widescale refinancing of many of the private owners who are in mortgage difficulty on their first purchase. There has always been a Housing Trust refinancing of persons who come within certain guidelines who are in financial difficulty, often on high interest rates that they cannot sustain.

We cannot have a flood of these people moving out of the mortgage belt into public housing. We should keep them in the homes they originally purchased, and we need to look at refinancing programs out of the Housing Trust budget. That needs to be used very early to allay the very great fears and the distress that you will see on the faces of those people, particularly the people who are going to these Interest Rate Revolt meetings.

It is of great concern to the Rally that there has not yet been a proper response by this Government to those gatherings. The call for Jack Lang's phoenix will only result in further problems in this Territory, unless the Chief Minister provides an early initiative in the way of refinancing for those people who are in difficulties at the moment.

Mr Speaker, the Rally's final comment in relation to the appropriations for Territory planning and for the Legislative Assembly is that we await the outcome of the full consultative processes which the Chief Minister has promised us. We are waiting to see far more detail given to the members of the Assembly, and we would hope that in contentious areas the Public Accounts Committee, the chairman of which is Mr Kaine, will look very carefully and professionally at the minutiae of the appropriation and expenditure aspects which will come downstream for further debate in this Assembly.

MR KAINE (Leader of the Opposition) (3.35): I was most interested in the Residents Rally's exposition of all of its policies over the last 15 minutes, but I had to wonder just what relativity they had to the document that is before us, which is specifically the Supply Bill. Discussions of the nature that Mr Collaery was alluding to and leading up to will be appropriate when we get to the budget, and that is another matter altogether. I

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understand that the indications are that there are still three months to go, but I would submit that most of his comments were irrelevant to the Supply Bill.

I also noted his error in assuming that this Supply Bill related to a five-month period. In fact, the explanatory notes that came with it indicate that it is for a six-month period. It is to some of those matters that I want to address myself today. I do not want to get into the detail of the Supply Bill, but I would reiterate Mr Collaery's undertaking that the Supply Bill will not be delayed or deferred by the Opposition.

The Supply Bill has only one purpose, and that is to ensure that until the budget is brought down, whenever that may be, the Administration has money available to it to carry on the business of government. It has no other purpose than that.

Given that that is the purpose of it, my first comment is that I am surprised at the fact that the Bill is for a six-month period. It is my understanding that the present indications are that the Government intends to bring down its budget in September. Traditionally, in government budgeting, when you know what your budget cycle is, when you know when your budget is going to be brought down, you provide sufficient allocation of money through your Supply Bill to keep the business of government going until the budget is brought down. Administratively, once the budget is brought down, there is a delay until the Treasurer can issue his warrant so that money is actually available to those that are to spend it. But even under the worst possible circumstance, given the smallness, the size, the scope of the ACT budget, I could not conceive that if we brought down the budget in September we would need a Supply Bill for any greater period than four months; and that would be the very outside. So given that the Government intends to bring its budget down in September, I have received no explanation, and I do not understand why the Supply Bill covers such a long period of time as six months.

The second matter that I want to allude to is the absolute incomprehensibility of the Supply Bill to most people. I have last year's budget before me. The Supply Bill, as I understand it, if it is a six months' Supply Bill, is supposed to be half of the achieved budget of this current fiscal year; that is the basis on which it is developed. But one would expect that, if that were the case, one would be able to take the Supply Bill, set it down alongside this year's budget and relate the items one to the other to see that in fact that is the case. But they are absolutely incapable of comparison.

The Supply Bill is in order of appropriation division under some most strange headings. In some cases we have under the heading "Office of City Management", "Division 090 - Program Transport and Works", and not far below it there is

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"Division 110, Program Public Transport". What the difference is between transport in 090 and public transport in 110 I have not the faintest idea. I have spent a good deal of my life in public accounting and accounting for public finance, developing budgets and being responsible for them, and it is simply impossible to set these two documents alongside each other and determine what the relationship is between the Supply Bill and the budget of the current year that is just ending.

It is further compounded because, if you take the three forward estimates that were published by the Government recently and put those down alongside the first two, you find that you have yet a different layout of the information. It is impossible even to move from the Supply Bill to the first year of the forward estimates which presumably will form the basis of the budget that is about to be brought down.

I would ask the Government to consider this matter in the interests of informing the community, and particularly as the Government has said that it is going to consult with the public and make sure that the public is happy about what it is doing. The public cannot even be intelligently consulted and can make no intelligent comment when you have got three documents moving from one year to the next, none of which can be related one to the other, and you simply cannot comprehend what any one of the three means.

The other comment that I would like to make in connection with the Supply Bill, and I think it is a point that Mr Collaery overlooked, is that this is not a statement of the Government's intention in terms of its expenditure programs. It is merely a short-term provision to make sure that the business of government can go ahead in the interregnum until the budget is brought down. It in no way reflects the priorities of the Government. It is merely a continuation of this year's budget into next year for a limited period of time.

So what I am looking for is the budget, because it is the budget that will turn this document into something comprehensible, I hope, and it is the budget to which Government policies will be applied to turn the first year of the three-year forward estimates into a statement of intent of what the Government intends to do and how it intends to spend the money. So it is the budget that is important, and that is why the budget should be brought down early in the year rather than late. That is why I find it difficult to understand why the Supply Bill, as I said before, is for a period of six months.

What the Government has done here is to say to the Administration, "Here is \$615m". It does not say that you must spend it in any particular way. It assumes that the money will continue to be spent in the same way as this year's budget has been spent. It reflects no change in government policy. It expresses no change in government

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priorities. I think perhaps that that was the matter that Mr Collaery was alluding to when he ran through the various elements of it and made some points about how he saw the budget developing.

I think it is important, first of all, as we move from one year to the next and from one budget through the Supply Bill, on to the forward estimates, on to the next year's budget, that they be documents that we can set down and relate one to the other. If I cannot understand them, then I guess there would be very few members of the public who would. As I said before, in terms of the community understanding of what the Government is trying to signal in its budgetary intentions, the document has no value at all. It might be great for the public servants who can now say, "Well, beauty, I had a hundred million last year and I am going to get another hundred million this year". If that is what it is about, stability and assurance for ACT public servants that they can continue the same expenditure programs and at the same rate that they have done in the past, that is fine, but I do not believe that that is what this document ought to be about.

I would plead with the Government to produce a set of documents that can be related one to the other, that are understandable, that are comprehensible to the people out there who want to know, "Are we going to be funded for our operations in this coming year?". This document tells them nothing about whether they are going to be funded or not and I do not think that that is satisfactory or acceptable.

However, what I am waiting for, Mr Speaker, is the budget because then we will know what the Government's intentions are and we will be able to see how the Government is applying its priorities to expenditure for the coming year. I only hope that by the time the budget is brought down the ACT Administration that is now going to be spending this money has not taken the bit between its teeth and committed the \$615m that this document is making available to it. Commitment is different from spending; once it is committed it must be spent, and once it is committed it cannot be taken back.

I think the Government is putting itself in a potentially difficult situation where the Administration elements and units that are going to be spending this money could commit it. By the time the budget is brought down it will leave the Government absolutely no flexibility in changing its priorities as compared to what they were last year - and they were not the Government's priorities last year; they were the Commonwealth Government's priorities. Perhaps bringing down a Supply Bill that runs for so long and allocates \$615m removes in some measure the Government's flexibility to implement some of the programs that it would like to implement, and perhaps it will eliminate some of the flexibility that we in opposition might have in influencing the Government to implement those projects that we would like to see implemented. I will conclude on that

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note, Mr Speaker. I would like the Government to clarify what its intentions are and I look forward to the budget so that we can really see what its priorities are.

MR WOOD (3.46): Mr Speaker, there is much that is happening in this Assembly that is historic, and I want to dwell on that word for a moment - with some trepidation, I suppose, in the presence of the learned historian who sits opposite me. This Supply Bill is the essential ingredient in our step to self-government. We are getting full control of our money.

