



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 August 1989

Thursday, 24 August 1989

Assembly business - precedence	1303
Police Offences (Amendment) Bill 1989 [No 2].....	1303
Planning, Development and Infrastructure - standing committee	1326
Day of next meeting	1327
Rates and Land Tax (Amendment) Bill 1989	1327
Sewerage Rates (Amendment) Bill 1989	1327
Water Rates (Amendment) Bill 1989	1327
Sewerage Rates (Amendment) Bill 1989	1333
Water Rates (Amendment) Bill 1989	1333
Assembly business - precedence	1333
Amalgamation of Tertiary Institutions - select committee	1333
Rules for questions	1336
Questions without notice:	
ACT budget	1337
Members' staff	1338
Business regulation review unit	1338
Public servants - relationship with the media	1339
High school fee	1340
Business enterprises	1341
Taxi vouchers	1343
Skateboards	1343
Road signs	1344
Public education night.....	1344
Vietnam memorial	1345
Toxic waste.....	1346
Canberra nature park.....	1346
Housing interest rates	1347
Food preparation	1348
ACT Public Hospital Redevelopment - steering committee (Ministerial statement)	1348
ACT Electricity and Water Authority - corporate plan 1989-93 (Ministerial statement) ...	1351
Suspension of standing and temporary orders.....	1353
Postponement of notices	1353
Abolish Self Government Coalition - staff budget allocation	1353
Motion for suspension of standing orders.....	1363
Suspension of standing and temporary orders	1364
Abolish Self Government Coalition - staff budget allocation.....	1365
Suspension of standing and temporary orders	1378
Abolish Self Government Coalition - staff budget allocation.....	1380
Suspension of standing and temporary orders.....	1380
Amalgamation of Tertiary Institutions - select committee	1381
Legislative Assembly (Members' Staff) Bi11 1989	1383

Adjournment:

Business of the Assembly.....	1384
Leadership of Residents Rally	1384
Business of the Assembly	1386
Assembly members' staff	1388
Assembly members' staff	1390
Use of question time	1392
Business of the Assembly	1393
Use of question time	1393
Seminar on Assembly procedures	1393
Preparation of legislation	1394
Business of the Assembly	1394

24 August 1989

Thursday, 24 August 1989

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

ASSEMBLY BUSINESS - PRECEDENCE

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

That order of the day No. 4, Assembly business, have precedence and be called on forthwith.

POLICE OFFENCES (AMENDMENT) BILL 1989 [No. 2]

Debate resumed from 22 August 1989, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MS FOLLETT (Chief Minister) (10.31): I would like to commence my remarks on the draft Bill by thanking members of the select committee for the work that they did in examining the Police Offences (Amendment) Bill 1989. They obviously undertook quite a range of consultations. I believe that was entirely necessary, as this issue is one which has generated a large degree of interest and, indeed, concern in the community.

The Government remains of the view that the legislation is still unnecessary, for two major reasons. Firstly, we consider that a police presence is still required to give effect to the move-on power. It is our view that a visible presence would in itself have the effect of deterring undesirable public behaviour, and that the proposed legislation will add very little to this.

Secondly, the circumstances in which the power to issue a direction can be exercised are the same as those constituting a breach of the peace under the common law. The police already have the powers to deal with breaches of the peace, including move-on and arrest powers. The Bill does not add to these powers. All it does is to make a person ignoring a direction liable to a specific penalty.

Generally speaking, however, the Government is pleased that the obvious civil liberties concerns that arise from the original proposal to grant police the power to move on persons neither involved in, nor suspected of, undesirable behaviour have largely been dealt with by the proposed Bill we have before us today.

24 August 1989

I note that the Bill provides that it is the person, and not just anybody who happens to be nearby, but the person, who is engaging in, or likely to engage in, violent conduct who is to be asked to move on. I think that is a significant move from the original drafting. Furthermore, the draft Bill provides for a reasonable excuse provision in defining the offence of failure to move on.

So we are pleased that the draft Bill has addressed many of the community's, and indeed our own, concerns about the original proposal, but the draft Bill as it is presented does contain a matter that is of some concern to the Government, and that is the provision of 24 hours of community service as a penalty. I think that it is probably fair to say that the select committee was not fully aware of the accepted sentencing policy on such matters. Community service orders are usually considered an alternative to a custodial sanction; they are not a soft option. As the Australian Law Reform Commission noted, in its recent report on sentencing, community service orders which are imposed where imprisonment was never a threat in the first place increase the number of people who are subject to a restriction of personal freedom, and their inappropriate use is hard to accept.

I understand that these considerations have been drawn to Mr Stefaniak's and Mr Collaery's attention and I trust that, as a result, there will be an amendment to the Bill to provide a fine as the only sanction under this legislation.

Mr Speaker, the select committee made a number of recommendations on matters associated with the enactment of move-on powers. They recommended, for instance, that I seek the cooperation of the Commonwealth Minister for Justice in making available the Australian Federal Police regional instructions governing the use of the powers prior to the passage of the legislation.

I would like to comment on that recommendation. Firstly, it is not appropriate for the police to prepare such guidelines before the Bill's passage. The charter for the police is to enforce and uphold the laws in force and not to consider how to enforce proposed laws. Secondly, if the legislation is passed and gazetted, I will ask the chief law officer to raise the issue with the assistant commissioner, ACT command, of the Australian Federal Police, and I will undertake to report back to the Assembly when I receive the advice in question.

If the Bill is passed, I will also ask the assistant commissioner to ensure that, each time a move-on direction is issued, the police officer is to prepare a full report of the circumstances, so that the operation of the provision can be closely monitored. On the other recommendations in the report, the Government will arrange consultation with relevant interest groups and I will be

24 August 1989

happy to make a statement to the Assembly on our position when that consultation is complete. Mr Speaker, I have also sent Mr Stefaniak some comments on his draft private member's Bill to amend the Liquor Act. I believe that, as for the Act we have here, consultation with affected groups, both private and business, is extremely necessary on that piece of legislation.

To sum up briefly, Mr Speaker, the Government is not totally convinced that this legislation is necessary. We are still concerned that such a power could have the undesirable effect of displacing unacceptable behaviour to less visible, but potentially more hazardous, places; and we remain of the view that such legislation can only deal, in certain cases, with the effect rather than the cause of undesirable public behaviour. We believe that the Social Policy Committee's examination of this wider issue will yield a more fruitful response. However, the Bill as now proposed narrows considerably the proposed power. The amended Bill appears to take account of those civil liberties considerations which the Government has been concerned about right from the outset.

In the circumstances, I urge members not to become complacent and think that this Bill will solve all the problems of public behaviour. We must realise that the causes are diverse and complex, and I hope that members will give as much time and attention to the Social Policy Committee's report as they have to this piece of legislation.

MR HUMPHRIES (10.38): Naturally, Mr Speaker, the Opposition will be supporting this Bill and is more than pleased that today sees the final attempt by the Assembly to address this very important problem - and, I might say, not before time. It has been an issue of great concern to us and it has been an issue of great concern to many people in the community. I need go no further than the opinion poll published in the Canberra Times last weekend to point out that there are many citizens of this city who could not be called, in any sense of the word, totalitarian or authoritarian, who are not interested in subverting the civil liberties which we have developed in this country and which we hold so precious, but who yet support the idea of giving our police powers of the kind that they possess in most other jurisdictions in this country in order to prevent the occurrence of street crime in a fashion which is acceptable to other communities; that is, to move people on who they believe may be in the process of committing, or about to commit, a crime, particularly a violent crime.

I am very pleased that this issue is being addressed today. I hope that this will be a major step forward in tackling a problem which is at the very heart of the insecurity of many people in this city. The measure is long overdue. It satisfies the need of the Assembly to address the declining sense of security of many people in this community. That declining sense of security is based not on some

24 August 1989

misapprehension, not on mere speculation or a lack of understanding of the problems of the city; it is based on reality. The fact is that crime in this community is rising and street crime is right in there rising with it. One need only point to statistics to prove just how dangerous the situation has become in some sections of this place.

Mr Speaker, the figures I have here relate to increases in certain categories of crime between the years 1985-86 and the years 1987-88 - I do not believe figures are available for the 1988-89 year as yet. They point up quite graphically, in some categories, the increases in crime that have occurred. This is particularly interesting set against categories of other sorts of crime, which in some cases have actually declined. Particular sorts of crime have increased. I am referring particularly to break and enter. Those offences have risen from 1,483 three years ago to 1,943 last year. That is an increase, over two years, of 31 per cent.

Motor vehicle thefts in this community have increased. I am talking here about Canberra, not about other places in Australia. Motor vehicle thefts have increased from 1,000 three years ago to 1,411 last year. That is particularly graphic when you consider that in the previous year, 1984-85, there were only 812 thefts. It has almost doubled in that period of four years.

Offences against public order have increased from 224 three years ago to 306 last year, an increase of 36.6 per cent. Malicious damage offences have risen from 2,276 to 2,707, an increase of 18 per cent. I am concerned about that, and I am concerned not just because it is reflected in increased insurance premiums and in increased costs picked up by this community to correct vandalism and to provide additional services to people who need to recover from losses caused by vandalism and things of that kind, but also because it results in an added sense of insecurity in the ordinary citizens of Canberra.

I am sure the Chief Minister and others in the Government have read newspaper reports in recent times about people who have been subjected to various kinds of attack in this community. I do not believe that those sorts of problems are uncontrollable; I do not believe that they can be excused as merely the symptoms of social problems, and therefore to be pardoned in some fashion. They are not to be pardoned; they are not to be tolerated; they are to be addressed; they are to be tackled in a responsible way. What more responsible way do we have at our disposal than to give police the power to take preventive measures? We are not talking here in principle about police officers dealing in a heavy-handed fashion with people and dragging them before the courts.

It is my hope that this Bill will not be used terribly extensively as a police power to bring people before the

24 August 1989

courts. I hope that we do not see many people before our courts charged with this offence. I rather hope that the police use this power frequently as a deterrent, as a threat to people, as a way of preventing crime from occurring in the first place.

The Chief Minister has referred to a number of things. She said that the Government believes that the underlying problems should be addressed, not just the symptoms of the problem. Of course, I applaud that sentiment; they must be addressed. But that does not excuse the Government, in the meantime, from doing anything about the symptoms of the problem. The symptoms themselves are serious; they are important; they should be addressed.

I have before me the letter that the Chief Minister wrote to the chairman of the Select Committee on the Police Offences (Amendment) Bill. In it she explains the Government's position very fully. Members will have seen that because it was circulated to all the members. She talks about the things that the Government would prefer as ways of dealing with the problems that have been addressed. She mentions that, rather than grant wide discretionary powers to police, the Government would prefer the opening of more youth centres; it would prefer measures to deal with homelessness, and to provide more training and employment opportunities.

Now, they are very good points to raise and I support them, but the question is what the Government is actually doing about these things. Has the Government opened any more youth centres? No. The Government has opened a centre that the previous Government paid for, but it has not actually put any new youth centres on line. It has not, as far as I am aware, created any spectacular new employment and training opportunities.

I believe that the measures that the Minister for Housing and Urban Services has been talking about with respect to youth homelessness are somewhat undercut by the other measures the Government has adopted in its budget to cut measures to combat youth homelessness, particularly cuts to the Galilee program. We have to ask ourselves whether the Government is actually addressing any of the underlying causes that it says are a reason not to pass this Bill. Quite clearly, it is not addressing those underlying causes. I think it is up to the Assembly to make sure that the problem is dealt with in some fashion, and I hope it will do so today by passing this Bill.

The other extraordinary thing, and the Chief Minister addressed this a moment ago when she spoke on this Bill, is that the Government believes that a visible presence by police would be an effective deterrent to street offences in Civic. I agree, and that has been proven to be the case - they would be an effective deterrent. But where is the money in the Government's budget for providing extra police? Where is the allocation? Have I missed something

24 August 1989

in the budget? I must have misread the budget. I did not see the page where it said that additional resources had been given to police to provide these kinds of services.

If the Government had shown its bona fides by producing some action on the very things it says are the underlying causes of these problems, I would be happy to accept that it was serious about tackling them. But it has not, and in my view, the only responsible course of action is for this Assembly to tackle the problem, at least at its symptom stage, by giving the police the power to prevent crime by moving people on in certain prescribed circumstances.

What I say should not be inferred to be support for some of the things that have come out as a result of amendments by the select committee. I am not particularly enthralled with the level of penalty in this Bill. I must say it would have to be the lowest such penalty provided for this kind of offence anywhere in Australia, and by comparison with other equivalent offences it would also have to be extremely low in terms of what other sorts of offences the police have the power to deal with at the present time. I wonder whether this would really constitute a very effective deterrent. But I am still confident we can achieve something with it, and as a result of that the Opposition will be supporting this Bill.

The claims of severity on the part of the Government are, I think, pretty hard to swallow when one considers that only a few weeks ago the Government unblushingly put forward a Bill amending the Nature Conservation Act to provide for penalties of \$10,000 or five years gaol for picking wildflowers. There was not a trace of their blushing in doing that and yet the idea of fining someone \$200 for failing to comply with a lawful police order sends the Government into gasps of horror. I think this Bill is entirely appropriate. The Opposition supports it and I hope the Assembly as a whole sees merit in giving the police the powers referred to here.

MR MOORE (10.48): Mr Speaker, it interests me particularly to follow Mr Humphries' speech, which seemed almost entirely irrelevant to the particular matter at hand. I think we should take this opportunity to point out to people that when the clock is going and it says we have 10 minutes we do not have to fill the 10 minutes. It is quite appropriate that, if a speech can be brief, we do not have to deal with car thefts and wildflowers and a budget, - matters that have absolutely no relevance to Canberra at all at the moment. In due time I am sure the Government will look at the police budget when it becomes part and parcel of it.

Mr Humphries: You would like to vote against this Bill, would you not?

MR MOORE: Let me draw attention to your comment on car thefts. How would a move-on power possibly apply to car

24 August 1989

thefts? Is a police officer going to come along and say, "Hello, I see you are about to steal a car. Well, you had better move on", and the thief gets in the car and drives off?

Mr Humphries: Are you voting yes or no to this Bill?

MR MOORE: Let me say that of course we are supporting the Bill and we are quite pleased to support it, but we do not need to go through those irrelevant areas.

Mr Humphries: No, you are not. You are not pleased to support this Bill. Let us be honest.

MR MOORE: I am quite pleased to support the Bill and the way it has now been - - -

Mr Humphries: We can see the twist marks on your arm where you had it forced up behind your back.

MR SPEAKER: Order!

MR MOORE: I hope this is all getting into Hansard.

Mr Humphries: Of course it is.

MR MOORE: The thing that is most important is the thing that ties up with this Bill and that is the Social Policy Committee. I hope that this Bill will fill a small gap while the Social Policy Committee finds the appropriate solutions. I agree with Mr Humphries that one of the main solutions will, I am sure, be that of police presence and ensuring that police presence is there, and in this, Mr Humphries, I am delighted to agree with you. Let me say one thing in supporting this Bill. The Residents Rally is going to give a warning and that warning is clear and categorical. If we hear of even one police officer abusing this power - even one police officer abusing this power - then we will move as quickly as possible at the very next sitting to remove the Bill.

It should be understood that we perceive this as being on a trial basis, as filling a gap, and we are very pleased with the fact that it concentrates particularly on violence and violent conduct. But the warning about our stance on the Bill still remains. In the meantime we are delighted to give support to Mr Stefaniak and his Bill.

MS MAHER (10.51): As a member of the committee, I will be supporting the Bill. I found, being on the committee, that a lot of things came up and that the Bill is not the solution to the problems that are out there in the street, that they go a lot deeper than just passing a Bill. But there were certain questions that we could not find answers to that needed to be looked at, and the answer that we came up with is the Bill that Mr Stefaniak is presenting.

24 August 1989

Mr Stefaniak has also put up an amendment to the Bill omitting the subclauses dealing with the community service order, and I will be supporting that amendment. I am glad to hear that the Government will be consulting with community groups with regard to this issue and that the Social Policy Committee is also looking into public behaviour.

It would be nice to think that maybe, at the end of that consultation and inquiry, this Bill would not need to be reinforced in two years' time, but whether that is practicable or a part of life is a different thing. I personally am very worried about the powers being abused and will be monitoring them very carefully. I hope to be fully informed for the next two years on who is charged with offences relating to the Bill.

I also hope that the recommendation dealing with the South Australian cautionary diversion program is also looked at because the attitudes of police and young people today need to be looked at and if possible improved; there is a big rift there. I would also like to see the program for education within the school system expanded. To end these comments I would just like to say it has been very good experience for me and we will be supporting it.

MR PROWSE (10.54): Mr Deputy Speaker, there are many who have spoken against this Bill. Comments have been made outside the Assembly suggesting that this Act will bring in new powers for the people and new powers for the police. That is not so. The police had these powers for years and they used them widely and wisely within the ACT. I cannot understand what the furore is about. It makes me cold to think that people are objecting and in doing so preventing the police from carrying out our wishes.

There are people within this community who are concerned for liberties, and I applaud that. We do not want to come down on the liberties of the public but we must curtail the liberties of the loutish element to protect the liberties of those citizens whom we are here to defend and whose wages we are being supported by. They pay the taxes. Let us remember that the majority of the public want to be free to walk in this society. There were comments made, during the debate on this issue and the public hearing, that one needs to be a psychologist to understand and to be a soothsayer to see into the future to know what is likely to happen to this poor helpless soul, this loutish person and his behaviour pattern. Absolute rubbish!

As parents, we all recognise when a child is about to misbehave. Unfortunately, it is in the genes and the hormones of young people to challenge authority. We have all done it, people on the other side of the house and myself. I can assure you I have had a kick in the tail when I was a teenager from a friendly policeman with a big boot. That did me no harm whatsoever. I was moved on - moved, anyway. That police have to be psychologists and

24 August 1989

soothsayers to do anything, as represented to us by ACTCOSS, is absolute rubbish. All they need is some common sense and good training and I suggest to you all that the police force in the ACT have both these attributes.

The centre of this debate concerns those louts in the community who are prepared to flaunt their misbehaviour in the face of police, now that it is common knowledge in the community that the move-on powers are no longer with them. I attended the Labor Club - I am not picking on the opposition or the people coming from different areas, it just happened to be the Labor Club that I was at at 2.30 in the morning - - -

Mr Kaine: Did you get moved on?

MR PROWSE: I did not get moved on, but what I was amazed to see was the friendly behaviour of the hundreds of young people who had been drinking. They were in a friendly frame of mind. They came over and they knew the young police constables by first name. They were all on good terms because the lout patrol is a permanent, established group and they go out every night and survey the scene. They are well known to these young people. As these friendly young people were jostling around and having good fun, out from the hall came two fellows who were aggressive drunks. What was the result?

The Chief Minister has suggested that the fact that these six-foot-six policemen were there, with friendly smiles, deterred these drunken, aggressive people - who were the same size, I might add. They were not little children. We are not talking about 12-year-olds here, we are talking about fellows who just get that way when they drink; and we know that happens in our community. They came out of the hall, and the young, friendly people appealed to the police to get these guys out of the way because they did not want to be jostled, they did not want torn dresses, and they did not want torn shirts, they wanted these fellows moved on.

The police moved towards them and asked them to move on. They got the "thumbs up" and were told that they could not be moved on, because the drunks knew that the police have no power to do so. I put it to the Chief Minister that in fact the presence of the police had no effect, because the people could not be arrested until they did something wrong. So they were asked to move on - "Just go home, fellows, go and have a cup of coffee, or whatever". They eventually did so because of the hue and cry from the general public there who asked them to move on. They moved on 100 yards down the road, the police turned round, and the next thing was that there was a battle going on with these fellows. They were then put in the back of a paddy-wagon. But the point is, they knew that they could not be forced to move on. So I put it to you that the police do need these powers.

24 August 1989

I will give you another example: There was a young fellow, about 13 years of age, at 3 o'clock in the morning, parked in a car near a well-known hang-out of homosexuals. The police pulled up and asked him to move on. The police were told they had no right to move him on. He was asked why he was there; he gave an excuse. They came back an hour later; he was still there; he gave another excuse. Here was this young fellow hanging around a well-known area and the police were trying to protect him. Eventually, he did move on after several attempts by the police, but they were given a hard time because they had no power to move him on. When they did get back to the station, the next day, the mother of this young person, who was only 13, complained.

The point is that here we have a case where the police were trying to protect that young person and the community and they had no power to do so. I put it to you that we have certain areas where this needs to be done. Again, I will just make the point that the liberties of the few are being compromised, but let us not forget the liberties of the many. Those liberties include the feeling of security and well-being when walking through the streets - common rights and privileges gained only by curtailing some individual behaviour patterns. And this has not changed over the centuries; this is nothing new. What I am saying is let us protect the majority from the minority.

We are seeing a highly organised reaction against this Bill by people of conscience who do not wish to see in force laws which are capable of abuse by the police; and it is a noble position. But let us ask the question again: Are we protecting the majority of the public? That is the question. Let us bite the bullet; let us support this Bill; let us support the people we depend on when we are in strife. We all call the police names at different times when we are picked up for speeding, or parking, or something like that. But whenever there is a problem of real concern within the community that affects us personally, we love the police support we get, and I think we should give them the support they so rightly deserve.

MR STEVENSON (11.03): I support Bill's Bill on "the Bill". I believe the Bill is about freedom, not the restriction of freedom. We all understand well that there are problems that occur from time to time, particularly in specific areas in Canberra. Most of us have spoken to police, most of us have spoken to citizens. I think most of us have spoken to young people, who indeed acknowledge that at times some of them cause problems, as some of us in this house may have done when we were younger - without naming any particular people.

