



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

24 October 1989

## Tuesday, 24 October 1989

Petition: Water fluoridation .....	1929
Questions without notice:	
National aquarium .....	1929
National aquarium .....	1930
Aspen Island .....	1930
Care of the aged .....	1931
Machinery tender .....	1931
Lead in petrol .....	1932
Canberra Avenue .....	1933
Public Service strike .....	1934
Public Service strike .....	1935
Public Service strike .....	1936
Cosmetics manufacturer .....	1936
Dog control.....	1937
Fees for overseas students .....	1937
United Nations Day .....	1938
Metal recycling .....	1939
Government housing .....	1939
Multicultural marketing (Ministerial statement) .....	1940
Residents Rally - resignation .....	1943
Government legislative program (Matter of public importance) .....	1943
Forward legislative program .....	1968
Occupational Health and safety Bill 1989 .....	1982
Adjournment:	
Recyclable milk bottles .....	2019
United Nations Day .....	2020
Answers to questions:	
Asbestos removal .....	2021
Road upgrading .....	2021
Housing trust .....	2022

24 October 1989

**Tuesday, 24 October 1989**

---

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

### **PETITION**

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

#### **Water Fluoridation**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory, this petition of certain residents of the ACT draws the attention of the Assembly to:

1. Our concern at the sudden decision to remove, without consultation and contrary to expert opinion, fluoride from the Canberra water supply; and
2. Our concern about the effect this decision will have on the dental health of the people of Canberra and the region, particularly given the proven benefits the fluoride program has had in preventing tooth decay.

Your petitioners therefore request the Assembly to rescind this amendment and resume fluoridation at least until a proper inquiry has been conducted.

by **Mr Wood** (from 875 citizens).

Petition received.

### **QUESTIONS WITHOUT NOTICE**

#### **National Aquarium**

**MR WOOD:** I direct a question to the Chief Minister. Was she as annoyed as I was when our colleague Senator Richardson criticised the Government for its approach to the development of the National Aquarium, especially the need or otherwise for an environmental statement? Could the Chief Minister advise Senator Richardson to read the files of his own department, which saw no need for an

24 October 1989

environmental statement - admittedly before he was the Minister?

**MS FOLLETT:** I thank Mr Wood for the question. Yes, I was annoyed by the media reports that I heard about this matter but I think that, as it involves, in essence, a government to government issue, it is best treated in that way. I have received no formal advice from Senator Richardson or from the Federal Government that an EIS is required, or that they would favour an EIS, should I say. I have seen, in fact, nothing other than the media reports of this matter. As it is, I believe, a government to government matter, I think it is more appropriate that I wait for such a formal approach from the Federal Government. When that occurs I will be happy to discuss the matter with the Federal Government.

### **National Aquarium**

**MR COLLAERY:** Chief Minister, you are nevertheless aware that your Federal counterpart, Senator Richardson, has called for an environmental impact statement by your Government, preferably, on the fish farm. Are you further aware that the departmental documents referred to in recent publicity relate to a trout farm and other proposals going back to 1986-87, with no relevance at all to the scale and the nature of the current development?

**MS FOLLETT:** Mr Speaker, I do consider that I have answered that question. As I have said, I believe it is a matter to be discussed between the Federal Government and the ACT Government. As I have said in my previous answer, I have seen media reports of Senator Richardson's call for an EIS but I have received no formal approach whatsoever. As Mr Collaery points out, a great many of the decisions concerning this project were taken long before there was an ACT Government, and I believe that it is appropriate that I should wait until there is some sort of formal approach.

**MR COLLAERY:** Chief Minister, in view of the response, is it the proposal of your Government to refer all environmental concerns of this nature affecting the ACT to the Federal Labor Government?

**MR SPEAKER:** Order, Mr Collaery. I think that is a matter of policy.

### **Aspen Island**

**MRS NOLAN:** My question is to Mrs Grassby as Minister for Housing and Urban Services. I am sure that Mrs Grassby knows where Aspen Island is. Was a survey carried out by her department last Sunday at Aspen Island; what was the purpose of the survey; what was the sample taken, given the

24 October 1989

length of the document; and what was the cost of such a survey?

**MRS GRASSBY:** I will take that question on notice and get back to Mrs Nolan.

### **Care of the Aged**

**DR KINLOCH:** I put a question to Mr Berry, the Minister for Community Services and Health. Among the many recommendations in the Assembly's report on the needs of the ageing and aged are two very strong ones related to a convalescent facility and a hospice. It would be too much to expect, at such short notice, that much planning could have taken place yet, but could the Minister give us some idea of the forthcoming processes of planning on those two matters and other health related matters arising from that report?

**MR BERRY:** I thank Dr Kinloch for the question. The report, which was tabled in the Assembly, did address those issues. They are very important issues in relation to care of the aged. Of course, the principal issue of concern for the Government at the moment is the issue of Canberra's hospital system, and we will be addressing that shortly. As I have indicated before, that decision will be made known before the end of October.

In relation to those two specific facilities that Dr Kinloch mentioned, I can assure him that the Government will not lose sight of them in the light of the report and we will be giving consideration to them in due course. I am not able to be more specific than that, I am sorry, but it is something that is a very important issue for the aged in the Territory.

### **Machinery Tender**

**MR STEFANIAK:** My question is to the Minister for Housing and Urban Services. What does the Government intend to use a low-loader and dolly for, as appeared in the tenders in the Canberra Times on Saturday, 21 October 1989? The tender number is TB 89046. Similarly, what does the Government intend to use a prime mover for - tender 89035? Why is the ACT Government purchasing such machinery when it is already available and far cheaper if leased from subcontractors?

**MRS GRASSBY:** I know what everything is except a dolly. I am sure it is not one that you hold in your arms and rock to sleep. I will find out what a dolly is. Mr Stefaniak, I understand the prime mover has been ordered for moving our own equipment from place to place because it takes too long to move it from one part of Canberra to the other when you want to do work on it. The other ones I will have to

24 October 1989

check on, and I will have to check on the dolly. I will let you know. We have bought most of the equipment as a replacement for equipment that has worn out; but I will get back to you with a positive answer.

**MR STEFANIAK:** I have a supplementary question on that. Is the prime mover a replacement?

**MRS GRASSBY:** I understand the prime mover is, but I will get back to you on that. When I asked the question before, it was.

### **Lead in Petrol**

**MR MOORE:** My question, which is to the Minister for Housing and Urban Services, is with reference to an article in the Canberra Times this morning headed "Lead poisoning fuels civic building row". There is a statement there that in the Sydney region the lead content in super grade petrol is 0.4 milligrams a litre and there have been moves to reduce this to 0.3 milligrams a litre. In Canberra we are permitted to have 0.84 milligrams a litre, nearly double the quantity. Most of us are aware of the dangers of lead poisoning. Would the Minister like to tell us what action she is taking to reduce the lead content in ACT petrol?

**MRS GRASSBY:** Thank you, Mr Moore. It is true that there are two grades of petrol which are normally sold to city or country areas. We get the higher grade lead petrol because we are the distribution centre for everywhere else. It comes in here. If we were to get both grades of petrol in, it would be at a higher cost and would cost motorists more money. So the fact is that we get one grade of petrol because it is distributed to country areas from here.

I understand that the possibility of introducing city grade petrol - that is what the lower grade is - in the ACT was investigated three or four years ago. This was unsuccessful because the oil companies advised that such a move would further raise the price of petrol. A separate distribution network would have to be established for the ACT to keep local petrol separate from petrol going to country areas.

Also I would like to point out that it said that there were only certain problem areas in Canberra. According to the experts, they have tested it and apparently there are only three places where cars stop and idle, and they are Barry Drive, Hindmarsh Drive, and somewhere else.

**Mr Collaery:** Do they not stop at other lights?

**MRS GRASSBY:** It is where they are stopped at the traffic lights, where we have the 100 per cent problem of traffic lights changing before you can get around, because we have too much traffic on those areas. I am just trying to find

24 October 1989

the other road; I am sorry about this. It is Hindmarsh Drive, Barry Drive and somewhere else.

**Mr Kaine:** What about Hindmarsh? Will that do?

**MRS GRASSBY:** I said Hindmarsh Drive and Barry Drive; there is somewhere else.

**Mr Kaine:** What about Northbourne Avenue?

**MRS GRASSBY:** I will have to get back to you. I am sorry, Mr Moore, but I cannot find it. I thought it was here.

**MR MOORE:** I have a supplementary question. Perhaps we could do the country people a favour as well, Minister, by ensuring that they also have a lower lead content in their petrol.

**MRS GRASSBY:** I am sure we could but, unfortunately, they would scream because of the prices. It is much dearer to bring in. The high lead petrol is cheaper. The lower lead petrol destroys the motors and engines in tractors and farm equipment so they would not be able to use it.

### **Canberra Avenue**

**MR JENSEN:** My question is to the Chief Minister in her role as Minister responsible for planning. In view of the current and widely acknowledged vacuum in the planning processes in the ACT pending the introduction of planning legislation, can the Chief Minister advise me when the final policy plan for Canberra Avenue, which was released for public comment on 28 May with community comments required by 16 June 1989, will be produced?

**MS FOLLETT:** I thank Mr Jensen for his question. Mr Speaker, I would like first of all to correct the impression - I have heard it stated publicly as well - that there is some sort of a vacuum in planning pending the new legislation - - -

**Mr Jensen:** The chief planner said that, Chief Minister, in the Estimates Committee.

**MS FOLLETT:** Mr Speaker, it is not the case to say that there has been a vacuum in planning. In fact, I have some evidence to show that, since the Government was formed in May this year, there have been significant planning approvals made, and I have asked for work to continue on this. But, just by way of an indication, I would like to say that in the Belconnen area there have been approvals totalling over \$54m and in the Tuggeranong and Woden areas over \$68m, and a significant number in the Canberra central area as well. I have work continuing on that because I am concerned that other people are making the same kinds of comments as Mr Jensen and the facts simply do not bear them out.

24 October 1989

Mr Jensen has asked specifically about the Canberra Avenue variation. As members might know, the draft variation to policy was released for public comment by the Interim Territory Planning Authority in May this year. The Interim Territory Planning Authority has advised me that it has received some 40 submissions on that proposed variation and that these submissions are being examined at the moment. The Interim Territory Planning Authority is preparing a report to the Government on the matter of Canberra Avenue. It has not yet come to me but, like Mr Jensen, I regard it as a very important matter. I do not at the moment have an indication of when I might receive it, but I am certainly happy to take up the question of its significance and ask that the report to the Government be expedited.

### **Public Service Strike**

**MR DUBY:** My question is addressed to the Chief Minister. Is the Chief Minister aware of a report on WIN television that ACT Government Ministers were on strike yesterday? Was this report correct; if not, did she and her Ministers cross a union picket line?

**MS FOLLETT:** Thank you, Mr Duby, for your question. What a great question! It is absolutely untrue to say that ACT Government Ministers were on strike yesterday, and the import of the WIN television report, which I have now seen, is quite misleading. In particular I think it made a reference to the Follett Government stopping work for the day. That is quite simply untrue. I was at work yesterday; I did not cancel a single appointment for the day. Mr Whalan was at work, Mr Berry was at work, Mrs Grassby was at work. In fact it said Mrs Grassby was off for the day, I think. That is simply not true. Mrs Grassby was at work for the day. So the import of that television report was totalling misleading, Mr Speaker. The Government was most certainly not on strike.

Mr Duby has asked whether Ministers crossed a picket line. I do not believe any Ministers crossed a picket line. I certainly did not. But I think the point must be made, Mr Speaker, that whatever our views on industrial action, it is not appropriate for Government Ministers to go on strike, and that was certainly not the case yesterday.

Another interesting point worth making in regard to the strike yesterday is that the ACT Government is not a party to this dispute and it puts us in a rather awkward position when, in fact, we are dealing with these industrial relations matters second-hand. In fact the Commonwealth public servants' problems are with the Commonwealth Government, not with the ACT Government. So it does put us in a rather difficult position. But just to repeat, the WIN television report that the Follett Government stopped work is totally untrue.



24 October 1989

### **Public Service Strike**

**MR KAINE:** I would just like to ask a follow-up question to that. Is it not true, Chief Minister, that the Ministers' staff were on strike yesterday in this campaign which has nothing to do with this ACT Government?

**MS FOLLETT:** Yes, Mr Speaker, it is certainly true that the majority of Ministers' staff were on strike yesterday. They are members of the union which called the strike and they obeyed their union's instructions to go on strike. I have no difficulty with that whatsoever.

### **Public Service Strike**

**MR COLLAERY:** Chief Minister, I received a message from you yesterday afternoon at my office in Manuka and I personally tried to ring you all afternoon. I rang all the numbers I have for you and I went automatically each time to a very pleasant woman who said that all calls had been channelled through to her; she knew not what to say nor where you were. I did not know whether you had something important to discuss with me, such as survival or anything of that nature, so I got into my motor - I got into my Volkswagen - and I came back into the building just to find you, Chief Minister, but regrettably I did not. Chief Minister, I was at my office in Manuka. My question is: were you available yesterday afternoon for phone calls from other Assembly members? Secondly, was your consultant also on strike?

**MS FOLLETT:** Thank you, Mr Collaery, for the further question. I was in my office all of yesterday afternoon. In fact, I was in my office on the fifth floor yesterday up until about half-past seven at night. I tried to ring Mr Collaery, Mr Speaker, and was informed that he was in his office at Manuka and that a message would be conveyed to him in some way. It is unfortunate that we did not manage to make contact, but life is like that.

Mr Speaker, I realise that yesterday there was some difficulty in the answering of my phone and I do apologise to people who were trying to ring me. It had been switched through, rather inappropriately, I believe. I took calls on my personal line, but of course not everybody, including Mr Collaery, has that number.

Mr Speaker, may I just add that today during the course of the morning I tried to ring WIN television three times. The first time I got through to the reception area and consequently got canned music. The next two times the phone rang until it dropped out. Nobody ever answered it, so I concluded from that that WIN television had also gone on strike for the day. I think it is most regrettable that they have done that without making any arrangements to have

24 October 1989

their phones answered when I was trying to ring them up on a very important matter.

### **Public Service Strike**

**MR JENSEN:** Mr Speaker, in view of the comments by the Chief Minister just a moment ago about the Government's workload yesterday, I ask: is she aware that the Health Minister cancelled a meeting with a community group because of the strike yesterday. Therefore, would she care to revise her statement about no meetings being cancelled?

**MS FOLLETT:** To answer Mr Jensen's question, I said that I cancelled no appointments yesterday. I am aware that at least one or probably two of my Ministers did cancel meetings where those meetings would have required unionists to cross the picket line. Those meetings have been rescheduled.

### **Cosmetics Manufacturer.**

**MR MOORE:** My question is to the Minister for Industry, Employment and Education. Does he propose to require an environmental impact statement for the Revlon factory site at Hume?

**MR WHALAN:** The whole question of the environmental impact of the development at Hume has been the subject of some discussion within the Assembly here on an earlier occasion. The background to that was that the Government had outlined in some detail the environmental controls and safeguards which had been required of the Revlon company during the period when the lease for the site in Hume was being negotiated.

Members will be aware that reference was made in some detail to the requirements of ACTEW and to the provision on the site itself of primary processing of water leaving the factory site and secondary processing within the specific sewerage facilities that have been established in Hume for that purpose, before anything enters the main sewerage system. I would be prepared, Mr Speaker, to discuss this further with Mr Moore.

While answering this question I would like to report to the Assembly that, as a result of questions that were asked by Mr Collaery last Thursday in relation to the Revlon development - which is creating a substantial number of jobs, which is quite an important development for Canberra and one that we are all very proud of - Mr Collaery and Mr Jensen came to my office on Thursday night and were given complete access to the Revlon file. This was as a result of that barrage of questions on Thursday night, as WIN television described it, which I found quite an interesting

24 October 1989

description of some rather timid questions from Mr Collaery.