It takes from our consolidated revenue the control of money - the expenditure of the money indicated. Clearly it is the end of an era of dependence. The final phase of that dependence was the operation in the last month or so of the trust account. That is about to finish, and indeed finishes on 30 June.

This, perhaps, is an appropriate occasion, considering its importance, to make a brief reference to the immense amount of effort that has been devoted in the last few years to putting our finances into an understandable form. You may recall in earlier years if you wanted to know what was being spent in the ACT you had to delve into this department and that, and somewhere else, and go all over the place trying to find out in total and in part what the expenditure and income patterns were for the ACT. The Deputy Chief Minister, who has had a heavy involvement, might remember how many departments we had to go into.

Mr Whalan: About 17.

MR WOOD: Seventeen or so. It was a very considerable effort, and it was also a very considerable effort to extract all that and put it into a single document, into a single form, into the ACT budget which was done for the first time in the financial year just ending. I want to pay some tribute to all those people in the bureaucracy, in both the ACT Administration and the Federal bureaucracy, who have had some role in doing that. It has been a very large task and it is one which we can now develop and appreciate as we take this on ourselves.

There has been another process occurring over recent years, one that has caused some hardship in the ACT, but an inevitable process and one about which I believe we cannot justly argue. That is the outcome of the Grants Commission's findings and the movement to put the Territory's financial arrangements into a line comparable with the States. That movement has been going on for some time, as we know, and it will continue.

The point I want to make is that that will continue regardless of the fact of self-government. I am not sure that every person in the broader community understands that that process is occurring. The Government faces the task of framing this year's budget and subsequent budgets in the

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knowledge that it is going to be harder and harder, that the flow of funds from the Federal Government is going to be less.

I want to state as loudly as I can, as I do everywhere I go, that this procedure is going to continue. It is better that it continues under self-government. It is much better that the Territory has the ability to decide how the changes are going to be made. It is much more desirable to do it that way than to have federal politicians on that hill over the lake making the decisions for us.

We have already had clear evidence of the importance of that political input. At the last Premiers Conference, the Chief Minister was able to negotiate a better deal, simply because the ACT had a political person there, and a very good one, I might say. Had that not been the case, we would this year be some \$22m worse off. That is an immediate bonus of self-government. If Ms Follett had not been able to sit down at the table with the Prime Minister of Australia and argue, there was no other person who could have done it. We would have lost that amount of money. So it is very important that the community in Canberra knows this. It is important, I believe, for the Assembly and its members to understand it. The Government certainly does. The Government, I know, is looking carefully at the budget that lies ahead. I trust that all members in this Assembly also realise that.

This debate on the Supply Bill is historically an occasion in parliament for members to get up and come out with a shopping list of wishes, run them out in front of the community, run them out in front of their electorates or wherever they may be in their own areas, and do a little bit of a job on showing people how keen they are to look after local interests. We cannot do that. We cannot simply use this occasion to trot out every little item we want something spent on, unless while we do so we can make suggestions to the Treasurer on compensating savings. That is already the theme I give to people in the community and the groups I meet in the community who argue a case for some very sound need. I say to them, "That's fine. Where would you recommend to the Government that it cuts expenditure?". The danger in this debate on supply, as we have seen already, is that we simply tick off a great long shopping list. That will not do.

The Government does have a task, as we now focus on the budget. The Supply Bill, historically and of necessity preceding the budget, gives us the chance to look ahead at that difficult option. In the ACT it has been compounded, as in all States of course, by the Federal Government's tight monetary policy.

Further in the ACT we have the problem of certain local conditions arising, a slowdown in growth with major building projects finishing, with a greater number of people coming onto employment markets, with difficulties in

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employment. Canberra trends are giving us particular difficulties. So it is not a bad idea to have the debate now and to focus on the difficulties that we face rather than to focus on all the nice little bits and pieces of shopping that we might want to do.

I conclude by saying that we should be responsible about what we say in this debate and in the broader community. Let us accept the need, in a short time, for the Government and for this Assembly to make hard decisions, but let us also be optimistic about what we can do in this Territory. The future, nevertheless, is great and I am sure we can do a great deal for the Territory in our leadership in this Assembly.

MR JENSEN (3.54): Mr Speaker, as already indicated by my colleague Mr Collaery, the Residents Rally clearly will be fully supporting the Government's Supply Bill, so my remarks really will be brief and relate to a few specific points. I note the comments by Mr Kaine about my colleague's reference to the fact that the Rally really was only taking an opportunity to seek to provide some indication to the Government as to where it would get support from the Rally in setting its budget agenda.

The Rally was seeking to ensure that the Government and the people were quite clear as to where we considered the Government emphasis should be placed. While we accept that it is up to the Chief Minister and her Government to decide priorities, at least they would be aware of where they would receive support from the Rally.

Like Mr Kaine, the Rally also calls on the Government to ensure that there is a relationship between the documentation, and I refer specifically to the forward estimates and the Supply Bills, to make sure that we are able to understand the documents that are put before us. It was with some difficulty, I might add, that the Rally sought to relate the two documents, and we thank the officers of the Treasury who were happy to assist the Rally in seeking to make more sense of those particular documents and relate them to the issues at hand.

Like Mr Kaine, we look forward to the next year's allocations, when I am sure the figures will be much easier to comprehend not only for the members of the Assembly but for the people who are keen to understand where their rates and taxes are to go. This also applies to business and industry, which need some indications as to where the cuts are likely to be made or where moneys will be allocated over and above existing facilities. That will enable them, Mr Speaker, to plan much more clearly and appropriately for the future.

I support the comments by Mr Wood about the historic importance of the Bill which we are now debating. I am particularly pleased to see that at long last we are in the process of making our own decisions on funding. However,

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Mr Speaker, this responsibility brings with it a clear need to ensure that we in the Territory are prudent managers of the funds that we are given to deal with.

However, in closing, Mr Speaker - and I said I would be brief - I note the need for prudent management of the funds that are provided, but it is important that we do not just cut for cutting's sake. It is very important that any cuts we make are able to be sustained and do not reduce the types of services that the people of the ACT need and deserve, the types of services that the people of the ACT expect when they pay their rates and other taxes and charges. I implore the Government when looking at this particular matter, when seeking to make appropriate changes to the budget and appropriate sacrifices in certain areas, to take this matter clearly into consideration.

MR DUBY (3.58): Mr Speaker, I am reassured to hear the comments by Mr Jensen that the Residents Rally does not regard the Supply Bill as simply the forerunner of the Appropriation Bills and the budget and that the comments made were not simply those of a shopping list, as Mr Wood suggested, in relation to the expenditures that they wanted to have brought about in the coming budget. Like every other group here, my party recognises that the Supply Bill is simply the housekeeping work required to enable funding for the Government until such time as the Appropriation Bills can be brought down.

I am pleased to note that the Government has said there will be extensive consultation prior to bringing forward the Appropriation Bills and that we will have ample opportunity to have input into that so that we can work very hard at having the appropriate steps taken to ensure that the programs that are dear to our hearts perhaps do receive funding then.

Like Mr Kaine, I was concerned in relation to the fact that the Supply Bill was for six months rather than the more traditional five, especially when the Government has announced that it is going to bring down a budget in September anyway. I figure it possibly thought, "Better safe than sorry", in terms of the delay that may occur in a house of this nature in getting the budget papers through. If there is a lot of consultation, and I can only assume there will be, I cannot see the need for that prudence.

Nevertheless, on that basis I simply say that this Bill will be supported by my party, as it will be by all the other parties in the house. We look forward to the budget Bills to do the full work of allocating expenditure in this Territory in the next financial year.

MS FOLLETT (Treasurer) (4.00), in reply: I thank all of the members who have spoken in the debate on the Supply Bill 1989-90 for their contribution to the debate and especially for their assurance that they will not delay or obstruct this Bill. As a number of speakers have said, it

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is a matter of routine - it is a housekeeping Bill - but it is essential that we obtain funds to continue government programs through to the end of the year. The Bill, of course, does just that; it represents a continuation of existing programs. It contains no new policy, and for that reason I think that some of the debate that we have heard would have been perhaps better delivered during the budget process.