If there is a problem, at the moment the police have two options. They can in effect do nothing, though they may try to do something, or they can arrest someone. It is important to look at the possibility of arrest. It should be very definitely for committing an offence. If it is a

24 August 1989

borderline issue, perhaps an arrest should not be made, but if the police have a concern, there may be occasions when an arrest is made. There is a better option. A better option is to tell someone to move on; that is of lesser degree than arresting someone. If there is a problem the courts can handle that. People have the right obviously in our society to bring up any concerns they have, if arrested, in the court, and have that matter fairly treated.

People have been mostly concerned about this Bill in its potential for being used politically. The exemptions under the Bill absolutely make that not a problem. It was indeed one of my concerns, because I know that we are all concerned about these things being used politically. We do not want that to happen.

Let us have a look at why Bill Stefaniak introduced the Bill. I have not the slightest doubt that Bill is concerned about the welfare, the safety and security of the people of Canberra. He has experience in this that a lot of people do not have. He was a prosecutor; he understands both sides of this matter. Let us have a look at the police in this matter. The police in Canberra do not want this power for personal gain, and I abhor any suggestion that that is the case. Canberrans are privileged to have a group of what I consider to be the best police that I have come across; and, as a policeman for eight years, I feel I am qualified to speak on the matter. I think we are in a very fortunate position.

The police concern, and I have spoken to many of them, is that they are able to protect the public. If they were not concerned about these things, they would avoid the issue, go nowhere near problems. But they are prepared to go, and on the public behalf put themselves, in many cases, at risk. They need our support. Most importantly, we are looking at this matter on behalf of the citizens of Canberra. They need the freedom to go about their business without being restricted by other people who would impose on that freedom. There should be no harassment of people; there should be no intimidation of people. And I have not the slightest doubt that the powers in this Bill will be safeguarded by the police in the ACT, as will the citizens in going about their business. I commend the Bill to this Assembly.

MR COLLAERY (11.08): Mr Speaker, this Bill was a watershed in the Residents Rally's relationship with the Labor Party, and I will come to that in a moment. The Bill originally presented is not what we have before us. I trust that in conveying news that this Bill is to be passed shortly, the ALP will circulate the Chief Minister's speech, because it was, to my knowledge, the first considered, reasoned statement on this issue to date, and I think my colleagues will agree with me. It was very welcome to hear the Chief Minister's endorsement of the issue, and I trust that this heralds a shift away from rhetoric and to factual discourse.

24 August 1989

Mr Speaker, the Bill is to have a trial for 24 months and the ACT police force, excellent as it is, is on trial for that term for this piece of legislation. I was last night at a Resident's Rally executive meeting - where I received no challenges, I might add, and I can speak for the present. A lawyer on the Residents Rally executive - I think there are four or five - an extremely experienced lawyer just back from Adelaide, informed me that, when he left the hotel he was staying in a couple of nights ago, there were a couple of policemen on foot patrol. He engaged them in conversation and asked them how the South Australian move-on thing was working, and they said, "We have strict instructions not to use it except in certain situations".

Also, they pointed out to my colleague from the Resident's Rally executive "no alcohol" signs in parts of Adelaide, signs that delineate certain areas where alcohol is not to be consumed at certain times - they have an annual road race there of some kind - and things like that. They are issues that are quite relevant to the development of the liquor amendments that are sorely needed in this town, and are also relevant to the hype that built itself around the move-on Bill, and hype it was.

I think the signal event of this debate was the proof that the committee system of this Assembly works. In short time, and without emotional debate or any fracas, a three-member committee got down to the matter, heard evidence and covered the field. Not one witness was able to satisfy me personally about the situation of a woman too frightened to leave a refuge because someone is hanging around in the street, against whom she is not prepared to get a restraining order. Many women in this community, even with their black eyes, will not get a restraining order against the perpetrator; they are frightened for their lives. I know those situations personally, from my law practice, and I have had a close relationship with one of those refuges.

I believe I asked every witness, or one of the other members did, how you would cover that situation. No-one came up with an answer. Therefore I draw the Assembly's attention to the words in the definitional clause, that "violent conduct" means violence to, or intimidation of, a person. The word "intimidation" in that circumstance should give the police sufficient power, which they have lacked to date, to tell that joker hanging around in the street to move on. But, truly, the word "violent" in effect qualifies the exercise of that power. The police would have to have some objective reason for believing that violence could result. When you have got a bruised woman and reported violence, you start to move into a situation where a constable has objective evidence. As a lawyer, who you cannot deny has been involved in civil liberties issues in this town for quite a few years, I am content to see how this works for the next 24 months.

24 August 1989

I was not in the chamber when my colleague Mr Moore spoke, but I assume he indicated to the house that we will move decisively if the guidelines of police issue are not satisfactory and if there is any misuse of this power. I believe my colleague Carmel Maher mirrors that viewpoint.

Mr Speaker, I beg, with respect, to differ with you on one point. There is a Jansenite theory that the individual can suffer for the sake of the majority. I have never subscribed to that theory. It goes back to my work internationally with refugees and the like. I do not believe that the police can ever justify taking action against an individual unless it is fair and equitable treatment that goes across the whole community. I say with respect, Mr Speaker, that the police cannot consider that we have taken a decision to sacrifice the odd individual where this power might be abused, for the sake of a wider good. The fact is that the police should never misuse this power and should never allow themselves to get into a situation where they could abuse it.

I personally will be monitoring this very carefully. On Monday of this week I went down to the Drug Referral Unit and spoke to a marvellous person there, Marion Watson. Her room overlooks Garema Place and I cannot think of a better watchtower to put up over this Bill than the window of the Drug Referral Unit and the very good antennae the women - particularly the women - servicing the community outlets and the outreach points in this town have. Certainly I will be personally monitoring through my own network which I have built up over the years how this Act is attended to. I trust the commissioner will read these comments in the Hansard.

Mr Speaker, the turning point in our relationship with the Australian Labor Party was a debate outside the Assembly after I had indicated to the Chief Minister that I would find a compromise in this situation and do my best to mediate on the widely differing views of the Liberal and Labor parties and attempt to bring in, in the interests of the community and harmony in the Assembly, a workable Bill which the Chief Minister has now conceded we have, subject to guarantees.

Instead, and after I indicated that we would not support the original Bill, a demonstration was put on outside here which led to a rapidly deteriorating relationship between the Rally and union elements that we never thought would exist. The prime mover in that, of course, was someone who is present in this Assembly now, and it was not the Chief Minister.

Mr Speaker, I trust that in future, when controversial legislation is introduced in this chamber, we will be allowed to have it dealt with in committee and be allowed to have reasoned debate before the issue is taken to the footpath - not that, coming from the footpath, as I do, I would in any way hold back that forum. The fact of the

24 August 1989

matter is, Mr Speaker, that when people write the history of this first Assembly they will note that a lot flowed that day, within minutes of that blow being dealt to the Rally.

We came into this chamber and something was afoot. That, of course, grievously wounded the Deputy Chief Minister and others. Events happened that afternoon that may well have been excused in other circumstances.

Mr Speaker, the two-year trial of this Act should allow the community to participate in the overview and the surveillance of the police use of the power. The police should take note that there is not, in any way, a fiat being given to them to move along people who look different and young people whose lifestyle is differing particularly. The police commissioner should note that the young people, above all, are wary of this power. I might add that my own children expressed that view unanimously, regrettably.

Finally, the committee proposes to debate further its recommendations to ensure that there is a reporting on the use of the Bill. As to the Chief Minister's comments about the community service order aspect, I of course agree with them. It was debated by Mr Stefaniak and me in committee, and we were aware that that argument could perhaps be taken. I applaud Mr Stefaniak for agreeing to the amendment.

MR KAINE (Leader of the Opposition) (11.18): Mr Speaker, I intend to be quite brief in my comments on this matter, and I do not intend to use up my 10 minutes just because it is there. I hope that the debate on this issue is now concluded, or almost concluded. I believe that it was a very simple Bill in the first place, that could have been put into place within five minutes of its being placed on the table in this house. It has been turned into a major issue; it has been misrepresented; it has been built up out of all proportion to what was intended; and it has developed into a lengthy debate over what was essentially a very simple issue - which almost everybody in this house now acknowledges. After all of this time, everybody is unanimous that this is a Bill aimed at protecting the minority out there who were being harassed by a bunch of louts. And that is all that it was about. We have put up with all of this delay, using the time of this Assembly over what I regard as an absolutely pointless and unproductive debate. Now I hope we are at the end of it.

Mr Speaker, now that we have got to this point of a Bill that has been agreed to - and in effect it is very little changed from the time that it was first placed on the table in this house - and now that we have finally agreed to put it into place, it disturbs me greatly to hear members of this Assembly saying that we are going to be watching the police. The implication is that that police force out there is somehow set on some subversive act and that we elected members of the Assembly have got to spend our time

24 August 1989

watching to make sure that they do not set a foot out of place. I submit, Mr Speaker, that that is ludicrous. It is not what we are here for, and it represents a view about the police force that is totally unjustified. It is not the place of this Assembly to set itself up as a force for surveillance over what the police force is doing.

When Mr Collaery was speaking, he raised this strange vision of Mr Collaery in the Drug Referral Centre, overlooking Garema Place, watching to make sure that the police do not do anything wrong. How stupid can you get? And I use the word advisedly, Mr Speaker. It is quite out of place and it is unnecessary. We should have avoided all of this unproductive debate weeks ago and put this Bill into place then. I hope, Mr Speaker, that the debate is concluded, I hope that we get on with it, and I hope the police are allowed to do the job which they are there for - to enforce the law and protect this community.

MR BERRY (Minister for Community Services and Health) (11.20): Mr Speaker, I rise to speak briefly too. Like the Leader of the Opposition, I will not use the 10 minutes just because it is there, but I will take up the time that is required to deal with a couple of issues that have been placed before the Assembly today which I think require response.

Mr Collaery talked about the Government's support for the Bill in his presentation to the Assembly, and I will just repeat what the Chief Minister said. The Government remains of the view that the legislation is unnecessary for two major reasons. First, a police presence is still required to give effect to the move-on power. It is our view that such visible police presence would in itself have the effect of deterring undesirable public behaviour, and the proposed legislation will have very little to do with this.

But I would also add that, contrary to what Mr Kaine has said, this is indicative that the Government supports the police in the performance of their duties. Secondly, the circumstances in which the power to issue a direction can be exercised are the same as those constituting a breach of the peace under common law. The police already have powers to deal with breaches of the peace, including move-on and arrest powers. The Bill does not add to these powers. All it does is to make a person ignoring a direction liable to a specific penalty. I think that clarifies the position in relation to the comments of Mr Collaery.

In relation to the development of the Bill, I must say that those people who gathered outside this Assembly and who participated in the committee process are to be congratulated, because I think what they have achieved, in the pressure that they exerted on the members of this Assembly, was the watering down of what was in the first place most draconian legislation. I think that the committee is to be congratulated for accepting the views of

24 August 1989

the people who made submissions to them, which sought to water down the draconian aspects of that legislation. I think it is a measure of what can be achieved by public action on matters of importance. It also might be an education for other political parties in this place in what public opinion really is. I will not go into that in any more detail, because of the obvious response that one might get in the future, because of a nervousness about grassroots politics.

I repeat what I said earlier in relation to the involvement of the community in this legislation. I think that the most important facet of the debate was that part of it in which the community sought to involve itself, and, as I said earlier, to water down the draconian aspects of the legislation as it was first presented to this place.

MR JENSEN (11.24): Mr Speaker, as a Tuggeranong resident and former member of the Tuggeranong Community Council, I am aware of the strong feeling in the valley that more powers are necessary to help reduce the level of, and potential for, street crime. However, I also believe that this feeling is not confined, of course, to Tuggeranong, and that much of middle Canberra is concerned to see the police being given the power to make the streets safer. The recent newspaper polls, if we believe newspaper polls, of course, show that clearly.

The real issue, however, is achieving a balance between the community's desire to preserve its sense of physical safety and also preserve civil liberties. In my closing remarks I will refer to a couple of factors in my own family to show how this matter may be difficult to resolve but can be resolved. The Rally is now happy that this balance can be maintained and is prepared to vote in favour of the Bill as it is to be amended.

However, once again I support the comments of my colleagues, Mr Collaery and Mr Moore, in relation to the need to keep a watching brief on the way that this particular Bill is put into place. I would suggest, Mr Speaker, that it is important that the two-year sunset clause that was put into the Bill is quite appropriate in this particular case, and I will come to the reasons why a little later on.

I think it is important that it is not, and never was, the proposal of the Residents Rally, as the Leader of the Liberal Party, Mr Kaine, has indicated, to sit and watch in some dictatorial fashion the way this particular Bill was going to be implemented by the police. That is clearly a ridiculous statement and one to be treated with whatever action is deemed appropriate.

Listening to the Chief Minister today, I think it was most interesting to hear her make the comments about how she was going to supervise and watch over the administration of the Bill. It sounds to me suspiciously like a bureaucratic

24 August 1989

means of fettering, which could make it unworkable. I urge the Chief Minister to administer the Act taking into account the spirit in which it has been drafted and the spirit in which it is being proposed. And that, Mr Speaker, is what the Residents Rally is also proposing to do, in the spirit in which it was drafted, particularly in relation to the need to monitor any sort of power that is being provided to our police force.

The Rally also fully supports the bipartisan acceptance of the need to consider the underlying problems that have resulted in this Bill being brought forward to the Assembly in the first place. We look forward to the Social Policy Committee's deliberations in examining this matter carefully. I also make the suggestion that to effect a major improvement in this area, that is, social behaviour, there will be a need for an increased police presence. However, I would also suggest that it is not just a matter of police presence in these areas but the way in which the police provide that presence.

It is important to ensure that there be an improvement in the relationship between the youth of our city and the police, and I am sure that when we in the ACT have control of the police, we will see that sufficient funds are provided to ensure that this form of community policing is fully established.

Let me turn for a moment to an issue raised by Mr Humphries. He referred to the need for places for young people of our city to gather safely. I noted with interest the other day - in fact it was a Monday or a Tuesday - when driving past the City Youth Centre at 6 o'clock in the evening, that it was in darkness. At 6 o'clock in the evening, a youth centre built at some considerable expense to the taxpayers of this country was in darkness. I encourage the Government to look carefully at the situation. There is not much point in having such facilities for our young people if they are not available to be used. It is a bit like having a casualty department in a hospital open only for a short period of time. I would suggest that it is very critical and it is very important that you look at it.

Mr Berry may think it is funny, but I suggest that, if you are going to spend money on those sorts of facilities, you make sure that they are utilised by the young people of this fair city of ours. I trust that Mr Berry will look carefully at this matter when looking at the current budget.

On that matter, Mr Speaker, I refer to another proposal, placed before both the Federal and ACT governments, to establish a joint user facility in the Tuggeranong Valley for judo club and gymnastics. In my discussions with these people, it became clear to me that this facility would remove the large waiting list they have for providing places for young people to gather and encourage them in

24 August 1989

healthy sporting activities. I have written to the Chief Minister on this issue, as well as the Federal Minister responsible for this area, to support this activity, and I trust that they will look at that with due interest and the nature of how it was put forward and why it was put forward. The activities of those two clubs are fully encouraged by all principals of all the schools and the colleges in the Tuggeranong Valley.

MR SPEAKER: Order! Please stick to the point, Mr Jensen.

MR JENSEN: Mr Speaker, in this particular case, I am referring to the need for these sorts of facilities to ensure that the young people of this town are given the opportunity not to have to gather on street corners and cause problems. I am referring to the matter in relation to the Social Policy Committee that will be looking at this action. I would think it was highly appropriate for the Government to be looking at these particular areas to help remove some of the problems.

In closing my remarks, Mr Speaker, I need to refer briefly to the attitude to this matter of members of my own family in much the same way Mr Collaery has done. My 19-year-old daughter believes it necessary for this legislation to be provided to protect her, as she has felt concerns at various stages, particularly when using public transport in this city. A couple of times, in fact, she has come to me very concerned, and this has resulted in complaints to the police and reports to the police in this particular area. I can understand her point of view and why she would be concerned.

However, on the other side of the coin, my teenage son was concerned about the Bill and the effect it may have on his freedom. However, I must return to my point, to my earlier commitment, about the need for the police force and our young people to get together. I look forward to the response of the Government to this particular issue.

MR DUBY (11.32): Mr Speaker, I was not going to speak to this motion today. I thought it was fairly well established what the view of the house was on this matter and there was no need to reiterate these points, but I felt I just had to get to my feet after the impassioned address by Mr Kaine, huffing and puffing about how this house has come to the conclusion that the original Bill that the Liberal Party proposed has finally now got the agreement of the house.

Mr Kaine, the Bill that was originally proposed by your party is as similar to this Bill as chalk is to cheese. I just want to make that point. The passage of this Bill represents a major defeat for the Liberal Party, and that is the bottom line. The Bill that you folk wanted to put up was, as has been described, draconian and was unacceptable to the community. This Bill is more to the point. It is more sensible and it is more libertarian.

24 August 1989

Mr Humphries: It is a compromise.

MR DUBY: It is not a compromise; it is a defeat for you lot. I am just pleased that it is about time it is recognised, with Mr Kaine huffing and puffing in front of the public gallery - he got a full house - saying, "Goodness, gracious, why didn't we support the Bill in the first place? We shouldn't have had all this committee work. We should have just accepted it meekly and mildly". The fact is we did not want it; we would not accept it. What we have got now is acceptable, and I support it.

DR KINLOCH (11.33): Mr Speaker, I would like to read a paragraph I wrote, thinking it might be helpful:

This has been a most interesting debate, and mainly a responsible debate. We are all aware of the new mood in the Assembly this morning and a happy absence of personal conflict.

I will now, alas, have to withdraw that particular paragraph, but there has been a quite enjoyable mood in the house. I think there have been a few odd remarks that perhaps enlivened us at this time of the morning.

I would like to welcome this Bill and welcome the ways in which the Bill protects civil liberties, and I speak as a member of a civil liberties association. We were worried about that in the first instance, and that is now protected. I do feel that some of the remarks made around the chamber were, unfortunately, attacked by other members, but I am quite sure that from this point on there will be no more such attacks in this debate.

MR STEFANIAK (11.35): I was actually rather interested in the outburst by my friend "Mr Five Per Cent" over there, just recently. Perhaps, understanding figures, one of the first things I should say is that the move-on power, the move to give police move-on powers, in whatever form, is supported by 70 per cent of the Canberra population. I think maybe that has had something to do with some of the attitudes which are expressed, somewhat latently perhaps, here today.

Firstly, Mr Speaker, I want to make a couple of comments in relation to what the Chief Minister and also Mr Berry, from the Labor Party, have said. Let me firstly say that I am gladdened by some of the remarks of the Chief Minister, who has, until today, consistently opposed any type of move-on power. I am not quite so sure after today and the remarks she made. She certainly appreciates figures very well, and that figure of 70 per cent support in that opinion poll must have struck home.

A number of speakers have spoken about concerns of youth in relation to this move-on power. During the debate, a lot of

24 August 1989

which was not terribly well informed, a lot of unreasonable, illogical and quite wrong fears were raised in relation to the issue of a move-on power. A move-on power in either form - either this form or in the original Bill - is a very simple piece of legislation; it is commonsense legislation.

Those concerns, I was very pleased to see, were not expressed in that opinion poll, where even amongst people under 25 some 58 per cent supported the police getting move-on powers and only some 32 per cent opposed it. In the older age group, the people less able to look after and protect themselves from louts in this city, 81 per cent supported the power and about nine per cent opposed it. Overall, 70 per cent supported it and only 25 per cent opposed the police getting move-on powers.

The Chief Minister raised two points, Mr Speaker. She stated that a police presence is still required to give effect to move-on powers. A police presence is certainly required and desirable in Canberra - you cannot beat a policeman on the beat. I think, as you, Mr Speaker, so ably said, there is not much point in police being there if they do not have power to do anything. And that is what this Bill is aimed at, giving police the power to nip potential trouble in the bud or, if they come across a scene a little bit too late, to ensure that further trouble does not occur.

When I brought in my original legislation, I referred to the death of young Grant Cameron at a school fete, where police were called twice as a result of youths fighting but were unable to move them on because they did not have the power. The third time they were called, a young man lay dead as a result.

Mr Speaker, the Chief Minister mentioned a second point. She said that circumstances such as breach of the peace are already there. Really that is what this is all about and that can be covered. Breach of the peace is enshrined, in fact, in the move-on legislation in South Australia. It was a clause which we took out of the initial Bill because of civil liberty fears. That was when Mr Collaery and I drafted the initial Bill. He dissociated himself from that as time went on. It was taken out.

In fact, Mr Collaery and I both noted, funnily enough, that in the Law Reform Commission's submission there was also legislation in relation to a breach of the peace and we felt that was not the best type of legislation. Powers in the event of a breach of the peace are theoretically available to the Australian Federal Police but have not been used since 1985. I do not have time to go into the legal reasons why, because they are quite detailed, but it is not really relevant to this type of legislation.

The Chief Minister mentioned that she was very pleased to see that this Bill was now restricted to "person" and not "any person". In the Bill I presented and then amended in

24 August 1989

the following week the reference to "or of another person" was taken out. It also included a subclause (3), which is still in this Bill, in relation to excluding demonstrations and pickets from this Bill, because it was never the intent that this legislation would cover demonstrations and pickets.