Mr Collaery and Mr Jensen then had the opportunity to confirm that some leaked documents that had come into Mr Collaery's possession were copies of documents which did in fact exist on the file. So this is a demonstration of our willingness to discuss these matters through with the members opposite.

In relation to Mr Moore's question, what I would like to do in the first instance is to invite Mr Moore to sit down with me and officers. We can go through the issues and see whether we can identify specific concerns. I will then undertake to inform the house further on the matter.

### **Dog Control**

**MRS NOLAN:** Again, my question is to Mrs Grassby as Minister for Housing and Urban Services. Has her department's review of all States' dog control legislation finished? What was the outcome of that review?

**MRS GRASSBY:** No, it has not finished. We should have that by the end of the month. I will be giving a presentation to the parliament on it and I will be very happy to give one to Mrs Nolan.

### **Fees for Overseas Students**

**MR HUMPHRIES:** Mr Speaker, my question is to the Minister for Industry, Employment and Education. I refer the Minister to answers provided by him or his department in the Estimates Committee the week before last, in particular to information supplied indicating that the average cost of providing a place in a government school was as follows: in the case of a high school, \$3,832; in the case of a secondary college, \$4,222.

I also refer the Minister to a press release he issued on 16 October in which he said in reference to the giving of places to full-fee paying students from Asian and Pacific countries:

The fees of \$6,500 for years 11 and 12, and \$5,500 for years 7 to 10, reflected the average cost of providing educational services and facilities for the school year.

Can the Minister explain the discrepancy between those two sets of figures and the difference between the cost of an average government school place and "the average cost of providing educational services and facilities for the school year"? If there is no difference, will the Minister

24 October 1989

explain clearly to the community and to the Assembly that the Government in fact is attempting to raise money from taking full-fee paying students?

**MR WHALAN:** I thank Mr Humphries for that very thoughtful question. The fee structures which were announced in relation to the full-fee paying overseas students who are participating in the program which we have introduced and which will begin from the beginning of next year are in fact those which he quoted - \$6,500 for students in years 11 and 12 and \$5,500 for students in years 7 to 10.

What has to be kept in mind is that it is anticipated that the introduction of the full-fee paying students will increase the usage of resources in a way which is peculiar to that group of students as compared to students from our own community attending those schools. So the fee structure has taken into account the additional services that these students will require in the areas of student welfare, courses in English as a second language, and counselling.

### **United Nations Day**

**DR KINLOCH:** I must preface my question to Mrs Grassby, the Minister for Housing and Urban Services, with a confession but also an exoneration for Mrs Grassby. At least during part of yesterday she and I were engaged in terpsichorean activities in Glebe Park. She is much better at that than I am, but I would say she could not have answered her phone during that brief period.

Now, would the Minister like to explain to the Assembly what she and a very delightful young man were doing at Glebe Park at lunchtime today? What was the nature of the occasion? Would she be willing to make available to all members her excellent speech on that occasion?

**MRS GRASSBY:** You know, there is no show without Punch. I was told never to follow children or dogs in an act, so I decided that I would take my act with me. That was my grandson, and he stole the show. But, seriously, it is a very important day. It is UN Day, and I represented the Government at the unveiling of a plaque for the United Nations. Even though my grandson burst four balloons during the minute of silence when we were supposed to be thinking of peace, I would like to say that it is very important and I think the Government took it very seriously. It is UN Day and we should celebrate it as the first UN Day that we have had with self-government.

Can I say to Dr Kinloch that, although he and I were doing the light fantastic in Glebe Park yesterday, that was only for one hour. The rest of the time I was here answering the phone all day and did not go home till 7.30 last night.

### **Metal Recycling**

**MR STEFANIAK:** My question is to the Minister for Urban Services. On 4 July 1989 I asked a question concerning the operations of a metal recycling yard in Newcastle Street, Fyshwick, run by Mr Ron Wanless. Would the Minister please inform me whether the yard is still in operation or whether Mr Wanless has now ceased operating there? If so, what is the current situation with the yard, especially regarding the large amount of car bodies and wrecks that are lying in the yard?

**MRS GRASSBY:** I will have to get back to Mr Stefaniak about that, Mr Speaker.

### **Government Housing**

**MR COLLAERY:** Well, Minister, I will give you another one. I ask the Minister for Housing and Urban Services: in view of the problems that have arisen out of the 7,000 series government houses - they are two-storey with a flat roof and are unpopular with occupants - would you care to comment on the size of the Government's inventory in that regard and what steps you are going to take in long-term management of those homes? Could you indicate whether we have got another Melba flats situation on our hands?

**MRS GRASSBY:** Thank you, Mr Collaery. I cannot tell you the exact number. We have them scattered over various suburbs. I went to have a look at some of them that are empty, and they are rather terrible. I cannot understand how they ever got passed and built. There are some that we feel something can be done with and they can be made at least nice enough for people to want to live in. There are others that I think are in terrible condition and are very bad. The blocks of land are very bad. We are looking at maybe pulling these down and, on the double blocks where there are two, probably putting up four town houses. These are in suburbs that people wish to live in and the land would cost us a lot more if we tried to buy it elsewhere. They are also quite inner suburbs and people do not all want to go way out. So we will be looking at that.

At the moment I am getting people to look at them to see whether we could sell some of them if they were made a little nicer. This would give us more money to put the four on two blocks. We would have town houses built round the courtyard areas because it seems to be so popular after the Turner group that we built. At this stage that is what we are looking at, whether they would bring us money or - we have got builders looking at them - whether it would be better to do them all up and try to add to them to make them better. The only problem is that most of them have very steep staircases and they have three bedrooms. To put small children in a three-bedroom house with a staircase

24 October 1989

that is straight up is very dangerous. So we have got a lot of difficulties with them. As I say, we have got people looking at them at the moment to give us an estimate on them.

### **MULTICULTURAL MARKETING Ministerial Statement and Paper**

**MR WHALAN** (Minister for Industry, Employment and Education), by leave: I wish to speak today on the marketing of Canberra as a tourist and convention destination. The Government and indeed this Assembly have consistently reinforced the important role the tourism industry plays in the ACT economy. Our ability to ensure that the role is enhanced is directly dependent on the success of the marketing and promotion of the Territory. In recognition of this the Government, in a very difficult economic climate, has taken the far-sighted initiative to increase the Tourist Bureau's promotion budget by over 100 per cent to \$1.94m.

The bureau has been asked to prepare a comprehensive marketing strategy, and this strategy is being prepared in consultation with the tourist industry. After extensive discussions with the Tourism Industry Advisory Committee, a marketing plan has now been prepared and has been well received by the industry. The important element of that plan is to identify new and lucrative markets and to target these markets in an innovative and cost-effective manner. I would like to focus on one element of that approach - the multicultural marketing strategy.

For the first time in Australian tourism a government instrumentality has developed a marketing strategy aimed specifically at the ethnic communities - a previously untapped market, the size of which is quite staggering. Forty per cent of Australians are either born overseas or come from non-English speaking backgrounds. They gather in a large number of clubs and associations around Australia, particularly in Sydney and Melbourne, both of which cities constitute Canberra's largest market. Most importantly, these groups rely heavily on the multicultural media for information.

Of course the entire international market is there for the taking as the capacity to attract more international visitors will be greatly enhanced through the strategy which is centred on promoting Canberra's cultural diversity to show Canberra as a dynamic, colourful and cosmopolitan city.

As I am sure members will appreciate, Canberra has a thriving ethnic community with over 70 countries maintaining diplomatic missions and 20 ethnic clubs. We are truly a multicultural community. It is therefore appropriate that we mount a campaign to attract the ethnic

24 October 1989

communities to come and holiday in Canberra and to hold their meetings and conventions in the national capital. It is important that we take every possible opportunity to project Canberra's tourism value.

The strategy developed by the bureau has involved very cost-effective measures combined with cooperative marketing with the industry. The bureau's multicultural marketing manager, Mr Vic Rebikoff, a dedicated Canberran, known, I am sure, to all of the Assembly as an energetic worker in the area of ethnic affairs, has been able to develop extensive networks in marketing Canberra, particularly through the multicultural media who have embraced the broad and important philosophy that all Australians must have a better understanding of the national capital. The need for this has been consistently reinforced through research which has shown by far the greatest proportion of respondents claiming to have no knowledge of Canberra are from non-English speaking backgrounds.

The media support has seen a number of excellent documentaries produced by the SBS Vox Populi program which have shown Canberra in its full glory. The print media, through the Italian, German, Spanish, Portuguese, Greek, Chinese, Lebanese and Vietnamese national newspapers, have produced strong supplements dealing with the diverse range of accommodation and attractions in Canberra.

I should like to take this opportunity to pay tribute to the support the bureau's campaign has received from the industry. The plans and strategies developed by the Tourist Bureau will not realise their full potential until supported by the local industry. Cooperative marketing is the key to our future success, and the industry must continue to take more responsibility for the promotion and marketing of Canberra.

I am pleased to say that, through a number of very successful familiarisation visits by journalists, the local industry has provided strong support leading to a range of positive articles which have stimulated numerous visits from large groups and individual families. Many of the articles produced following journalists' visits have been syndicated throughout Asia and Europe. This media interest has not been confined to Australia. A number of international television crews have visited Canberra through interest in the strategy, most notably an Italian documentary team who produced a program that would have conservatively reached 70 million Europeans.

To complement the strategy, I recently launched a multilingual tourism brochure on Canberra in Sydney. A quantity of 90,000 have been produced, with a run of over 10,000 in nine different languages. We have been delighted by the favourable response the brochure elicited from a wide range of ethnic community leaders and multicultural media. The brochures have already proved their worth. Delegates at the recent international conference on

24 October 1989

chemical weapons were given copies and also asked for copies to take back to their respective countries. Similarly, tourist operators in Sydney and Melbourne have expressed a strong interest in the brochure which will undoubtedly lead to increased numbers of inbound visitors to Australia coming to Canberra.

The bureau has been supported by the Australian Tourist Commission in the dissemination of the brochure which, I am sure members will be interested to learn, is the first of its kind to be produced by any Australian tourist organisation. In recognition of this, the Australian Tourist Commission has undertaken to distribute it throughout all its international offices. In the future the bureau will conduct concentrated sales calls on ethnic groups in Sydney and Melbourne and will encourage the local industry to continue to provide support for this very important initiative.

Canberra has the potential to develop a major multicultural event and draw together our ethnic communities around Australia and thus display to the rest of the country our ability to host a diverse event. Our credentials in staging events have recently been recognised by the Australian Tourism Industry Association, which has awarded the Canberra Festival a national tourism award. I wish to take this opportunity to commend Ellen Blunden and her staff for their excellent work.

As a first step in establishing such a multicultural event, the bureau will coordinate a number of events in December, to be collectively called the Fiesta Capitale. Young people from the Canberra ethnic communities will stage a theatre production in early December. Over Christmas the bureau will stage celebrations which, in concert with the Civic traders, will bring the city centre to life and generate tourism shopping interest. The festivities will conclude in January with a multicultural festival involving more than 40 ethnic groups providing music, food, dance and other entertainment.

Mr Speaker, successful marketing of Canberra is vital. The multicultural marketing strategy is an important new initiative in the marketing of Canberra. The Government recognises the important role ethnic groups play in the community. With the support of local ethnic organisations, the local tourism industry and multicultural media will continue to promote Canberra as a diverse and interesting city. Through this program, we will demystify Canberra and make the city available to the many Australians who have not as yet discovered their national capital.

I present the following paper:

Multicultural marketing - Ministerial statement, 24 October 1989.

I move:



24 October 1989

That the Assembly takes note of the paper.

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

### **RESIDENTS RALLY - RESIGNATION**

**MR MOORE:** Mr Speaker, I seek leave to make a brief statement about my new position in the Assembly.

Leave granted.

**MR MOORE:** I wish to use this opportunity to formally inform the Assembly that the media reports they have been reading, particularly in the Canberra Times, are quite accurate, and it is true to say I have resigned from the Residents Rally and I intend to remain in the Assembly as an independent member.

I will just make a few comments about a meeting of the Residents Rally that took place last night, in which a motion was discussed. After four speakers presented the pro side and four speakers presented the against side to the motion, the motion was gagged. I was one of the major proponents of that motion, but I had not had the opportunity to speak. My three colleagues here from the new Residents Rally, Bernard Collaery, Norm Jensen and Hector Kinloch, supported the gagging of that motion preventing me, and indeed Dr Kinloch himself, from speaking, which I think was a particularly shameful situation.

However, the motion was lost and the direction of the Rally changed, I believe, to make it unacceptable for me to go with it. I think what we will perceive now is a significant shift of the Rally towards the right wing. In future, we may see the Liberals looking a little like socialists on a comparative basis.

But there are some very positive aspects to this. A more relaxed atmosphere, I believe, will occur in the Assembly and in the Residents Rally area, and I take this opportunity to wish my three colleagues from the Residents Rally all the best for the future in the direction they have chosen to go. I do hope they will be able to achieve the aims and objectives that they have now set themselves.

### **GOVERNMENT LEGISLATIVE PROGRAM Discussion of Matter of Public Importance**

**MR SPEAKER:** I have received a letter from Mr Humphries proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

24 October 1989

The total failure of the Labor Government to provide a forward legislative program to enable Assembly members, and through them the public, to properly scrutinise government legislation.

**MR HUMPHRIES** (3.14): It is a matter of some sadness, I think, that this motion should today be necessary. I say "a matter of sadness" because this Government began its life with such good intentions and it is sad that it should so quickly have fallen from grace. This matter of public importance, which I can see the Chief Minister is deeply upset about, is one whose sentiments are a reflection of the distance the Government has travelled from its original point of open and accessible government to the point it has reached today in its unwillingness to live up to the ideals it once enunciated. Perhaps, like the Residents Rally, changes have occurred.

This Government sitting opposite touted itself in the days before and since the swearing-in as one of the finest flowerings of democratic principles that this Territory had seen. Words such as "open", "accessible", "democratic" and, in particular, "consultative" were freely used by members of this Government, and indeed members of this Government traded on that concept. I suspect it also won popular support among members of the Canberra community for its willingness to take part in those principles and adhere to them. But the sad reality is that this Government is much the same as many other governments, perhaps all other governments, in this country. The fact is that its openness, its accessibility and its democratic principles stop at the very point where the disadvantages of being open, accessible and democratic start to outweigh the advantages of those things.

Now, such a point is reached in this chamber when it comes to the furnishing of a satisfactory legislative program to members of this Assembly, to non-government members in particular, and indeed through them to members of the public. I consider the Government's failure to provide such a program to be a disgrace. It is contrary, in particular, to the democratic principles which the Government itself has espoused. It shows a contempt, in particular, for this Assembly and for the members of this Assembly in the Government's unwillingness to make information available to them to enable them to do their jobs properly. It shows a desire to play politics with legislation when, in fact, they should be ensuring that in all respects legislation fulfils important public purposes and, above all, has proper public consultation before being passed.

This Government started with ideals of a high-minded nature but I submit, Mr Speaker, that they have been shown to be much like other governments, having feet of clay. I repeat the comments I made last week concerning the need for such a program. The purpose of the program is to enable other parties in this Assembly, and through them members of the

24 October 1989

community, to have time to analyse issues that are contained in legislation brought forward by this Government. It allows time in particular for non-government parties to seek out those who are unaware either of legislation itself or of the implications of legislation being brought before the Assembly or those who were not, for whatever reason, consulted about that legislation.

That of course requires time, and time is the issue that is most pertinent in this debate. I want to make it clear that we are not talking about details of Bills. We are not expecting or asking the Government to supply copious information about Bills it may intend to introduce into the Assembly. That is not the intention. I think draft Bills would sometimes be appreciated and sometimes would be very helpful in conducting the work that we need to do on this side of the chamber, but that is not necessarily required. I would appreciate no more than merely receiving the titles of Bills the Government intends to introduce. That is not too much to ask.