Because so many speakers have raised issues of priorities in the budget and of difficulties with the budget, I would perhaps like to outline very briefly what kinds of consultative mechanisms are proposed for the budget. It is something that we have been through before, but it is a very important part of the Government's commitment to openness in government and to a consultative process that is all-embracing and a very meaningful arrangement.

As members know, we have to pass the Supply Bill in June; that is a routine matter. Towards the end of July, a broad budget strategy document will be produced, and I expect that that strategy will have a couple of separate items. One will be an outline of major initiatives, and that will be put up really as a catalyst for community consultation and a round of consultation on the eventual budget. The other aspect that might be put up at the end of July is an outline of what is proposed for the capital works program and some revenue measures.

The reason for that July statement is to establish consultation. Members know that this Government is committed to consultation on the budget, as it is on all other matters. So the July statement will ensure that there is a real basis for consultation, and we will be pursuing that quite vigorously. It is intended that the Government will be introducing the budget in September. That will represent the results of our consultation process and I hope, for that reason, that it will be a very effective budget that should not give too many difficulties to the Assembly.

That brings me to the next point, which a couple of speakers raised, which is the period of supply that is proposed in the Bill that is under debate. It is a six-month period, as opposed to the more usual five-month period. I should say two things about that. First of all, the six-month period is really just an attempt by the Government to err on the safe side. In other words, this is a very new assembly and this will be our first budget; we are all new in this Assembly and we have allowed an extra month for us to complete what has to be completed.

The other thing is if there is a period of supply remaining after the Appropriation Bill is passed that supply simply lapses. It is no great disaster, no great encumbrance; supply simply lapses. It might help if I were to run through with members what the Federal Government does about supply. It has a five-month period for supply - July to

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November - and its budget, of course, is brought down in August. After it has brought down its budget, it generally has a three-month period in which supply runs through and in which there is debate on the budget and so on while the Bills are passed.

What this Government is proposing is pretty much the same. With the budget being introduced in September and supply running through virtually to December, it is about the same three-month period. It gives us time to consider the budget and to get that Appropriation Bill through. So, it is no great departure from what is accepted practice in the ACT, I think.

Just one final point that I would like to make concerns Mr Kaine's and Mr Jensen's remarks about the comparability of documents in the financial area and the comprehensibility of those documents, I suppose. I take their comments very seriously indeed, and I think they are quite legitimate remarks to be made. If we are to succeed in getting Canberra people to understand better the financial arrangements here, if we are to succeed in getting a real consultative process going on the priorities and budget arrangements in the ACT, it is absolutely essential that people understand the documentation.

I accept the points that have been made on that. Members will, of course, be aware that this is the first pass at a budget in the ACT, that some documents have been prepared on a program basis and some on another basis, that there have been changes in the administrative arrangements orders during that period and so on. But I accept what has been said, and in the future we will certainly be attempting to make the documents as comparable and as readily understandable as possible. I thank the members for raising that point; it is a very important one, and one that I will be very happy to address.

So, again, Mr Speaker, I thank members for their contribution to the debate on the Supply Bill. I say again that it is a routine housekeeping matter which I do not think should trouble us greatly. It represents the continuation of government programs without any new policy proposals. I thank those members who have given an undertaking not to obstruct or delay its passage.

Question resolved in the affirmative.

Leave granted to dispense with the detail stage.

Bill agreed to.

MR SPEAKER: I might add that this is indeed an historic moment. This is the first Bill to be passed by this Assembly, and it has now become law.

Dr Kinloch: Mr Speaker, would it be in order - perhaps it would not be - to congratulate the Chief Minister and to note her very sober seventeenth century frugal costume.

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VOCATIONAL TRAINING BILL 1989

Debate resumed from 31 May 1989, on motion by **Mr Whalan**:

That this Bill be agreed to in principle.

DR KINLOCH (4.07): Mr Speaker, basically the Assembly should congratulate the drafters of this tidy-up Bill, the Vocational Training Bill 1989, which replaces a range of legislation, a whole series of Bills and amendments dating from 1936. In doing so I also thank the Minister for the explanatory memorandum. We are all new at this business. Again I echo Mr Wood's point about the historic activities in which we are all engaged day after day. This is the first time that I have had a responsibility to look at such a Bill and make such a comment. And I thank, indeed, the Minister's public service staff members for their careful and, may I stress, impartial briefing. I very much admired the way the Minister and his staff went about the business of introducing this Bill.

The Residents Rally supports almost all of the Bill in principle, especially the high commitment to vocational and apprentice training which we saw in the Minister's original presentation of the Bill. I would stress also that the Bill is splendidly free of sexism. In noting that, I also note that the Minister referred in particular to future constructive measures to assist girls and women, the disabled, migrants and other groups disadvantaged in access to training and employment.

I note in the Bill the excellent concern, a careful concern, for procedure concerning grievances. Here obviously apprentices or trainees or people beginning vocational employment can have a chance to raise any problems that might face them. I hope that will be very fully explained to them as a result of the Bill. There is also in the Bill a useful structure vis-a-vis committees, penalties and inspectors. Again I am grateful for the advice on that matter. I have drawn the attention of the Acting Clerk to a minor drafting error - quite a small matter - and he has noted that.

Another problem for me - it could be that it is a technicality only, but I would welcome some consideration of it - is clause 25(3) on page 10. I am not necessarily quarrelling with this; I just would welcome some explanation for the statement that "a person who is not a public servant shall not be appointed to be the Chief Executive". I am just wondering why the public at large should not be available to be appointed to that post. Perhaps that is a technical thing that needs to be explained.

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However, I have one substantial objection, and I ask the Assembly to turn to clause 16 on page 7. I will in due course move an amendment to this clause. We have successfully, to one degree or another, coped in recent years with discrimination - discrimination based on one's religious beliefs, one's gender and one's racial background. We have eliminated those things, at least in law, and I hope that we will eventually eliminate them in practice.

However, Mr Speaker, there is one pervasive area of discrimination which is already under scrutiny around the world, certainly in North America and Europe, and that is concerning one's age. I do not want to be speaking here merely out of a certain age cohort; I hope I am speaking for everyone present.

There is, it could be successfully argued, something innately discriminatory in eliminating people from the workplace based only on their age, but other factors are also at work. That is, I do not think anyone, just because he or she is 60 or 65, should be eliminated from a job anyway, but let us also consider some of the social factors.

I stress this because the Standing Committee on Social Policy of our Assembly is about to undertake an overall study of ageing in the ACT. I hope that our deliberations, within both the committee and the Assembly, and our eventual report will be models with a path breaking report, not only for the ACT but also for all Australians.

I obviously cannot presume to judge what our eventual conclusions might be, but I suspect that for the ACT some of the following factors will be highlighted. Firstly, the demographic structure at the moment is dramatically altering towards the more mature end of the age scale. There are more and more people in the ACT over 60, and that will increase dramatically.

Secondly, more people over 60 are remaining in the ACT - that is, our city has such an increasing appeal that those who might once have gone to Sydney, Melbourne, Brisbane, the Gold Coast or down to the coast are remaining here for all the splendid offerings that they have here as people in retirement or at the most mature end of their lives.

Thirdly, more people over 60 are migrating to the ACT. This is a new and extraordinary development. Once we were thought of as a society that did not have grandparents and great-grandparents. Increasingly, as people stay here, they import that particular age cohort.

Fourthly, and perhaps this is as significant as anything, more people are living longer and, even more importantly, they are in even better health, so that people in their sixties, seventies and, I hope, older are better and better able to continue to contribute to the work force. I would

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invite members of the Assembly to see what the situation is in Japan, for example, on this front. The degree to which the Japanese maintain people in the work force, being productive through their lives, is absolutely extraordinary and dramatic.