With those amendments, my original Bill was quite satisfactory and was in line with current legislation in South Australia, legislation which various Labor governments have been quite happy to use. I believe that was a far better Bill than this, which, although it covers most of the major problems, does not cover all problems that police may find themselves likely to encounter actually on the streets. It does, however, cover the major causes of concern, and they are groups of people fighting, violence, intimidation and damage to property.

So whilst this Bill is very much a result of a committee decision, it does basically still do the job. Accordingly, the bottom line is that we go along with it although it is not, I think, as effective as my old Bill with the amendments that I proposed for that.

Mr Speaker, there is one provision I will come to later on. I have moved an amendment in relation to the 24 hours community service. I might add that I felt my original penalty of \$1,000 or three months imprisonment, which is what they have in South Australia, was far more appropriate. I certainly am aware of what the Chief Minister has said in relation to community service being an alternative to imprisonment. However, it was a majority committee recommendation that that 24 hours go in there.

Mr Speaker, the Liberal Party, unlike many of the other parties in this Assembly, appreciates the work done by the Australian Federal Police and the Australian Capital Territory police force as it was before. This power, in a far more general form, in the Gaming and Betting Act was enforced in the ACT from the time of its inception until 1987, when it was taken out.

The committee did not have one instance of abuse of the power put before it. I have every confidence that the Australian Federal Police will exercise this power wisely, as they exercise the powers they have wisely 99.999 per cent of the time. We will be monitoring, as a party, the effect of this legislation. We will be seeing, in fact, if there are additional powers that the police need to make it work better; we will be monitoring what the courts say in relation to any hearing matters that come up in relation to looking at any ways of improving this legislation and will also be monitoring what various groups and individuals in the community have to say in relation to this legislation, to see whether in fact it should be and can be improved.

We are not very happy with the level of penalty. We also feel there is no need for the sunset clause. I think that

24 August 1989

is quite unnecessary. However, that is a majority committee recommendation. We feel this is essential, commonsense legislation. It will not solve all the problems of public behaviour. There are a number of underlying causes behind problems of public behaviour. There are a number of other things that need to be done in the criminal law area in Canberra to tidy up our act and make Canberra a safer place. But this piece of legislation is a good start to bring back some balance into the ACT system which is - and I am sure any victim of crime knows this - far too much in favour of the criminal.

Police powers have been whittled down over the years. This is a commonsense, sensible power they had which now is being given back to them in limited form, more limited than I would like. But still it is a step in the right direction. We will closely monitor it too to ensure that police are given any necessary powers they need to do their job properly. This is a start. I am hoping that the draft liquor amendment Bill, which I have sent out to a number of groups and individuals for consultation and comment - also I have received a letter from the Chief Minister and I hope to speak to her shortly on that - when that is finalised into an acceptable draft form, will be a further step to counter antisocial behaviour in our community.

I am pleased to see that the majority - and it seems quite a significant majority - of the Assembly are prepared to accept this Bill. It is not quite as strong as I would like to see it. We will keep monitoring it and will put forward any amendments in future to ensure that it is totally effective, but it is a step in the right direction and I commend it to the Assembly.

MR SPEAKER: The question now is: That this Bill be agreed to in principle. Those of that opinion say aye, to the contrary no; I think the ayes have it.

Mr Collaery: I call for a division, Mr Speaker. There were some noes across the chamber.

Mr Whalan: I take a point of order, Mr Speaker. I would like to draw the attention of Mr Collaery to standing order 155 and ask him whether he wishes to pursue his call.

Mr Collaery: Mr Speaker, I withdraw the proposal. It appears that I would have to vote with Mr Whalan and Mrs Grassby who clearly are in the minority. I would hate to join their company.

Question resolved in the affirmative.

Bill agreed to in principle.

24 August 1989

Detail Stage

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

Clause 3 (Insertion)

MR STEFANIAK (11.46): Mr Speaker, I seek leave to move two amendments together.

Leave granted.

MR STEFANIAK: I move:

Page 2 -

- (a) Omit proposed new subclauses 35(4) and (5); and
- (b) Proposed new subclause 35(6) omit:
"community service order' has the same meaning as in Part XVA of the Crimes Act;
'Crimes Act' means the Crimes Act, 1900 of the State of New South Wales in its
application to the Territory;".

I move these amendments as chairman of the committee. I have already made my comments in relation to what I would see as the best type of legislation. These amendments relate to the 24-hour community service provisions. Community service, Mr Speaker, is an alternative to prison and therefore it is common practice - indeed, it is the practice in this Territory as elsewhere in the Commonwealth of Australia - that there should be a term of imprisonment in the penalty section of legislation before community service is meant to operate.

Whilst the idea of 24 hours community service was probably a nice idea to the committee, I do not think this was fully appreciated. It has been pointed out and I think all three committee members agree with the recommendations of the Government lawyers that those subclauses should be deleted, so all reference to the 24 hours community service should be deleted. I have already made my comments known - I think \$200 is far too low. That would remain the penalty but the 24 hours community service parts would come out.

Amendments agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

24 August 1989

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Reference

MR KAINE (Leader of the Opposition) (11.49): Mr Speaker, I seek leave to move a motion to refer a matter to the Standing Committee on Planning, Development and Infrastructure.

Leave granted.

MR KAINE: I move:

That the redevelopment of the Canberra Times site be referred to the Standing Committee on Planning, Development and Infrastructure for consideration and report; and that the committee report by 28 September 1989.

Mr Speaker, yesterday we debated for an hour a matter of public importance which related to the Canberra Times site and the consequences of the decision that had been taken in connection with it. At the conclusion of that debate I moved a motion, the first part of which was that the Government should undertake to resolve the impasse in connection with this particular project and this particular site. That motion was unanimously supported by this Assembly. So it is clear that the Assembly would like an early decision made on an alternative course of action to see the redevelopment of that site proceed, and members accepted the urgency of having such a decision made.

Mr Speaker, in retrospect it occurs to me that there will no doubt be many sensitivities involved in making the decision how to proceed with that particular development, having regard to the fact that we have a decision by the Supreme Court in connection with it. I believe that it is unreasonable under those circumstances to put the onus entirely on the Government and entirely on the Labor Party, because that is how it will be perceived, to come forward with a proposal as to how that site might be now dealt with. It would be more appropriate for the matter to be dealt with in a multipartisan fashion. The planning committee is such a forum.

Any recommendation that the standing committee comes up with will then come back to this house, where it can be dealt with by the house in its entirety. I would hope, Mr Speaker, that in terms of the importance of this matter to this community, it would have bipartisan or even tripartisan support, or even achieve quintipartisan support, when it comes back. So that, essentially, is the basis for my motion, Mr Speaker. I would hope that it would have, as my motion had yesterday, unanimous support and that the standing committee can consider this matter and come back by 28 September, very quickly, with a recommendation as to what might be done, and have the matter resolved without further delay.

24 August 1989

MR MOORE (11.52): I would just like to add a very few words, Mr Speaker, because I think that this is an excellent motion that could ensure that the sort of rhetoric that we heard yesterday and that we have seen in the paper does not influence this decision but actually looks at the facts, looks at the real costs, looks at the employment opportunities and comes up with an appropriate solution that respects the decision of the Supreme Court.

Question resolved in the affirmative.

DAY OF NEXT MEETING

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

That the Assembly, at its rising, adjourn until Tuesday, 26 September 1989, unless the Speaker fixes an alternative day or hour of sitting on receipt of a request in writing from an absolute majority of members.

RATES AND LAND TAX (AMENDMENT) BILL 1989

[**COGNATE BILLS:**

SEWERAGE RATES (AMENDMENT) BILL 1989

WATER RATES (AMENDMENT) BILL 1989]

Debate resumed from 27 July 1989, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR SPEAKER: I understand that it is the wish of the Assembly to debate this order of the day concurrently with orders of the day Nos. 2 and 3. There being no objection, that is the course that we will follow.

MR KAINE (Leader of the Opposition) (11.54): Mr Speaker, we have three Bills here, the specific purpose of which is to enable the Government to collect rates in this current year. There are a couple of changes to the previous arrangements, and I think that they deserve some comment. Although we, on the Opposition side, are not opposed to the changes that are being made, I think that it needs to be brought to the attention of the Assembly and to the community at large that there are a couple of essential changes being made in the introduction of this legislation.

The first of those, Mr Speaker - and this will be of interest to those people who pay their rates on an instalment basis - is that, not this year but next year, the dates on which those payments become due will change. Instead of being paid in October, December, February and April, they will now be payable in August, November,

24 August 1989

February and May. For some of us, of course, it will not make any difference at all that those dates are changed, but those who have to budget carefully and make sure that they have the money to pay their rates will need to note that next year they will have to make their first payment two months earlier than they have done in the past or that they will be required to do this year.

The second essential change in this legislation is that there are discounts now being proposed for those who pay their rates on time and there are penalties for those who do not. I commend the Government on this particular initiative. I think for too long there has been little incentive for people to actually pay their rates when they fall due, or in some cases to pay them at all. I understand that there have been in the past quite significant backlogs in the collection of rates.

I think that this carrot and sword, if you like, whereby if they pay their rates early or on time they get a five per cent discount - and that applies from this year, not next - and if they do not pay their rates they become subject to a 20 per cent per year interest charge on their unpaid rates, is a very good move that should encourage people to pay their rates when they become due, as most of us do, and will discourage those people who drag their ball and chain at the expense of the rest of the community. So I believe that that is a good initiative.

I note also that the Rates and Land Tax (Amendment) Bill 1989, for the first time in the ACT, incorporates into the legislation itself the annual levels of rates that apply. It has not been done before. It has been done simply by ministerial determination. The Minister, having determined how much needed to be collected in rates, has had a look at his valuations register and has said, "In order to collect the necessary amount of dollars this year, we need to apply a rate of 1.125 per cent to the unimproved value of the land", and that has been done by ministerial determination.

We are now incorporating this into the Bill, and also in the case of land tax. I will be interested to see how that works out, because what that means is that each year, before the Government can proceed to collect its rates, it must now amend the Act, which has not previously been required. That means that its decisions to establish levels of rating will come under the scrutiny of the members of this house before they can be put into effect. So it should raise some interesting debate in future years about the levels of rates to be collected. The Minister, instead of being able to merely do it and argue later, is now going to have to argue beforehand, and I think that that could lead to some interesting debates on the question.

The only other comment that I would wish to make is that I note that, in putting forward these Bills, it is claimed that particularly this one on the general rate is revenue

24 August 1989

neutral, that the cost of the discount for early payers will exactly equal the extra revenue that comes from the late payers who have to incur interest. I very much doubt that there is such a fine balance between early payers and late payers, and I think that, with the incentive to pay, the Government may well find that they forgo their \$1.27m worth of revenue by way of discount and they may not attract any additional income from interest at all. So there is a potential cost to the budget of \$1.27m. I will be interested to see whether at the end of the year that \$1.27m has been taken advantage of by the community and whether we have in fact received any revenue from late payers, particularly when late payers, if they have a real problem financially and simply cannot afford to pay the rate, can seek a remedy and have a waiver of that. I am sure that they will find that that interest is waived.

So while bringing those salient points of the Bill to the attention of the community, I think that it is an initiative that the Government has to take. The other two Bills are simply amendments to water and sewerage rates which allow the collection by the ACT Electricity and Water authority rather than by the ACT Administration, and we have no objection to their being dealt with cognately.

MR JENSEN (12.00): I note with interest the Rates and Land Tax (Amendment) Bill provides for a five per cent discount, but it seems to me that that is going to benefit those comfortably off, who will pay early. In fact I noticed that the Chief Minister said in her presentation speech:

A five per cent discount compares favourably with the after tax benefit ratepayers would receive if they decided to continue to pay by instalments and invest the second, third and final instalment moneys until they were required to make a rates payment.

Might I respectfully suggest that there are quite a number of people out there who would have some difficulties in being able to find the money to invest in that sort of way. So I would suggest that maybe that needs a little bit of consideration, and the Chief Minister may consider reductions for the not so well off, those people who cannot afford it, in meeting each instalment date - say a 1.25 per cent reduction if they meet their instalment date on time, if they wish to pay by instalments. That is just something that she may wish to consider. (Quorum formed)

As I said, I wonder whether the Chief Minister may consider that as an option. I would suggest it is particularly important for those less well off and householders out there who cannot find the necessary funds to pay their first instalment when due, and I would suggest that that would provide a similar sort of encouragement to them to pay their rates on time.

24 August 1989

The other area that I noticed with interest was the remission power in relation to section 22AA of the Rates and Land Tax Act, where it says that the Minister may remit all or part of an amount of penalty payable by a person. I wonder whether there is some form of delegation provided for this, otherwise there is probably going to be a lot of clutter in the Minister's office if every case for remission has to go that far. I understand, in fact, that there is that provision for delegation, so that certainly solves that particular problem.

Now let me turn now to clause 16. I notice that the Government is very keen to take interest back from those who are recalcitrant payers, and the Rally has no objection to that because I think it is appropriate that those who decide not to fulfil their responsibilities to the rest of the taxpayers of this city should have to do so. However, I would suggest that the Chief Minister may consider some provision for repayment with interest to those who successfully challenge unimproved value determinants. It is something that she might like to consider and take that on board, because I suggest, if the Government is prepared to take it from one hand, it is probably appropriate that, when someone has appealed against his rates valuation and there may be some delay in that particular area, he also gets the benefit of that particular factor.

I now return to the Water Rates (Amendment) Bill and the Sewerage Rates (Amendment) Bill. Once again the Rally has no problems with the introduction of penalties for late payments, as it protects the operations of ACTEW's financial base by ensuring that services are paid for and, if they are not paid for, the unpaid amount attracts interest until paid. Also I note that penalties apply only to rates payable before 30 June 1988 and not paid before 16 October 1988. However, people currently in default have ample warning that continued failure to pay will incur additional costs.

The raising of penalties, however, does bring up a general issue. There is no standing penalty for non-payment of rates other than the interest, and I just wonder whether that is something that should be considered. I also note that interest is calculated on a monthly basis, even when any part of a month is involved. This, Mr Speaker, presumably gives ACTEW the capacity to charge a full month's interest after one day longer than an additional month. I trust that ACTEW will not be inflexible but I wonder whether the Assembly should be giving it the grounds on which to impose such inflexibility if it chooses. So I ask that the Chief Minister discuss it with her advisers in that particular area and ensure that there is some flexibility in this particular matter.

On that particular note, I close my contribution by saying that the Rally supports the Bills as put forward. However, we do also, like Mr Kaine, have some concern about the fact that we may be enshrining in legislation the rate, which

24 August 1989

may cause some problems in the future in this place, but time will tell.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 6, by leave, taken together, and agreed to.

Clause 7 (Unoccupied land - letting for non-payment of rates)

MS FOLLETT (Chief Minister) (12.08): I seek leave to move amendments 1 to 3 together.

Mr Kaine: On a point of order, Mr Speaker; I was not aware that there were any amendments to this Bill and I have no record of them. We have been speaking to a Bill in its original form. I was not aware of any amendments to it.

MR SPEAKER: Please resume your seat until we sort this out. I call the Chief Minister.

MS FOLLETT: I will again seek leave to move amendments 1 to 3 together.

MR SPEAKER: Is leave granted?

Mr Kaine: Yes.

MS FOLLETT: I move:

Page 3 -

- (a) Line 6, omit "penalty", substitute "interest";
- (b) Line 9, omit "penalty", substitute "interest"; and
- (c) Line 11, omit "penalty", substitute "interest".

Mr Speaker, the amendments are very minor. In fact, they are all identical. It is simply to substitute the word "interest" for the word "penalty" where that appears. It is merely to provide consistency in the wording of the Bill in relation to interest to be applied to unpaid rates and land tax.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 8 (Sale of land for non-payment of rates)

MS FOLLETT (Chief Minister) (12.10): I move:

Page 3, line 14, omit "penalty", substitute "interest".

24 August 1989

Amendment agreed to.

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10 (Insertion)

MS FOLLETT: (Chief Minister) (12.11): I seek leave to move two amendments together.

Leave granted.

MS FOLLETT: I move:

Page 4 -

(a) Line 5, omit "penalty", substitute "interest"; and

(b) Line 9, omit "penalty", substitute "interest".

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 11 to 15, by leave, taken together, and agreed to.

Clause 16 (Payment of rates pending application to vary determination).

MS FOLLETT (Chief Minister) (12.12): I move:

Page 5, line 3, omit "penalty", substitute "interest".

Amendment agreed to.

Clause, as amended, agreed to.

Clause 17 (Evidence)

MS FOLLETT (Chief Minister) (12.13): I seek leave to move amendments 7 and 8 together.

Leave granted.

MS FOLLETT: I move:

Page 5 -

(a) Line 7, omit "penalty", substitute "interest"; and

(b) Line 9, omit "penalty", substitute "interest".

Amendments agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

24 August 1989

SEWERAGE RATES (AMENDMENT) BILL 1989

Consideration resumed from 27 July 1989, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

WATER RATES (AMENDMENT) BILL 1989

Consideration resumed from 27 July 1989, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ASSEMBLY BUSINESS - PRECEDENCE

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

That order of the day No. 3, Assembly business, have precedence and be called on forthwith.

AMALGAMATION OF TERTIARY INSTITUTIONS - SELECT COMMITTEE Report

Debate resumed from 27 July 1989, on motion by **Dr Kinloch**:

That the recommendations be agreed to.

MR WHALAN (Minister for Industry, Employment and Education) (12.15): The Government welcomes the general thrusts of the report of the select committee on tertiary amalgamations. These are directed at resolving the present stalemate and uncertainty on the future of arrangements for higher education in the ACT, and provide a basis for the orderly development of higher education in the Territory.

24 August 1989

The Government welcomes in particular the recommendation of the committee that the Canberra CAE should be established as a university. This recommendation has the full endorsement of the Government, and I will be discussing this proposal with the Commonwealth Minister for Employment, Education and Training, with a view to the early establishment of the college as a university under sponsorship arrangements.

While the Government is in agreement with the main thrusts of the committee's report, there are two aspects on which we see the need to maintain the position the Government has taken in the best interests of the community and the institutions concerned. The first of these relates to the need for amalgamation of the ANU, the Canberra CAE and the Canberra Institute of the Arts to occur within a period of about three years.

While the report of the committee does not preclude this development, it is necessary in the interests of ACT higher education that this should occur on a proper basis. The Government, therefore, confirms its commitment to amalgamation as an objective to be achieved within a period of three years. The changed landscape of Australian higher education, with the emergence of large, comprehensive institutions, under the new unified national system arrangements in all States, means that ACT staff and students would be disadvantaged if similar developments did not occur in the ACT.

The second qualification relates to the committee's recommendation that the ANU and the Canberra Institute of the Arts move towards amalgamation under Commonwealth legislation. While the Government recognises that the Institute of the Arts needs to amalgamate with another institution, because of the Commonwealth's guidelines for the unified national system, the Institute also has significant educational relations with the Canberra College of Advanced Education and performs a vital role in ACT education and cultural life.

The Government, therefore, takes the view that the amalgamation of the institute with the ANU should not be finalised ahead of a general resolution of further arrangements for ACT higher education. Such resolution should cover the institute's relations with the proposed Canberra university. If amalgamation of the three institutions occurs, as the Government believes should happen, all relationships of the institute will be brought into a proper, formal basis and no legitimate interest will be disadvantaged.

The Institute of the Arts has an important contribution to make to ACT education and cultural life. This includes promotion of the arts in schools, the provision of recreational non-award courses for the community, and the general enhancement of the cultural life of Canberra through its music and art activities. The Government will

24 August 1989

therefore assist the further development of the institute in recognition of this important ACT role and it will be necessary to conclude an agreement with the institute covering its funding by the ACT Government. The ACT funding of the institute is significant, and in 1989 the institute will receive about \$3.8m from the ACT Government.

Apart from these two qualifications, the Government endorses all the other recommendations of the committee's report and regards the report as an important contribution to setting appropriate future directions for ACT higher education. This inquiry has been of considerable value in focusing the complex issues involved in balancing national and ACT interests, and those of students, staff, institutions and the community generally.

The Government welcomes, and strongly supports, the committee's recommendation that the ANU and the new Canberra university move toward formal and informal collaborative arrangements covering such matters as cooperation in teaching and research, credit transfers, student housing, libraries and computing facilities. Regardless of the outcome of the amalgamation proposed, it is essential to develop a more cooperative system of higher education in the Territory, and all sections will benefit from the pooling of resources and distinctive strengths.

I would like to hope that the Australian Defence Force Academy will also, over time, strengthen its relationships with other institutions in the Territory and that the collaborative arrangements will extend to the other sectors of ACT education, including TAFE. A start in this direction has been made with a recent articulation agreement covering credit transfers concluded between the Institute of TAFE and the Canberra College of Advanced Education.

The Government also endorses the committee's recommendation that the Institute of Advanced Studies and the Faculties move toward greater cooperation and collaboration. The graduate school concept affords one means of making the resources of the ANU research schools available for a larger number of postgraduate students, and this concept has considerable merit. Amalgamation would extend this benefit to even larger numbers of postgraduate students. I look for the development of productive interaction between ANU research and ACT industry development and will be examining ways of fostering such interaction which will benefit both sides.

The location of the ANU in the Territory provides one of the great strengths of ACT education, and the national and international recognition and standing of the university are of direct benefit to the ACT community in a number of ways. The ACT community will benefit directly from strengthening of the work of the ANU in ways such as that proposed by the committee.

24 August 1989

As a number of the recommendations of the select committee will take some time to achieve and some will be the responsibility of institutions themselves to take forward, the Government, for its part, will do all that it can to facilitate the general process of discussion and the resolution of issues envisaged by the conclusions and recommendations of the report.