It is not acceptable, I would submit, that the Government should proceed by way of ambush in this place. They sometimes bring Bills before us here with very little notice and expect them to be passed. Before the Chief Minister chuckles too much, I have examples of such legislation that she would be well aware of. I also want to emphasise that the Government is not expected to adhere to any rigid timetables or other information of a kind which binds the hands of the Government. Certainly, as in other places, governments' priorities change. They want to add to or subtract from or otherwise modify the pace of information or legislation brought before the Assembly. That is quite fair, and I think that there would be no complaint from us if that were to occur.

I want to outline the history of the requests that I have made to the Chief Minister in this regard. On 6 July I asked the Chief Minister this question: in line with her policy of open government, will she undertake to provide the opposition parties with a weekly or fortnightly legislative program as happens in Federal Parliament, or does she intend to keep the Assembly members in the dark about her Government's legislative program?

The Chief Minister replied, *inter alia*:

I hope that we will indeed be able to provide him with a legislative program in due course. It is something to which the Government is giving consideration now.

And she added in a supplementary answer:

I will certainly be happy to provide it to you and to update it regularly as soon as it has been drawn up.

24 October 1989

What, Mr Speaker, did the Government mean with those words? I assume, and I think any reasonable person reading those words would assume, that the Government was contemplating providing to other parties in the Assembly something which it did not have - new information. That question remained on the unanswered list for some time. On 26 September, about two and a half months later, I saw fit to ask the Chief Minister again about that earlier question. I asked:

Can the Chief Minister tell the house whether the Government is still giving consideration to the publishing of a legislative program for the benefit of members of this house; how much more consideration is necessary; and what is the problem in simply providing a list of Bills which the Government intends to introduce?

The Chief Minister thanked me for my question. I would appreciate less politeness and more action, I might say. She thanked me for the question and she said:

As I have indicated before, the Government is indeed considering a large legislative program -

I repeat, "a large legislative program" -

and we do, indeed, have a large amount of legislation in the pipeline, as Mr Kaine himself has said. Mr Speaker, I think it might be best if I were to take Mr Humphries' question on notice and respond to him in full as soon as possible.

Clearly, any reasonable person reading those words in Hansard or listening to them in the gallery would assume that the Government was still in the process of considering supplying to the Opposition and other parties here some information which it did not already have. That is an entirely reasonable assumption to make but one it appears the Chief Minister was not, in fact, making when she answered that question.

Finally on 19 October, last Thursday, the Chief Minister gets around to a final answer, three and a half months after originally agreeing to supply the information requested. I quote again:

I would like to point out that for some time now the Government has made a practice of informing party leaders of the Bills to be introduced in each sitting week. This information has been conveyed by the Deputy Chief Minister in his regular consultations with party leaders -

there is that word again -

at the start of each week. In other words, Mr Speaker, the Government has taken action to respond to Mr Humphries' request of 6 July.

24 October 1989

There it is. Believe it or not, she was telling us, "You've already had the information you requested. You've had it all along. Silly you for not looking hard enough". She said, "The Government has taken action to respond to Mr Humphries' request". Clearly, Mr Speaker, when the Chief Minister answered her questions on 6 July and 26 September she assumed that additional information would be made available to members of this Opposition. She has now made a change of position. She has now decided that the information already provided by the Government is satisfactory and that is all that the Opposition needs to have.

I say, Mr Speaker, it is not sufficient and will not be satisfactory. She says that she is now providing the information in a weekly legislative program in written form to party leaders. Information previously provided on Tuesday morning in oral form is now being provided on Monday afternoon in written form. Big deal!

Mr Speaker, I think this situation is totally intolerable and the Assembly would commit a grave disservice to itself and to future assemblies if it failed to take immediate, swift and decisive action on the Government's position. I indicate at this stage, Mr Speaker, that I will be moving a motion at the conclusion of this discussion seeking to indicate in no uncertain terms that the Assembly's position with regard to the Government's actions is a desire in the future for clear, forward legislative programs and that these be updated from time to time. I will give notice of that in a short while.

Mr Speaker, let us look at the position of other parliaments in this country. I indicated last week that it was the position in all other parliaments that legislative programs were made available. That, I am sad to say, is not the case.

**Ms Follett:** That is not true, Gary.

**MR HUMPHRIES:** I am about to admit that, Chief Minister.

**Ms Follett:** Good.

**MR HUMPHRIES:** However, it is the case in other places. I would direct the Chief Minister's attention to places where it is the case. Let us look, for example, at the position in our own Federal Senate, only a short distance from this place.

**Ms Follett:** Look at the House of Representatives.

**MR HUMPHRIES:** The information provided to the Senate is available also to members of the House of Representatives, should they wish to take advantage of it, Chief Minister.

24 October 1989

**Ms Follett:** Because they have already passed it.

**MR HUMPHRIES:** No, they have not already passed it. You are wrong in that respect. I suggest you check your information. The draft forward program made available in the Senate is not necessarily merely information about Bills passed already in the House of Representatives. That is not the case. I suggest the Chief Minister check her facts before blurting out something different when she gets up to speak on this matter.

Information provided in the draft forward program, as it is entitled in the Senate, is information about Bills which are either introduced in the House of Representatives or yet to be introduced. This program, Mr Speaker, published on 22 September by Senator Robert Ray, Manager of Government Business in the Senate, is a good example. It contains a list week by week, right up until December, of the titles of legislation the Government plans to introduce into the chamber.

**Mr Berry:** It is already passed.

**MR HUMPHRIES:** No, it is not already passed, Mr Health Minister. It is not already passed. You check the facts.

**Mr Berry:** It is the Senate. It has got to be before it gets to the Senate - nearly all of it.

**MR HUMPHRIES:** It is not the case. I suggest you check your facts. It is information in some cases which the Parliament has not yet considered in either house.

Look at the situation in Tasmania. In Tasmania, in the upper house, a legislative forecast is supplied to members of other parties on a regular basis. It is updated weekly and provides a list of Bills detailing what stage they have reached and what forthcoming legislation is in the pipeline. In particular, it includes Bills which are before Cabinet which have not been tabled. It is the same position, Mr Speaker, with respect to the Senate. In the upper house in Victoria, a letter is received by other parties.

**Ms Follett:** The upper house.

**MR HUMPHRIES:** Yes, the upper house - a house in which the Government has no majority, as it does not have here. In that place at the beginning of each legislative session the Cabinet secretary writes to the other parties outlining legislation that will be dealt with in that session. In other places programs of various kinds are provided, sometimes not including advance notice of legislation not yet introduced, but certainly providing, in some cases informally, information about upcoming legislation.

Why can we not have that formalised in this place? It happens elsewhere, and I am saying to you, irrespective of what happens in other parliaments where it does not occur,

24 October 1989

it should happen here. There is no reason why it should not happen here. I will be interested to see whether the Chief Minister has any reasons as to why it should not happen here.

There was one reason she did give in last Thursday's comments. She said that the Government's program was confidential; because private members' business is confidential, therefore government legislation should be confidential as well. What a tawdry argument! That legislation is public legislation. It is information affecting the lives of every citizen of this Territory, in some cases.

They ought to have more notice of it than they get and there is no reason why they should not have that advance notice. You, Chief Minister, have abrogated principles on which you went to the electorate, which you even today espouse - that you are open and consultative. You are not, unless you agree to support the motion to be moved at the end of this discussion.

I might mention also at this stage that I am disappointed that the Government seems to think that the legislative program on a daily basis or a weekly basis is sufficient. It certainly is not. I again refer to other places. The Senate receives, usually five or six days before the beginning of each parliamentary week, a draft parliamentary program setting out details of legislation to be dealt with, even the times the Government expects legislation to be actually dealt with in that chamber. Why, again, can we not have that here? What is the problem? What is the reason for the confidentiality? What is confidential about an optometrists Bill? What is confidential about a public trustees Bill? (Extension of time granted)

I am deeply saddened by the Government's intransigence on this matter and I seek to move the Government by moving the motion I foreshadowed a moment ago and by raising this issue in this matter of public importance today. I want to repeat the comments of the Chief Minister from last week. She said, in talking about the practice of not revealing details of private members' Bills until they have actually been introduced into the chamber:

Consistent with this practice, the precise details of the Government's own legislative program also remain confidential.

I ask again: what is the reason for this tawdry, cowardly and deceitful practice? What is the reason? Why is it necessary to keep those Bills secret? Why does the Government want secrecy about a Bill to amend the provision of advertising by optometrists? What is the reason, Chief Minister, for that kind of secrecy? I would dearly like to hear an explanation of that. The program of this week and last week in this chamber, legislatively speaking, is in a shambles.

24 October 1989

**Mr Whalan:** Because you did not do your homework. You had a month's notice and you did not know what the legislation was about.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** The program is in a shambles because this Government has not provided consultation with other parties.

**Mr Jensen:** No consultation.

**Mr Whalan:** You got a letter inviting you to seek a briefing and you were too dumb to take up the offer.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** It introduces 10 Bills into this house in the last few days of the last block of sittings; it interposes two weeks of recess, of which one week is taken up fully by the Estimates Committee, in which most members are fully engaged; and then complains when we are in turn unable to have digested all those 10 Bills.

What is the reason for secrecy? What is the reason for delay? Why not provide the information when you had it? You did not have it when you first introduced it, Mr Berry. You had it a long time before that. Why not tell us about it? I consider, as I said, the processes engaged in by this Government to be unacceptable and I believe that this Assembly must act on that.

As I said last week, it is not only the Government which needs to consult. It is not only the Government which needs to talk to other parties about its program. Opposition parties need to do the same thing and opposition parties are entitled to do that and cannot do it where little notice is given of the Government's intention to introduce Bills.

Look at the daily Bills list which has been provided to members. Look down that list at the contrast between some of the dates on which Bills were presented and some of the dates on which they were passed. Look at the Administration (Amendment) Bill 1989, the fifth Act of this Assembly, introduced on 29 June, passed on 4 July. That is five days. Look at the Public Trustee (Miscellaneous Amendments) (Amendment) Bill 1989, introduced on the same day, 29 June, passed on 4 July - five days. Why can the opposition and the public not have more notice of that kind of action? There is simply no reason for it, Mr Speaker, and the Government stands condemned.

The very issues, the very claims that the Government made with respect to fluoride in this chamber only last week, apply very well to itself - its lack of willingness to consult on issues of dire importance to members of this



24 October 1989

community. I want to conclude by saying that the information being sought here is not mere administrative or procedural information; it is essential information. Information is not withdrawn or kept from the public and from the opposition without dire consequences. We have seen that.

The omission of the Government to provide the information affects not only the work of MLAs in this place but also the information the community has. Its failure to provide the information is nothing short of cowardice. If the Government is afraid to provide even so much as titles of Bills it plans to produce, it leads me to the conclusion that, in fact, the Government has no legislative program. The Government has no program.

It is prepared to supply the names of five, six or eight Bills it may introduce but is not prepared to supply any more information than that because that is as far as it goes. Chief Minister, is that not the case? That is as far as it goes. You have got a few Bills you know are going to come up and you do not have any others and you cannot supply any other names - an appalling position.

This Government pays lip-service to consultation, but it hides from it when the going gets tough. Mr Speaker, I have no more to say on this matter except that I hope that the Government, rather than taking this matter as simply a rebuke from this Assembly, will actually take action on it. I believe, if it does so, this place will work better. It has every reason to expect better cooperation from the parties in this Assembly if we have better notice of what is going to occur and I sincerely hope the Government will not be intransigent on this matter.

**MR COLLAERY (3.35):** Mr Speaker, the motion really reflects the - - -

**Mr Whalan:** There is no motion.

**MR COLLAERY:** The MPI. I do not know the text of the motion myself yet, Mr Speaker, but the MPI, if it suggests a - - -

**Ms Follett:** Were you not consulted?

**MR COLLAERY:** I do not know the text of the motion and have not been consulted about the motion, Mr Speaker. The constant speculation about the relationship between the Rally and the Liberal Party seems to have gotten to the Government as well.

Mr Speaker, the MPI is about the total failure of the Labor Government to provide a forward program to enable Assembly members and, through them, the public to properly scrutinise government legislation. The real problem for this Government is that it is a minority government. It has sought to survive in this Assembly by playing one party

24 October 1989

up against another, and in so doing it has failed to share the Bill preparation role. It has failed to share, as it could have in May, the law-making capacities presented to it by its ministerial office and, Mr Speaker, the fundamental issue returns again to this floor. I am anxious that there not be a fractious debate. The fundamental issue is that there is no lawyer in this Government.

**Mr Whalan:** There is none on the other side to speak of.

**MR COLLAERY:** There is no lawyer in that Government and as well, there is, of course, a great deal of game playing coming from a government which has learned its tactics largely out of parliamentary office and in party and caucus rooms. When those tactics translate themselves to this Assembly floor we see the repute into which the chamber descends when we do not have before us adequate notice of the intentions of the Government over a decent part of its term for its legislative program. It may well be, Mr Speaker, that this Government is able to salve the mess it has got into by giving us a forward program to indicate whether it has got something useful to do beyond the next few weeks.

Any lay person who looks at a table of ordinances in the ACT knows that there are amendments, reforms and repeals crying out for action in the Territory. We have seen years of work by the law reform commissions, local and Federal, with recommendations being made. Looking through an index, I see the Animal Nuisance Control Ordinance, the Dog Control Ordinance, the Door to Door Sales Ordinance, the Evidence Ordinance, the Landlord and Tenant Ordinance, the Leases (Special Purposes) Ordinance - and we know the problems that are arising out of that anachronistic ordinance with respect to requests by bodies who have been granted special leases to profit by the sale or conversion of them.

I see the Liquor Ordinance. I think the Liberal Party is proposing something but it is well within the capacity of this Government to do something. I see the Litter Ordinance and the Mental Health Ordinance - we have heard some noises and proposals there - the Mining Ordinance, which relates to sand mining and environmental issues, and ordinances on more specific things where the Minister responsible did not see fit to even consult or speak to me or other lawyers in this chamber. I see the Partnership Ordinance. I mentioned the Evidence Ordinance. There are a number of other areas that need reform.

From a social justice point of view, the Scaffolding and Lifts Ordinance needs reforms and amendments. I will not go into the details. They relate to safety and proper working conditions at sites, and not all can be solved by simple concentration, for party political reasons, on occupational health and safety. There are actual enforceable regulations under the Scaffolding and Lifts Ordinance.

24 October 1989

With the Small Claims Ordinance, we have seen how hundreds of the debt collecting agencies are using a free claim filing service to pursue debts. One proposal put forward is to put a filing fee on these claims. Now, what about the disadvantaged people who wish to pursue or defend a claim there who do not want to have costs? That should be regularised soon.

The Roads and Public Places Ordinance contains anachronistic provisions giving anyone the right to stop the elevation of any footpath. Few people know that. It can be ample grounds for review from resident groups who do not like to see a development going on.

The Pyramid Selling Ordinance needs reforms, and there have been recommendations from law-makers and law enforcers over the years. I note the Tobacco Ordinance. The taxes and the means of enforcing some of the environmental and health safeguards suggest additional reforms.

I am sure my colleague Mr Jensen will expand on the opportunities and possibilities within the Unit Titles Ordinance. Two of those are that, with a very swift amendment, some public concerns at the moment could be solved and, additionally, we do not have a body corporate surveillance authority. In New South Wales, of course, for \$20, in a very cheap, informal process, bodies corporate that have internal disputes can have an arbitrator look into the matter and determine it in a very relaxed, informal way. It has worked very effectively in New South Wales. We do not have a system here but there are endless measures we can be bringing in here.

I move to the Weights and Measures Ordinance. It is still not clear to many people, and it is still arguable, that our water meters do not conform with weights and measures legislation. There is a provision that suggests that exemptions are provided for water-meters, but every weight and scale system in the Territory usually has to be tested periodically. When was your water-meter last tested, Mr Whalan?