This, therefore, Mr Speaker, brings me to clause 16. I am absolutely sure that the Minister and his staff had no intention to discriminate against people over 65. No doubt this is the kind of clause that has appeared in legislation year after year for many, many years. But I hope that now we will truly be striking a blow for the greying people and the grey people in our community.

I want to stress that, as a special reason for this, these particular appointments under the Bill are not full-time public service appointments; these are the appointments to the board of 10. One is a full-time appointment - the director - but these appointments come from a range of constituencies, including the trade union movement, business and the public at large.

So there should be no statement to those constituencies such as, "You may not appoint anyone over 65". Furthermore, the kinds of skills needed on this board are broad as well as technical. We need areas of wisdom, of experience, on the board. Maturity is very much needed for this kind of organisation and institution. Often, in an age of early, voluntary retirement - may I stress "voluntary" - excellent people of great competence are in our community who have much to offer in the way of continuing public service.

I have no question at all that in every board, or institution, as we should have equity for men and women, so we should have equity for age groups. There is no doubt that those of us in our magnificently autumnal years may face health problems, but I would draw the attention of the Assembly to clause 21(1) of the Bill, which gives a chance to deal with that. Let us suppose, for the sake of argument, someone who is 73 and who had a stroke was not able to continue. Clause 21 (1) states:

The Minister may terminate the appointment of a member of the Authority for misbehaviour -

That is not that -

or physical or mental incapacity.

In other words, there is a chance under the Bill to say to someone who is incapacitated, and obviously incapacitated, "Thank you, friend, for your worthy service, but it is now time for that service to come to an end". In other words, the board would be protected by another clause in the Bill.

So, at this time, on behalf of the Rally, I certainly endorse what is essentially an excellent and practical Bill

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with great foresight, but I ask the Minister to eliminate clause 16. Mr Speaker, I am in your hands. I would welcome a chance to move an amendment to ask for the deletion of clause 16.

MR SPEAKER: Dr Kinloch, the amendment has been circulated, and we will investigate that in the detail stage of the Bill.

MR HUMPHRIES (4.17): Mr Speaker, the Vocational Training Bill 1989 is, apart from the Bill just carried a few moments ago, the first substantial piece of legislation to come before this Assembly. Although the Government might claim otherwise, I think it reflects the priorities of the Federal Government and its desire to see changes in this area more than necessarily those of this Government, but I am sure this Government endorses the principles behind it, and indeed, as I will go on to say in a few moments, so does the Opposition.

The Bill is laudable. It reflects the desire, according to the Deputy Chief Minister's presentation speech, "to modernise ACT provision for the administration of industry training and to bring the ACT into line with changes which have been made in most States in recent years".

That, of course, is a very important aim, but legislation such as this needs to go some way beyond that. It goes, of course, in its general object to the competitiveness of ACT industry specifically and of Australian industry in general. It goes to the establishment, Mr Speaker, of a work force which responds constantly and freely to the demands of a changing world.

Training, of course, is crucial to that kind of responsiveness. It is quite pointless having first-class equipment, first-class facilities, and a first-class working environment, if you like, without at the same time having workers who are proficient in the use of that equipment or who can properly utilise that environment.

Technological change is a challenge to almost every workplace in this country. As those of us who have been out in the work force know, changes occur rapidly, sometimes bewilderingly rapidly, and the necessity to keep up with those changes is quite enormous, particularly in some occupations. Unfortunately, the innate conservatism of our industrial system often militates against the technological flexibility which the ACT specifically and Australia in general so desperately need in order that we might retain our position at the cutting edge of international competitiveness.

So hopefully, Mr Speaker, there is a need, an urgent need, to update the law in this particular area concerning apprenticeships. The original Apprenticeship Act which this Bill repeals is a 1936 Act. It is more than 50 years old and many parts of it, I think, reflect that fact.

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The old Act reflects a system which is in need of some overhaul, and the new system which is underpinned by this Bill is certainly more flexible than the old Act, and we applaud that. But of course this is not an entirely novel approach. It is a reflection of the approach which has been taken in other States and also of course reflects a practice which has now been in force in this Territory I understand for some 18 months, since the beginning of last year. The system that this Bill seeks to legitimise has been in place now for some time and has been shown to work. It is now merely formalised in this Bill.

From what I have said, Mr Speaker, it will be obvious that the Opposition intends to support this Bill, but we have some reservations, and I will come to those in a moment. The Bill establishes the Vocational Training Authority, an authority consisting of 10 members. The powers or the functions given to the authority are quite broad. Clause 8 of the Bill sets out the range of functions for which the new authority is to have responsibility. As members can see, they are very wide. They cover such things as responsibility for planning and supervision of training in the Territory, training arrangements, the establishment of contracts and the terms of such contracts between employer and employee for training, the conduct of inquiries into specific questions relating to training in the Territory, and the promotion. I quote from paragraph (h) of subclause (8)(1). It says "to promote equity in access to training opportunities". I will come back to that in a moment.

It also provides for the authority to give advice to the Minister and also for the establishment of training advisory committees to deal with particular problems in particular areas. It goes without saying, I think, that much of what the authority does in that regard depends to some extent on the quality of those who are appointed to the authority. It has a very broad brief to supervise all aspects virtually of training in the Territory. I hope that the Government makes appointments to that permanent authority which reflect the need for that very broad overview and that the appointments therefore are in the nature more of technical expertise than of any other criterion.

As I have said, the authority consists of 10 members, of whom three are appointed by the Trades and Labour Council, three by employers, three by government and one is the ex officio appointment of the Director of TAFE. I note with some interest that the Trades and Labour Council of the Territory enjoys the privilege of appointing three persons to this authority, whereas employers are represented by three persons appointed by the Minister. I wonder whether there are not suitable bodies which could have the privilege, as the TLC has the privilege, of appointing members to this authority. I suppose it would be interesting to note how many workers of the Territory belong to unions which are affiliated with the Trades and

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Labour Council. I will not pursue that question at this stage, but I hope the Government thinks about that and decides whether that is an appropriate course of action for other Bills.

Mr Speaker, I want to raise briefly a couple of other points on this Bill. I have referred already to paragraph (h) of subclause (8)(1) which deals with the authority having the function to promote equity in access to training opportunities. It is interesting, Mr Speaker, that there is some difference of view perhaps from different sides of this chamber as to what equity means in relation to access to training opportunities. Certainly we have some indication of what the Government means by equity. I think it is true to say the Opposition would understand why the phrase "equity in access to training opportunities" is the complete equality, certainly as far as men and women are concerned, of access to those facilities.

In other words, a person who it is proposed should have access should be appointed to a training position, should enjoy a contract to be trained, and should enjoy that access with complete disregard to his or her sex. I sincerely hope that that is the approach that the Government seeks to take in this matter; I say that deliberately. It is a question not merely of what the authority might care to do or say on this area, but also of what the Government cares to impose by way of direction.

I refer the Assembly to clause 10, subclause (1) of the Bill which provides:

The Minister may, in writing, give the Authority directions in relation to the policy the Authority is to pursue in connection with the exercise of its powers or the performance of its functions.

Given what the Chief Minister has said on previous occasions about her preference for the appointment of women, I sincerely hope that we do not see an authority given by the relevant Minister to the authority that it is to pursue some course of action in the appointment of people to training positions which is at variance to what I have articulated as the interpretation we take of equity in access to training opportunities.

I, like Dr Kinloch, also share some concern about the age limit imposed under clause 16 of the Bill. I certainly agree that it is a little incongruous that the Bill should talk about equity and access and at the same time talk about restricting the capacity of a person over the age of 65 to sit on the authority.

I should point out this is not a question of imposing some restriction on a person to work. We are not talking about a person being able to hold some position of employment over the age of 65. This is a position on an authority. It is an advisory body in large part. I am sure that its

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work can be onerous on occasions, but it is the sort of position, it seems to me, that could easily be filled by a person who has retired from the work force.

I think it is most unfortunate that the Bill contemplates the disability of a person over the age of 65 sitting on that authority.