The establishment of a Canberra university will be a most important step in this process, and the Government will do all that it can to achieve this objective. The Canberra CAE has, since its inception, served well the community and has been responsive to the needs of the community for higher education courses with an applied and vocational orientation. Colleges of advanced education, however, have now become an anachronism under the new unified national system arrangements. It is essential that the college should achieve university status at once if it is not to be disadvantaged, and this objective has the strong support of the ACT Government.

The committee's conclusion that sponsorship by an existing university would give an appropriate process for achieving university status has the support of the Government. I am delighted that progress has been made in negotiating such a sponsorship arrangement with Monash University and I have no doubt the two institutions will gain from the proposed links.

In conclusion, I would like to thank the members of the select committee for their important contribution to the question of determining the best future arrangements for ACT higher education. The Government is committed to the objective of strengthening higher education in the Territory and of developing close relationships between higher education and ACT social, economic and cultural development. The select committee report offers an appropriate framework for addressing a number of the key issues, and the Government will give careful consideration to the conclusions and recommendations of the report in developing its higher education policies.

Sitting suspended from 12.24 to 2.30 pm

MR SPEAKER: It being 2.30 pm, pursuant to temporary order 74, the debate on the question that the recommendations of the Select Committee on the Amalgamation of Tertiary Institutions be agreed to is interrupted and the resumption of the debate is made an order of the day for a later hour.

RULES FOR QUESTIONS

MR SPEAKER: At the end of question time yesterday the Leader of the Opposition raised a point of order about a question which had been directed by Mr Wood to the Chief Minister. The Leader of the Opposition asked whether the

24 August 1989

question was in order because it raised a matter which had been the subject of a debate in the Assembly the previous day.

Standing order 117 provides, inter alia, that questions shall not refer to debates that have taken place during that calendar year. In his introductory remarks Mr Wood made brief mention of the debate that had occurred the previous day and then proceeded to ask his question. I have considered the matter and I am satisfied that the question itself was in order.

Members are entitled to ask Ministers questions relating to public affairs with which the Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which the Minister is responsible. Therefore, it would be quite common for questions over a period of sitting days or weeks to refer to issues of current interest which may have been considered by the Assembly in some way.

If a narrow interpretation of the standing order relating to references to debates were to be applied, it would unduly restrict the rights of members to ask questions relating to matters of current interest. I think that such an interpretation would be undesirable given the important role which question time plays in enabling members to seek information and to press for action.

I intend to apply the rule so that it does not preclude questions on the broad subject matter of debates, but rather so that it precludes a question which makes a direct reference to a debate or to specific statements made in a debate.

QUESTIONS WITHOUT NOTICE

ACT Budget

MR MOORE: My question is directed to the Chief Minister. Chief Minister, I wonder whether you can tell us what action your Government is going to take to ease the concerns of the many hundreds of people who demonstrated outside the chamber at lunchtime today.

MS FOLLETT: I thank Mr Moore for the question. Mr Speaker, I must say I did not attend the rally. I was not invited to attend the rally. It was my understanding that I would not have been required at the rally, to put it mildly.

Mr Kaine: That includes all of us.

MS FOLLETT: Yes, I think so. I presume that the rally concerned the subject of the draft budget which I have released for consultation. I repeat, as I often have done,

24 August 1989

that we are in the process of consultation on that draft. I think all of the main players in the rally that was held today are represented in that consultation process at the formal level through the budget consultative committee. I think all of the groups that took part in that rally have had access to me and my Ministers on virtually an unlimited basis. Whenever they have sought a meeting they have been given one.

Given the consultative framework that has been established and given the willingness on my part and on the part of every member of the Government to view that consultation as a genuine process, a genuine opportunity to exchange views on the proposed budget, I find it very disappointing that some of those groups have chosen to take precipitate action, action which disrupts the Canberra community and action which I regard as totally unnecessary given that we have the process which I have outlined under way.

Members' Staff

MR STEVENSON: My question is to the Chief Minister. Would the Chief Minister please tell the Assembly how many people the four Ministers have for use as personal staff, whether on secondment or otherwise, and the total cost of their salaries and the total of other allowances such as overtime?

MS FOLLETT: Mr Speaker, I believe that question has been answered in full, yesterday.

MR STEVENSON: The question has not been answered. I do not have the amounts. I do not know the numbers.

MS FOLLETT: Mr Speaker, I will take on notice any aspects of the question that have not been answered in full and provides a response, if any is required, to Mr Stevenson.

Business Regulation Review Unit

MRS NOLAN: My question is also to the Chief Minister and it refers to an announcement, made last Monday night at a dinner, in relation to the setting up of a regulation review unit. I would like to know who the members of that unit are going to be and how the unit can advise on the impact of existing and proposed legislation on industry and commercial opportunities if the private sector is not represented on that unit.

MS FOLLETT: I thank Mrs Nolan for that question. The business regulation review unit that has been established is a small unit. I think it consists of two officers, whose names I do not know. It has been set up within my normal departmental structure in the Social Policy

24 August 1989

Division. It is a very new arrangement. I think that, as I indicated on Monday night, that unit needs to be in close contact with the private sector. It is very early days yet for them to have undertaken a great deal of that work but it certainly is the intention that it will be part of the unit's work to consult with the private sector, to talk to them about the effect business regulation is having upon them.

Mr Speaker, I reiterate what I have said on many occasions, which is that the Government sees the private sector really holding the key to the future economic development of the ACT. We will be looking to the private sector for all of our growth in the employment area, I believe, because in the public sector we have seen, consistently, a slowdown in growth, and in the last year or so no growth whatsoever, in employment in the public sector.

So the Government has a very realistic approach, I believe, to the private sector. We look to them for our growth. We look to them for future opportunities in the ACT. But, at the same time, we recognise that at times government regulations can act to stifle enterprise, and it is the aim of the review unit to ensure that new legislation and new regulations do not act in that way and to keep the matter constantly under review - to do so, of course, in consultation with the private sector.

Public Servants - Relationship with Media

MR COLLAERY: My question is directed to the Chief Minister as Minister responsible for the public service. Chief Minister, I refer you to an article in the Canberra Times of 22 August by Philip Hobbs which referred to the fact that certain ACT public servants, unnamed, have criticised me. Chief Minister, have you yet set guidelines for the senior echelons of the ACT public service for their relationship with the media?

MS FOLLETT: Members will be aware that all members of the ACT government service are still employed under the Federal Public Service Act, and the provisions and conditions that apply under that Act, of course, apply to them. There are guidelines that have been issued as a Federal public service initiative on the public presentation of public servants and relations with the media. It is my understanding that those provisions are in force in the ACT Government's administration. I, myself, have not issued any further instruction on that matter.

MR COLLAERY: I ask a supplementary question. Chief Minister, in the event that you satisfy yourself that senior civil servants are active in making comments of that nature, would you undertake to ask them to abide by the guidelines you have just referred to?

24 August 1989

MS FOLLETT: Mr Speaker, I do not regard the statements that I have seen in the newspaper recently as falling outside the guidelines as I am aware of them, but I am certainly willing to look into that matter and just clarify whether there is any matter that I need to follow up with the senior public servants. I am not aware that there is one.

High School Fee

MR DUBY: Thank you, Mr Speaker, for allowing me to ask this question which I know is of great importance to you. The question is directed to the Minister for Industry, Employment and Education. It concerns the \$60 non-compulsory fee for high school students. Is the Minister aware that in some cases high school children whose parents are unable at the moment to afford, or for other reasons have not paid, the \$60 so-called non-compulsory fee are being penalised? For example, my understanding is that there is to be an inter-schools sports carnival in Parkes, New South Wales, and that several ACT high school students have been nominated to attend to represent their school but that those same students will not be permitted to take the trip unless the non-compulsory \$60 fee is paid.

Is the Minister aware of this? If not, will he make inquiries and advise the Assembly as to what is the correct and proper interpretation to be placed by educational authorities on the \$60 non-compulsory school fee? Having clarified that, will he also ensure that the appropriate authorities - the headmasters and headmistresses - realise what the implications of that are?

MR WHALAN: Mr Speaker, I thank you, or whoever, for the question. I am aware that a particular high school is considering a sporting trip to Parkes in New South Wales but that at this stage there is no firm decision and no final arrangements have been made or teams selected. Whether the trip proceeds will depend on the school board's financial situation, which in turn depends on the level of response by parents to requests for voluntary financial contributions.

If the trip goes ahead, the selection of students will be made purely on the basis of sporting ability and record of behaviour. No student will be disadvantaged or excluded on the basis of payment or non-payment of the general voluntary contribution. However, there would also be a specific charge for transport and related costs which participating students would be required to pay.

In relation to the specific parts of the question which have been asked, I would say that parental contributions in ACT government schools are voluntary, and students may not be coerced or discriminated against on the basis of non-payment. Schools, of course, depend heavily on these

24 August 1989

contributions to provide additional services to their students, such as specialist musical instruments. Principals are well aware of this policy, and any suggestions of breaches of the policy are followed up most assiduously by the management of the Education Department.

I am assured that individual students are not discriminated against on the basis of non-payment of voluntary contributions. Given the concern raised, however, I will ask the chief education officer again to remind schools of the requirement of this policy which dates back to the former ACT Schools Authority. I am quite happy to table a copy of the specific policy, which is under the heading "Parental contributions policy, related topics, financial arrangements between parents and citizens association and school boards, financial assistance by parents for preschools".

Business Enterprises

MR KAINE: I would like to ask a question of the Chief Minister which follows from the one that she answered a little while ago about the Labor Party's strong support for the private sector, and I refer back to the ALP's document Policies for a Fairer Canberra, which states:

An ACT Labor Government will own and operate government business enterprises in selective areas.

I ask the Chief Minister: What operations other than those already owned and operated by government are targeted? Given Commonwealth Government restraints and local government restraints, from where is it intended to acquire the funds to establish new public business enterprises? Are they to be set up in competition with existing private enterprise businesses? If so, does the Chief Minister see this policy as being supportive of the private sector?

MS FOLLETT: It is difficult to answer a purely hypothetical question.

Mr Kaine: It is not so hypothetical. It is from your policy.

MS FOLLETT: Mr Speaker, I think the policy that Mr Kaine has so ably read out to the Assembly is one that is indeed Labor Party policy, one that has the total support of this Government and one that the Government intends to abide by. I think there is no suggestion in that policy, Mr Speaker, that the Government will be going out and actively purchasing new government enterprises, which is the implication that Mr Kaine seems to be making.

Mr Kaine: It is not the implication at all. I am asking you about your policy, how you are going to implement it - - -

24 August 1989

MR SPEAKER: Order! Please address your questions through the Chair.

Mr Kaine: Mr Speaker, I would like her to answer the question.

MS FOLLETT: Mr Speaker, I do have some difficulty with the question. As I say, it is purely hypothetical, and I would also say that I am not strictly required to announce policy initiatives through questions without notice. However, I will do my best. The intention, I believe, of the policy there is basically to preserve government enterprises as they exist. I am sure all members will be aware of the kinds of government enterprises that do exist in the ACT. There are those that are purely ACT enterprises. We have a few ourselves, within our own jurisdiction.

Also, of course, it is true to say that there are some Federal Government enterprises in the ACT, one of which I visited not so long ago - the Australian Government Publishing Service, which is the largest publishing service in Australia and which I think, as a very major employer in the ACT, is an incredible asset to this Territory. The intention of the policy, as I understand it, at the present time, is to ensure that government enterprises like that remain in public hands.

MR KAINE: I have a supplementary question. Can I take it from your comments, Chief Minister, that you do not intend to open up any additional public business enterprises other than those that currently exist? Is that what the answer to the question implies?

MS FOLLETT: If the question is not to be ruled out of order, Mr Speaker, I will again do my best with it. I think it is exactly the same question that I just answered.

Mr Kaine: But you did not answer it.

MR SPEAKER: Order! You may take the question on notice, Chief Minister.

Mr Kaine: Mr Speaker, on a point of order; we, in the Opposition, constantly raise the criticism of this Government that the members refuse to answer questions. That question is quite straightforward. There was a Labor Party policy that said that in government they will do certain things. I am merely asking the Minister whether she intends to implement the policy. Now, it is a straightforward question. There is nothing improper or out of order about it, but as usual the Minister refuses to answer the question. I think there is a point of order at issue here and, instead of her appealing as to whether or not the question is out of order, she should be directed, I submit, Mr Speaker, to answer it. This is open and consultative government we are talking about, Mr Speaker.

24 August 1989

MS FOLLETT: Mr Speaker, I think that the basis of Mr Kaine's question comes down to two points: firstly, do I intend to implement the policy, and the answer is yes; secondly, what areas do I have targeted, and I think it must be clear from the answer I have given that at the moment we have no areas targeted.

Taxi Vouchers

MR JENSEN: My question is directed to Mr Berry, the Minister for Community Services and Health, or Mrs Grassby, the Minister for Housing and Urban Services, depending on which one wishes to take charge of it. I think I will direct it to Mr Berry. His department has stopped issuing multi-cab vouchers for pensioners and other disabled persons. Is the Minister aware that some pensioners have now been unable to obtain multi-cab vouchers while others who would appear to be able to afford to pay for the use of multi-cabs had been issued with vouchers prior to the stopping of the issue of multi-cab vouchers?

MR BERRY: Thank you, Mr Jensen, for the question. In relation to the provision of taxi vouchers, I am aware that there is a long waiting list of people wishing to receive that concession. However, in relation to your allegation that some people are getting them who could well afford to pay for them themselves, I am not aware of the detail of that, and I would be pleased to have a look at anything which confirms those allegations in order that I can deal with it. Otherwise, I will look at the question in detail and respond further. But I would appreciate any detail you have on those allegations that you made in relation to people who could afford it.

Skateboards

MR STEFANIAK: My question is either to the Minister for transport, because I suppose skateboards are a form of transport, or perhaps to the Chief Minister. Some of it may have even been covered by the move-on powers, but some of it would not have been. What does the Minister and/or Chief Minister, if it is in her bailiwick, intend to do about the problems being created by skateboarders in and around local shops and public thoroughfares? There have been a number of complaints from the public about skateboarders endangering the public walking on footpaths, and in some cases affecting the business of some shop owners. I accept that in some cases, perhaps in extreme cases, they can be moved on, but in others they cannot. We did have rules in relation to riding bikes on footpaths. Is anything proposed?

MRS GRASSBY: I think the trouble is that Mr Stefaniak is just too old to get on a skateboard and he is jealous.

24 August 1989

Mr Stefaniak: I could never ride a surfboard, so I would have trouble with a skateboard.

MRS GRASSBY: I think that is probably true. I have not had any complaints from anybody about young people on skateboards. My only fear is when I see them on the road, because I am frightened that some truck or car may run them down. I would rather see them on the footpath. I must honestly say I have never been endangered by one. But, if I get any terrible complaints about it, then I will probably look into it, seeing I am in charge of the footpaths and the roads. It is a sport, so it probably comes under the Minister for sport, and I am not sure whether the Chief Minister would want to have a skateboard anyway.

Road Signs

DR KINLOCH: My question is to the Minister for Housing and Urban Services. It has been suggested that the present cost of the maintenance of road signs, line marking, traffic reflectors, et cetera, is excessive, possibly twice the amount of a private tender for the same work. So my question is somewhat in the mood of Mr Kaine's question but related to the private sector. Could the Minister comment on the Government's policy on seeking private tenders especially on public works and especially if these private tenderers can do it at half the price? Will the Minister undertake to look into the specific matter of tendering for these kinds of jobs?

MRS GRASSBY: Yes, I would be very happy to look into that, but may I say right now, Dr Kinloch, there is no way I will put people out of jobs in the public service. That is their job at the moment. But I will look into it and find out whether we had any private tenders and what the cost is. I will give you the answer in writing so you can have a look at it.

Public Education Night

MR HUMPHRIES: My question is to the Minister for Industry, Employment and Education. I refer to a public relations exercise being planned by the Minister which has rather optimistically been called a celebration of public education night. I ask: How much is this exercise costing the ACT taxpayer and how many people have been invited? Why is the Minister engaging in an expensive and puerile celebration at a time when he is also seeking to slash funding of public education by several million dollars?

MR WHALAN: It is interesting to comment that I understand that at a stop-work meeting held by the teachers federation

24 August 1989

today at Bruce Stadium there was a decision that the teachers boycott the public education night on 6 July. I rather regret that the federation has taken that decision. In my discussions with the federation next week I will be urging them to reconsider that particular aspect of their decision at today's stop-work meeting at Bruce Stadium.

The public education night is a parent and teacher night, essentially. It is a celebration. It is not new. Earlier today there was some suggestion that the Government was taking the credit for achievements which in fact were initiated by the previous Government, and I unashamedly acknowledge that this particular activity has been in place for quite a period of time and it is something that the schools, the children and the parents look forward to and enjoy - and indeed the Minister, because I am proud of our education system and I am proud to be the Minister responsible for our education system.

I cannot answer that part of the question which relates to the actual cost of the evening but I can assure you that when this Assembly next meets, which will be after that celebration, I will give you a comprehensive list of the people who were invited to attend and how much the conduct of the evening cost. There is nothing sinister about that, and it will be a pleasure to respond. But I am sorry that I cannot give it to you now.

Vietnam Memorial

MR JENSEN: My question is directed to the Chief Minister. I refer the Chief Minister to recent publicity by the Australian Vietnam Forces Memorial Committee that they have reached the halfway point in their appeal and that all State governments have contributed to the appeal. Will the Chief Minister advise the Assembly whether she is giving active consideration to providing a modest contribution to the memorial on behalf of the ACT community?

MS FOLLETT: I thank Mr Jensen for the question. I do not have any information with me on that matter, but if the question is whether I will give active consideration to such a donation the answer most certainly is yes. It would be certainly in keeping for the ACT Government to consider the matter of whether we want to join with other States in contributing to such a memorial, and I undertake to do that.

MR JENSEN: I ask a supplementary question. Has the Chief Minister received a letter from the Australian Vietnam Forces Memorial Committee in relation to this particular matter?

MS FOLLETT: I am unable to answer that. I receive an awful lot of letters. If I were to rely on my memory, I think it would be a mistake. I will certainly look into

24 August 1989

that. Given the nature of Mr Jensen's question and given the nature of Mr Jensen's connections, I suspect that the answer is, "Yes, of course, I have received a letter". Am I right? But I am unable to be absolutely conclusive about that, so I will take that section of the question on notice as well.

Toxic Waste

MRS NOLAN: My question is to Mrs Grassby as Minister for Housing and Urban Services. A lot has been said about the fire at the Belconnen tip on 1 July 1989. Can the Minister guarantee to this house that an inquiry has been undertaken to see whether there is any toxic waste buried at Belconnen tip. If not, given the allegations that have been made, why not?

MRS GRASSBY: Yes, some asbestos was uncovered at the tip. It was resealed in more tins and taken from there and buried, I understand, at the place where they are burying asbestos at the moment. The asbestos was unearthed where it had been put in for filling a long time ago and nobody had realised this. This was found. The tins were unsafe, so they were resealed, and I understand they were removed to where they would be much safer.

Canberra Nature Park

MR COLLAERY: My question is directed to the Chief Minister. Chief Minister, I refer you to a letter dated 17 August 1989 from the Office of City Management, Parks and Conservation Service, inviting members of the Assembly, all of us, to join with Mrs Grassby in launching the community participation phase in developing a draft management plan for Canberra Nature Park, comprising most of the hills and ridges in and around the Canberra urban area.

Is the Chief Minister aware that most of the hills and ridges in and around the Canberra area are within the proposed designated areas of the national capital plan and, as such, are within the area set out in the draft plan released by the NCPA? I ask you, Chief Minister: Were you aware of this intended launch? If so, was the matter first discussed between the responsible planning authorities and the National Capital Planning Authority?

MS FOLLETT: Mr Speaker, I have not seen the correspondence that Mr Collaery refers to. As he has pointed out, it is a matter which is not within my portfolio but which has emanated from the Office of City Management. I am happy to take the question on notice and to provide a detailed response as soon as I can.

24 August 1989

MR COLLAERY: I have a supplementary question, Mr Speaker. Chief Minister, will you also undertake to ascertain whether this is not an appropriate issue to refer to the Assembly's standing committee before the City Management's Parks and Conservation Service launches the draft management plan?

MS FOLLETT: Mr Speaker, I will take that on notice, but I am somewhat exercised as to how I could possibly answer it. I am being asked for an opinion on whether something would be an appropriate reference to a committee. I do not think it is appropriate for me to answer any question in this Assembly by giving a personal opinion. I will take it on notice, Mr Speaker, but at the moment I do not see how I could possibly answer that kind of a question.

Housing Interest Rates

MR KAINE: I would like to direct a question to the Minister for Housing and Urban Services, and I do feel some distress at asking members of the Government about their policies, because they seem to be very sensitive about what they promised in the election campaign and what they are now prepared to do. But I would refer the Minister to a statement that was made during the election campaign, that a Labor Government intended to introduce legislation to regulate housing interest rate levels. I am interested to know when the Government intends to introduce this legislation and just how effective you expect it to be when you do.

MRS GRASSBY: As I said the other day, we will be releasing the first part of our housing review in September. That is when it will be released and it will all come out in the review which is being put together now.

Mr Kaine: You will be releasing the legislation to deal with housing interest rates?

MRS GRASSBY: Not legislation, but we will be telling you what we will be doing with the money we have got from the - - -

MR KAINE: A supplementary question, Mr Speaker. I did not ask about their housing policy; I asked about legislation to regulate housing interest rate levels. Read my lips. I want an answer to the question.