The failure to share power, the failure to consult colleagues in this Assembly about necessary community-required reforms, and the gamesmanship that has gone on have been disgraceful. When I speak of gamesmanship I speak particularly of things such as the fluoride Bill, where the Deputy Chief Minister sat down at the detail stage and, of course, the Rally fell for it and ended up with law on the floor. There are no second reading speeches and here we had a Bill, necessitating debate, brought to a very premature close in a situation where forward planning, forward discussion and the existence of a Bills committee forced upon the Government only in the last week would have precluded the issue that brought the Assembly largely into disrepute.

24 October 1989

Mr Speaker, the need for the forward legislative program has been quite evident this week. I must say that there has been a level of consultation and there has been a genuine attempt from all parties, as far as I can determine, to see the Government's meagre Bills schedule attended to on the floor of this Assembly.

That has meant many extra hours, and it has meant another lost luncheon break for most of us on this side of the house today. This goes on in the evenings and it goes on in the mornings when we are attempting to determine the meaning of a Bill, the reason for it and the need for it from an explanatory memorandum which in some cases should be further fleshed out. Only belatedly has the Government made the offer to have the excellent public servants who are administering these law reform packages made available to brief us.

Mr Speaker, I do not wish to be churlish about that. This is a good sign - a very belated sign - when we are allowed now to speak directly to public servants. We know, particularly in the school area, that was a tactic at the beginning to ensure that there was no real, effective interface between MLAs and public servants.

Mr Speaker, the fundamental requirements of a stable government include a government Bills schedule which provides a flavour to that office that indicates where the Government proposes to go and which gives the opposition time to prepare an adequate, reasoned response and to properly consult the constituency at large. It is in the community interest for there to be a proper legislative program in this house.

Analysing the failure of the Government to date to come to grips with it, and accepting in good faith the ad hoc attempts in the last week or so to give us some briefing assistance, we see the glimmers of good faith there somewhere, but basically gamesmanship appears to be the tactic long developed out of the party room struggle for this process. Really, a legislative program to make laws for the benefit of all of the community cannot and should not be subjected to the level of tactical points scoring that has gone on in the introduction of Bills to date.

Mr Speaker, the other issue, of course, is that the Government has a moral and political obligation to its own party. I do not wish to remind the Labor Party of its origins, but there are many community based legislative reforms that are not coming through from this party. Clearly, this party is disappointing its own constituency, and that again is something it needs to face up to. Of course, the Government wants to coast by causing dissension and division in this house and proposing theories of government which amount to a rationing out of Bills every week or so, some of them mere amendments, some of them uncoordinated amendments.

24 October 1989

We have not seen yet from this Government, Mr Speaker, a legislative program to give effect to the impact, the bringing into law here, of the Administrative Decisions (Judicial Review) Act and other administrative matters to the Territory. We wait to see the impact of the review of a large number of discretions that still exist in local ordinances and regulations.

Mr Speaker, it is the scope and character of this Government's vision that is in doubt in this motion, not the fact that this Government and this Chief Minister are new to government. It is not a fact that the Rally wishes to say that Rosemary Follett has been a total failure. The fact of the matter is that there is a corporate failure by the four Ministers sitting opposite me to ensure that they have got from their ministerial groups an adequate indication of what matters could properly be brought forward. That is not to say that the public service itself should set the tone, should look for more reform on a political basis, but certainly one wonders whether there has been adequate consultation and adequate grass-roots discussion in public service areas in relation to necessary law-making and necessary law reforms.

Mr Speaker, the final aspect of the motion is to attend to the need to properly scrutinise legislation. We have seen that this Government has finally relented and agreed to the establishment of a Bills scrutiny committee which will hopefully be apolitical and professional in its approach. In addition, the Government is hampered by not having a solicitor-general, an eminent lawyer, to pass comment from time to time on matters of this nature, and one hopes that the Government will cease seeing its Bills schedule as a method of trapping and cajoling parts of this house and will see it as a necessary joint function of government in this Assembly.

**MR WHALAN** (Deputy Chief Minister) (3.49): Mr Speaker, the senior lawyer opposite who has just finished speaking raised the question of, I think, the style of the Government or something to that effect and suggested that the Government had built its style based on party rooms and party caucus rooms. He spent a considerable time in his speech referring to the style of government. I notice, Mr Speaker, that no-one took the point and so I would like to take this opportunity just to relate a particular anecdote about Mr Collaery's party and relate that back to the style of their approach to legislation in this Assembly.

**Mr Kaine:** Is this an anecdote or antidote?

**MR WHALAN:** It is an anti-dope. I conducted a little quiz. I went up to a person in the street and I said, "Who do you think is Canberra's Sir Robert Sparkes?", and the person said immediately, "Chris Donohue". I went up to another person in the street and said, "Who do you think is Canberra's Sir Robert Sparkes?", and the person, a complete stranger, said, "Chris Donohue from the Residents Rally

24 October 1989

party, of course". I went up to a third and a fourth and a fifth and they all came up with the same answer.

It is clear, Mr Speaker, that Sir Robert Sparkes is alive and well in this city in the form of Chris Donohue. Mr Donohue, of course, to those of us who take an interest in ACT politics, is the manipulator, controller and enforcer of the Residents Rally party, and of course Mr Moore will bear me out in relation to this particular issue because Mr Moore has suffered at the hands of Canberra's Sir Robert Sparkes.

Mr Moore had the mockers put on him by Sir Robert Sparkes of the ACT. When Sir Robert Sparkes spoke, Mr Moore got the shove from the Residents Rally party. It is quite clear that the Residents Rally party ruthlessly applies the gag to party discussions to deny the democratic rights and freedoms of individual members, a practice which would never be observed in either the Liberal Party, one of the democratic institutions, or the Australian Labor Party. But here we have the Residents Rally party, which comes in here sanctimoniously and seeks to pass judgment on other parties, their backgrounds and their century-old traditions, while at the same time going through some pubescent phase of development where irrational behaviour can be explained by their relative youth. But, of course, with that irrational behaviour of this emerging political party, we also see the ruthlessness of the old aged manipulators of that particular party.

So when they come into this chamber, Mr Speaker, and sanctimoniously suggest that they are being denied the right to look at legislation, then we must consider very carefully the background to their propositions. The procedure in relation to legislation in this chamber, Mr Speaker, is that it is introduced after a briefing session each Monday between the Government and the leaders of the parties, at which the legislation to be introduced is outlined to the leaders of the parties.

That situation has changed in the last couple of weeks, Mr Speaker, when it was decided, after consultation and at the request of the members, that instead of having individual briefings we would have a group meeting of all members. The first of those group meetings was held in the Cabinet room last evening. All members were present and the week's program and legislation to be introduced in this coming week were indicated to all the members who were there.

Now let us look at the program. There are two Bills to be introduced this week. They will both be introduced on Thursday. The names of them were indicated to all members on a sheet of paper last night in the way that Mr Humphries sees as being desirable. They will be introduced on Thursday and there will be a minimum period of seven days after that before those Bills are then debated here in this chamber, unless, of course, the members opposite agree to their being introduced earlier than that. There have been

24 October 1989

occasions when, with the agreement of the members opposite, there have been Bills brought forward in an earlier time frame. The position is that, unless we have the agreement of the parties, it is necessary to move urgency in order to have legislation proceeded with on the same day.

Reference has been made to some press statements which have been made by Mr Humphries in relation to the optometrists Bill. I would like to use the optometrists Bill as an example of a piece of legislation which has been the subject of some discussion between the Government and the opposition parties. The optometrists Bill was introduced on 28 September 1989, and there were perceived to be some difficulties with that legislation. I must say that, as leader of government business in the house, I was approached by several members, indicating that they had difficulties with that legislation at the beginning of last week.

In the Monday briefings, at the beginning of last week, I said to all of those members, "Look, if we've got problems, why don't we drop it to the bottom of the list, which will mean that effectively it will not come up for the next couple of weeks at least?". So, by agreement, it was dropped to the bottom of the list, and we invited each of those people who objected to contact Mr Berry and to discuss with Mr Berry the difficulties that they had.

This was the process which was adopted in relation to this piece of legislation. If you look at other pieces of legislation in that same group - and there was a group of items of legislation, all of which were introduced on 28 September 1989 - and you look at today's date, 24 October, you will see that there has been a very considerable time span within which members opposite have had the opportunity to examine the legislation and to consult with groups outside the Assembly, which is what I would expect to be the normal practice. If there is legislation in relation to optometrists I would expect members opposite to contact some optometrists or the optometrists association and seek their views on the legislation. That would be a normal process.

But in addition to that, Mr Speaker, the Chief Minister wrote to every individual member of the Assembly and invited any member of the Assembly in relation to any item of the legislation in the program to contact her office and she would arrange a briefing in relation to any item of legislation. I do not know how many members took up that invitation.

I know that various of our ministerial colleagues from time to time, when an item of legislation has been introduced, will provide specific briefing opportunities for members to consider the legislation before it is introduced into the chamber. So what has quite clearly happened, Mr Speaker, is that, notwithstanding these opportunities and notwithstanding the efforts made by the Government to try

24 October 1989

to identify problems before we come onto the floor of the chamber, the system has broken down.

Last week, we had a meeting on the Tuesday afternoon after the Assembly broke up. The purpose of that meeting was to iron out some of the difficulties in this group. There were some objections, but they were not raised a week before when there were briefing sessions offered; they were not raised on the Monday when we had briefings between the leaders of the party and myself; but they were raised on the floor of this chamber once the debate commenced.

What this was evidence of was lack of preparation, Mr Speaker. The people who were dealing with this legislation all of a sudden got up out of bed on Tuesday morning and said, "There is something on the program; I had better have a look at this". They looked at it and found something that they objected to, and when they objected to it, all of a sudden it hit them between the eyes.

The same thing happened with a classic example today. We had a meeting last night to say, "Have you got any problems with any of these items of legislation that we can discuss and work out?". We worked out some orders of business. But we have had a classic case today where an item of legislation which was on the list for tonight and the subject of discussion last night was raised as recently as lunchtime when considerable objection was taken to that particular item of legislation.

**MR SPEAKER:** Order! Deputy Chief Minister, your time has expired.

**MR STEVENSON (3.59):** The provision of forward legislative programs is a vital issue to good government but raises broader issues for this parliament and parliaments in general. Let me read the definition of "parliament" from the Shorter Oxford Dictionary; that is the one with only 2,515 pages. It says, "Formal conference or council for the discussion of some matters of general importance". It applies to consultative assemblies. One wonders whether we will lose the term "parliament" as it applies to consultative assemblies. The definition of "consultation" is "discussion of matters of importance", and it requires two-way consultation. I reaffirm that parliament is for proper debate and consultation.

Mr Humphries requested that information be supplied to this Assembly on 6 July, three and a half months ago. That information has not been presented to this Assembly, apart from promises three and a half months ago that it would be done. This, unfortunately, shows the typical lack of concern by this Labor Government for the role and the contribution of any other party in this Assembly.

Let us look at the process of scrutinising government legislation. It takes time. We need advance warning on these matters. It takes effort and a range of skills, and



24 October 1989

that perhaps highlights the necessity for the smaller parties to have the opportunity to hire consultants - naturally, within the allocated budget.

Why can the Government not simply lay out the legislation, or lay out its plans, in advance? There really can only be two reasons: either there is a hidden agenda and it hopes to ambush the Assembly on the proposed legislation or it is simply a matter of ineptitude. It can only be one or the other.

The Deputy Chief Minister, a few moments ago, made the point again and again and again that parties have been consulted. That is simply not true. The parties have not been consulted. The Deputy Chief Minister has not visited my offices or invited me up to his offices to consult on any of the matters he suggests. There was one instance, but it was not in relation to the matters that he suggests.

He also said that the Chief Minister made invitations that we have a chat about the optometrists Bill, but these things need to have some sort of a meaning behind them. An invitation without any follow-up action is of no use. I have been trying to get some cooperation with the Government on the "Legislative Assembly (Members' Staff Restriction) Bill", as I call it, for some two and a half or three months, and that has not been forthcoming.

The Deputy Chief Minister mentioned that there was a meeting called, and this time I was present. Indeed, it is an excellent idea, but it must mean something. Simply doing something without any useful determination is of no use, because what happened last night? The Deputy Chief Minister mentioned that items of importance that we wanted to discuss about legislation could be raised. That sounds wonderful. I raised one with the Chief Minister about the members' staff Bill and what she said was, "That's not a matter to discuss now", yet it was a matter that was scheduled for discussion. So it is all very well stating that we are given opportunities. I have not been given an opportunity, but such an opportunity must mean something and be more than political rhetoric. Valid consultation is needed, and I make a plea for a more logical approach before any Bill is introduced.

Firstly, the Government should demonstrate a compelling need for such legislation. The idea of introducing Acts for the sake of introducing Acts is not on. There should, first of all, be introduced a compelling need for the legislation. Secondly, the options to address that compelling need should be defined before the Bill is introduced. These things have not been done. Thirdly, the Government should define the advantages and disadvantages of those options, once again before the Bills are introduced. Then, and only then, can we have what is truly a parliament.

24 October 1989

There have been a number of comments from the Government to other speakers about the fluoride Bill, as it is called, and some supposed suggestion that this is something that was rushed through. Let me set the matter straight by indicating the truth. In this Assembly there has been one Bill that was passed in one day. Another Bill took two days. Two more Bills took five days and only one Bill took longer than 30 days. That was the fluoride Bill. That is the only Bill in this Assembly that has had that period of time to allow debate and consultation. All the others were briefer; so brief as to be only one day.

**Mr Whalan:** What about the LA(MS) Bill?

**MR STEVENSON:** The LA(MS) Bill has not been passed.

**Mr Whalan:** Yes, but that is - - -

**MR STEVENSON:** I said "Bills that have been passed". And this is something that unfortunately was not mentioned in the media, specifically the Canberra Times, which, unfortunately, successfully convinced the people of Canberra that something was wrong in this matter. It stated that the matter was rushed, and that is absolutely not okay and shows total irresponsibility on the part of the Canberra Times. There are many people in Canberra who have been unwittingly convinced that this Assembly did something wrong in the matter.

The only thing that this Assembly did wrong in the matter was when they passed the Bill to force fluoridation down the throats of the citizens of Canberra. What should have happened was that fluoride should have been turned off as an administrative function as it was turned on. So let us have some consultative government, let us have open debate, and let us have a forward legislative program immediately.

**MR KAINE** (Leader of the Opposition) (4.07): I think that there are few members of the Assembly who would not agree that this is a matter of public importance. It is a matter of public importance principally, Mr Speaker, because this Government has made much of the fact that it is an open, consultative, caring government. If it had not made that claim it would not be being subjected to this debate today. Very few governments claim that; this one does. Having made that claim, and making it constantly, they have to stand up to the test of whether their claim is a valid one. And that is why the debate is taking place today.

I was interested in the defence put up by the Deputy Chief Minister; an interesting talk and humorous, but it really did not attack the question of whether the Government is being open and consultative or whether it is not. It was an entertaining few minutes, contributing little to the debate on this matter. He asserted that, far from the Government not offering consultation, the opposition failed to take advantage of consultation. Of course, his proposition is absurd.

24 October 1989

He talked about the steps that he has taken to have these matters discussed. "For the last couple of weeks", he says, "we have arranged meetings of all of the members to talk about the Bills that are being brought forward in this particular week". Indeed, there was discussion on Monday night at 5 o'clock when, for 20 minutes, 16 members of the Assembly met to talk - - -

**Mr Wood:** Was I the only one not there?

**MR Kaine:** Mr Wood obviously did not need to be there. He is fully briefed by the Government, I am sure, and I am sure he gets plenty of consultation with the four members of the Executive on what is happening. But it is absurd and spurious for the Deputy Chief Minister to claim that, because we have 20 minutes sitting down talking about this week's legislative program at 5 o'clock on Monday night, that is adequate in determining the content of the legislation that the Government is putting forward.