I come finally, Mr Speaker, to clause 21 of the Bill, which I was very curious to examine when I first read it. Clause 21, subclause (2) says:

- If an appointed member of the Authority -
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of those creditors; ...
- the Minister shall terminate the appointment of the member.

It is interesting indeed to note that the self-government legislation which establishes this Assembly, which provides for the election of members and the appointment of Ministers, does not contain a similar disability. It is curious that a person is disqualified from membership of the authority, whose positions, I would argue, are far less onerous and far less important than the responsibilities of a Minister, for example, by virtue of bankruptcy or some arrangement under the bankruptcy laws when members of the Government are not under that same disability. I would ask the Government to consider whether that is entirely congruous in the circumstances.

MS MAHER (4.28): Mr Speaker, I welcome the setting up of the Vocational Training Authority and I believe it will play an important role in promoting equal employment within the ACT community.

I refer to clause 8 of the Bill, which specifies that one of the functions of the Authority will be to promote equity in access to training opportunities. To achieve this equity in access the authority will be required to break down many of the barriers that impede employment opportunities for various disadvantaged groups within our community.

These groups include women, the physically disabled, the long-term unemployed and ethnic groups whose job opportunities are limited by deficient English language skills. Also, employment statistics on the ACT labour market show that women in general are segmented into a narrow range of occupations with low remuneration and career opportunities, as is found throughout the rest of Australia, and that women are underrepresented in the trade and key occupations such as computing and engineering.

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Although there are distinguished exceptions, women continue to be deterred from entering careers with science and technological prerequisites. These barriers that they must overcome stem from community attitudes. These attitudes have been instilled in us from an early age, going back to primary school level. I feel this is one area where we really have to start to work on attitudes within our schools. This is one reason why there are still very few girls taking up apprenticeships outside of hairdressing.

Although the situation is beginning to change slowly, the need to redress the situation has been recognised, and a very successful tradeswoman on the move project was conducted last year. The project, I believe, will be repeated this year, and I hope that it will encourage a larger number of girls to take up apprenticeships in non-traditional areas.

Another major source of disadvantage in access to employment is language deficiencies. 1990 has been named International Literacy Year, and the opportunity should not be missed for a concerted attack on the problem of illiteracy in the community. This would involve a concerted effort requiring collaboration by employees, unions, educational institutions and a range of bodies. I believe the ACT Education and Training Council has established an ACT coordinating committee to develop planning for the ACT activities in support of the objectives of the year.

I also feel it is important that girls should not be barred from access to career structures at various levels. The establishment of a vocational training authority will ensure that, through award restructuring, apprenticeships and traineeships, the entry level on the career ladder will extend from career entry to professional levels. The establishment of a vocational training authority will focus attention on equity objectives in access to employment and will contribute to the achievement of a just and humane society in the ACT.

MR WHALAN (Minister for Industry, Employment and Education) (4.33), in reply: Mr Speaker, the arrangement of officials during debates of this sort is particularly difficult when we are physically separated to this extent in communicating, and I would urge you that we reconsider a more appropriate arrangement. I suggest the more appropriate arrangement is that the Minister who is responsible for the legislation that is going through might temporarily occupy this table so that the table can be brought into a straight juxtaposition because, particularly when we go into the detail stage of debate, Ministers necessarily require some briefing throughout that process. I would like to discuss that further with you, Mr Speaker.

MR SPEAKER: I take your point, Minister. We have sought advice from the house on the hill. It seems to manage with a distance similar to this or greater in that area. With

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the facilities we have we might try to live with this in the first instance and, if it is unworkable, bring the members closer to the Ministers.

MR WHALAN: Could I seek the advice of the Opposition. I assume that we will deal with the amendment during the detailed discussion. I am still waiting for some information which will assist us in determining the Government's position in relation to the amendment.

MR KAINE: Just accept it, Paul. It will be all right. You will be 65 one of these days.

MR WHALAN: I am one of those in the chamber who is close to that age, and I note that Dr Kinloch might be closer to that age, so it might be suggested that he has a vested interest in it. The background to the age limitation relates to the desire of the Government to get the maximum benefits of being able to appoint people who are younger and possibly experiencing more current aspects of employment and vocational training practices. But we will consider that immediately and come back to you. Now that my fearless leader has arrived, I can indicate to Dr Kinloch that the Government will accept that amendment.

I would like to thank all those people who have participated in the debate as an indication of the expression of interest that has been shown in the question of vocational training. I would like to thank particularly Ms Maher for highlighting the question of the role of women in vocational training and the need to place greater emphasis on women. Members of the Assembly will be aware that our Government has a policy of affirmative action and we are committed to encouraging the expansion of the employment of women in some of the areas which have not been traditionally available to women in the work force, so this is rather a timely reminder of the Government's commitment in that particular area.

On the question of the trade union representation, we should like to emphasise that the Trades and Labour Council would not actually appoint people under the legislation. The appointments would be made by the Minister, and that should be kept in mind. The actual provision states that it is in consultation with the employees, being the TLC; the employers work through the relevant employer organisations.

In that representation there are three representatives from each of those sectors, the first being the government sector, and they are appointed following consultation. The appointments are made by the Minister after consultation. So we should have to be sure that we do not place the wrong emphasis on that particular proposal. I reserve other comments for when we move into the detailed discussion. I thank members for their interest.

Question resolved in the affirmative.

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Bill agreed to in principle.

Detail Stage

Clauses 1 to 15, by leave, taken together, and agreed to.

Clause 16 (Age limit).

DR KINLOCH: Mr Speaker, I move:

That clause 16 be omitted.

I do undertake not to be a beneficiary under that provision.

Motion agreed to - clause omitted.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

Sitting suspended from 4.44 to 8.00 pm

MEMBERS' ADVISERS

MR SPEAKER: Following my statement earlier today about the provision for ministerial advisers to be present in the chamber when legislation is being debated by the Assembly, Mr Humphries asked me to consider whether it would be possible to provide a similar facility for opposition members.

I recognise that it is the practice in the Commonwealth Parliament for seats to be made available for advisers to opposition parties. As I said earlier, there are severe limitations on space in this chamber, and I would have difficulty in agreeing to place additional seats on the opposition side of the chamber. However, I believe it is possible to meet the need identified by Mr Humphries by making available the small lounge area to be used by advisers to the members of the Liberal Party, the Residents Rally, the No Self Government Party and the Abolish Self Government Coalition. Access to the room would be through the adjoining meeting room.

As is the case with the ministerial advisers, this location is not completely satisfactory but I believe it is an acceptable solution in the circumstances.

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NATURE CONSERVATION (AMENDMENT) BILL 1989

Debate resumed from 31 May 1989, on motion by **Mrs Grassby**:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.03): I rise to speak for the first time as the Liberal Party's environment spokesman. I have inherited that role, of course, from Mr Lyle Dunne, who was our candidate during the election. Members will have noticed that is not the only thing I have inherited from Mr Dunne.

Mr Kaine: A trendy environmental spokesman.

MR HUMPHRIES: It is required dress. The Liberals welcome and support this legislation as a measure which will offer increased protection for wildlife in the ACT. The Bill seeks to amend the ACT Conservation Act which came into operation in 1982. The Bill, in essence, takes steps to protect migratory birds and their habitats, in line with an agreement signed last year between the Commonwealth and the People's Republic of China.

The Bill also amends the principal Act in a number of important ways. In particular, the Bill upgrades penalties to bring them in line with other States and closes some loopholes. It is significant that the agreement signed between the Commonwealth and China covered some 80 species of birds which migrate between our two countries. This agreement complements a similar agreement between the Commonwealth and Japan.

I note that the Federal Minister's statement announcing the agreement said that China and Australia had agreed to exchange research data and publications on migratory birds as well as undertake research programs and specific conservation measures, including establishing sanctuaries and preventing the importation of plants and animals which could be hazardous to the preservation of migratory birds.