MRS GRASSBY: Yes, Mr President. I do not think that we can really do that, and I think you know that, Mr Kaine, because it is a Federal Government matter that we cannot regulate.

Mr Kaine: I am reading from your election promise. It is very embarrassing, I know.

24 August 1989

MRS GRASSBY: No, I do not find it an embarrassing document because we will be doing as much as we possibly can in the ACT, but we will be working with the Federal Government on that.

Food Preparation

MR BERRY: I would like to respond to a question that was placed on notice on 22 August by Mr Humphries. The question was in connection with the allocation of \$234,000 in the initial budget statement for the extension of analytical and surveillance services associated with food preparation. He asked whether there will be any additional staff positions created from this allocation?

The answer is as follows: The initial allocation of \$234,000 allows for five extra staff to be employed in the second half of this financial year, when it is expected that the new food legislation will be in operation, and continuing each year thereafter. These additional staff will be employed in the Analytical Laboratory and the Health Surveillance Service. The initial allocation of \$234,000 allows for \$65,000 for these five additional staff, \$30,000 in other operating costs and \$139,000 for capital for new equipment needed to carry out the extra scientific work. I table the answer to the question, Mr Speaker.

MR SPEAKER: Thank you, Mr Berry.

ACT PUBLIC HOSPITAL REDEVELOPMENT - STEERING COMMITTEE REPORT Ministerial Statement and Papers

MR BERRY (Minister for Community Services and Health) (3.06): I seek leave of the Assembly to make a ministerial statement in relation to the report of the ACT Public Hospital Redevelopment Steering Committee.

MR SPEAKER: Is leave granted?

Mr Kaine: Yes, indeed. This is what we have been waiting for.

MR SPEAKER: Leave is granted.

MR BERRY: I must say that I fell for Mr Kaine's eager expectations in relation to this and that is one of the reasons why it is here today, so that he can study it closely.

In October 1988, the Hon. Clyde Holding MP, the Minister for Arts and Territories in the Federal Parliament, commissioned Dr Brendan Kearney, chief executive of the

24 August 1989

Royal Adelaide Hospital, to conduct an independent review of ACT health services. Dr Kearney reported to the Minister in November 1988 after a period of widespread consultation and detailed review.

A major recommendation of his report was the adoption in the ACT of a one principal hospital concept as the basis for restructuring public hospital services. Dr Kearney described this concept in terms of the provision of a major referral centre of 600 to 700 beds, supported by a district/community hospital of 250 to 300 beds.

The report also recommended: that a steering committee, comprising members of the proposed interim board of directors of the Royal Canberra and Woden Valley hospitals, and the ACT Community and Health Service be established to review the options of implementing the one principal hospital concept; that a study be commissioned as a matter of urgency to develop options for implementing the one principal hospital concept; that these options include redeveloping Royal Canberra Hospital with all major super-specialties, maintaining Woden Valley Hospital as the district/community hospital, and closing Calvary as a public hospital; developing Woden Valley Hospital as the principal hospital, maintaining Royal Canberra Hospital as a district/community hospital and closing Calvary as a public hospital; developing Woden Valley Hospital as the principal hospital, developing Calvary as the district/community hospital and closing Royal Canberra Hospital; and that the steering committee recommend its preferred options on the principal and district or community hospital mix by September 1989.

Mr Holding moved immediately to establish such a steering committee and later appointed the following membership: Mr John Bissett, the general manager of the ACT Community and Health Service as the chairman; Mr Alan Woods, the chairman of the Royal Canberra and Woden Valley Hospitals interim board of directors as deputy chairman; Dr Tony Clarke, the director of the Royal Canberra and Woden Valley hospitals interim board of directors; Mr Len Withers, the director of the Royal Canberra and Woden Valley hospitals interim board of directors; Mr Laurie Daniels, the deputy chairman of the Calvary board of management; Mr Allan Hicks, the executive manager of the ACT public hospital redevelopment project, ACT Community and Health Service; Dr Vin McLoughlin, the assistant general manager, policy planning and resource management, ACT Community and Health Service; Dr Richard Madden, division head, ACT Treasury; Dr Robert Care, director, infrastructure division, Office of City Management; Mr John Collins, assistant secretary, policy development branch, ACT Administration.

I expanded the membership of that committee in July 1989 to include Mr Charles McDonald, secretary/treasurer of the ACT Trades and Labour Council, and Ms Prue Power, secretary of the Australian Nurses Federation, ACT Branch, as representatives of the ACT trade union movement.

24 August 1989

Mr Speaker, the steering committee has carefully evaluated the full range of realistic options for the redevelopment of ACT public hospitals. This evaluation was conducted against criteria which included range and quality of services, access and availability to all clients, opportunities for teaching and research, and capital and recurrent costs.

In conducting its work, the committee has been assisted by the firm of TGP&PON, architects and health planners, with the support of specialised consultants, such as quantity surveyors. The committee strongly supports the one principal hospital concept and points out that its application would ensure that the quality of services in the ACT would improve and that service levels generally available in State capitals would be available in the ACT.

Further it recommends, on the basis of capital and recurrent costs and without jeopardising issues of access and equity, that Woden Valley Hospital should be developed to become the principal hospital with around 600 beds. It notes that the alternative, of developing Royal Canberra Hospital as the principal hospital, would involve greater capital costs because of the obsolescence of the existing buildings.

The committee has put forward two alternatives for the development of associated community hospital facilities. The first provides for a single 300-bed community hospital based on the present Calvary Hospital. This option proposes the closure of Royal Canberra Hospital and use of the site for the development of budget neutral public health facilities such as the relocation of the Jindalee Nursing Home. The all-up capital cost of the option is about \$154m and it would achieve ongoing operating cost savings of around \$8.5m per year.

The second alternative provides for two community hospitals, one of 250 beds based on Royal Canberra Hospital and another of 150 beds based on Calvary Hospital. The all-up capital cost of this option is estimated to be in the range of \$200m to \$210m and it would achieve ongoing operating cost savings of around \$5m per year. The committee canvassed 10 options in its deliberations, ranging from the status quo to a single 1,000-bed hospital.

The Labor Government has a strong commitment to an efficient, effective and caring public hospital system which addresses the needs of the community. In this context, financial considerations will not be the only factors on which the Government bases its decision.

The committee proposes that the development of Woden Valley Hospital as the principal hospital should proceed immediately to ensure that improved services become available to the Canberra community as soon as possible. It notes that it is technically possible to proceed with

24 August 1989

the planning and design of this work ahead of a decision on the development of associated community hospital facilities, although the importance of making a speedy decision on the community hospital option is highlighted.

Mr Speaker, the committee draws attention to the long history of uncertainty surrounding the future of Royal Canberra Hospital and says this uncertainty has had a major impact on staff, the community and management. It also stresses that there will be long planning and construction time frames associated with any redevelopment - probably five to seven years - and this will be complicated by the need to maintain services and move them between sites during construction.

The Government recognises the need to decide the future directions for improving the ACT public hospital system quickly. The report will now be made available for public comment before the Government makes a decision on this important issue. Over the coming weeks I will be meeting with the other parties in this Assembly and with interested groups in the community as part of the consultation on the steering committee's report. I move

That the Assembly takes note of the following papers:

ACT Public Hospital Redevelopment - Steering Committee Report -
Ministerial statement, 24 August 1989; and Report, 18 August 1989.

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

**ACT ELECTRICITY AND WATER AUTHORITY -
CORPORATE PLAN 1989-93
Ministerial Statement and Papers**

MRS GRASSBY (Minister for Housing and Urban Services), by leave: I am pleased to table the corporate plan for the Australian Capital Territory Electricity and Water authority.

The Australian Capital Territory Electricity and Water Ordinance 1988, which became an Act of this Assembly on self-government day, was formulated along commercial lines. Accordingly, the authority is a body corporate, with defined functions and powers. It is required to produce a corporate plan, financial targets and performance indicators. At the same time, the authority is an agency of the Government and there is a provision in the Act that empowers the Minister, in the public interest, to give directions with respect to the performance of functions and the exercise of powers. In this respect, the needs of the community are as much a part of the corporate philosophy of the authority as is its commercial viability.

24 August 1989

It is a requirement of the Act that the authority prepare a corporate plan and review and revise the plan prior to each new financial year. The plan is to include a statement of objectives for at least the next three years, together with a statement outlining the authority's strategies and policies which it intends to adopt. The Act also requires that the plan, as developed or revised, be provided to me as the responsible Minister. In the spirit of open government, I am tabling the plan for the information of members of the Assembly.

Turning to the corporate plan itself, members will note that the charter identifies this duality of commercial and community obligations. The charter as set out in the plan is:

To provide safe, reliable, efficient and economic supplies of electricity and water and the provision of sewerage services to meet the needs of the ACT community, within statutory obligations, having regard to the maintenance of the affairs of ACT Electricity and Water on a sound commercial basis.

The plan, which covers the financial years from July 1989 to June 1993, sets out clearly the primary objectives of the authority. These have been broadly categorised as covering: statutory obligations; customer relations and procedures; community awareness and environmental obligations; operations, including networks, street lighting and electrical maintenance; financial management; employee relations.

Importantly, each objective has associated indicators which will enable an efficient judgment of the authority's performance. As I have said, this performance includes not only its bottom line and the dividend payable to the community through the consolidated fund, but also its supply of essential services to the community and its actions as a responsible employer. In terms of this latter point, it is pleasing to note the authority's comments on resources to staff training, equal employment opportunity and occupational health and safety.

The corporate plan has been developed in the context of Canberra's developing economy. Canberra is a growing and ageing city. In the next 13 years there will be an increase of almost 100 per cent in people over 65 years of age. This will have implications for the assistance schemes such as pensioner rebates and the need for easier access to services. ACT Electricity and Water is committed to further improvements in its customer procedures and policies to ensure these schemes are implemented in a socially responsible and compassionate manner.

Furthermore, Mr Speaker, with the growth of the Territory there will be an increase in the demand for electricity, water and sewerage services. To ensure these services have

24 August 1989

minimal impact on our environment, the authority actively promotes water conservation and the effective use of electricity. It provides information on the ways water usage can be reduced and the consumption of energy minimised. This also ensures that the community receives these services at the lowest cost.

As a final comment, Mr Speaker, I should add that the authority is also required to prepare an annual report, and it is from this report that the Assembly and the community will be able to assess the authority's performance. Mr Speaker, I commend the ACT Electricity and Water authority's first corporate plan to the Assembly. I present the following papers:

ACT Electricity and Water Authority - Corporate Plan -
Corporate Plan 1989-93; and
Ministerial statement, 24 August 1989.

I move:

That the Assembly takes note of the papers.

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

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would allow private members' business to be called on and have precedence of Executive business for 35 minutes.

POSTPONEMENT OF NOTICES

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

That notices Nos. 1 and 2, private members' business, be postponed until a later hour this day.

ABOLISH SELF GOVERNMENT COALITION - STAFF BUDGET ALLOCATION

MR STEVENSON (3.22): Mr Speaker, I move:

- That the Assembly is of the opinion that -
- (1) the staff budget allocation to the Abolish Self Government Coalition should be increased from \$31,693 to \$46,234 to put the Coalition on the same basis as other party groupings in the Assembly; and

24 August 1989

- (2) the Abolish Self Government Coalition should be able to use its staff budget allocation to hire a consultancy until such matters are clarified in the Legislative Assembly (Members' Staff) Bill 1989.

It is obvious that the success of a member in this Assembly largely, or to a great degree, depends on the support staff he or she has. I, first of all, make note of the staff and budgetary allocation of all parties in this Assembly. The five Labor Party members, with some 24 staff, have a budget allocation of at least \$580,000; the four Liberal members, with nine staff, have an allocation of at least \$255,000; the four Residents Rally members, with six staff, have an allocation of at least \$184,000; the three members of the No Self Government Party, with five staff, have an allocation of \$181,000; and the Abolish Self Government Coalition, with one member, has an allocation of \$31,693.

Now, there are obvious reasons for these differences, and they are that members of some parties hold other positions in this Assembly. Without commenting on the validity or otherwise of those positions, I wish to comment on the events leading up to my staff services effectively being terminated by the Chief Minister. The minimum allocation in this Assembly to another party in my circumstances is 1.5. The only party that is relevant here is the Residents Rally. They have six staff members among four members of the Assembly and a total, as I mentioned, of \$184,936. I ask for a one-quarter allocation of this amount.

Prior to being able to have this matter handled, and it still has not been handled, I was not able to hire staff because I did not have the final allocation. It would have placed anybody I hired in a rather uncomfortable position to later on be told they were going to be on a lower salary or they were going to be expected to do more work in a capability that they may have not been hired for. I did not want to place anyone in that position. So what I decided to do was, until the Coalition received a fair go in this matter, to hire a consultancy.

I effectively gained the services of three people, one a volunteer, for the cost of one staff officer to the ACT taxpayers. In addition to that, as it was a consultancy, I saved money for the taxpayers because they were not required to pay insurances, holiday pay, sick leave, leave loadings, superannuation, et cetera, not within the consultancy. I strongly make the point that it was not my intention to hire a consultancy initially. It was only done as a stopgap measure, until I received what other comparable members in this house have.

One would think that, when saving taxpayers money, one would deserve commendation, not condemnation. So there are two factors here. Firstly, there is the allocation of a staff budget; that is, I am asking for 1.5 as an amount.

24 August 1989

The Chief Minister gave as the two reasons the consultancy was not acceptable insurance and tax minimisation. Why the insurance is not a valid point is that, as is well known, insurance is handled by and is the responsibility of the consultancy.

The Australian Capital Territory standard contract for supply of personnel, the Department of Art, Sports, the Environment, Tourism and Territories Office of the ACT Administration standard conditions of contract for consultant services, and the general conditions of contracts for consultancy services all say that the responsibility is not with the ACT; it is with the consultancy. So the suggestion that that is a problem is invalid.

The second factor was concerns of tax minimisation. There are three reasons that demonstrate that this statement has no basis in fact. The first is that the ACT Administration frequently - as we all fully understand, and the point should not have to be made - uses consultants. The second is that the Chief Minister has a Bill before this house, and in all probability it will be debated today, which would allow her the use of consultants without any concern for insurances or tax minimisation, and certainly insurances are covered, as they would be in any staff contract where a consultancy is used. The third point is that tax minimisation is legal. If ever the law came in that one was responsible for tax maximisation of one's affairs, the vast numbers of bankruptcies we have in Australia at this time would result in the demise of free enterprise as we know it.

I ask no favours for the Abolish Self Government Coalition and expect none. I simply ask for fair dealings from this Assembly. Over two months ago, in a letter I sent to the Chief Minister on this matter, I said at the end of it, "I do not wish to make this an issue". It was not until the Chief Minister, through her control of the Treasury, effectively stopped the payment to my consultancy that I had to take some action.

The matter of whether or not a party in this Assembly should be able to determine how it best uses the staff allocation on behalf of the party and its constituents should be determined by the party, not by some other party in control of this Assembly. If I so choose to save the taxpayers money by using a consultancy, that should be my business, as it should be for any other member in this Assembly.

I would ask that members allow both parts of the motion, firstly that the salary entitlement be increased to what I would term 1.5 or the \$46,000-odd that I mentioned in the motion, and secondly to grant to all members in this house the right to use a consultancy until such time as the matter is clarified within the LA(MS) Bill.

24 August 1989

MR KAINE (Leader of the Opposition) (3.31): Mr Speaker, I think it must be a basis of operation of this Assembly that there shall be equality amongst us in the availability of and access to resources to do the job that we need to do. Mr Stevenson appears to have identified an anomaly which relates only to him, and if that is the fact of it then the anomaly should be corrected. So for that reason the Liberals in opposition will support the first part of Mr Stevenson's motion. It appears to be a small adjustment to make and, if it merely removes an anomaly and puts him on the same basis as other individual members of the Assembly, then he is within his rights to claim it.

The second part of the motion, however, gives me some cause for concern because it would give to Mr Stevenson a right that no other member of this Assembly possesses. Instead of introducing a condition of equality we would be introducing a condition of inequality. For that reason I had difficulty with it. However, I understand, Mr Speaker, that one of my colleagues in the Rally proposes to move an amendment to that second part which will remove that anomaly. Without anticipating what my colleague might do, I understand that it is the intention that it be amended to say essentially that all members of the Assembly should have the same rights in this regard.

If that amendment is put forward, as I understand it will be, and if it does apply this access to resources equally to all members of the Assembly, then we Liberals in opposition will also support that part of the motion. So I think that I need to say no more. We must ensure that all members of this Assembly are provided with the resources to which they are entitled and that there is not seen to be any anomaly in that allocation. To the extent that this motion removes an anomaly, we support it.

MS FOLLETT (Chief Minister) (3.33): Mr Speaker, the Government is opposed to this motion, which I consider would provide favoured treatment to Mr Stevenson, quite far from there being an anomaly. It appears to me that considerable confusion exists about the basis on which staffing entitlements for Assembly members have been determined by the Government - confusion which I am at a loss to understand. It has been explained over and over and over, but let me again set the record straight. The Government has approached the staffing question on an even-handed basis and has attempted to make adequate provision for Assembly members to properly discharge their responsibilities as public representatives.

Mr Speaker, I am at a total loss to understand why Mr Stevenson regards the Rally as the only comparable party to his own. I presume that the Rally might have some idea; I do not. Why, for example, is the No Self Government Party not a relevant comparison? Why, for example, is the position of Mr Wood not a relevant comparison? Mr Wood fulfils the role of a single member on the first floor, fulfils it, in my view, with great distinction and

24 August 1989

dedication and across a broad range of issues. I cannot understand, Mr Speaker, why these members who are performing such a valuable function are not considered by Mr Stevenson to be relevant comparisons.

What the Government did originally propose was an allocation of one personal staff member for each Assembly member, with some extra resources being allocated to office holders and to the Executive to recognise their extra workload and responsibilities - quite proper recognition, quite modest recognition. However, Mr Speaker, following the persistent representations from other parties, we agreed to increase the salary level for individual members' staff to a point well beyond the entitlement of equivalent State or Northern Territory politicians. I would ask all members to note that well.

For the major parties we also agreed to the allocation of limited administrative assistance to provide receptionist and typing services to their grouped offices. Mr Wood does not enjoy that convenience, the No Self Government Party does not enjoy that convenience, Mr Stevenson does not enjoy that convenience. Nevertheless, the service is available through the Assembly itself.

Mr Speaker, I think we should also remember that Mr Stevenson believes there should be no Assembly at all, let alone any staff for Assembly members. He does already have access to typing resources in the Assembly Secretariat, as I have said, and these resources were included in the Assembly's budget prior to self-government, in the expectation that such an arrangement would apply to all members. The Government considers that Mr Stevenson is more than adequately catered for and can see no logical basis to the salary figure he is now demanding.

Mr Speaker, as to the second part of Mr Stevenson's motion, the Government will not countenance an arrangement which could amount to simple tax avoidance. Legal it may be; proper it is not. I would suggest to all members that it would serve this Assembly well if we were to adopt the very highest standards of propriety in all that we do, including the hiring of our staff.

I was astonished to learn that the salary allocation already provided to Mr Stevenson was being paid to a company which was providing him with office services. I think that that puts Mr Stevenson well beyond the kinds of provisions that have been made to assist Assembly members, well beyond the kinds of provisions that such excellent members as Mr Wood, Mr Duby and Ms Maher have found adequate. I might say they have made excellent use of them and have been able to speak on any number of topics within this Assembly. From Mr Stevenson all we ever hear is about his staffing allocation.

Mr Speaker, the only interpretation that I feel you can give to an arrangement of hiring a company to provide

24 August 1989

office services on a continuing basis is that it means the splitting of income, an avoidance of pay-as-you-earn tax which would be paid by a personal staff member employed in the normal way. We have heard from Mr Stevenson already the kinds of savings that can be made in terms of matters like workers compensation and other arrangements, which I regard as the normal entitlement of a staff member working for a member of this Assembly. I am appalled that he would put forward such savings as something which this Assembly might find an attractive proposition. I cannot support either part of Mr Stevenson's motion. Mr Speaker, I would implore this Assembly to set some kind of standard and throw out both parts of this motion.

MR WOOD (3.39): Mr Stevenson, when he started, said that the quality of support staff or the amount of support staff - I am not quite sure of the words - was a key factor in what we do in this Assembly. I grant that they are very important, but the key factor is surely the member, who stands up, works, and prepares himself or herself for what goes on here. I have a support staff member upstairs and basically that person is my electorate officer who handles all the range of electorate matters. What I do in this chamber and what I do on the committees is my work. It is hard work. I work long and hard hours, as we all do, and I enjoy it. I do not complain one bit about that.

Let us be very clear; the point I want to make is that we take responsibility as we stand up here and present ourselves. Let us separate the party from the parliament, and let us be clear what the administrative roles are within the Government. I fully accept that my ministerial colleagues who form the Government will have adequate staff to enable those governmental processes to proceed, and that the Leader of the Opposition likewise will have that. Indeed, there was a further concession to the Residents Rally group because they were given additional staffing at the secretarial level, if my memory is correct.

But let us understand that there are separate functions. I do not have any figures available, and I have got limited experience elsewhere but more experience than most in that respect; I think we have more staff around our members than you would find in any State parliament, though not perhaps in the Federal Parliament.