What that meeting was for was to determine the order in which it would be discussed and debated. We did not talk about the content of it. If the Deputy Chief Minister is suggesting that 17 members of the Assembly should sit down on Mondays and debate the content of all the legislation that it is going to debate for the rest of the week, his proposition, I repeat, is absurd. That is not what the meeting on Monday night is for.

There was a meeting on Tuesday last week, which the Deputy Chief Minister says was requested by the members of this house. That is simply not so. I got a message that the Deputy Chief Minister wanted to have a meeting a week ago today to talk about the program. The only member of the Assembly who asked for it was the Deputy Chief Minister, and he clearly wanted to get himself off the hook because, as organiser of the Government's business, he was getting some severe criticism from those sitting on the opposition side that they were not being adequately informed on what was going on.

So this last-minute, belated attempt to claim that we are consulting by having a meeting once a week is a nonsense. The Deputy Chief Minister said, having put the legislation out, "It is up to the opposition to consult with community organisations and other interested organisations out there". That is very interesting, because it is not the opposition that undertook to consult with the community organisations on the Government's Bills. It is the Government who said, "We are open and consultative and we will talk to these organisations".

The Deputy Chief Minister referred to a Bill that was discussed at lunchtime today. I will name it. It was the Payroll Tax (Amendment) Bill. He claimed that we came up with some problems at lunchtime. We did not come up with some problems at lunchtime. What has happened is that all

24 October 1989

of the major employer organisations in this city, without exception, as the Opposition has discovered in the last few days, have never been consulted by the Government on this legislation.

Very comprehensive, complex legislation that is going to affect small business in particular in this city, quite seriously and significantly, is introduced, and none of the employer organisations have been consulted. The Deputy Chief Minister sits there - this is the Minister for this open and consultative government that we hear touted constantly - and has not discussed the matter with any major employer organisation in the city.

Now, if we do not know that that sort of consultation has not taken place, how can the Deputy Chief Minister imply that it is our problem? It is his problem, and he will live to regret the fact, in this particular case, that he has not discussed the matter with the major employer groups. So where are we going and how hollow is this Government's claim that it is a consultative and open government?

I do not need to stop at the legislation program. That is just one aspect of the criticism and complaint. Another example is question time. How often have we seen Ministers simply refuse or decline to answer questions. It happened again today. Half the questions have been taken on notice. They say, "They are too hard, we can't answer them", or simply, "We don't intend to".

What about the Chief Minister's so-called budget consultation process? There are hundreds of people out there in the community who do not believe that they had any input into the budget consultative process, and they ought to know. They are the people who have got the complaints about the budget and its outcome.

**MR SPEAKER:** Order! The time for this debate has expired.

### **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would allow discussion on the matter of public importance to continue.

**MR KAINE:** I will just refer to a couple of specific things that are going on in occupational health and safety. The Deputy Chief Minister and the Chief Minister no doubt are going to claim that there has been plenty of time to debate the Occupational Health and Safety Bill, and so there has, but what has happened? Yesterday afternoon at 5 o'clock the Deputy Chief Minister handed out limited numbers of copies of a document clearly stamped "Working Draft Only".

24 October 1989

It introduces a whole series of new amendments to the Occupational Health and Safety Bill that we have never seen before.

It has never been discussed with anybody. The Deputy Chief Minister no doubt will expect us to debate the Occupational Health and Safety Bill today and he will say, "You have had months to consult". So I ask the Deputy Chief Minister why then were these amendments dropped on us yesterday at five that we had not previously heard about? So much for consultation.

The Deputy Chief Minister says that we have not taken advantage of the Government's gracious offer for briefing on some of these matters. Absolute rubbish! We have taken advantage of the briefing, but for the Government to imply that the only consultations that we need to enter into as an opposition are with itself and its officials on government business is, again, absurd.

We have to consult with a lot of people to get the opposite view to what the Government is putting forward. Certainly, we want to know the Government's view, but we get that. What we have to do is to go out and find the opposite, and if we do not have sufficient time, if we do not understand the complexities of the Bill, if we have not had time to do that, how can we then go and make sure that we do understand the ramifications and the consequences of these Bills?

It is not enough to say, "We offered to tell you all about it. You didn't take advantage of it". That does not answer the case at all. Mr Speaker, government policy is clearly to keep everyone in the dark - not only the members of this Assembly but everybody else as well. They can stop talking about open, consultative government. That is not their intention, and simply talking about it and repeating it does not make it so. Their principal purpose is to keep the opposition members in the dark, to give us the minimum opportunity to prepare for debate so that we will let their legislation go through even though we do not like it.

The Payroll Tax (Amendment) Bill is a classic case, because that Bill is going to be brought forward this afternoon and we are going to be told that, if it does not go through in this session, we will incur a loss of revenue of \$200,000 a month. If the Government members were really concerned about that, there was nothing to prevent them putting that Bill on the table three months ago. Their budget provided for an increase in revenue from payroll tax. They knew darned well how they were going to get that revenue increase in payroll tax. They did not tell us until one month ago. As I said, only one week ago we discovered the fallacy of the Government's asserted community consultation. They did not consult with anybody. We are now, as the Opposition, trying to remedy that deficiency, and yet we are going to be told by the Government this afternoon that we must have the Bill in place today; it is

24 October 1989

so urgent that it has to be in place today and it has to be debated and concluded.

Well, Mr Speaker, we are not in a position to debate it to finality. I warn the Government now that there are too many complexities, too many ramifications of that Bill, to allow it to go through this house not properly debated. So much for the Government's open and consultative process. That is a nonsense.

**DR KINLOCH** (4.18): Mr Speaker, I especially endorse remarks made by previous speakers about the Occupational Health and Safety Bill. But first of all, a positive point: we are all in a learning situation. We have been saying that many times. I would thank the Government for a briefing yesterday on the question of workmen's compensation. That was a good briefing, and there is at least one person here who helped us with that. But, even so, I felt I needed far more. I needed much more paperwork, much more advance notice, much more material.

I suspect their intentions were good, but that is not enough. It is not enough to have good intentions. I would like to see that kind of briefing greatly extended. Then, of course, we need to have briefings that go beyond what are given to us by the public servants concerned. They do a good job up to a point, but only up to a point.

Later today, we may reach the Payroll Tax (Amendment) Bill. But I feel totally inadequately prepared to deal with this Bill, as I discovered in a briefing we, ourselves, created earlier today. I would not want to vote on that Bill without having had some kind of critical briefing. I believe we are owed that critical briefing; we have not received it.

On another point - I do not want to go on for long - already many of us are making entries in our diaries for next year. For example, I am trying to decide about attending a conference next May, and I am sure many of us have got these problems right now. What do we do next April, May, June? People are already asking for speaking engagements, conference dates and so forth. I appreciate the dilemmas that we all have in our learning experiences.

I would put it to the Government that we are very worried about not knowing what is coming up. We do not yet know what the sitting weeks are next year. Is it not time that we have much more advance notice of what lies ahead of us? If we could work together on that, I would very much like to see it done.

**MS FOLLETT** (Chief Minister) (4.20): Today's motion regarding the provision of the Government's legislation program to the Assembly is deficient in many respects. It displays an alarming ignorance of the nature of the legislation program and of the practices in other parliaments, including the Commonwealth Parliament. The

24 October 1989

motion also displays the willingness on the part of its mover to seek to impose on the Government a standard which the non-government parties are not required to meet.

Finally, the motion is based on a mistaken and, indeed, a contrived belief that the provision of the title of the Bill alone somehow provides a basis for public consultation on that Bill. Before I address those issues in detail, I would like to commence by making the Government's position clear. We are willing to provide the Assembly with a general description of the areas in which legislation is under preparation, and indeed I have done so.

On Thursday, 19 October, I indicated that Bills are in preparation across a wide range of areas, and I named them. The Government is not prepared, however, to nominate in advance a particular timetable for each and every Bill. The reason is quite simple. Almost all legislation is complex, as members have constantly alluded to, both in drafting and in implications.

I believe it would be foolish and misleading to nominate for each Bill a particular timing for its introduction - foolish, because the complexities that arise during the preparation of legislation frequently require a government to consult with interested groups or other governments before a Bill can be finalised. It is not this Government's style simply to set target dates for the introduction of each piece of legislation and then ram it through without giving careful consideration to the views of those who ought to be consulted in its preparation.

Against this background, the Government takes the proper and prudent course and provides representatives of parties in the Assembly with the names of Bills to be introduced at the commencement of each sitting week. This information is provided by the Deputy Chief Minister during his regular consultations with parties regarding the management of Assembly business.

In addition, the Government will often separately indicate a likely legislation timetable in relation to a particular issue. For example, Mr Speaker, we have publicly indicated our intention to introduce a dangerous weapons Bill later this year and to allow it to sit on the table of the Assembly. We have also undertaken to introduce planning legislation in the first part of next year, but only after a period of careful public consultation as well as consultation with the relevant Assembly committee.

**Mr Collaery:** We had that two years ago.

**MS FOLLETT:** Not under this Government, you could not have had it two years ago, Mr Collaery. In summary then, the Government already provides in total a substantial amount of information regarding its plans for legislation. It does not, however, propose to provide a list of all legislation together with the timetable for its

24 October 1989

introduction, which does not allow for the proper processes and consultation or careful drafting to take place.

Against this background, I would like now to examine the poverty of logic and the inconsistency of argument which underlie the motion. All members will be keenly aware that private members' Bills being drafted by the legislative counsel are treated in confidence. Neither the title of such Bills nor any details regarding their contents are available to the Government until the private member concerned so wishes.

So it is clear, Mr Speaker, that this motion seeks to impose upon the Government a requirement which private members are not asked to meet when their legislation is being prepared. In this regard I remind the Assembly that private members' business can be just as significant, or even more so, in its public impact than the Government's legislation. We need only recall the public consternation that met the legislation to give extensive move-on powers to the police to convince us of this. So with this factor in mind, is the mover of the motion also offering to surrender the rights of confidentiality in relation to private members' Bills?

**Mr Humphries:** Yes, we will agree to that.

**MS FOLLETT:** Mr Speaker, I have examined today's motion closely but I cannot see such a proposition contained in it.

I would now like to turn to another type of legislation that comes before this Assembly and I am referring to opposition amendments to government Bills. I can recall very few occasions on which such amendments have been provided in advance to the Government. Indeed, I can actually remember occasions on which members have sought to move amendments without even circulating them in writing on the floor of this Assembly. Such action was quite properly revealed to be in contravention of the standing orders by you, Mr Speaker. Again, it is clear that this motion seeks to set one rule for the Government and another for the other members.

In essence, it asks this Assembly to agree that it is acceptable parliamentary practice to give no warning of opposition amendments to government Bills and provide no information regarding any detail of a private members' Bill. At the same time, the Government must provide the same sort of information in relation to all its legislation months in advance.

I would like now to turn to Mr Humphries' alarming ignorance of practices in relation to legislation programs elsewhere in Australia. First of all, Mr Humphries last week provided me with a draft forward program of government business for the Senate in the Federal Parliament. In a handwritten note on that list, Mr Humphries claimed that



24 October 1989

the Bills listed were not introduced until after the paper was published, and that is simply not correct.

**Mr Humphries:** It is in some cases.

**MS FOLLETT:** Twenty-seven of the 36 Bills listed on that paper had already been introduced into either the House of Representatives or the Senate by the day on which the paper was published.

**Mr Humphries:** But nine had not.

**MS FOLLETT:** Leaving that aside, a far more relevant Commonwealth precedent is the practice adopted by the House of Representatives.

**Mr Humphries:** Why is it more relevant?

**MS FOLLETT:** It is the chamber from which many of our practices are adapted, Mr Humphries.

**Mr Humphries:** The Government does not have a majority in the Senate. It does in the House of Representatives.

**MS FOLLETT:** That is why it is more relevant. No forward program of proposed legislation is provided in that house. In relation to practices in State parliaments, I am advised that in Victoria, New South Wales, the Northern Territory and Queensland advance written notice of the government's legislation program is not provided. Yet the Leader of the Opposition, obviously on pretty poor advice, has claimed in a letter to me that "No other parliament in Australia faces the dilemma of not having a long-term legislation program to work from". Again, not only is the motion deficient in logic; it is based upon patently incorrect information about practices elsewhere in Australia.

Finally I would like to examine the logic underlying the argument that the provision of a long-term legislation program would provide a basis on which the opposition could consult with the community. Mr Speaker, I find it difficult to believe that what is really being claimed is that the title of a Bill alone would provide sufficient information on which to discuss issues with constituents. I find such a notion very strange. Surely one could conduct a meaningful consultation only when the contents of a Bill are known.

Perhaps this suggestion has its genesis in the comments of Mr Humphries, that this Government has not allowed the Assembly sufficient time to consider Bills before they are debated. I reject that suggestion. Where it has been clear that the Assembly has important concerns about a Bill, debate has been deferred for quite some time to allow consultation and negotiations to take place.

For example, Mr Speaker, the Occupational Health and Safety Bill and the Legislative Assembly (Members' Staff) Bill

24 October 1989

have both remained on the table for lengthy periods to allow their proper consideration. In relation to the Appropriation Bill, Mr Speaker, it was the Government who had to encourage this Assembly to examine the Bill carefully through an Estimates Committee process. The daily Bills list, Mr Speaker, reveals that only three Bills have been passed by the Assembly in the same sitting week as they were presented and those Bills related to gaming machines, police offences and the water supply. Two of those were private members' Bills, Mr Speaker.

The other two Bills that Mr Humphries mentioned - the Administration (Amendment) Bill and the Public Trustee (Miscellaneous Amendments) (Amendment) Bill - were introduced in one week, debated and passed in the following week. They were both Bills concerning minor and trivial details.

**Mr Humphries:** Trivial to you, maybe; not to somebody else.

**MS FOLLETT:** They were matters of minute detail, Mr Speaker, and even so they were introduced one week and debated the following week. Against this background it is clear that we cannot be accused of rushing legislation through the Assembly. (Extension of time granted)

I would like to add that the Government has adopted a practice of informing the Assembly of its intentions, including in relation to legislation, through the presentation of ministerial statements. These statements can provide a further source of information about Bills and an opportunity for all members to debate the issues. It would be inconsistent for the Government to arbitrarily nominate a date for the introduction of legislation which was the subject of such debate.

Mr Speaker, I believe we have shown great flexibility and willingness to negotiate with, and to brief, parties on our legislation even though this has not been reciprocated by a similar willingness to provide notice of opposition amendments. I believe that the Government has a fine record of consulting on the contents of its legislation and ensuring that the concerns of all groups are heard in its preparation. I put to you, Mr Speaker, that the motion has been poorly researched, poorly argued, and is based on a range of incorrect assumptions and fallacies in logic.

**MR SPEAKER:** That concludes the debate.

### **FORWARD LEGISLATIVE PROGRAM**

**MR HUMPHRIES (4.32):** Mr Speaker, I seek leave to move a motion relating to the Government's forward legislative program.

Leave granted.

24 October 1989

**MR HUMPHRIES:** I move:

That the Assembly -

- (1) believes that a forward legislative program is essential to the effective scrutiny of government legislation and the good government of the ACT;
- (2) calls on the Government to provide Assembly members with a forward legislative program at the beginning of each sitting session and that this program be regularly updated;
- (3) notes that on 6 July 1989 the Chief Minister made an undertaking in the Assembly to provide a forward legislative program and to update this program on a regular basis; and
- (4) condemns the Government for its failure to provide such a program.

I want to speak only very briefly in support of this motion, since the debate that has just ensued on the MPI clearly covers all the issues entailed in this motion. The Opposition is less than convinced by the Government's pleadings on this question. Its protestations ring very hollow amongst 17 people who have experienced, and who have had the misfortune of being the victims of, the Government's haphazard and inaccurate process of identifying changes needing to be made to Bills, bringing them in and identifying the whole range of problems associated with those Bills.