I think members will not fail to observe that, in signing this agreement with Australia, China has provided somewhat greater protection for its migratory birds than it has in recent weeks provided to its own students.

As I understand it, the ACT is visited by just a few of these 80 species involved. Nevertheless, when it comes to matters of national significance, such as this agreement, I believe it is important that the ACT has uniform legislation which complements that of other States and Territories.

I am also pleased to see the Bill provide for tougher penalties for importing or exporting wildlife to or through the ACT without a licence or permit. As I understand it, this was an area where the ACT, in the past, has lagged behind other States and Territories. Mr Speaker, the

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Liberals welcome this legislation, and I will come later on to the question of amendments to that legislation.

I would like to take the opportunity to make some observations before that, however, about wildlife in the ACT. I have been saddened by the increasing number of cases of wildlife cruelty that have been occurring in the ACT in recent times. In May, 13 kangaroos were discovered at Kowen Forest. These kangaroos were brutally butchered, presumably for dog meat. Senior Constable Bob Cameron described the slaughter as the worst he has seen in his five years with the Australian Federal Police rural patrol. The kangaroos had been piled up in a grotesque heap and kangaroo foetuses had been ripped from their mothers' pouches and thrown about the forest floor.

The Kowen Forest overseer said that illegal shooting was common in the forest. The president of the ACT Wildlife Foundation, Mr Chris Cottam, from whom I have received a very useful letter on the subject of this Bill which I propose later on, with leave, to incorporate in Hansard, has said that the killing of the kangaroos was only one incident in a series of acts of cruelty against wildlife in the ACT. Mr Cottam's organisation, since Christmas, has cared for cockatoos with shotgun injuries, a magpie lark and a magpie which had been set on fire, an orphaned possum whose mother had been shot and a goshawk which had been shot.

The Wildlife Foundation has also recently come across some even more sickening cases of cruelty, including a platypus which had been killed with a shotgun and a wombat which had been found dying with stab wounds and severe head injuries. Mr Cottam said the wombat had been repeatedly bashed.

The Wildlife Foundation looks after some 550 native animals each year. Not all of them, of course, are injured or orphaned as a result of human activity, but one wonders how many cases of cruelty go undetected in the ACT's extensive forest and bushland areas.

It is for these reasons that I welcome the toughening of penalties for killing wildlife in the ACT, which this Bill provides. Under the principal Act, the penalty for killing wildlife such as kangaroos was a mere \$1,000 or six months gaol. The amendment Bill increases penalties to \$5,000 or imprisonment for two years for wildlife and \$10,000 or gaol for five years for animals which have special protection status.

I believe this is a significant step in the right direction. But, of course, the question is therefore begged: What good is it to increase penalties if we cannot catch the offenders? If offenders are to be deterred from slaughtering wildlife there must be an increased chance that they will be caught. As far as I am concerned, the people who are slaughtering and performing mindless acts of

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cruelty on our native animals are little better than child molesters.

This Government has got to square one, and I applaud it for that, but for it to complete the process it must come up with cost-effective ways of ensuring that offenders are brought to justice. I ask the Minister to review the policing arrangements for our rural areas to see whether they can increase the pressure on perpetration of crimes against our wildlife. I would like to quote briefly, Mr Speaker, from the letter to which I referred earlier from Mr Chris Cottam. He talks about clauses 7, 8 and 9 of the Bill, and he says:

It should be noted that many of the offenders -

He is talking here about those who destroy nests, in particular -

that we encounter are children. Therefore, are the pecuniary and imprisonment penalties imposed appropriate, or do the defence provisions of sections 24(3) and (4) provide an easy way out of prosecution for children who cannot be expected to have a reasonable understanding of the consequences of their action?

I endorse those comments. He goes on to say, in respect of clauses 8 and 9:

The Foundation welcomes the increased penalties as deterrents in these activities. Unfortunately, the effect is not as great as it could be because there are not enough resources in the Parks and Conservation Service to properly enforce this aspect of the legislation. We have seen the recent creation of an enforcement unit within the Service, but it does not have adequate resources to effectively investigate and prosecute breaches.

That is a matter of great concern. It is all very well, as I have said, for us to impose considerably heavier penalties, but if we cannot catch the offenders those penalties are fairly useless. Mr Speaker, wildlife also needs protection from feral animals, and I urge the Government to make sure the control of feral animals becomes a high priority. During the election campaign, the Liberals pledged to give higher priority to the control of feral animals, and I hope this Government follows the Liberal lead.

I would also like to add some comments, Mr Speaker, on the development of animal welfare legislation. I understand that presently a review of animal welfare legislation is taking place and that a report is expected to go before the Government later this year. It covers cruelty to animals and related subjects, such as codes of practice for animal experimentation. I look forward to that legislation coming

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before the Assembly, and I hope that the ACT can place itself in the forefront of animal welfare legislation in Australia.

The final matter to which I wish to draw the Assembly's attention is the general need for legislation of this nature. Australia could lose 250 plants and animal species in the next 10 years unless preservation plans are put into effect.

Many of those losses are due to loss of habitat. This is particularly true of bird species. Of the world's 10,000 known bird species, some 1,000 are threatened with extinction. In Australia, some 19 species of native vertebrates have become extinct, and a further 78 vertebrate species are now endangered. The same is true of plant species, with some 10 per cent of our native flora now in danger of extinction.

Protection of Australian flora is particularly important as 85 per cent of the 28,000 plant species in Australia are found nowhere else in the world. It is vital that the ACT plays its part in providing a sanctuary for bird and animal species. The Liberals believe that the ACT must play a leading role in nature conservation.

To this end, Mr Speaker, I welcome the Federal Government's long overdue initiative in October last year establishing an endangered species unit within the Australian Parks and Wildlife Service and an endangered species advisory committee. I certainly hope that that somewhat bureaucratic response is successful, at least in some small way, in countering the problem of endangered species.

Mr Speaker, I am happy to support the legislation and I hope the Minister will ensure conservation is a higher priority in this Government, as it certainly would be in our Liberal administration. On the question of amendments to the Bill, which I have foreshadowed already, I might indicate that, although the Opposition has no difficulties in general with the thrust of the legislation, it has some difficulties with particular aspects of the penalties relating to certain offences.

I draw one particular section to the attention of the Assembly as an example: proposed section 42, clause 23 of the Bill, provides that a person shall not pick a plant which has special protection status or which is wildlife growing on unleased land.

The penalty provided there can be as high as \$10,000 or imprisonment for five years or, in the case of unprotected plants, \$5,000 or imprisonment for two years, or both. I have to say, Mr Speaker, I find that penalty a little on the extreme side. I have also considered other penalties provided for in this legislation. I am not convinced that they are entirely appropriate, and I indicate at this stage that the Opposition will be moving that the detail stage of

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this Bill be adjourned to a date other than tonight so that we can consider the level of those penalties.

MR MOORE (8.13): These amendments to the Nature Conservation Act 1980, as my colleague Mr Humphries has said, are a result of an agreement between the Commonwealth and the People's Republic of China, reflecting China's warm attitude to the protection of migratory birds. I would like to endorse Mr Humphries' statement; we in the Residents Rally also wish it had exactly the same attitude to people.

The threatening of wildlife is rarely a direct threat, but the vast majority of the wildlife threat in Australia has been to the ecosystem. This amendment Bill deals with animals, plants, live fish, vertebrates and so on. What we see in this amendment Bill is a protection not only of those animals but also of the whole ecosystem. It is a warming thought that conservationists and their ideas about protection of the whole ecosystem have actually got through into the legislation form.

It is that ecosystem that we are trying to protect as well, and to protect it in conjunction with the protection of the migratory birds and the agreement with the People's Republic of China. I draw your attention to the explanatory memorandum to the Nature Conservation (Amendment) Bill. It states:

Wildlife in the Territory will be protected by a dual regulatory system. The Bill will amend the Act by providing that certain species of wildlife that are the subject of an Act of the Commonwealth, or of any convention, agreement or treaty entered into by the Commonwealth or are vulnerable or threatened with extinction may be given special protection status.