Let us look at the history of this. On the first day that most of us arrived here, we walked into a dozen rooms on the first floor that had been prepared for us. Mr Speaker, you will know that at least one of our members pulled a name off the door and would not touch that room. From the first day, we were making demands - I say "we" - on the Administration, on the government yet to arrive, about our conditions. Mr Speaker, you know that. I might say that I am the only member still in the room that I went to, and I am quite happy to be there. Everybody has moved on, mostly to bigger and grander things. Since Mr Stevenson makes a claim today, I will raise a matter that peeved me somewhat,

24 August 1989

and I think the word "peevied" is appropriate. There is a room opposite the lifts on the first floor that I went to on four or five occasions in the first week or two as I met groups of people, more than one person, because the rooms we are in are not large, as you know. There was a fine room there with a great table presented, I think, by the Government of Kenya, and I used that room for meetings. I thought on one occasion, "Hey, this would make a great room for me. There is a quite large office beside it and quite a large meeting room". So, I said, "No, we are obviously using this as a meeting room; it is freely available to us all; I must not have it". But Mr Stevenson has it now.

Ms Maher: It was offered to you, was it not?

MR WOOD: No, it was never offered, and I never sought it, because I assumed that was a room for everybody.

I turn now to staff. The Chief Minister had mentioned the demands on staff, both in numbers and in salary. In fact, I can say that the first crisis of the Follett Labor Government was a staffing one, as the members of other parties blackmailed the Government for more staff and more salary for those staff. That was the Government's first crisis, would you know? The last one too, I should say - the first and only. It was blackmail. They said, "We must have a higher salary and more staff". Now there are still arguments about resources. I was, frankly, surprised the other day to hear in the corridors someone say, "You are going to get a car, Bill". That was news to me. I do not particularly need a car. I am not sure whether members in other State parliaments and the Federal Parliament get cars, but it seems pressure has been exerted - - -

MR SPEAKER: Order! Mr Wood, we have limited time. We have only a few minutes left. Please stick to the point.

MR WOOD: I know it is a sensitive issue, but it is the fact of life. There is a matter there about cars and it is the background to all this. We are now looking at resources. Can I say that we really need to take a hard look at the demands that we - and I will put myself into that category - are placing on the Government, on the resources that the ACT has to provide. Let us have a hard look. We cannot retreat, I imagine, to the first day and redo it. Let us have a hard look and think of the financial imposition that we are making on the ACT people and let us think very carefully about that.

MR SPEAKER: Before I call Mr Jensen, let me remind members that this debate will conclude at 3.56 pm.

MR JENSEN (3.45): I will be brief. I wish to move the following amendment to the motion, Mr Speaker:

Paragraph (2), omit "the Abolish Self Government Coalition should be able to use its", substitute "all members in the Assembly should be able to use their".

24 August 1989

The Residents Rally has no problems with the first part of the motion, because we understand that the No Self Government Party was also given a similar opportunity to have - - -

Mr Duby: On a point of order, Mr Speaker; that is clearly and categorically incorrect.

Mr Whalan: And mendacious.

Mr Duby: And mendacious.

MR SPEAKER: Point expected.

MR JENSEN: I would request that Mr Duby withdraw that remark.

Mr Duby: I withdraw the word "mendacious". I repeat that that statement is a falsehood.

MR SPEAKER: It should be an unqualified withdrawal if you are going to make it, Mr Duby. If not, stand by your words.

Mr Whalan: Don't call him a liar.

Mr Duby: I would not dream of calling him a liar.

MR SPEAKER: Mr Duby, is that an unqualified withdrawal?

Mr Duby: Of the word "mendacious"?

A member: Yes.

MR SPEAKER: No; of the statement. I understand the statement is what you have been asked to withdraw.

Mr Duby: Well, Mr Speaker, it is a point of fact. The statement is incorrect that Mr Jensen is making. It is simply an incorrect statement.

MR SPEAKER: Yes, thank you, Mr Duby.

Mr Kaine: What was he saying? I did not hear him finish it.

MR SPEAKER: The member has not withdrawn his comment.

MR JENSEN: Mr Speaker, do I take it then that Mr Duby is not withdrawing his allegation that I am telling a falsehood?

MR SPEAKER: That is correct.

Mr Duby: Mr Jensen is clearly misinformed on this point, Mr Speaker. That is all I am suggesting.

24 August 1989

Mr Moore: On a point of order, Mr Speaker; perhaps I can clarify the situation from the question I asked on notice. I can refer to the facts because I have them in front of me.

MR SPEAKER: Mr Moore, is this a point of order or a statement?

Mr Moore: It is a clarification.

MR SPEAKER: Thank you for your attempt to do so. Mr Jensen, please proceed.

MR JENSEN: Yes, Mr Speaker. I think, in relation to the question that I raised, it was what was allocated, not what they took. I refer to a document that was provided in answer to a question in this place, and this document says:

No Self Government Party: Craig Duby, ASO5; Carmel Maher, ASO5; plus one by ASO2.

Now, Mr Speaker, whether they took that is irrelevant. What I am suggesting is, and what I said was, that the No Self Government Party was offered and allocated that particular number of staff.

Mr Duby: I rise on a point of order, Mr Speaker. I am not sure whether this is a legitimate answer to a legitimate question or not, but the fact of the matter is - - -

Mr Kaine: We are not in question time.

Mr Duby: Exactly. The fact of the matter is that my party's allocation of staff is three ASO5 members; no more, no less.

MR SPEAKER: Mr Duby, the information that Mr Jensen has to hand was, at one stage, a statement of fact. I dare say the ruling on that is that he did not lie, and therefore I would request that you make an unequivocal withdrawal of your comment that he did, in fact, do so.

Mr Duby: I will withdraw the imputation that Mr Jensen lied. I will stick with my statement that the information he has got is incorrect.

MR SPEAKER: Thank you, Mr Duby.

MR JENSEN: Mr Speaker, I will proceed and I will be brief. I have moved this amendment to the motion to ensure that all members of this Assembly are able to avail themselves of the method of use of consultancies, which is available to the government departments.

Now, Mr Speaker, if we are going to suggest that the use of consultancies is a tax avoidance, I would suggest that the Government should stop using consultancies and so should those people in the other place on the other hill, but a

24 August 1989

whole industry in this town would go down the drain. Is the Chief Minister going to suggest to the people of this city that a firm, solid consultancy business out there is going to go down the drain because they are not prepared to allow them to operate for the government of either this house or that one on the other hill because it is tax avoidance? Mr Speaker, this is not tax avoidance.

Mr Duby: I take a point of order, Mr Speaker. Once again Mr Jensen is incorrect in his statements. The Members of Parliament (Staff) Act, as it applies on the hill, as he refers to it, specifically excludes the use of consultants by members.

Mr Collaery: You can say that in the debate.

Mr Duby: Well, I cannot stand to hear false information.

MR JENSEN: Mr Speaker, I am suggesting that what is good for the goose is good for the gander; it is as simple as that. So, Mr Speaker, let us not make any bones about this. As far as we are concerned on this particular issue, what we are suggesting is that, within the staff allocation that has been given to the parties and members within this particular house, they are able to employ consultancies in a way in which, as I understand my colleague Mr Collaery will indicate, other members of this particular Assembly have been able to do. That is all I need to say on this particular point, Mr Speaker, and I will be indicating to you that the Rally will be supporting this motion as amended.

MR STEFANIAK (3.53): Just briefly, I wish to speak to the amendment and also to the substantive motion. Mr Speaker, I would like to make a few points. Firstly, I know Mr Wood is a very hard-working member of this Assembly and a very valued member of this Assembly. However, he is part of the Labor Party, and the Labor Party upstairs has 21 members. I know Mr Wood is allocated one member formally, but surely his colleagues and comrades would give him access to the others. That does not quite put him on the same plane as some other people in this Assembly.

Dennis Stevenson is a one-man party, and I think the analogy to the Rally, with six staff members for four - in other words, 1.5 per member - is a very apt analogy and I think he makes it very properly. We all supposedly have access to typing and other facilities from the Assembly, but much of the typing work done by members is indeed confidential work - confidential for constituents, confidential for parties. This place leaks like a sieve, at any rate, and I hardly think that - - -

Ms Follett: Why are you doing party work?

Mr Wood: It should not be confidential for parties. You should not be doing party work.

24 August 1989

Mr Humphries: For party members, he means.

Mr Wood: Well, he did not say "party members"; he said "parties".

Mr Humphries: You know what he means.

Mr Wood: I do know what he is talking about, exactly.

MR SPEAKER: Order! I will be forced to name the member if he keeps up these violent outbursts.

Mr Whalan: Has the time elapsed, Mr Speaker?

MR SPEAKER: No, there are two minutes left.

MR STEFANIAK: In terms of the Assembly, in terms also of constituents, it is sensitive work which indeed one might not want to put in a general typing pool. I think that is a very valid comment to make, and that is indeed the comment I make in relation to confidentiality, Mr Wood.

As well as that, I think Mr DUBY made some comment in relation to consultants. I seem to recall that Mr DUBY himself has indeed used a consultant, namely, a well-known member and well-known ex-politician, Mr Barry Reid, a very able man. In relation to the second point, the Government itself uses consultants. As my friend and colleague Mr Jensen has said, they are used in the other place on the hill, and I think what is good for the goose is indeed good for the gander.

DR KINLOCH (3.55): Mr Speaker, I certainly endorse the remarks on confidentiality. I would like to say that, in reality, when we are talking about criticising Mr Stevenson's consultants, they were after all a husband and wife team with a young son as a volunteer. I really do not see that as a
- - -

Ms Follett: That makes it all right, does it?

DR KINLOCH: We liked them on the first floor; we thought they were very proper.

MR SPEAKER: Dr Kinloch, the time for debate has expired.

MOTION FOR SUSPENSION OF STANDING ORDERS

MR WHALAN (Deputy Chief Minister) (3.56): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent members of the Select Committee on the Amalgamation of Tertiary Institutions from speaking again to the question that the recommendations of the committee be agreed to.

24 August 1989

I move that motion, Mr Speaker, because since the report was tabled and since members spoke previously there has been a significant lapse of time and there have been quite important developments. I think that the Assembly and Canberra can benefit from the expertise which the members of the committee have in relation to that matter.

Question resolved in the negative.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent the resumption of debate on private members' business motion of Mr Stevenson being called on and continuing for a further 30 minutes.

MR WHALAN (Deputy Chief Minister) (3.57): I am rising to my feet to oppose that, Mr Speaker. There is Government business before the house. There was an agreement made between the parties today, which was confirmation of an agreement made yesterday, that we would take 35 minutes for private members' business in today's program. We have honoured that undertaking. The 35 minutes have been provided to the very second. Breaching an undertaking of that sort makes you wonder what is the worth of negotiations when we set the program for business.

We have important business from the Government before this chamber, and this quite clearly is designed to frustrate that intention. If people are going to stick to deals which are made then they must stick to them as they are agreed. There is no point in chopping and changing on the floor of the chamber just to suit some new coalition arrangement or some new opportunity to share in a particular port. I would urge members of the chamber to vote against the suspension, to stick to the deal which was made yesterday and again confirmed today, and to allow the Government to continue with its business.

MR KAINE (Leader of the Opposition) (3.59): I find Mr Whalan's response to the proposal quite curious. We sought an extension for 35 minutes of private members' time to make up for the time that we lost yesterday. There is nothing implicit in that that we cannot at a later time seek to further extend the time.

Is Mr Whalan suggesting that there is some sort of cast-iron deal for which only the Labor Party can lay down the terms? That is patently ridiculous, Mr Speaker. There is not only some Government business on the agenda, not a great deal of

24 August 1989

it - as I pointed out in a debate earlier in the week, the Government seems to be having a great deal of trouble finding business to fill up the Government's business sector - but also private members' business on the agenda. It is matter of subjective judgment about whether the Government's business is more important than that of the private members, the non-Government members, of the Assembly.

If I had a look at the notice paper in detail I would submit that the matters on the private members' agenda are probably more important than the ones on the Government's. That is a subjective judgment, which I am entitled to make also. So for Mr Whalan to suggest that there is something improper in a motion to extend the time for private members' business is quite unacceptable, and I find it rather strange that he has not yet got the message that this minority Labor Government does not, of itself, set the agenda for this Assembly. I think it is just one of the lessons that they are going to have to learn.

MR STEVENSON (4.01): I wish to speak to the motion. It is important that the opportunity be allowed to answer allegations and misrepresentations.

Question put.

The Assembly voted -

AYES, 11

NOES, 6

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

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Mr Whalan
Mr Wood

Question resolved in the affirmative.

ABOLISH SELF GOVERNMENT COALITION - STAFF BUDGET ALLOCATION

Debate resumed.

DR KINLOCH (4.03): I would like to respond to Mr Wood. I also had that big room for a short time, you recall, and indeed it was a beautiful room. I invite members to observe my present room, but we had better not go on about that.

I take Mr Wood's point the other way. I feel that Mr Wood has been such an excellent member that I would certainly welcome 1.5 members for Mr Wood to match 1.5 members for

24 August 1989

Mr Stevenson. I would also agree very much with Mr Stefaniak that he is in a unique position of being both an individual member and responsible to a constituency which is a party constituency, and I believe that he should have a similar arrangement to, for example, the Residents Rally. I would also like to take objection - - -

Mr Kaine: I rise on a point of order. Mr Speaker, is there only one debate, or two, going on on the floor?

MR SPEAKER: Proceed, Dr Kinloch.

DR KINLOCH: I want to object to the notion that the only things Mr Stevenson has done have been to make objections about salaries. Those of us who have been on the Social Policy Committee and, I know, on the section 19 committee will recognise him as a very hard-working member of those committees.

MR DUBY (4.05): There have been quite a few misinterpretations - I think that is the way to put it - going on around here today. First of all, I am going to make two points. To say that Mr Stevenson is the only person in the house who does not have 1.5 staff members to himself as part of his party is clearly claptrap. My group have three members. We have three staff. We know that Bill Wood, a back bencher, has one staff member. I do not know the arrangements with the Liberal Party, but my thought was that there were four members on the Leader of the Opposition's staff and I think they may have four or five members to service the party.

The fact of the matter is that with larger parties, and especially with such an important organisation as the Liberal Party, it is only logical that you are going to need more staff. The same goes for the Residents Rally.

Mr Wood: They just need that much more help; that is the thing.

MR DUBY: There are four members of the Residents Rally, and I understand that they have staffing arrangements of four ASO5s and two ASO4s. That is the ASL figure. They can do with it as they wish. As a result, they have some ASO6s, they have some ASO2s, et cetera. It is only commonsense, though, that a group that likes to call itself the real Opposition needs to have extra staff to handle extra circumstances and extra duties.

What you are doing is taking out of the legitimate realm of the Government the right to allocate staff to parties and you are saying quite categorically that it has to be 1.5 staff persons at an ASO5 level of salary. Clearly, this is a ridiculous and stupid precedent to set. That is the only possible thing I can say. As for voting on this in the house, it is going to look good, is it not? Where will the claims be next? Is Mr Wood going to have a claim in for half an ASO5, a committee secretary, because I can assure

24 August 1989

you that if everyone is working on the basis that you are all being paid at 1.5 ASO5s per head, my party will be insisting on 4.5 ASO5s. So to service our three, we are going to have a salary in the order of 150 grand. For God's sake; why not?

Mr Jensen: You have got \$86,000. Is that not enough?

MR DUBY: We do not have that. You are misinformed, Mr Jensen, for the fourteenth time.

MR SPEAKER: Order!

MR DUBY: That is the case. You are setting a ridiculous precedent here on the matter of 1.5 staff per member. That is what you are doing. What you are doing also in relation to consultancies I can only advise you is clearly a very, very dangerous thing to do.

There is no question about the fact, no question whatsoever that Mr Stevenson's staff of John Hesketh, his wife and his stepson were employed on that basis and were employed on a gross salary as a consultancy for no other reason than to minimise pay-as-you-earn tax. It is an incontrovertible fact.

I notice that Mr Stevenson mentioned that one of the people was a volunteer. Well, what is to stop him from still volunteering? He is welcome to come in any day and work for nothing. Good on him. The situation is also that, now you are allocating Mr Stevenson \$46,000 to hand out gross - no pay-as-you-earn - there are no checks whatsoever on where that money is going or whom it is going to. For goodness sake, all sorts of situations can arise. You are leaving yourself wide open for the system to be rorted. That is the only word for it.

It has been mentioned that I have hired a consultancy. I certainly have. There is a total difference between someone working in an office from 8.30 in the morning until 5 o'clock in the afternoon, five days a week, 52 weeks in a year on a salary basis, on an employee basis, providing office services and, as you people maintain, a consultancy that can then hire it out to the lowest bidder or whatever. Not to have someone working on a salary basis, on a proper wages system that all your employees work under, that all my employees work under, is clearly ludicrous.

Mr Kaine: How did you get your consultant? Where did that money come from?

MR DUBY: As I have frequently told the house, Mr Kaine, my party is entitled to three staff. We have chosen to employ two full-time people. I have not - - -

Mr Kaine: So you use salary money for consultancy. There is no difference.

24 August 1989

MR DUBY: I have not had any consultant come into my office, sit there from 8.30 to 12.30, clock off for lunch and go home at 5 o'clock. That is totally different, Mr Kaine, and you are well aware of it. And if you cannot understand the difference, Mr Kaine, you do not deserve to be the Leader of the Opposition.

Mr Kaine: It does not make any difference if he is a consultant or he is being paid salary money.

MR SPEAKER: Order! Please address your remarks through the Chair.

Mr Kaine: It is a rort, Mr Speaker.

MR DUBY: It certainly is a rort, the fact that you are there with an extra 30-odd grand for whatever reason. In addition, I have subsequently found out that consultancy fees do not come out of the salaries vote. It may well be that on the occasions on which I have used salaries I have used them incorrectly or in a wrong fashion, not in any way attempting to rort the system, but I should have put those persons on staff and had them paid a salary, and I well appreciate the fact. The fact of the matter also is that we had entitlement to those salaries and those positions have not been filled. We have done nothing.

Mr Kaine: The same with us. We have not filled them either.

MR DUBY: Not with this, though. That is the difference. Can you not see the point?

Mr Stevenson: I take a point of order, Mr Speaker. I object to being referred to as "this".

MR DUBY: What would you like me to refer to you as - "this member"?

MR SPEAKER: I am not sure that that is a valid point of order, Mr Stevenson.

MR DUBY: No, it is a ridiculous point of order. Anyway this is what you are letting yourselves into. Believe me, as I stated before an interjection, under the MOP(S) scheme that applies in the house across the hill the only persons empowered to hire consultants are Government Ministers, and those persons that they hire do not come in and work as persons in their office. They have a contract.

There is a vast difference, and for you people to make out that you cannot see it is clearly ludicrous. What you are doing, of course, is kowtowing for the day that you lot want to get together and form a government with Dennis Stevenson as Minister for Racial Purity or whatever he will be in your government, and that is all it is.

24 August 1989

Mr Stevenson: I take a point of order, Mr Speaker. The level of debate in this house is, unfortunately, sinking rapidly with remarks such as that.

MR SPEAKER: I accept the point of order, Mr Stevenson. Members should be able to expect some respect to be shown to them during debate. Please withdraw that last comment, Mr DUBY, and proceed on a more respectful level.

MR DUBY: I withdraw the comment and any implication that it had, but God knows, when the day does come that a government is formed, what ministry will he have? What ministry will Dennis Stevenson demand out of the - - -

Ms Maher: He will be able to get what he demands; that is for sure.

MR DUBY: Yes, that is right. It is fairly apparent what is happening here. You in the Liberal Party and the Residents Rally party are holding and kowtowing to the wishes of the Abolish Self Government Coalition for no other reason than that you are afraid; you are dead scared that one day you might need him, that one day you will need him for that vote.

Mr Kaine: We might need you, too.

MR DUBY: Well, I have got news for you, Trevor. All I can say is that I would urge people to reconsider, firstly, on the issue of consultants. On that consultancy matter I have had discussions with Secretariat staff and am now of the opinion that if we need to utilise that third position, which is what we had - we saved it as an ASL number of dollars - the way to do it is to put people on staff, and there are no problems. We have no intention of hiring a consultancy in that fashion.

I do not know, I just do not understand the whole purpose of this debate. I just cannot understand what you are possibly trying to get at. Whilst I can well understand the concept of maybe kicking more dollars into the till, this idea of suddenly amending this thing so that everybody has got open slather on the public purse in improper matters of consultancies is beyond me.

MR COLLAERY (4.15): Mr Speaker, I like a good stir. If ever there was a subject where we should have behaved with the utmost propriety, it was this subject because we are all brought into disrepute. I was pained to hear a lot of the language, personally, because even from a point of good sense it was not appropriate for the debate to go this way. Mr Speaker, this debate is about equity in the system. Mr Kaine said it at the beginning. The numbers were clear at the beginning. That should have been enough.

Instead, we have gone into hyperbole and a personal attack on Mr Stevenson. "Back pocket deals", I heard; "avoidance", "blackmail", "rorts"; "this", which is

24 August 1989

normally applied to an animal; and then racist comments. I do not believe in picking on people when they are alone in this chamber without collegiate support. I do not like, as an Australian and as someone who grew up in Wollongong, to see you people kicking this fellow. He can speak for himself on all of those issues, and I do not stand to defend Mr Stevenson.

Mr Speaker, the first thing I wish to state is that the NSG situation in funding, whatever it is, is not the benchmark, and those members should not arrogate to themselves the right to set the standard for this house. The fact is, on the face of it - - -

Mr Duby: I take a point of order, Mr Speaker. No-one is suggesting that our funding or levels of staffing are the benchmark.

MR SPEAKER: Order! Mr Duby, you are entering debate. That is not a point of order.