Mr Speaker, I want to comment only on one thing that was raised by the Chief Minister, and also by the Deputy Chief Minister - the question of the Government's preparedness to put legislation back in the event it found that it did not have support for legislation in this place. That simply is not true.

I have no doubt at all that, later tonight, should we reach the Payroll Tax (Amendment) Bill, we will find the Government bleating that it should be considered straight away, saying that delay is unacceptable. The Bill was brought in on 28 September. Less than a month has elapsed since that time, as I have explained, with the Assembly digesting 10 Bills in three weeks, some of them quite complex, and with a whole range of other matters interposing themselves such as the Estimates Committee. This makes it impossible for the Opposition to properly put itself in the position of being able to say immediately whether or not it can accept or reject certain Bills. This particular Bill is a good example of that.

The Government's approach on that one, I can assure members, will not be to gracefully accept a delay. It wants it done quickly, as it did indeed with the Gaming Machine (Amendment) Bill. It will not accept or tolerate delay. So for the Government to say in this place that it will cheerfully accept delay if members ask for it is simply not true.

24 October 1989

**MR COLLAERY** (4.35): Mr Speaker, I wish to move an amendment to the motion my colleague Mr Humphries has just moved. I move:

Omit paragraph (4), substitute "(4) demands that the Government corrects its failure to provide such a program."

I think the amendment speaks for itself. For my part and for the part of those, hopefully, supporting this amendment, the Government has been given one last stop off being condemned. The motion is there and the notice is served that action must take place to provide such a program and that this Assembly is quite unhappy with the present situation.

**MR BERRY** (Minister for Community Services and Health) (4.36): Mr Speaker, I rise to oppose the motion and the amendment. The proposition by Mr Humphries in relation to this matter is, of course, demonstrably an indictment of the Liberals' failure to deliver as a real opposition in this place, and I just go back to one MPI.

Now, here is a party that is criticising the Government for not allowing the Liberals to have a say in the formulation of policy. They deliver one private member's Bill in relation to move-on powers and it gets torn to pieces. I must say that the issue of consultation is one that the Liberals have never argued was their strong point. In the light of what happened to the private member's Bill, the type of legislation that they would be likely to bring forward would be torn to pieces if it were to be subjected to consultation, which would, of course, identify the conservative nature of many of the policies upon which the Liberals rely.

I think the argument that Mr Humphries put up in relation to this matter was short on detail and demonstrated, as I have said, the politics of the Liberal Party, but I think the most important issue is that it gave Government members the opportunity to again state the highlights of a Labor Government; that is, that it is a government based on democracy, it is open, it is accessible and it relies on consultation. Mr Stevenson might criticise it because we do not always agree with some of the right wing philosophies of Mr Stevenson. He tends to criticise us for not being consulted.

**Mr Stevenson:** I am talking about consultation, Wayne, as you well know.

**MR BERRY:** Well, you should not get agitated about your right wing policies. If you have got them and you have got the conviction of them, you should stick with them.

**Mr Stevenson:** Talk about the issue, Wayne: consultation, or lack of it.

24 October 1989

**MR SPEAKER:** Order!

**MR BERRY:** I am sorry if that agitates you, Mr Stevenson, but that is something that you are going to have to live with.

**Mr Stevenson:** Do not get agitated; consult.

**MR BERRY:** The issue of consultation is one on which the Government bases itself. Mr Collaery would, of course, be aware of the opportunities that have been offered by other Ministers, and certainly by me, in relation to other matters, and so would the Liberal Party. I mean, there has been no end of opportunities for consultation on a whole range of issues. But what really has happened here is that Mr Humphries got himself hooked. He came out earlier talking about a censure motion, but he forgot to get the numbers right before he started. Away he went with his censure motion and now he has to do a bit of face-saving. Who comes to the rescue? The remnants of the Rally party. Here they are; the remnants of the Rally party come to the rescue to get Mr Humphries off the hook. We have this watered-down motion which, of course, is intended to save face. I understand why he would want to save face - - -

**Mr Stevenson:** I thought it was stronger.

**MR BERRY:** It just could not be delivered. You would probably support it, Dennis, but - - -

**Mr Stevenson:** There's no probability about it.

**MR BERRY:** There you go. So the real issue is about getting Mr Humphries off the hook, and I can understand why his party colleagues would want to do that. It is nice to see them united on this issue, with the historical knowledge of what occurred during the fluoride debate. But I think it is part of the process of this place that we can expect these sorts of muscle-flexing exercises by people from the conservative side of politics when they try to show themselves up as some sort of an alternative to the Labor Government. I think a sample of how they are accepted in the community is well demonstrated by the change of heart in the fluoride debate. I know that the continued mention of it causes some discomfort for many - - -

**Mr Humphries:** On a point of order, Mr Speaker; I am gratified to have the Minister relive past episodes of Assembly history, but we are talking tonight about amendments to this motion before the chair, not to any other matters.

**MR SPEAKER:** Thank you, Mr Humphries. Please proceed, Mr Berry.

24 October 1989

**MR BERRY:** One of the things that comes to mind is that last week this house was adjourned because a range of people sitting opposite had not considered the matters before the house, and they had not - - -

**Mr Humphries:** Because there wasn't time. Your lot pushed them through without time.

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

**MR BERRY:** Thank you, Mr Speaker, for your protection. Of course you did not have time because you had picked up the business papers only that morning and decided to have a look at them. The Labor Party had to save you people from embarrassment because you were too lazy to have a look at the business that was to come before the house. It was most important that the credibility of this Assembly be protected, and the Labor Government came to the rescue there. So on two occasions the Liberals have been rescued in the last little while - on one by the remnants of the Residents Rally party and on the other by the Labor Party.

But I think it is most important that those flaws in Mr Humphries' arguments which were ably exposed by the Chief Minister in her response during the MPI should be noted by all of the members who intend voting on this matter. I think the Chief Minister's speech ably highlighted the dishonesty of the proposals which have been put forward by Mr Humphries. Members here considering a vote on this issue should be guided by the information which was supplied by the Chief Minister.

Mr Collaery rabbited on for some time, with more slur and innuendo, about the number of pieces of law that had not been brought before this house. The Residents Rally party has not been quick in coming forth with private members' Bills either.

**Mr Jensen:** Still waiting for the draftsman, Wayne.

**MR BERRY:** I have not seen you lining up outside, Norm, trying to get some assistance for a private member's Bill. You cannot keep making excuses. But basically what it boils down to is an indictment of the Rally's inactivity and, I suggest, incompetence as a political party. He also was critical of the Government's position on a number of pieces of legislation. One in particular, which I must admit caused me some discomfort, was the issue of the Mental Health Ordinance. I think the position is well known in relation to that ordinance, that there is to be a review this year. It is not a simple piece of legislation. It is a piece of legislation which has to incorporate some very sensitive issues. The Government has moved, and a mental health advisory committee has been appointed. It is a consultation body which will deal with a very detailed assessment of that ordinance. To throw those sorts of things in, Mr Collaery, is being quite unkind and cruel.

24 October 1989

**Mr Jensen:** You just can't stand the heat, Wayne. You know the story.

**MR BERRY:** Indeed, Norman, I can stand the heat. There are still five members of the Labor Party. Our numbers have not shrunk and will not shrink, Norman. Mr Speaker, this issue is essentially about the failure of the Liberals to live up to the requirements of opposition. They ought to have a guilty conscience about not being able to do that. The quality and paucity of private members' Bills which have been brought before this house, I think, clearly demonstrate the inadequacy of the Liberal Party. This motion that is being sponsored by it should be opposed.

**MR DUBY (4.46):** Mr Speaker, I rise to support this motion as amended by Mr Collaery. I think the debate that we have heard this afternoon has highlighted the fact that there could not be any doubt in anyone's mind that a forward legislative program is to be desired. The arguments that have been put up by the Government, that this is not provided in other houses of parliament and other places like this, simply does not wash with me. The fact remains that we are a new parliament and we are in the process of being able to establish our own way of doing things. Just because it is not done elsewhere does not necessarily mean that it does not have to be done here.

This motion recognises the fact - and I think everyone will agree - that a forward legislative program is essential to the effective scrutiny of government legislation and the good government of this Territory. I do not think anyone could disagree with that statement. It calls on the Government to provide Assembly members with that program at the beginning of each sitting session. Sitting sessions are not all that long, so the Government is not being asked to gaze into a crystal ball to try to tell us what it is going to introduce in perhaps six or eight months. To me it is not a hard thing for the Government to advise us of what sort of legislation is coming up in the immediate future. I do not think that is asking too much at all.

We note that, in response to questions asked by Mr Humphries, the Chief Minister did make an undertaking in the Assembly to provide that legislative program and to update it on a regular basis. She has clearly failed to do this. If she did not want to do it, she never should have said in the first place that she would. She should have simply put the cards on the table and said, "No, I'm not going to do it", and not shillyshallyed around and pretended that she was going to be cooperative when she was not.

I think this amendment put by Mr Collaery is a very sensible one. It simply demands that the Government correct its failure to provide such a program. To me, there will be no harm done in that motion going ahead. It simply instructs the Government that this is the wish of the Assembly. I think the arguments in favour of such a

24 October 1989

program being made available are all too clear and obvious, and on that basis we support the motion as amended.

**MR JENSEN** (4.48): This issue, Mr Speaker, is really about whether the minority Government has any real legislative program to put before the people of the ACT. On 11 May this year, when the members of the minority Government opposite took up their commissions, they took up a responsibility to the residents of the ACT to legislate for the good order and government of this city-state.

Mr Speaker, this motion is about the principles of good government. I heard the Deputy Chief Minister refer to the issue of Bills being made available to members on the Monday of each sitting week. My colleague Mr Collaery has already referred to the fact that we do not have any second reading speeches in this place, for example. Another factor, of course, is that we do not have a house of review like other parliaments in Australia - except the Northern Territory and Queensland.

Mr Speaker, we all know about Queensland without its house of review. The Queensland taxpayers have just shelled out something like \$24m to review some of the excesses that were built up under the executive power of a government without a house of review. We in this place owe the people of Canberra a chance to make sure that that does not happen here. So we must set the scene very early in the life of this parliament to make sure that those sorts of problems do not occur in the ACT. You can rest assured, Mr Speaker, that the Rally will be very keen to make sure that those sorts of problems do not eventuate in the ACT.

Let me briefly refer to the process by which legislation is processed through the Federal Parliament, as the Chief Minister has suggested in her speech in relation to this matter. Mr Speaker, I am referring to a book by Pettifer, *House of Representatives Practice*, which is acknowledged as the major reference and the basis on which this Assembly has set up its organisation and operations. Although there are some who would suggest that we should be operating under the Senate practice, that is a debate for another time in this place.

In doing this, I note the Chief Minister's comments about these practices. Let me continue by referring to table 10 on page 316, in relation to ordinary Bills, which are the majority of Bills that we are talking about. The table states:

Initiation on notice of intention to present; sometimes by leave.

First reading moved; Clerk reads title; no debate allowed.

Second reading moved immediately; Minister makes second reading speech; debate adjourned to future day.



24 October 1989

Second reading debate resumed; reasoned amendment may be moved; second reading agreed to; Clerk reads title.

Committee consideration immediately following second reading. Bill may go into committee of whole or to legislation committee, where amendments may be made.

Report by committee to House; House adopts report.

Third reading -

something that we do not have in this place -

moved; may be debated; agreed to; Clerk reads title. Message sent to Senate seeking concurrence.

Mr Speaker, that is quite a lengthy process and it provides ample opportunity for the people of the ACT to participate in the debate on issues and Bills. In relation to payroll tax legislation, we find that some of the peak organisations that represent the majority of small businesses in the ACT have had no consultation whatsoever, other than a brief comment in the consultation committee during the budget process. There has been no discussion about what is, as my colleague Mr Kaine has suggested, a very complex Bill that has considerable ramifications for small business in the ACT. We have heard members opposite, particularly the Deputy Chief Minister, talk about how important small business is in the ACT. Mr Speaker, we are getting messages from small business in the ACT that the sorts of proposals that are coming forward in relation to this payroll tax Bill are going to have a considerable effect on small business.

**Mr Berry:** Mr Speaker, we are not debating the payroll tax Bill; it is an entirely different matter.

**MR SPEAKER:** That is not a point of order, Minister Berry. Please proceed, Mr Jensen.

**MR JENSEN:** Mr Speaker, I thank you for providing protection to me also from the Minister seeking to make such a fatuous point of order. I also continue my reference to that rather useful book by Pettifer which contains a table on the making of an Act of parliament in relation to legislation. It talks about how the executive government - that is, the minority Government across the way - sets up its policy. In that stage, it does it from public opinion and in relation to community needs and pressures. We find that a draft Bill is prepared, and it then goes through Cabinet and is publicised. We then find, as I have already indicated, that provides the opportunity for community consideration and consultation. But, as I have already alluded to, in the Federal Parliament it then goes to the house of review where it goes through

24 October 1989

"proceedings similar to the house". So, we have a similar sort of process by which the people, or the voters of Australia in the case of Federal legislation, can have an opportunity twice, Mr Speaker - in two forums - to make their points and their concerns in relation to a matter.

In closing my remarks I want to refer in particular to the discussions about the Optometrists (Amendment) Bill. We have heard today already about some problems associated with this Bill. Let me refer to a letter that I received from a practising optometrist. The letter begins:

I wish to express my grave concerns regarding the above Amendment Bill... With regard to Mr Berry's speech I wish to raise the following points.

It mentions the relationship between optometrists and ophthalmologists. The letter quotes Mr Berry's speech:

"These subsections state that it is unprofessional to advertise"... Advertising by Optometrists is permitted, but is controlled by our standards and subject to our guidelines.

It then talks about Mr Berry's speech stating:

"Discussions were held between the various interested bodies".

The question is asked:

Who were these bodies? considering that the local Optometrists were NOT consulted nor was the AOA (majority of ACT optometrists are members).

So much for consultation! It goes on in the next paragraph to state:

Why wasn't the Optometrists Registration Board notified of this Bill instead of finding out purely by accident by reading a tiny paragraph in the Canberra Times under the subject of "Jail terms and parking fines". Is this an example of our new 'Open' government consulting the people concerned?

In this matter I do not think I need to go on any further. It is quite clear that this motion should be warmly and strongly supported by the house so that the Government is forced by this Assembly to get on with the job of good government for the people of the ACT.

**MRS GRASSBY** (Minister for Housing and Urban Services) (4.57): Mr Speaker, I cannot support the motion or the amendment.

**Mr Kaine:** I didn't think you would, Ellnor.

24 October 1989

**MRS GRASSBY:** Not support, I said. Upstairs I have a bottle that has "Whingeing Pills" written on it. I think I should bring them down and give them to the opposition members. All they seem to do is whinge. They whinge about not having enough staff, not having enough this, not sitting at school holiday time, not having goodness knows what! Every single thing you can think of, they whinge about. What have they got staff for?

**Mr Collaery:** Why have you got the pills?

**MRS GRASSBY:** For you lot. I knew some day they would come in handy. I saw them, bought them and said to myself, "Some day these are going to come in handy", and I have found a good reason to give them out. My God, I have!

**Mr Collaery:** Don't take an overdose, please.

**MRS GRASSBY:** I am going to come down and give them all out. I think you all need them. You all need a clean-out. Maybe that is the problem with you; maybe you all need a clean-out and then you would be all right.

Just take the briefing the other day on the traffic Bills. The moment we sat around the table I realised not only had they not read the Bills but also they had not even looked at them. After we had the briefing they left, but then they came up with amendments. They gave me the amendments. Now I get them and they say, "Oh, no, we do not want to put the amendments. You put the amendments. These are the amendments we want, but we want you to put them". Not only do they want us to give them briefings and lay the Bills on the table for three weeks but then they also want us to put the amendments up. What else do you want us to do for you? Wash you? Bathe you? Put you to bed? Feed you?