Now that has become the responsibility of people in the ACT. It is that special protection of wildlife that this amendment Bill seeks to carry out and, we believe, seeks to do it quite successfully. The conservator who is appointed under the Bill is given special control, special powers, to ensure that those species are appropriately protected, and protected in the whole sense of their environment, in their full environment.

For those people who find some difficulty with the powers of the conservator, I think it is important to note that this Assembly will have the final say. The declarations of the conservator on protected species will be subject to scrutiny by this Assembly. I think that is quite appropriate as part and parcel of this Assembly's requirements in looking after not only the people of Canberra but also the appropriate species of plants, animals, fish and so forth that live in our surrounding areas.

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The opportunity was also taken here to remove gender specific references. When I saw that comment in the explanatory memorandum, I thought, "Ah, so we're not going to see these animals referred to as dog and bitch", but of course it concerns wildlife, so I checked the references to doe and buck, but it turned out that it was a reference to he, she, et cetera, and that the gender specific references were to people, not animals at all.

Since we have seen in this Assembly tonight the appropriate attitude to ageism and appropriately non-prejudiced attitude to sexism, one cannot help wondering whether we will ever get to the stage where we have a non-prejudiced attitude to animalism.

We draw attention particularly to the exemptions to this Bill, which you will find on page 12, in proposed new section 63A(1)(d). There are, I note, exemptions for native people, which concerns how this Bill applies to people at Jervis Bay, but particularly as far as we in Canberra are concerned, I believe the Ngunawal people are in the process now of rebuilding their attitudes to their ancestors and their pride in their background.

For those people who may find some concerns about their ability to take advantage of protected wildlife and to hunt that wildlife, let me remind you that an attitude which is universal throughout the Aboriginal people is of being at one with the land and with its plants and animals. So we can rest assured that it is so much part and parcel of their lives that there will be no threat from those people because they are so much at one with their environment and their own ecosystem.

It therefore gives me pleasure to support the amendment Bill and to put the view that the Residents Rally is very keen to do what it can to protect these different species of wildlife throughout the ACT.

MR STEFANIAK (8.19): I would like to endorse the remarks made by my colleagues Mr Humphries and Mr Moore, and especially Mr Humphries' remarks in relation to penalties. I will come to them shortly. I would also like to agree with their comments that unfortunately in China at present animals appear to be more valuable than people.

As Mr Humphries said, in relation to the Nature Conservation (Amendment) Bill 1989 there are a couple of problems with some of the penalties, especially in relation to plants. As he was speaking it brought to mind another ordinance in force in this Territory which relates to cruelty to animals, the name of which I am attempting to obtain at present, under which the penalties are grossly inadequate.

This Bill will impose substantial penalties of up to \$10,000 and five years' imprisonment in relation to the killing of animals. The old Nature Conservation Ordinance

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1980 had penalties of \$1,000 or six months' imprisonment, but in relation to domestic animals there are penalties still in force under which there is a maximum fine of \$100 for cruelty. I think cruelty to animals, either in the wild or in a city like Canberra, is quite reprehensible. Animals are helpless creatures, and wanton cruelty and viciousness towards them are some of the most gutless acts I think man can do to other beings. It is totally indefensible, and substantial penalties should result.

I would encourage the Chief Minister and the Government to look as a matter of urgency to upgrading the penalties and indeed the powers which the RSPCA especially lacks in relation to the protection of domestic animals as well. I undertake to give the Chief Minister the name of the relevant ordinance which currently escapes me.

MR DUBY (8.22): Mr Speaker, when I first heard that the Nature Conservation (Amendment) Bill 1989 was about the protection of endangered species and then realised that it had the support of both the Labor and Liberal parties I thought to myself, "Here they go again", because there is no more endangered species in this Territory than those two respective parties. Having made a close examination of the Bill, I realise that it refers to wildlife and, Mr Speaker, I am pleased to support this Bill.

The environment - and the flora and fauna of the ACT - is one of our greatest assets. What other city in Australia can boast vast areas of natural bushland in the heart of the metropolis? Where else in Australia can we find kangaroos and a large array of birdlife in the middle of the inner city suburbs? But these assets which are a delight to all of us, I think, and to our increasing numbers of visitors to this city cannot be taken for granted. They need to be protected, and this Bill assists by improving the machinery for that protection.

The Bill will have the effect of bringing the Nature Conservation Act up to date. I believe it was in 1980 that it was first brought in, and obviously a number of matters need to be raised, in particular the matter of penalties. Not only will it update the Act but also it will present the ACT with an opportunity to demonstrate to its citizens and to the citizens of other States that we care about our unique flora and fauna and that we are serious about protecting it.

All parties, I believe, in the election campaign made strong commitments to the protection of the ACT environment, and this Bill should help us to honour those commitments. Apart from updating the Act, the Bill will have a number of other effects. As I said, it increases penalties for offences, and it closes off loopholes in the law so that the law in the ACT is similar to the law of the States and the Northern Territory. I believe it streamlines procedures for enforcing the Act, and that is to be welcomed.

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Its most powerful effects, however, under the amended Act are that the conservator will be empowered, or required even, to give special protection status to threatened and endangered species and to birds covered by the Australian Government's agreements with the governments of China and Japan. That means that the ACT has also ratified these international agreements in effect - agreements entered into by the Commonwealth - and I think that is quite an historic example of our preparedness to cooperate with the Commonwealth on nature conservation and environmental issues.

I believe these are issues of our time, and I believe we must stand ready to cooperate with other governments across boundaries in our search for solutions to these problems. Accordingly, I believe the Bill deserves support, and I commend it.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4 (Insertion)

MRS GRASSBY (Minister for Housing and Urban Services), by leave: I move:

Page 2, line 28, before "the protection", insert "in the case of the members of a species of migratory animal -".

Page 2, at the end of proposed section 16 add the following subsection:

""(3) In this section 'migratory animal' means a migratory animal that periodically or occasionally visits Australia, the Australian coastal sea or the sea over the continental shelf of Australia'.".

Mr Speaker, the Government has become aware of the need to clarify a small matter in this Bill. Clause 4 of the Bill inserted proposed new sections 16, 17 and 18 into the Act. Proposed section 16 introduces a special protection status for wildlife, Australian native animals and plants. This provision enables the conservator to provide a high level of protection status to animals or plants which require it, or an animal or plant which is threatened with extinction including the migratory birds covered by the Australian agreement with China and Japan.

One interpretation of proposed new section 16(1)(a) as drafted could require the conservator to provide this special status to any animal which was the subject of any

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Commonwealth Act. This is not the Government's intention, and the amendment as circulated will clarify the legislation. I move the adoption of the amendment as circulated.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5 (Amendment of heading).

Sitting suspended from 8.30 to 8.47 pm

Consideration resumed.

Clause 5 (Amendment of heading).

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Public Service

MR KAINE (Leader of the Opposition) (8.47): Mr Speaker, there is a matter on which I would like to say a few words on the adjournment debate in order to complete the record and make sure that the record, on a particular matter, is fair and represents both sides of the case. Members may recall that on 1 June, in connection with a discussion in the Assembly on the question of corruption and fraud, my colleague Mr Collaery made some comments in connection with a Mr Tony Hedley.

Mr Tony Hedley has taken the extract from the Hansard and has written to you, Mr Speaker, and has provided me with a copy of his response. I think it is incumbent on the members of the Assembly to note that Mr Hedley has made a response, and a response which, on the face of it, appears to be a reasonable one. Since he is unable to speak for himself on the floor of this house, I believe it is appropriate that his response should be incorporated into the Hansard so that the public record shows the statements made both for and against the particular case.

There are only a couple of matters that I will extract from his letter because I think that they are deserving of comment. One aspect to which he refers is the assertion that, in connection with a couple of leases that were

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amalgamated and then turned into a single lease with a 99-year tenure, no fee was paid for the extra term that was gained out of that conversion.