MR COLLAERY: Mr Speaker, I will deal with the Chief Minister's submission. The most revealing part of her submission was a pejorative reference to "company" and "tax", a theme that has gone right through this debate. Mr Speaker, I read from the Members of Parliament (Staff) Act 1984 which applies in the other house. It says, at section 4:

A Minister may, with the approval of the Prime Minister, on behalf of the Commonwealth, engage, under an agreement in writing, a natural person -

I presume Mr Duby employs those -

body corporate or partnership as a consultant.

The precedent in the Federal Parliament is to permit the employment of a company or a partnership, and we all know that there are differing tax rules that apply for persons and companies. The fact is, as I understand it on my advice, there is no company employed upstairs and there was no company employed upstairs by Mr Stevenson. He can speak for himself. But were he to have employed a company, there is nothing extraordinary or improper, as was suggested, because the precedent is set in the other house.

The issues that we need to look at in this Assembly in due course, when the Government brings forward its legislation to cover this thing, are the propriety of employing companies; whether the Assembly should set the best standards in the community; avoidance, minimisation and what have you. Those issues can be properly approached in due course when we receive legislation from this Government, and we will debate them. But for the time being it seems only fair, in the best Australian tradition, that we treat this member here, Mr Stevenson, on an equitable footing. If a benchmark has been set by the

24 August 1989

Rally, then so be it for the time being, and I make no apologies for that.

I regret very much that the Chief Minister has, for the first time, I think, stepped out of the bounds of propriety with an inference that this gentleman was involved in tax rorting. In her comments and the comments of Mr Wood, who seems equally emotive on this issue, the use of the word "blackmail" was unfortunate. I think that no-one really in the community wants to see us in the Assembly do other than get the best possible people on the ground assisting us to perform the job in this Assembly, and Mr Stevenson claims to be attempting that. There has been no evidence presented to this Assembly that he has not been doing a good job, I note, Mr Speaker. No-one has asserted that.

Ms Follett: I have.

MR COLLAERY: The Chief Minister says she has asserted that Mr Stevenson has not been doing a good job. Well, one hopes that the Chief Minister can back up those assertions in due course. Mr Speaker, the motion, in both of its parts, is appropriate to pass at this stage, on our submission. When the Government brings forward a Bill, we can reopen these issues, and I hope that we can reopen them without the emotional claptrap that went on around me in this chamber while this went on, from the other side of the house.

MR BERRY (Minister for Community Services and Health) (4.20): I think that the most interesting report of this event will turn up in the media, and it will demonstrate the Liberals and the Residents Rally party contesting the fate of Mr Stevenson to ensure that they have stitched up his vote, as I think Mr Duby properly put it. But what annoys me mostly is the extent to which they are prepared to prostitute themselves to deliver on that.

Mr Moore: I rise on a point of order, Mr Speaker. I would ask Mr Berry to withdraw that comment about prostituting ourselves.

MR SPEAKER: I do not believe that that was really meant in the worst form that you envisage, Mr Moore. It is not a point of order.

Mr Kaine: I would rather have your vote, Wayne, any day.

MR BERRY: Thank you.

Mr Moore: I would like to take that point of order, Mr Speaker. I do object to that word because it implies that in some way we have sold - - -

MR SPEAKER: I have ruled, and that is it.

MR BERRY: I think that the reports that will appear in the media on this issue will demonstrate the extent to which

24 August 1989

the Residents Rally is prepared to get its snout in the trough in relation to the spending of community funds on its party. All sorts of allegations have been raised about the Government, and I think it has been repeatedly put to this Assembly what the Government's position is in relation to staffing, and everybody is clear on that issue. I think one of the most important issues about the consultant position is that where consultants are employed by the Government - - -

Mr Kaine: You are in trouble for raising it.

MR BERRY: You had your turn, Mr Kaine. They are employed for a set term, on a set task. I have heard a few members from the opposing parties here claiming some fame by being associated with trade union areas. One even claimed to have a metal worker father - - -

MR SPEAKER: Order! Mr Berry, please stick to the point. This debate closes at 4.33.

Mr Kaine: A boilermaker.

MR BERRY: He claimed to have a boilermaker as a parent and claimed some fame because of trade unionism. I think, in sticking to the point, Mr Speaker, that the basic terms and conditions of employment that ought to apply even for consultants apply in respect of the consultants that the Government hires. That has not been the case in what Mr Stevenson has attempted to do and it is not going to be the case in what is being attempted by the Residents Rally party. I heard an amendment - - -

Mr Collaery: We have not got any consultants.

MR SPEAKER: Order! Please address your remarks through the Chair.

MR BERRY: In sticking to the point, Mr Speaker, I heard an amendment from the Residents Rally which clearly supported the employment of consultants by anybody who wished to do so. The amendment was moved by Mr Jensen. I think, Mr Speaker, that the reality of this situation is clearly about securing an amalgam of the Liberal Party, the Residents Rally party and Mr Stevenson. I think what needs to be reported clearly is the extent to which they are prepared to go to stitch up that vote, rather than any reason being used about the propriety of what is going on. That is really the issue - the propriety of all of this. I cannot think of anybody who would accept what is being attempted by this motion by Mr Stevenson as being a proper approach to employment of people by politicians in this Assembly. It is clearly, in my view, aimed at tax minimisation.

Mr Humphries: It is not our job to stop tax minimisation. If someone wants to minimise tax, that is his business.

24 August 1989

MR BERRY: It is not a proper practice, Mr Humphries.

Mr Humphries: It is a legal practice. It is legal to minimise tax. We all minimise tax when we - -
-

MR SPEAKER: Order! Mr Humphries, I will be forced to name you if you keep up these outbursts.

MR BERRY: It is not a proper employment practice for members of this Assembly to involve themselves in. Whilst it might be seen as proper for members of the Liberal Party and their constituents to minimise tax, it is not a proper practice for members of this Assembly.

Mr Speaker, I have enjoyed the brief time I have had on the floor here, aside from the interjections from the members of the Liberal Party, who seem very nervous, and rightly so, about being associated with people who minimise tax. It is very important, I think, that everybody is fully aware that they are prepared to support this outrageous motion and, it seems, the amendment that goes with it. The Government will not.

MS MAHER (4.27): I would just like to remind especially the members sitting across from me that during the election Mr Stevenson and the Abolish Self Government Coalition said that they would either resign if they got in or they would sit in here and do - - -

Mr Stevenson: On a point of order, Mr Speaker, I did not say that, and members of my party did not say that. We signed a - - -

MR SPEAKER: Mr Stevenson, you are debating the issue. That is not a point of order.

Mr Stevenson: It is not true.

MS MAHER: He also said that he would sit in the house and do nothing, and now you want to give him extra pay so he can sit here and do nothing. I just feel that, if you all pass this, I will be applying to the Chief Minister to have my vote for staff increased to \$46,000, because at the moment I have only one ASO5. I do not have any extra staff. I have secretarial and typing facilities available if I need them, just the same as Mr Stevenson has. I agree with Mr DUBY and I find it really hard to believe what you are doing.

MR MOORE (4.28): Mr Speaker, the Rally would like to state at the outset that we absolutely deplore the attack made by Mr Berry on private enterprise and also on consultants. I have had a note passed to me from a person who has from time to time worked as a consultant and freelance writer, who also takes complete umbrage at Mr Berry's allegation that that person is involved in tax minimisation or any other fraud on the Australian taxpaying public. That was the inference of the sort of thing that he said, and I

24 August 1989

think it is a great shame that this debate has come to that.

What the Rally and the Liberal Party are concerned about here is equity across the system as far as we can possibly get it. I think, the way the debate has been going, we may have to consider the possibility that members of the Government should also have exactly the same staffing as any other member of the Assembly, but perhaps we could leave that for another debate.

MR WHALAN (Deputy Chief Minister) (4.30): Mr Speaker, I think it is worth while to return to the motion.

Mr Humphries: Mr Speaker, on a point of order; I believe the Deputy Chief Minister has already spoken in this debate.

MR SPEAKER: No. There is no point of order involved.

MR WHALAN: Mr Speaker, I would like to refer to paragraph (1) of this. I would like to urge members of the Assembly to realise that the debate is not about the sum of \$31,000, nor is it about the amount of \$46,000, but rather it is about the amount of 30 pieces of silver - the 30 pieces of silver that Mr Collaery has negotiated with Mr Stevenson. This is what this proposal is all about.

Mr Stevenson: I rise on a point of order, Mr Speaker. This suggests improper behaviour on my part and of course on the part of Mr Collaery, and that is not true. I ask that the Deputy Chief Minister withdraw that imputation as per standing orders.

Mr Duby: It is not improper.

Mr Stevenson: It is an imputation.

MR SPEAKER: I uphold your objection, Mr Stevenson. It is an imputation, Deputy Chief Minister. Would you withdraw that comment.

MR WHALAN: I am afraid that I will have to go through it. What I said, Mr Speaker, was that it is not about \$31,000. It is not about \$46,000. I said it is about the amount of 30 pieces of silver that was negotiated as the price - - -

Mr Stevenson: Withdraw.

Mr Humphries: Mr Speaker, on a point of order; the Deputy Chief Minister has tried to read back into the record a second time the allegation which he is now being asked to withdraw, and I ask him to withdraw it.

Mr Stevenson: I move: That the question be now put.

MR WHALAN: It is the gag, is it?

24 August 1989

MR SPEAKER: Order! The point of order on withdrawal must be addressed before we can go to the motion. Deputy Chief Minister, the imputation was there against members of this house. I believe it is proper for you to withdraw that imputation, that there was collusion - - -

Mrs Grassby: Stop ordering him around. You are not a school teacher.

MR SPEAKER: Order!

MR WHALAN: Mr Speaker, in defence, if I had used the term "Judas" or something like that, then I would have thought that that would have been reasonable to be withdrawn, and I would have - - -

Mr Humphries: On a point of order; Mr Speaker, this man is flouting your authority. You have asked him to withdraw and he should do so unqualifiedly and immediately.

MR SPEAKER: Thank you, Mr Humphries. Deputy Chief Minister?.

MR WHALAN: I so do.

MR SPEAKER: Thank you.

MR STEVENSON: With thirty seconds to go, I move:

That the question be now put.

Mr Whalan: The gag. People are being denied the right - - -

Mr Kaine: Give him his 30 seconds, Mr Speaker.

Question put:

That the question be now put.

The Assembly voted -

AYES, 10

NOES, 7

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Whalan
Mr Wood

Question resolved in the affirmative.

24 August 1989

MR WHALAN (Deputy Chief Minister) (4.37): Mr Speaker, I move: That the house do now adjourn.

MR SPEAKER: I must put the question first.

MR WHALAN: No. The time has elapsed; I am sorry. The 30 minutes extension has elapsed, Mr Speaker.

MR SPEAKER: I am required to put the question forthwith.

Mr Whalan: Mr Speaker, at two minutes to 4, there was an extension moved for 30 minutes, and that expired at 28 minutes past 4, and - - -

MR SPEAKER: At 4.33, but please proceed, Deputy Chief Minister.

Mr Whalan: Well, I will agree that it was three minutes past 4. It expired at 4.33. The time elapsed before the matter was put to the vote. It is totally improper - - -

Mr Collaery: I take a point of order, Mr Speaker.

Mr Whalan: It was totally improper for this to be put to the vote.

MR SPEAKER: Deputy Chief Minister, when a point of order is called, it is imperative that members sit and listen to the point of order. That is in the standing orders.

Mr Collaery: I have been very patient this afternoon but the Deputy Chief Minister referred to something that you ruled on, Mr Speaker, as being totally improper. I draw that to your attention, Mr Speaker. You may not have heard those comments.

MR SPEAKER: Thank you, Mr Collaery. Please proceed, Deputy Chief Minister.

Mr Whalan: So, Mr Speaker, I moved a motion, which was that the house do now adjourn, and I ask you to accept that motion.

MR SPEAKER: I will take advice on this matter.

With respect to the closure motion, I am obliged to call for the vote on the amendment proposed by Mr Jensen.

Mr Whalan: I rise on a point of order, Mr Speaker.

MR SPEAKER: Please do not interrupt for a moment, Deputy Chief Minister.

Mr Whalan: I have a very serious point of order to make.

MR SPEAKER: Please proceed, Deputy Chief Minister.

24 August 1989

Mr Whalan: Mr Speaker, the motion which is before the Assembly, which was legitimately before the Assembly until 4.33, is a matter which is of very serious contention and could require the Government to take illegal action in relation to payments and the way in which it determines the staffing - - -

MR SPEAKER: Deputy Chief Minister, you are debating the issue.

Mr Whalan: It could be the subject of litigation by any member of the community, and I insist that it must adhere - - -

Mr Jensen: Mr Speaker, I have a point of order.

MR SPEAKER: Deputy Chief Minister, resume your seat.

Mr Jensen: Mr Speaker, I believe that you ruled that the Deputy Chief Minister was debating the issue and he refused to resume his seat.

MR SPEAKER: Thank you, Mr Jensen. Would all members bear with me and allow me to make the statement I started to make, without interjections. The question before the house is that the amendment proposed by Mr Jensen be voted on. At that stage we will then place this matter for further reference on another day. That overcomes your objection, Deputy Chief Minister.

Mr Whalan: Thank you, Mr Speaker; a good ruling.

MR SPEAKER: The question is: That the amendment be agreed to.

Mr Collaery: Mr Speaker, I rise on a question of privilege and contempt. There was a voice from the public gallery a few moments ago that talked about us being involved in tax avoidance. I ask that the person in the public gallery who said those words identify himself or herself.

MR SPEAKER: Mr Collaery, I will have to take advice on this issue.

My ruling on your point, Mr Collaery, is that I did not hear the interjection from the gallery. Addressing myself to the public, I respectfully request that this not happen, if it has happened. Mr Collaery, I ask you to withdraw that motion.

Mr Collaery: I withdraw the motion in view of your statement, Mr Speaker, unreservedly.

Question put:

That the amendment be agreed to.

24 August 1989

The Assembly voted -

AYES, 10

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

NOES, 7

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Whalan
Mr Wood

Question resolved in the affirmative.

MR SPEAKER: The time for debate on this matter has now expired. The resumption of the debate will be made an order of the day for the next sitting.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent the resumption of debate on private members' business on the motion of Mr Stevenson being called on and continuing for a further 30 minutes.

MR WHALAN (Deputy Chief Minister) (4.44): I rise to oppose the motion, Mr Speaker. This is the most extraordinary motion. When I was seeking to address the chamber and make my contribution to the debate on this very important agenda item, these people, because their new-found friend had 30 seconds left to go in the debate, applied the gag in a way which denied - - -

Mr Collaery: On a point of order, Mr Speaker; Mr Whalan is reading an inaccuracy into the record. It was Mr Stevenson who applied the gag, not "they".

MR WHALAN: They applied the gag and denied the democratic right to participate in this debate. Now that might have been okay, but then the ultimate height of cynicism is that, when the time expires, which prevents a vote on this scandalous motion - this motion which relates to the 30 pieces of silver that I spoke about earlier - - -

Mr Stevenson: I rise on a point of order, Mr Speaker. I believe you asked the Deputy Chief Minister to withdraw that remark earlier.

MR SPEAKER: No. You are incorrect, Mr Stevenson. That is not a point of order.

24 August 1989

MR WHALAN: It is absolutely scandalous that in these circumstances we should now have the sophistry coming from the Liberal Party, the sophistry whereby they should now seek the extension for a further 30 minutes so that they can debate, as my colleague Mr Berry described it, the snouts in the trough motion which has been - - -

Mr Kaine: I take a point of order, Mr Speaker. This is not debating the motion that is before the house. I think the Minister should be asked to direct his attention to the motion. While I am on my feet, Mr Speaker, in connection with that point of order I should point out that, if "snouts in the trough" means what I think it means, the Labor Government needs to look at its particular position on this issue.

MR SPEAKER: Order! That is debating the issue, Mr Kaine. Please proceed to the point, Deputy Chief Minister.

MR WHALAN: And so, Mr Speaker, my speaking time has been deliberately run down by the points of order, further denying me the democratic right to contribute to this debate. Clearly, the only way one gets that opportunity is by using mechanisms such as debating the suspension of standing orders. It is all right for you, Bernard. You had the opportunity. No-one tried to stop the nonsense that you were talking, and the same with you, Norman. You got your opportunity and no-one tried to stop the nonsense you were talking. But you would prevent other people from exercising their democratic right. It is shameful; it is appalling that this Assembly should allow itself to be treated in this way and such appalling behaviour can be tolerated.

It is totally inappropriate, Mr Speaker. I think that you most properly ruled what should be the appropriate course of action, by ruling that this matter should be adjourned if it is consistent with the extension which was already given for 30 minutes. It is consistent with gagging of people's contribution and it will provide for public consideration. That is what they are terrified about. They are terrified of the public scrutiny which there will be of this particular motion if it is not rushed through this chamber this afternoon. So I appeal to the fair dinkum members of this chamber to oppose the suspension of standing orders.

Mr Humphries: Who are they, Paul?

MR WHALAN: We will see when the vote is taken.

MR MOORE (4.49): Mr Speaker, I think that when Hansard is read it will be very clear exactly who it is that has been attempting to play games - and I speak specifically about Mr Whalan - and who he has forced into using these same sorts of tactics that he is trying, to play with restricting time and not allowing people to have their say. I think that is what will happen now.

24 August 1989

Question put.

The Assembly voted -

AYES, 10

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

NOES, 7

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Whalan
Mr Wood

Question resolved in the affirmative.

ABOLISH SELF GOVERNMENT COALITION - STAFF BUDGET ALLOCATION

Consideration resumed.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 9

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Stefaniak
Mr Stevenson

NOES, 8

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Prowse
Mr Whalan
Mr Wood

Question resolved in the affirmative.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would allow order of the day No. 3, Assembly business, to have precedence and be called on forthwith.

24 August 1989

AMALGAMATION OF TERTIARY INSTITUTIONS - SELECT COMMITTEE Report

Debate resumed.

MRS NOLAN (4.59): It has been quite some time since this committee report was first brought into the house, so I am very pleased to see that we are now, today, finally going to approve the recommendations. Higher education has a critical role to play in the development of both Australia in general and the ACT in particular. Of course it is to the ACT that I want to address my remarks today.

The ACT at present has two fine and individual institutions teaching tertiary education at a high level. It would be a shame not only for those institutions but for the ACT if they were forced into an amalgamation with one another. An amalgamation between the ANU and CCAE would destroy the autonomy of both institutions and would run contrary to the widespread opposition of many of the staff and students in both.

The ANU is a university of national significance, Mr Speaker, and should remain so. It undertakes research tasks that have ramifications for the whole of Australia. I am talking about such matters as international trade issues and medical study. The CCAE, on the other hand, is a tertiary institution more specific to the Canberra community, and it fulfils this function to an excellent standard. It is incorrect for the Federal Minister for Education to simply assure us that both institutions will benefit from an amalgamation. This the Select Committee on the Amalgamation of Tertiary Institutions has clearly found.

The Federal Labor Government has consistently failed to give any evidence of financial or educational benefits which would accrue from a merger between the ANU and the CCAE. Mr Dawkins has been under the presumption that bigger is better, with no factual ground for the amalgamation that he is pushing for.

The recommendations of the report of the select committee should be wholly adopted as an ACT Government policy, Mr Speaker, because they best serve the interests of all concerned in the ACT. By adopting the committee's recommendations, the role of the CCAE as an institution responsive to the needs of the Canberra community will be preserved. The recommendation that the Commonwealth Government transfer the CCAE to the ACT Government will improve the situation, and the ANU will remain as a university that is of national significance if the recommendations are adopted. It is no good to come to a compromise between the two institutions by amalgamating them, thus detracting from the effectiveness of each.

24 August 1989

The select committee of which Mr Humphries was a member has come to the right decisions. The Liberal Party recommends that these recommendations be agreed to: The ANU and the Institute of the Arts should amalgamate because they share compatible aims and because both institutions favour an amalgamation with each other. The ANU and the CCAE, in contrast, although not amalgamating should move to a closer union with one another. Both institutions could benefit from such a move because, as Mr Humphries has already pointed out, there is an obvious need in some fields of study for cooperation. Both institutions should form a closer union because in addition to being of benefit to some particular courses it may enable a resolution to be found with Mr Dawkins. A closer union may well conform with the unified national system that Mr Dawkins has been speaking of.

The CCAE, as has already been discussed - if I recall, Mr Humphries was the one who made mention of this - should be upgraded to the status of a university. The agreement the CCAE has made with Monash University should be applauded in this regard. This agreement is the first step to the CCAE going to university status. I think it would be important at this time to point out that those people at the CCAE have been waiting for quite some time for this report to be adopted, and I urge that this afternoon the Assembly adopt that report.

(Quorum formed)

DR KINLOCH (5.05), in reply: Could I very quickly say that our committee very much welcomes the bi-, tri-, quadri- or quinti- partisanship that we have had in this matter, and I would also say that all sides of this house have cooperated in this matter. I would especially welcome and congratulate the Minister concerned on the report. I thank the Deputy Chief Minister for his statement in this debate, which I think is an excellent statement and I commend it to all, and I hope that that could find its way as an issued statement, Mr Whalan.

I think there is not much more that needs to be done than to say we welcome the corporate decisions that have been made to agree that we must now move ahead urgently. If I could only say this in these few minutes: It is absolutely vital for the institutions concerned that there be no further delay in this matter. The CCAE must be given an opportunity to move ahead to university status. The ANU needs to resolve its problems. CITA and the ANU need to get together. We need to give the ACT Government and the Deputy Chief Minister a chance to deal as urgently as possible with Mr Dawkins.