**Ms Follett:** Spoon-feed them.

**MRS GRASSBY:** Honest to God, you want to be spoon-fed.

**Mr Kaine:** You have got the staff. I know they all go on strike, but you have them.

**MRS GRASSBY:** What are you here for? I come in at 7.30 on lots of mornings and I find the cars of Government members all in but no cars from the opposition. If I come in at the weekend there are no cars from the opposition.

**Mr Stevenson:** That's absolute nonsense, and you know it.

**MRS GRASSBY:** You know I have rung your office many times, Mr Stevenson, and I have got no answer. There has been nobody down there to talk to you about briefing.

**Mr Stevenson:** That is absolute rubbish, and everybody in this Assembly knows it.

24 October 1989

**MRS GRASSBY:** That is not absolute nonsense. The point is the opposition members are not here but then they expect us to do everything else for them, including their work.

**Mr Kaine:** On a point of order, Mr Speaker; I wonder whether we could ask the good Minister just to stick to the truth. We do not need these fabrications.

**MR SPEAKER:** Please proceed, Minister.

**MRS GRASSBY:** Thank you, Mr Speaker. I am sticking to the truth. The point is that I am now going to keep a diary of whether your cars are in when I come in, so you had better watch it. It will be nice because the next time I stand up and speak I will be able to read it out. I will be able to read out when you are here.

**Mr Moore:** Would you note my bicycle, too, please, Minister?

**MRS GRASSBY:** Yes, I will note your bicycle, definitely. Mr Collaery says there are no lawyers on this side of the house but, after having seen the way the opposition goes on, thank God there are not. After all the jokes I know about the lawyers - and if Mr Collaery does not know them he can see me afterwards and I can tell him - I can tell you now that it is not a profession to which I would want to say I belong.

**Mr Humphries:** Tell us now.

**MRS GRASSBY:** No, Mr Humphries, I would not want to hurt your profession. If I told you the jokes it would upset your profession. Mr Speaker, I find it incredible that an opposition sits there. I have spent day after day sitting here doing drawings because we cannot get on with the work that we have. I am going to end up a wonderful artist before this is over. I practise while I am sitting here, listening to absolute rubbish. We have Bills there, yet they are saying, "But you do not tell us what is happening". On the previous Monday they said to us when we had to go and sit around the table, "This is wonderful. Can we do this every week?". So we do it again, and then we are criticised for that.

Honest to goodness, it would not matter what you did for them; they would still have a complaint. As I said, they are the greatest lot of whingers I have met in all my life. They tell you they do not know what is going on. They are like the birdie on the biscuit tin - they are on it, not in it. That is their trouble. They ought to spend a bit more time in the biscuit tin and know what the heck is going on, instead of getting up here all the time and whingeing about the fact that we do not tell them what we are doing, when we are giving briefing after briefing. We sit there at the end of the table and think, "My God, not only have they not read the Bills; they have not even looked at them".

24 October 1989

My departmental people walk out and say, "You know, Minister, I don't think they have even looked at those Bills". I say, "I can tell you they haven't". Now they want us to explain it all to them. You look into the gallery at times and you see all their staff sitting there. Why are they not up there doing some work for them? That is what they are there for.

**Mr Kaine:** Whose staff is sitting in the gallery now, I might ask, Minister?

**MRS GRASSBY:** I might tell you. None of mine. I am sorry; one of mine is sitting in the gallery. I apologise. My senior private secretary is sitting in the gallery. I apologise, Mr Speaker.

**Mr Stevenson:** When you have so many, you can afford a few in different places.

**MRS GRASSBY:** Mr Stevenson, I have - - -

**Mr Stevenson:** Lost for words?

**MRS GRASSBY:** No, I am not lost for words. Never, Mr Stevenson. Never will I be lost for words. My parents said when I was born that I was inoculated with a gramophone needle, so do not ever say I am lost for words, Mr Stevenson, because that is a slur on my background.

**Mr Jensen:** On a point of order, Mr Speaker; I know that this is a very entertaining debate but, please, can the Minister keep to the point and not talk about gramophone needles, for goodness sake?

**Mr Stevenson:** That was the point.

**MR SPEAKER:** That is not a point of order. Please proceed, Minister.

**MRS GRASSBY:** I tell you what, Mr Stevenson, you are getting sharp; you really are. As I said to Mr Duby the other day, "Just because you have a pointed head it does not mean to say you are sharp". But, never mind, Mr Stevenson, I can handle it; I really can. Do not worry about that.

**Mr Kaine:** Don't you worry about that.

**MRS GRASSBY:** No, don't you worry about that. Mr Speaker, if the opposition members cannot do their work and they really cannot manage, maybe we can help them do it, maybe we can write their speeches, maybe we can sort out their Bills. If this is what we have to do to get this house working then, Mr Speaker, I am prepared to get my staff to do it.

**MR MOORE (5.03):** It was a very entertaining speech indeed by the Minister, but it is a pity she did not say anything.

24 October 1989

I rise to support the motion and draw attention to a couple of comments that were made. My colleague Mr Jensen has drawn attention to the Optometrists (Amendment) Bill, so I shall not pursue that further. I will point out a similar example of the NRMA not having been involved in relation to another Bill that was brought up, which directly affected the insurance industry but which it would not have been inclined to look at. Similarly, the peak insurance group was not consulted on that. But that consultation process needs to go on, so we need to ensure that there is enough time.

I believe that the Government has made some attempts to improve the situation, and it has improved, but we still need a full legislative program so that we can ensure that we have enough time to read these Bills carefully and to seek advice on them.

**MS FOLLETT** (Chief Minister) (5.04): Mr Speaker, very briefly I would really like to point out to the Assembly that there are some 11 Bills on the notice paper at the moment and that they have all been there for at least a month. At the rate that the Assembly is proceeding with these items of business I imagine it is going to take us until the next election to deal with them. I am outraged that opposition members are requesting further advice about a government legislative program when they have 11 Bills to deal with already.

I advised them last week of several other items that the Government will be bringing forward, including a range of revenue matters. But, Mr Speaker, my point in rising at all is simply to say that they have failed so far to come to grips with the items that are before them, although they have had a month in which to do so.

**Mr Humphries:** Because there has not been time, because you did not give us advance notice. It was a time with estimates in it.

**MS FOLLETT:** I repeat that these items were presented on 28 September; that is the most recent one. The LA(MS) Bill, the Legislative Assembly (Members' Staff) Bill, was presented on 27 July. Mr Speaker, the opposition members' point that they have not had time to study these matters is quite simply ridiculous. I believe that they will keep trying to put them off in the hope that it will all go away. It will not.

These are extremely important matters. These are very important matters on which sooner or later they are going to have to inform themselves and form a view. Mr Speaker, the Government has done everything in its power to ensure that they are as informed as we can make them. We have offered them every assistance available, yet we still find that they are not coming to grips with it. We have heard from Dr Kinloch now that he does not really want to have to vote on the Payroll Tax (Amendment) Bill in the foreseeable

24 October 1989

future, although that Bill has been on the agenda since 28 September and was foreshadowed in the budget initial statement some months ago. It has been available for discussion and comment for quite some time, but we hear today that there are members in this Assembly who have only just realised what it all means and have not quite worked out how to vote.

Mr Speaker, I put it to you that there are those 11 pieces of legislation before the Assembly now. We have made no progress whatsoever on them today. At the rate we are going I have grave doubts about how we are going to be able to move through the business at all. As I said the other day, I have foreshadowed quite some number of other pieces of legislation that the Government regards as having significant priority that we wish to see introduced into this Assembly this year.

But, Mr Speaker, the members opposite, despite the Government's best endeavours to keep them consulted, to keep them briefed, to keep them informed, consistently fail to show any sign of wishing to deal with these matters. That really does concern me. It is a most obstructive attitude, one that I find not very admirable at all in people who have been elected to this Assembly to represent the people of the ACT - not just the 13,000 people who may have voted for them, as Mr Collaery often says, but to work for the best interests of everybody in the ACT. Failure to deal with any of this legislation really is most reprehensible. I would urge all members to get on and deal with the business that is before the house, which you have had before you for a month in every case at least, and to take seriously the remarks that I made last week about other legislation that the Government intends to introduce.

I know they were not listening at the time, Mr Speaker, but I would urge them to take that seriously. It was said because that is the Government's intention; we were not just having a little joke with them; we do intend to introduce legislation on those matters. I believe it is up to everybody in this Assembly to get on with the business. As Mrs Grassby has indicated in her remarks, there really is a limit to which the Government can go on spoon-feeding members opposite. Sooner or later you have to do some reading of your own, do some research of your own, and make up your own minds on matters.

Amendment agreed to.

Motion, as amended, agreed to.

**Sitting suspended from 5.10 to 8.00 pm**

24 October 1989

## **OCCUPATIONAL HEALTH AND SAFETY BILL 1989 - SELECT COMMITTEE Report**

Debate resumed from 6 July 1989, on motion by **Mr Stefaniak**:

That the recommendations be agreed to.

**MS FOLLETT** (Chief Minister) (8.00): Mr Speaker, members will be aware that on 6 July 1989 the Select Committee on the Occupational Health and Safety Bill 1989 presented its report to the Assembly. As well as making proposals which are specific to the Occupational Health and Safety Bill, the committee's report also contains recommendations of a more general nature.

Accordingly, the Government will be making two responses to the report. My statement tonight will respond to the broad policy issues raised by the select committee's report. My colleague the Minister for Industry, Employment and Education will respond separately to those proposals in the report relating directly to occupational health and safety matters.

Recommendation 3 of the select committee's report proposed that all Acts passed by this Assembly commence within six months. The Government agrees that in the normal course of events commencement within six months is a desirable objective. However, there will be occasions on which this will not be practicable. For example, some legislation will need to be staged in its implementation. As a result, certain parts of an Act will require longer than six months before commencement. Similarly, the Assembly will no doubt deal with legislation which forms part of a uniform legislation package with the States. When this occurs the timing of the commencement of the legislation will be dependent upon events outside the control of the ACT Government.

Against this background the Government believes that we should adopt a practice similar to that established by the Commonwealth. This involves the inclusion in each Bill which does not specify its date of commencement of a provision which results in either the automatic commencement or the repeal of the Act after a certain period. The period involved would be determined on a case by case basis but would be generally six months, unless staged implementation, uniform laws with the States or other factors require a longer interval before commencement. The reason for choosing a delayed commencement will be included in the explanatory memorandum for the Bill. Accordingly, the Government proposes that appropriate provisions of the kind I have described be inserted in government legislation introduced into the Assembly from mid-November 1989.

Recommendation 4 of the select committee's report proposed that bodies report within three months of the end of each financial year and that Ministers table reports within six



24 October 1989

sitting days. Members will be aware that under current arrangements statutory bodies are generally required to report either within six months of the end of a financial year or in some cases within six months of the end of a calendar year. This is required either by the legislation which establishes the body or by section 30(A) of the Interpretation Act.

This Act also requires an explanatory statement to be tabled in the Assembly if this timetable is not met. The Government believes that six months should remain the period in which such bodies are required to report. A shorter time frame than this will result in reports whose preparation has been hurried, especially in the case of large organisations.

The impact of this would be reports of a lower standard, which could not fully achieve their objective of adequately informing the Assembly of the Government's activities. This will be the case particularly in relation to the auditing of accounts. Three months will, in many cases, not provide sufficient time for information to be gathered, which would allow a properly conducted audit to be carried out.

Put simply, Mr Speaker, the Government argues that a three-month reporting requirement will have the opposite effect to that intended by the committee. It will result in the provision of less, rather than more, information both to the Assembly and to the public at large.

The Government is sympathetic to the committee's view that 15 sitting days is too long a period between receipt of a report and its tabling in the Assembly. The 15 sitting days rule was inherited from Commonwealth legislation and may reflect the fact that the Commonwealth Parliament sits on four or five days in a week rather than the practice of three days adopted by this Assembly. However, the Government believes that six sitting days may not provide adequate time for a report to be printed following its submission to a Minister. Accordingly, the Government will take steps to require that a maximum of nine sitting days be allowed between receipt of a report by a Minister and its tabling in the Assembly.

Recommendation 5 of the select committee's report proposed that all executive departments and non-statutory authorities furnish reports within three months of the end of the financial year and that they be tabled within six sitting days of receipt by the relevant Minister.

The Government agrees that activities of executive agencies and non-statutory bodies should be reported to the Assembly. It is envisaged that each executive agency will report separately to its Minister and that this report will be tabled in the Assembly. This would be in addition to the statutory requirement that the head of Administration report to me on the activities of the branch of the

24 October 1989

Australian Public Service which works for the ACT Government.

In the case of non-statutory bodies, it is proposed that, as in the past, the more significant bodies will produce their own reports and the minor ones will have their activities covered in the annual report of the executive agency to which they relate. To require all non-statutory bodies to report separately would involve considerable additional printing and publishing at public expense and would provide little additional information to the Assembly beyond that already provided by including such non-statutory bodies in the reports of executive agencies.

For the reasons outlined earlier in this statement, the Government believes that the executive agencies and non-statutory bodies should be given six months within which to report and that such reports be tabled within nine days of their receipt by the relevant Minister.

Recommendation 6 of the select committee's report proposed that guidelines to be followed when establishing penalties to be imposed by legislation be tabled for the information of the Assembly at an appropriate time. The Government agrees that guidelines which cover general penalty fixing principles be developed and tabled. Members should note that this is a task which even the Commonwealth has not undertaken. Accordingly, it may be some time before such guidelines can be developed and tabled.

Recommendation 9 of the select committee's report proposed that a standing committee on subordinate legislation be established. As members will be aware, the Assembly has accepted the Government's proposal to form a scrutiny of Bills and subordinate laws committee.

The Government is pleased to have been able to respond positively to the general recommendations of the Select Committee on the Occupational Health and Safety Bill 1989. We thank the committee for its hard work and for its concern to ensure that the Assembly is kept properly informed of the executive's activities.

**MR WHALAN** (Minister for Industry, Employment and Education) (8.08): Following on from the Chief Minister, I would like to say that the Government appreciates the role that the committee has played in reviewing this legislation. But, in so doing, I would like to reiterate our position, that the Government for its part firmly supports the Bill as originally presented to the Assembly. We believe that the consultative process has been exhausted and that it is now time to join the rest of Australia in having legislation of this nature.

We accept much of the contents of the select committee's report, including a number of the suggested specific amendments to the Bill and most of the wide-ranging recommendations regarding the implementation of the

24 October 1989

legislation. The Chief Minister has spoken to the more general proposals which go to the matters outside the specific Bill. For my part, I will confine my remarks to the specific Bill.

In that regard the Government firmly opposes two of the proposed amendments to the Bill. The first of these is the removal of any reference to "involved unions" and, secondly, the change in the minimum number in a designated work group. We also believe that removal of the requirement to provide instructions to employees in appropriate languages is unfortunate, but we accept that the employers in reality will still have to provide such instructions so as to fulfil their duty of care to employees whose first language is not English.

We would also foreshadow an amendment that was raised before the select committee but was not mentioned in the final report, and this is the inclusion of an option to allow single designated work groups to be formed on large building and construction sites. We believe that this concept has the support of the industrial parties in the building industry and was left out of the Bill inadvertently.

The Government totally rejects the other proposed amendments. The removal of any reference to "involved unions" would place the ACT in the company of Queensland, of all places, and who wants an election this year? Queensland is the only jurisdiction not to recognise a role for unions in its occupational health and safety legislation.

The legislation as originally proposed by the Government would simply recognise industrial reality and require employers with employees who are members of unions to consult those unions before making any final decision. It does not require them to reach agreement with the unions, which I might say is required in New South Wales and Victoria, but it does require them to consult.

It must be remembered that employment in the ACT is governed by the Federal industrial relations Act which specifically recognises a role for unions in representing their members in a range of matters, including specifically occupational health and safety matters. If the ACT legislation does not recognise such a role, we may well be handing responsibility in this area to a third party, the Federal Industrial Relations Commission, which has already indicated on several occasions its interest in dealing with disputes over occupational health and safety. In one particular industry, the vehicle industry, the Industrial Relations Commission handed down an award overriding the occupational health and safety legislation of four States.