Mr Hedley makes it quite clear that in fact a fee was paid. He notes, first of all, that stamp duty of \$46,000, approximately, was paid on the transaction, that a betterment tax of nearly \$700,000 was paid and that, in addition, a further \$15,000 was paid to extend the terms of the crown lease for a fresh 99-year lease. So I think that he has attempted to set the record straight on that particular point.

In another matter, it was said that rents at a property at Thetis Court had gone up by 80 per cent since a certain purchase had been made by the corporation with which Mr Hedley is associated. He has produced evidence that suggests that the rental increases, since that purchase, have in fact been 27.6 per cent, not 80 per cent.

There are a number of points that are dealt with in this letter, as you would know, Mr Speaker. I mention those two only to draw out the fact that some of the statements made have, in my view, been adequately responded to. I would seek leave of the house to table this letter and have it incorporated in the Hansard. At the same time, Mr Collaery has written a further letter in this matter, and in fairness I seek leave also to table that letter and have it incorporated in the record so that there is a full and complete record of both sides of the case in this particular matter on the public record.

Leave granted.

Documents incorporated at appendix 1.

Public Service

MR COLLAERY (8.51): Mr Speaker, the first observation I would make is that this has been a very shrewd move by Mr Hedley because in granting this leave we have, in effect, made, prejudged and prevented, by way of the rules of evidence in most courts in this land, a full and proper examination of these issues. Privilege applies now in a certain way to this tabled document and, in effect, there will be legal ramifications flowing which the house on the hill would not contemplate allowing to happen through the tabling of this response.

In other words, this tabling has precluded probably, and has made it difficult for, any court of law at any time examining the matter properly. But in the interests of putting to rest the concerns that Mr Hedley has, the Residents Rally has agreed to the tabling, although we draw attention to the fact that this should not become a practice of this Assembly. Mr Speaker, the matters raised

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by Mr Hedley include an allegation - a scandalous allegation - and I will read it out:

I note that Mr Collaery did not specify in his speech that he has a direct pecuniary interest in rental levels at Thetis Court, in that Mr Collaery's legal practice is combined with another solicitor, Mr J.W. Constance, who leases office space at Thetis Court.

Mr Speaker, I seek leave to table my response to that scandalous, inaccurate - - -

Mr Kaine: I already have.

MR COLLAERY: You have tabled it?

Mr Kaine: Yes.

MR COLLAERY: I welcome the tabling of my response. My response indicates, Mr Speaker, that there is absolutely no substance whatsoever in that scandalous suggestion. There is no pecuniary interest whatsoever, at any time, in Mr Constance's rent arrangements with his landlord. My arrangement for combining and merging my law practice with Mr Constance was predicated on his moving from those premises; that was a very firm and very clear understanding I reached with Mr Constance. Mr Constance is in the United States, and I am unable to determine what his arrangements were with Mr Hedley's company in terms of rent. I have no idea what rent he was paying and no prospect of having any inside knowledge whatsoever as to what the arrangements were. Mr Hedley's suggestion is scandalous and improper and should not have been made.

The actual issues that Mr Hedley raises in his reply in fact further the concerns of the Rally. They amount to a series of admissions, and Mr Hedley as a trained lawyer should know what he has done; he has conceded a whole range of dealings as a senior official. There is an issue made of the wording in my extempore speech on this issue where I said that no betterment or no levy or no sum was paid in relation to the extension of a term for a fresh 99 years.

The fact is that the sum paid - the paltry sum paid - was based on 10 per cent of the unimproved capital value of the land. That arrangement was found later to be mistaken and represented a nominal payment, and that was the problem; no proper betterment was paid. The 10 per cent rule did not normally apply to commercial extensions, and that was the matter to which the Chief Minister referred when she said that there had been a mistake or some error in the past. If my words suggested that there had been no payment, what was intended to be expressed was that there had not been any adequate payment for that extended term.

With respect to the increase in rent levels, I stand by the suggestions made, and I note that Mr Hedley has to produce evidence from instant rents at the premises to justify his

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response. He is stating what advice he has received from his agents. It is a mere assertion; it is not backed up by evidence. Mr Speaker, I will finish quickly.

The situation in this Territory is that, when allegations are made of the nature made by me in this house, they are made after due inquiry, with due care, and if there is to be a suggestion that they be investigated it is proper that concerns raised by persons named be brought before a committee of privileges, where there can be evidence raised that privilege has been abused by one of the members of this house, or that those matters be referred for appropriate investigation, not that we use this tabling process in the Assembly to start a debate.

MR SPEAKER: Order! Mr Collaery's time has expired.

Question resolved in the affirmative.

Assembly adjourned at 8.56 pm

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Garbage Collection (Question No. 1)

Mr Stefaniak asked the Minister for Housing and Urban Services, upon notice, on 23 May 1989:

- (1) Is the Minister able to advise when big bins will be introduced into the Territory; if not, why not.

Mrs Grassby: The answer to the member's question is as follows:

- (1) Proposals have been made in the past for the introduction of big bins for domestic garbage collection. This is a matter which the Government would wish to consider carefully and obtain the views of the community.

There are many aspects to consider such as cost, impact on individual citizens, effect on recycling, et cetera, and big bins should therefore be looked at in the context of a total waste management strategy. I will be seeking the Assembly's agreement to refer the matter to the Conservation, Heritage and Environment Committee for consideration and advice.

Domestic Violence Act (Question No. 6)

Mr Wood asked the Attorney-General, upon notice, on 31 May 1989:

- (1) Have amendments to the Domestic Violence Act been prepared to encompass wider family and non-family situations; if so, what details are available.
- (2) Can these amendments be treated with priority.

Ms Follett: The answer to Mr Wood's question is as follows:

- (1) The Domestic Violence Act 1986 came into force on 1 October 1986. There was an undertaking that the Act would be reviewed within 12 months of its commencement. Comments on the operation of the Act were sought from interested bodies by the Commonwealth Attorney-General's Department about six months after it commenced operation.

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The comments received were referred to bodies associated with the operations under the Act. The views of the ACT Criminal Law Consultative Committee were also sought.

A number of amendments to the Act are being considered by an inter-agency working party which includes representatives of the ACT Administration, Commonwealth Attorney-General's Department, Australian Federal Police, ACT Legal Aid Office, Law Society, and the Domestic Violence Crisis Service. I understand that the suggested amendments include those broadening the scope of the Act to provide protection in an increased number of situations. I expect recommendations to be put to the Government shortly.

- (2) The priority of any amendments approved by the Government will be determined in the context of the Government's overall legislation program. I would expect such amendments to be given a high priority.

Bushfire Fighters

Mrs Grassby: On 1 June 1989 (Hansard, page 360) Mr Kaine asked the following question without notice:

My question is directed to the Chief Minister and Attorney-General. I refer her to the fact that all States and Territories in Australia, except the Australian Capital Territory, have legislation providing indemnity cover for bushfire fighters should legal action arise from their work in bushfire suppression. Since the volunteer bushfire brigade in Canberra plays such a major role in protecting the public, often at considerable sacrifice to the private lives of its members, will the Government review the current legislation with a view to rectifying this deficiency?

The Chief Minister and Attorney-General has asked me to reply on her behalf. The answer is as follows:

The matter is currently being reviewed and is regarded as high priority for legislative change.

Currently the Careless Use of Fire Act 1936 provides legal indemnity for damage that may be caused during wildfire suppression tasks but not for injury that may occur as a consequence of legitimate decisions made during an emergency situation.

The need for this type of legal cover has become more urgent following the spate of litigation that followed the devastating Ash Wednesday bushfires in Victoria and South Australia.

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The ACT, like many other State and Territory governments, places great reliance on the use of volunteers during these major bushfire events. Therefore it is necessary to ensure that we provide, and are seen to provide, maximum protection against unnecessary exposure to litigation and other such hardships if we are to maintain our volunteer fire fighting force.

The Careless Use of Fire Act 1936 is currently being reviewed as a matter of priority to provide adequate protection to voluntary bushfire fighters.