I will not go through the many parts of the report. The conclusions are before you. The recommendations are before you. The Government has endorsed almost all those recommendations. There are two qualifications, which I think are relatively minor. They are important

24 August 1989

but relatively minor, and I will not now dwell any further on them. I just do most urgently ask that the conclusions of this report, the findings of this report, be acted on as quickly as possible, and I am sure I have my colleagues' support from the other side of the house.

Question resolved in the affirmative.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) BILL 1989

Consideration resumed from 27 July 1989, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR SPEAKER: The question is that the motion be agreed to.

Mr Humphries: I move: That the Assembly do now adjourn.

MR SPEAKER: Only a Minister can so move, Mr Humphries. The question is that the motion be agreed to.

Mr Whalan: We cannot help it if Mr Collaery is not in the chamber when he is supposed to be speaking on the matter.

Mr Jensen: On a point of order, Mr Speaker; the reason why Mr Collaery is not in the chamber at the moment is that he is - he has just come in. He has just walked out of a committee meeting - a public hearing, I might add.

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would allow Mr Moore to move: That the Assembly do now adjourn.

Question put.

The Assembly voted -

AYES, 9

Mr Collaery
Mr Humphries
Mr Jensen
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

NOES, 7

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Whalan
Mr Wood

24 August 1989

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Business of the Assembly

MR WHALAN (Deputy Chief Minister) (5.15): Mr Speaker, this is a very sorry day. We saw a terrible waste of time while the debate on the 30 pieces of silver motion was conducted and then, when the Government sought to return to Executive business after there had been two extensions of time for the 30 silver pieces motion, we were denied our right to pursue legislation.

The piece of legislation that we have been denied the right to debate this evening relates to the employment of staff members. It contains very important conditions which relate to the employees of members of this Assembly. Yet there is such total disdain for the rights of those people that Mr Moore has moved the adjournment to deny us the opportunity of dealing with the legislation which would protect their rights and privileges. This is totally unacceptable to the Government and we believe that the staff of all members should be informed that their rights have been ridden roughshod over by those people who voted to support this suspension of standing orders to deny us the right to discuss this legislation.

Leadership of Residents Rally

MR COLLAERY: Mr Speaker, I do have an informal committee waiting and I will speak briefly. I rise to express regret also of today's events but, of course, the record will speak clearly as to what the prolongation of debate was caused by and the record will also show what the quality of debate was on the other side of this house.

Mr Speaker, the Deputy Chief Minister has expressed regret that the Bill has not gone through. The fact of the matter is, Mr Speaker, it is not on the notice paper for Executive business today; it is not on the daily - - -

Mr Whalan: On a point of order, Mr Speaker; this is a total misrepresentation. It is on the orders of the day. It is Executive business No. 4 and it was the next item of business to be considered. It is there on the business paper.

24 August 1989

MR SPEAKER: That is correct.

MR COLLAERY: Mr Speaker, I withdraw that. I meant the Assembly business order of the day. Mr Speaker, sometimes I do slip on my words, having faced the brunt of this undisciplined attack all afternoon, so I do apologise for missing my call there.

Ms Follett: Mr Speaker, I rise on a point of order. I think that in referring to this afternoon's debate as an undisciplined matter, Mr Collaery is casting aspersions upon the Speaker's management of the Assembly during the afternoon.

MR SPEAKER: Please proceed, Mr Collaery. Choose your words well.

MR COLLAERY: I assure you, Mr Speaker, I was not referring to the whole of this Assembly. I was referring to a section of the Assembly, and that, of course, identified itself in response to my remark. Mr Speaker, the fact is that both Mr Kaine and I told the Chief Minister yesterday that the LA(MS) Bill was deficient with respect to the provision it made for non-Government members, and there was a clear indication given yesterday that there might be a difficulty with the passage of the legislation in any event.

So, I assure the staff members who the Deputy Chief Minister says are, and perhaps were, affected by the Bill that the Bill was a long way from being a satisfactory document at the time it was brought forward on the business paper today.

Mr Speaker, I also wish to speak to a recent news event that was promulgated by the Deputy Chief Minister. I wish to read into the record a statutory declaration, and I would be only too glad for the Deputy Chief Minister to call for the tabling of this document pursuant to the standing orders. He is already looking at them. It is 113, I think, Mr Whalan. The declaration reads:

I, Christopher John Donohue of 12 Woolls Street, Yarralumla in the Australian Capital Territory, solicitor, do solemnly and sincerely declare:

1. I am the President of Residents Rally for Canberra.
2. On Friday, 28 July 1989 I attended a meeting at Dickson with Sue Douglas and one other member of the Rally executive.
3. We met with two members of the BWIU. It was not a "secret meeting".
4. A report of that meeting was given to the next Rally executive meeting.

24 August 1989

5. At no time at that meeting was there any statement or suggestion to the BWIU representatives that the leadership of the Rally was in issue.
6. There has not at any time been a challenge to the leadership of the Rally.

I read that into the record simply to set the record straight. It speaks for itself. Of course, the Deputy Chief Minister is on his own from now on because I will not join him in any more of the events which have so far polarised this Assembly.

Business of the Assembly

MR JENSEN (5.21): I rise firstly to make a comment in relation to the fact that I may have inadvertently indicated that my colleague Mr Collaery was at a committee meeting. In fact, as Mr Collaery said, he was not at a committee meeting. It was an informal briefing. I wish to make that point quite clear.

However, I also support my colleague Mr Collaery in relation to the reason for this particular adjournment debate. I looked with some considerable interest at the daily program that was put before me. I searched and searched and I could not find any reference to the LA(MS) Bill. I also seem to recall that, prior to this particular motion, the Deputy Chief Minister himself sought to move an adjournment of this house. In fact, it was the rest of this house that decided to continue on with the particular business in hand.

So I think it is incredible hypocrisy for Government members, after having attempted to move an adjournment of the house and also not including it on the daily program, and it is sheer hypocrisy for the Deputy Chief Minister, to make those sorts of statements about the members on this side of the house not being concerned about their staff members.

Business of the Assembly

MR BERRY (Minister for Community Services and Health) (5.22): I think it needs to be made clear that the issues that were put before this house by Mr Collaery were no more than a red herring. Clearly, the Residents Rally party, or should I say the 30 pieces of silver coalition, has set about to prevent protection for employees of members of this Assembly being implemented as a matter of course.

24 August 1989

Mr Humphries: I rise on a point of order. Mr Speaker, I draw your attention to standing order 52, which precludes members from reflecting upon a vote of the Assembly, and I ask the speaker not to reflect on a vote of the Assembly.

Mr Berry: Which vote?

Mr Humphries: The one on staffing. You are saying that it is a denigration of our duty to our staff and you are reflecting on the vote the Assembly has just taken.

MR SPEAKER: The point of order is upheld.

MR BERRY: I think what you might have found that needled you a little bit, Mr Humphries, was my reference to the 30 pieces of silver coalition. I can see why you would be upset by that, because the Liberal Party usually tries to sell itself as a responsible party. Mr Collaery, of course, wrongfully argued - in fact I think misled the Assembly in relation to his presentation of the issue - in relation to the legislation which this Government attempted to put before the house for the protection of Assembly members' employees.

Mr Jensen: Where is occupational health and safety? That is on the notice paper.

MR BERRY: Mr Jensen raises the issue of occupational health and safety and I think it is quite proper of the Residents Rally party to do that because all they have done in the whole process is attempt to water it down so that members are not properly protected, but in any event I will go back to the legislation which of course the Labor Government attempts to bring into this house to secure protection for employees of this Assembly.

Of course, it could be amended if Mr Collaery and those members of the 30 pieces of silver coalition wanted to amend any part of it. Probably the only parts that they would seek to amend are those which serve to assist people in the reduction of their proper tax commitments to the Federal coffers and to the community of Australia.

Mr Speaker, I think it is most improper of members from the coalition to stand barefaced and attempt to prevent the Government from providing proper protection for legitimate employees. Mr Speaker, the attitude of the coalition will of course be reported far and wide, and I am sure that their success in the recent polls run by the Canberra Times will be reflected at the next election and many of them will find themselves in a position where they too might require some protection from the sort of legislation that this Government attempts to implement, and I think most of them might be unemployed.

24 August 1989

Assembly Members' Staff

MR DUBY (5.27): Mr Speaker, the private members' motion that was passed this afternoon and amended by the people on this side of the house referred to the fact that consultancies can be set up until such time as the matter is clarified in the LA(MS) Bill. Hence, the wicked haste of the people on this side to delay the debate of the LA(MS) Bill so that they could get out and set up their consultancy rorts is what it is all about.

Mr Humphries: On a point of order, Mr Speaker; the member is reflecting on a vote of the Assembly and is out of order.

MR SPEAKER: That is upheld.

MR MOORE (5.28): I would like to - - -

Mr Whalan: I rise on a point of order. Mr Moore has moved this motion.

A member: Are you going to give him the right of reply?

Mrs Grassby: You are going to have to look at your rules.

MR SPEAKER: I accept that point; you are correct.

Assembly Members' Staff

MR STEVENSON (5.29): There have been certain allegations made in this Assembly today and it is unfortunate that the level of debate has dropped to where it has. It does none of us any good.

Mrs Grassby: We agree.

MR STEVENSON: That unfortunately is yet another example. One thing I will speak of is the support from and the support of the Labor Party, and this is why there is a difference between parties in this Assembly and why the Residents Rally was used as the only reasonable example. Obviously in Mr Wood's case, he has support that others do not have. Mr Wood is the secretary of the Cabinet - - -

Mr Duby: I take a point of order, Mr Speaker. That is clearly not a matter of fact.

MR SPEAKER: Please proceed.

MR STEVENSON: Mr Wood is the secretary of the Cabinet - - -

Mr Duby: I would ask that that be withdrawn, Mr Speaker. It is not a matter of fact.

24 August 1989

MR SPEAKER: You did not ask that previously.

Mr Duby: I beg your pardon.

MR SPEAKER: I am afraid I am unaware of the matter that is inaccurate. I did not hear the point referred to.

Mr Duby: The statement that Mr Wood has access to administrative and staff support other than his one staff member.

MR SPEAKER: I overrule that. I believe you are debating the issue there, Mr Duby.

Mr Duby: Mr Speaker, a statement has been made which is clearly incorrect. I ask for it to be withdrawn.

MR SPEAKER: That is a matter for debate, and there are points of view for and against the point that you are now debating.

MR STEVENSON: Mr Wood, as the secretary of the Cabinet, has access to a great deal of information that others in this Assembly do not have. In addition Mr Wood - and I asked him to remain in the Assembly earlier so my comments could be heard - obviously, as we all understand, asks dorothy dix questions. In the case of Mr Duby's party - - -

Ms Follett: I take a point of order, Mr Speaker. I think the speaker is casting an aspersion upon another member of this Assembly, which is quite inappropriate, and he should be asked to apologise and withdraw it.

MR SPEAKER: Unfortunately I was in discussion at the time. I did not hear what was said.

MR STEVENSON: I will repeat it, Mr Speaker. What I said was that Bill Wood asks what we know as dorothy dix questions, and the reason I mention this is to highlight the fact that there is a difference between Mr Wood and other parties in this Assembly.

Mr Whalan: I take a point of order, Mr Speaker. This is a disgraceful reflection upon a member of this Assembly, and, Mr Speaker, you have no choice but to demand that it be withdrawn.

MR STEVENSON: Proof can be supplied, Mr Speaker.

MR SPEAKER: I overrule that objection.

MR STEVENSON: I give an example. On Tuesday last Mr Wood asked a question of Mrs Grassby, and Mrs Grassby read the answer - a wonderful situation! Another case concerns Mr Duby's party, where on 27 July - - -

24 August 1989

Mr Whalan: On a point of order, Mr Speaker; I think that what the speaker is saying displays an ignorance of how question time has to be dealt with. There is such a vast range of issues that are covered by the four Ministers that it is inevitable that Ministers rely on written prompts to a various range of questions. It is a practice which is followed throughout the Westminster system, throughout the world, and it is quite normal, Mr Speaker.

MR SPEAKER: I would agree.

Mr Whalan: So, could I ask that you insist, Mr Speaker, that this reflection upon Mr Wood be withdrawn.

Mrs Grassby: And on me.

Mr Whalan: And indeed on the Minister.

MR SPEAKER: I understood you to be arguing Mr Stevenson's case then, because I believe dorothy dix questions so-called are valid.

Mrs Grassby: He did not say that; he said that I read the answers.

Mr Duby: On a point of order, Mr Speaker; it is fairly apparent that Mr Stevenson does not understand that all Ministers have pre-written cues to matters affecting their - - -

MR SPEAKER: I do not see the point of order. I accept that this is current - - -

Mrs Grassby: Well, I do. I think it is a slur to say that I have no right to do that when it is part of the Westminster system. I think it is a slur on my character. I ask him to withdraw it.

MR SPEAKER: Your time has expired, Mr Stevenson.

Assembly Members' Staff

MS FOLLETT (Chief Minister) (5.33): Mr Speaker, I will be very brief but I do want to correct a number of statements that Mr Stevenson has made; first of all that Bill Wood enjoys further staffing resources by virtue of the fact that he is a member of the same party as the Government. This is absolutely untrue.

A member: Secretary of Cabinet, I think he said.

MS FOLLETT: And/or secretary of Cabinet. In either case it is equally untrue. Bill Wood has one member of staff. That member of staff is employed within the staffing allocation that I have made to all members of this Assembly.

24 August 1989

A member: Does she pay tax?

MS FOLLETT: Of course she pays tax.

Mr Stevenson: I take a point of order, Mr Speaker. I did not say that. I talked of support from and support to the Labor Party.

MR SPEAKER: That is not a valid point of order, Mr Stevenson.

MS FOLLETT: The Labor Party has no staff whatsoever. I repeat that Bill Wood has one member of staff, who is employed within the staffing allocation that I have made and within the basis of staffing resources that I have provided to all Assembly members. So I think that point needs to be made very clearly. Mr DUBY attempted to make that point as a point of order. I state now that it is the case. Bill Wood has one member of staff, and he is extremely ably served by that one member of staff. He did not seem to have Mr Stevenson's apparent difficulties in finding a suitable member of staff. For Mr Stevenson to imply that Mr Wood enjoys further resources is quite incorrect.

I also would like to state that it is a fact that all Ministers - and there are only four of us - do have some written notes which we rely upon in answering questions in the Assembly. Sometimes the questions are covered by the notes; very often they are not. In fact, the degree of detail that is sometimes required of members in the Assembly could never be encompassed by written material provided to Ministers. So, I think, to imply that there is somehow an inadequacy on the part of Ministers because they occasionally read from their notes in answering a question is also quite wrong.

Mr Stevenson: I take a point of order. I did not say that at all. I just stated a fact.

MS FOLLETT: Mr Speaker, I would like to conclude my remarks by saying that I find absolutely extraordinary and totally unedifying the high moral tone that has been taken by members opposite and Mr Stevenson throughout the course of debate on what I regard as a base and venal matter.

Mr Humphries: On a point of order, Mr Speaker; the Chief Minister is again reflecting on a previous vote of the Assembly and it is outlawed by standing orders.

MR SPEAKER: That is correct.

MS FOLLETT: I am reflecting on the high moral tone, Mr Speaker.

Mr Humphries: You are reflecting on the vote.

24 August 1989

MS FOLLETT: No, I am not. I am reflecting on the style of debate and the high moral tone that was taken unanimously or universally by members opposite on a particular matter, and I compare that with their cavalier dismissal of a matter which concerns all of the staff of this Assembly. I compare that with the kind of manipulation that has gone on this afternoon to waste the time of this Assembly and then to fail to deal with a matter of the greatest importance.

It has been a very, very sad day, and I think that, if this is to be the trend in the Assembly, then members opposite really ought to reflect upon why they are here and whether they really want to get on with the business that affects the people of Canberra or merely the business that affects them and their friends.

Use of Question Time

MR WOOD (5.37): Mr Speaker, I too will use the adjournment debate as an opportunity to continue the debate that we have had today that we did not really need to have. I use the pronoun "we" because I include myself. I did also speak earlier. I want to give some advice to you, my colleagues, as I regard you in this chamber. If you have a question you want to ask a Minister that seeks to put the Minister on the spot, ask that question without notice. That is your right and it is an important part of this chamber.

There is another sort of question, and it is one where you seek routine information. You can put that on notice and get an answer in due course, or you can give a note to the Minister in the morning and say, "I will ask you this question today". If you give this notice you will get a detailed answer, the sort of answer that you cannot expect if you just give it without due notice, when the Minister cannot reasonably be expected to know that sort of detail. That is open, as it is in the Federal Parliament, to all members. I suggest that from time to time you may care to use it, as I do.

Secondly, I want to recommend to my colleagues the use of the point of order. I do not think we do ourselves any good by jumping up and down like jack-in-the-boxes, as we have today. A point of order ought to be seen as a specific reference to procedures. You ought in future to refer to a standing order by number. A point of order is not to be taken as a part of the debate and simply to respond to some item in the debate. I would say - I hope you agree with me - that we were fortunate today in the afternoon session that members of the media were not present. We did not really need to carry on as we did.

MR SPEAKER: Thank you for that, Mr Wood. I concur.

Business of the Assembly

MRS NOLAN (5.40): I just want to make a couple of points. I certainly do not want to continue the debate that has gone on this afternoon. I am concerned that we did spend the amount of time that we spent debating such a matter this afternoon, and I am also concerned about the level of consultation that actually happens. I would have thought it would have been much more appropriate had the particular matter in question been talked about by all members of this Assembly, or at least leaders of the Assembly, and perhaps some decision could have been come to without spending the hours that we did this afternoon on such a matter.

I believe that when Bills actually come into the house there should be a committee to look at such Bills. They should be looked at in detail before they ever come into the house. We would then have an opportunity for consultation and, by the time they came into the house, all of that would have been done.

I think that it is very important that, in the next session, we introduce such a committee, as I am sure that, as we go on towards the end of the year, the level of legislation coming into the house will be much greater than it has been to date and I am sure that it will alleviate some of the problems that have obviously occurred this afternoon.

Use of Question Time

MS MAHER (5.41): Mr Speaker, I would just like to mention that, in the same statement in which Mr Stevenson was accusing Mr Wood of asking dorothy dixers, he mentioned Craig Duby and the No Self Government Party. I would just like to put it on record that the No Self Government Party asks its own questions. Quite often we give a copy of the question to the Minister either a day before or on the day that we are going to ask that question so that we do not waste time in this Assembly by questions having to be referred and put on notice. It is a pity that more people do not take the same tack.

Seminar on Assembly Procedures

DR KINLOCH (5.42): Mr Speaker, very quickly, I would like to endorse comments made on both sides of the house by those who are very concerned about what goes on here. I think sensible comments have been made in the last 15 or 20 minutes. I do hope we will get on to the LA(MS) Bill in due course. However, there are problems with that Bill. What a pity it was that there had not been preparation for that kind of legislation long, long ago. I am not blaming

24 August 1989

this Government at all. I would have thought that it would have been possible for the ACT Administration, before we ever arrived here, to have had some kind of legislation prepared. It was very embarrassing to have to ask someone who was already in a job, with superannuation, with tenure, with sick leave, all those things, to come and work here. I had to explain, "I am sorry, but there is no legislation of this kind". So I think that part of the blame must go back to the ACT Administration in its preparation for putting us in this place. I feel we should not pursue blame-laying on the people here.

There are some problems with the Bill. I hope we will come to the Bill. I hope we will be very concerned indeed about our staff members, of course. This is a strange suggestion perhaps, Mr Speaker, but Dr Caldwell of the Centre for Continuing Education suggested to me that it could be that at some time in the early history of our Assembly we might have some kind of very useful seminar, a cross-party seminar, where we might look at our procedures, the way we have worked, how it has been, a kind of way to look at ourselves and see what it has been like. Now, I would like to put that before the Assembly as a possibility.

Preparation of Legislation

MRS GRASSBY (Minister for Housing and Urban Services) (5.43): Mr Speaker, I do not understand how they can say there is no preparation. The Bills are laid on the table. There is time for discussion. As for the ACT Administration being blamed, I object to that. I think that the public servants of this city have done a very good job to get self-government here. If the opposition do not know how government is run, then I suggest that they learn how to do it. I am wondering, Mr Speaker, with the LA(MS) Bill, are we going to end up with many Kevin Byrons in Canberra and his Heaven - you know, lots of bottles of Chandon in the fridge. That is how it seems to me, Mr Speaker.

Mr Jensen: I thought it was "Biro", actually.

MRS GRASSBY: Biro. It was Kevin Biro.

Business of the Assembly

MR HUMPHRIES (5.44): I may as well have my two pennies worth as well, Mr Speaker.

Ms Follett: I thought you already had.

MR HUMPHRIES: No, I have not, in fact.

MR SPEAKER: You have not, according to my list.

24 August 1989

MR HUMPHRIES: I want to refer to two points. One is the point made by the Deputy Chief Minister, and particularly by the Chief Minister, about wasting time this afternoon and the accusations of having prevented other members from entering into debate on this matter. I might remind members that it is certainly true that a member of this house moved a gag on debate.

Mr Berry: It was supported by the Liberal Party and the Residents Rally.

MR HUMPHRIES: It was supported by the Liberal Party.

MR SPEAKER: Order! It being 5.45 pm, the time for this debate has concluded.

Question resolved in the affirmative.

The Assembly adjourned at 5.45 pm until Tuesday, 26 September 1989, at 2.30 pm