Furthermore, to refuse to recognise the role of unions will mean that, to play their proper role of protecting their members, they will have to operate outside the occupational

24 October 1989

health and safety system. The industrial relations arena will be their only recourse and industrial action their only means of ensuring appropriate employer attention to their problems, and this is the very activity this Bill is endeavouring to make unnecessary. Trade unions have a legitimate role in representing and, in many cases, informing their members. Not to recognise this is to invite disputes, not avoid them.

The next proposal - to increase the minimum number in a designated work group from 11 to 12 - is simply a nonsense. It has no obvious statistical or industrial basis. I just cannot understand it. As it is, a minimum of 11 exempts some 85 per cent of employers from the requirement to form designated work groups. Also, current statistical collections which are based on divisions of 10 will become useless.

**Mr Kaine:** The Roman system is long outdated.

**MR WHALAN:** We introduced decimal currency and the whole decimal system in 1966 when you and I were both 21. So there is simply no logical basis for the proposal and little result, except to make statistical comparisons with other States much more complicated.

Finally, as I previously mentioned, to remove the requirement for an employer to make instructions and information available to employees in appropriate languages would take from the legislation the only recognition it has that for a significant proportion of the work force English is not the first language.

There are establishments in this city, Mr Speaker, at which English is not the predominant language in the workplace. If an employer employs workers who speak other than English, the employer has a duty of care to those employees to ensure that, as far as it is necessary to use equipment safely, there be instructions given that they can understand. The proposal in the Bill sought only to clarify that responsibility, and for that reason the Government would still have preferred to see its continued inclusion.

The Government believes this is important and long overdue legislation, and supports its quick passage through this Assembly. However, the Government believes that the two proposals of the select committee which remove any requirement to consult involved unions and seek to increase the minimum size of a designated work group would severely and unnecessarily restrict the effectiveness of the legislation and invite unwanted conflict. The Government therefore opposes those particular amendments.

In concluding, Mr Speaker, I would like to say that I acknowledge the work that was done by members of the committee and their interest in this matter, which I think is a genuine interest although it might come from a

24 October 1989

different direction from that of the Government - in some cases in terms of membership of the committee. The staff of the committee, who worked on one of the earliest reports of this Assembly, are to be congratulated.

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

## OCCUPATIONAL HEALTH AND SAFETY BILL 1989

Debate resumed from 25 May 1989, on motion by **Mr Whalan**:

That this Bill be agreed to in principle.

**MR STEFANIAK** (8.16): I will make some brief comment on a couple of points raised by Mr Whalan because they do affect the debate on whether the Bill should be adopted in principle. I intend referring to a number of reports that were placed before the committee - some of the more major reports from various interested groups - to show that it was not completely unanimous that there should be occupational health and safety legislation.

Most groups in the private sector and certainly the union movement believe there should be occupational health and safety legislation, but that was not completely unanimous, and there are some grave reservations that various organisations had about this legislation, while most of them supported the principal thrust of the need for legislation of this type.

On balance, Mr Speaker, I and my party believe that occupational health and safety legislation is necessary, and we want to see in place sensible legislation that will ensure the health and safety of workers are protected in the workplace and that business and employees work together to ensure that occurs, because if you do not do so in any business, not only in this Territory but also Australia-wide, that is very bad for business. Any fool can, I think, realise that it is essential that a person's safety in the workplace is protected.

That said, I think we have to be very careful to ensure that the legislation is balanced and protects both the workers' legitimate interests and the legitimate interests of employers. It is the view of my party that there are certain aspects of this legislation which put the emphasis in certain areas in which it should not be put and which do not address the question of real safety in the workplace and legitimate protection of employers' interests, and I think they have to be looked at.

There are a number of amendments which will be put before this house at the detail stage on Thursday, many of which have been put up by my party, a number of which were to have been put up by the majority of members of the committee which looked into occupational health and safety.

24 October 1989

I would reiterate some of the Deputy Chief Minister's comments on the hard work done by the committee staff in relation to that report.

This legislation is long in coming, Mr Speaker, and I think it behoves this house to get it right. In a number of States there have been problems, and I think we have to look at this. The Deputy Chief Minister indicated that, except in Queensland, unions were not mentioned in legislation. In the New South Wales legislation, in the Occupational Health and Safety Act, unions are not mentioned. They are mentioned in the Occupational Health and Safety (Committees in Workplaces) Regulations, but they are not actually mentioned in the Act. I point that out to him.

There have been problems, which were placed before our committee when we investigated this, in Victoria where the occupational health and safety legislation had a definite union bias and a union slant. It had been used not for legitimate occupational health and safety issues but for industrial issues, pushing issues that were not related to safety but really flexing union muscle. That really is not what this legislation should be used for and I think it behoves this house to ensure that does not occur. Indeed, some of the problems in Victoria should be a salient lesson to us when we come to consider the detail stage of this Bill.

Let us look at some of the other States as well. Let us look at New South Wales. We are an island surrounded by New South Wales. In that State the designated work group is 20, not 10 and not 12 as has been suggested by the majority report of the committee. I would have you note on page 16, in my dissenting report, that on that question we as a party and I as an individual felt that the designated work group should have 20 members.

The number of 12 was arrived at as a compromise, as a result of matters put forward by my colleague Mr Moore, now an independent NIMBY in this Assembly. That number was indeed a compromise; perhaps there is not too much logic in that. Thirteen, I think, is somewhat unlucky, so we probably ended up with 12, but we certainly would prefer 20 and, indeed, I will put forward an amendment to that effect, which will no doubt be dealt with on Thursday.

Twenty was put to us as a figure by virtually every private sector employer group that came before us. I will say more on that later. I would also point out to members that Queensland has a designated work group of 30. So in talking about figures as low as 10 or 12 we are perhaps being somewhat remiss. Remember that we have to deal with New South Wales because we are surrounded by it, and there is a strong argument for some type of commonality in our legislation.

24 October 1989

A lot has been said, both tonight and certainly beforehand, as to what happened before the committee. Indeed, a large number of submissions were put before the committee in a very short period. It was the first Assembly committee. It was somewhat rushed, but various organisations did a lot of work and put forward a lot of learned and reasoned submissions before us.

I think it is interesting, in considering where the pendulum swings in relation to this piece of legislation, to consider the size and the content of some of the submissions. The Trades and Labour Council of the ACT put forward a one-page submission raising three points, and that is interesting. It obviously was fairly happy with most of the legislation. It wanted no number put on the designated work group. It thought 10 was far too many. It would prefer no number at all, and there were a couple of other points. But I think perhaps that is indicative because the employer organisations and the persons representing employers, subcontractors or small business put forward much more detailed submissions. They obviously had a lot more points to raise and problems with the Bill. I will just read out a few of them, Mr Speaker.

The Master Builders Construction and Housing Association of the ACT, an organisation that looks after the interests of large numbers of private employers, both small and medium size in the Territory, stated:

The two main issues on which the Association has been specifically concerned are:

1. The provisions of the Bill dramatically increase the potential for interference with procedures designed to enable individual employers and their employees to reach a mutual agreement on health and safety issues at the enterprise level.

We believe that all requirements for individual employers to consult with Unions, in addition to their own employees, are unwarranted.

The role of the Union is to advise its members on issues that affect employment, and this we fully accept, but we do not believe that the Union should be given the statutory right to become a third party to all negotiations, procedures, inspections and appeals.

2. The Bill unnecessarily imposes on small businesses the full range of procedures that would apply to heavy engineering and large scale manufacturing establishments.

The Bill applies the formal arrangements for Designated Work Groups, Safety

24 October 1989

Representatives, and Deputy Safety Representatives to small businesses with more than 10 employees, and enables regulations to be made covering health and safety committees and training requirements.

The other States and the Northern Territory have applied different standards in relation to this issue. For example, formal arrangements are required where there are 5 employees in South Australia, 15 employees in Victoria, 20 in New South Wales, and 30 in Queensland. The Northern Territory Work Health Act does not rely on the establishment of Designated Work Groups or Committees.

We believe that provisions pitched at this level of small business are not warranted. The ACT has low statistics on workplace injuries and businesses would be severely handicapped by any unnecessary on-costs or overheads, especially if those are higher than NSW.

The Canberra Southern Cross Club Ltd, an employer of a number of people on a site which the committee inspected - and might I say it found that it had a very good ad hoc occupational health and safety system in place to ensure the protection of its workers and the efficient running of its business - indicated:

We believe that the legislation is confrontationalist. It will pit unions against employers, and may cause over-zealousness by bureaucrats against employers.

Some unions engage in closed shop practices, sometimes forcing unwanted employees on employers. This legislation is ripe to give these types of employees a lever with which to be disruptive.

It also complained about the interpretation of involved unions and registered unions, and stated:

Surely the design of the legislation should be for employers and employees to consult in making the workplace safe. Any disputes are dealt with by the Occupational Health and Safety Registrar. There are provisions in the legislation dealing with the protection of employees.

To our way of thinking the unions have obviously been privy in influencing the legislation so they can have a vehicle by which they can intrude upon management practices.

Indeed, that was one of the criticisms of the very draconian and incredibly pro-union first draft which was



24 October 1989

out last November and which did have some amendments made prior to this Bill coming before this house this year.

The Canberra Association for Regional Development put in a detailed submission. It spoke of the need for diversification of the ACT economic base, and I think that is something that this Assembly should bear in mind when we consider this Bill. It stated:

For the foreseeable future Commonwealth Governments are likely to continue to exercise restraint over Commonwealth spending. Because of the structure of the ACT economy, the ACT is more vulnerable than the States to a slowdown in Commonwealth employment and the spending on capital works and the clampdown on Commonwealth employment is likely to slow the ACT population growth rate. Furthermore, the NCDC estimates that over the next five years some 20,800 of Canberra's 15 to 24 year olds will enter the labour force, 8 per cent more than the already high level of the previous five years.

Private sector growth offers the only practical solution to the task of providing jobs for Canberra's young people and to ensuring balanced and sustained economic progress for the ACT.

It went on to say:

If this legislation is passed and it reduces the private sector's capacities, CARD contends it will be counter-productive to the necessary growth and strengthening of the ACT's private sector. All bodies including government, unions, private sector, and indeed the community must be cognisant of this impact.

On our industrial relations record, it also stated:

A study of industrial relations in the ACT clearly indicates to any unbiased observer that the costs to the community have been extensive. The ACT is compact, small, and unique in Australia and lends itself to setting up a model in industrial relations second to none. CARD considers that this proposed occupational health and safety legislation will not be conducive to a satisfactory industrial relations climate which the ACT will need for a secure future.

The Canberra Chamber of Commerce also put in a submission. It talked, among other things, about the designated work group, and it stated:

The Chamber of Commerce submits that a small employer is not confined to one who has less than 10 employees. This "cut off point" will cause

24 October 1989

considerable administrative and economic hardship to genuine small businesses.

The Chamber of Commerce considers that similar requirements to New South Wales should apply, that is, only employers who have more than 20 employees of whom 50 per cent request that a health and safety representative be selected. This will ensure those employers who provide a safe and healthy working environment will not be burdened with the additional administrative obligations.

The Confederation of ACT Industry put in a very detailed and lengthy submission of about 20 or so pages. It stated:

In putting forward a constructive appraisal of the Bill, we have made recommendations which support the principles of the legislation, but also draw attention to:

- (a) deficiencies in the legislation
- (b) features which private sector employers in the Territory do, and will continue to, object to.

Given the intention of the legislation, namely, to facilitate consultation and cooperation at every level of an enterprise as a prerequisite to occupational health and safety, it is essential that employers' cooperation and support for the legislation be freely given - not coerced from them. In its present form, the Bill could not be expected to achieve this.

It went on to say:

The views put forward in this paper should be regarded as a very real indication of the degree of concern being expressed by the business community.

It is our view that here in the ACT we have the opportunity to set in place legislation which avoids the many problems experienced in other States; to get it right the first time around.

A further issue of concern relates to the administrative costs which will be incurred by ACT Administration if it intends managing and policing the system. As this is an issue of vital concern to the ACT community as a whole, this paper will be publicly available on request.

It went on to conclude its preliminary comments by saying:

It is the view of the Confederation that, without supporting evidence to justify the need for the

24 October 1989

legislation, the Bill is both draconian and unnecessary. It is our view that Common Law provisions which place a duty of care on employers and employees have, with some notable exceptions, worked well in the ACT.

It is doubtful whether the imposition of a union-led occupational health and safety system is likely to facilitate further change. It is likely, however, that such a system will add significantly to on-costs at a time when efforts are being made to attract new business investment to the Territory.

They are legitimate concerns by the major employer groups in the ACT, and I think we must take heed of them. Mr Speaker, I am not going to go into a detailed discussion of various parts of this Bill; we have most of Thursday to do that, when all the amendments have been tabled and are put before this Assembly.

There are some problem areas that I will highlight. I completely disagree with what the Deputy Chief Minister says in relation to involved unions and registered unions. There is no provision in this Bill for involved employer organisations. Unions will be involved where they have members in various areas of the workplace. Where they do not, or indeed where they may have some members but an arrangement is made on the shop floor, surely that is more desirable than getting a union to come in when it is not wanted. If they are involved they will have the safety representatives. That occurs at present in industries which are heavily unionised and, indeed, some which are not so heavily unionised.

In relation to registered unions, there is a provision there which seems to be completely contrary to Federal legislation and which would run contrary to such things as the deregistration of the BLF. It deems certain bodies to be unions for the purpose of the legislation. That is one of the points highlighted by the committee which certainly I would commend to the members of this Assembly.

There is another potential problem, but I certainly hope it does not become a problem. We have the tripartite council - three members of government, three members of unions, three members from the business community. Let us hope that body is very wise in its deliberations because, under whatever system we end up getting as a result of further discussions on Thursday, it will have a lot of responsibility, and basically that body can either make or break this legislation.

There are some other provisions, too. There are provisions in part III of the Bill for looking after the welfare of workers at the workplace. This seems to be completely separate from their health and their safety in the workplace and envisages something that is far greater. Again, I think that is something that should be looked at.

24 October 1989

Mr Whalan brought up the question of languages in the workplace, and that is something at which the committee looked very long and hard. No doubt the intention was well-meaning, but we looked at the situation and indeed went to a number of establishments where there are machines which, in relation to their use, effectively have a universal language on them. The committee considered very carefully the fact that, if that provision remained, it might ultimately prejudice persons who did not speak English or could not read English, rather than assist them. So I point that out for his benefit.

Workplace arrangements are set out at part IV. There are some time scales which are unrealistic in relation to provision of notices, et cetera, by health and safety representatives and by business, and I think they have to be looked at. My party is also concerned that all the penalties are weighted against the employer, and really the only penalty against a wayward occupational health and safety representative is dismissal from being an occupational health and safety representative. Indeed, that might not be much of a penalty at all if the person is sick of it. I think that has to be looked at very carefully and there has to be some balance there so that some of the penalties go both ways.

There are also other problems, and I am glad to see the Chief Minister raise in her paper that it is important for this Assembly to consider the question of penalties in Acts very carefully. There are some rather crazy penalties in this Bill. In my minority report I specifically referred to sections 84 and 89. I think they should be reversed. One refers, I think, to sabotage of equipment, and the other one refers to something which is far less serious in terms of a person's safety, yet the more serious one has the lesser penalty. That is something that certainly should be addressed by this Assembly, and we can start with this legislation when we consider the detail stage.

Mr Speaker, I will conclude by saying to the Assembly that we have to look very carefully at all the ramifications of this legislation, especially the cost and the potential for abuse. I might remind members that if you screw private enterprise, if you do let this legislation become union dominated, or, conversely, employer dominated - it should not be dominated by anyone - it will mean that many businesses will go broke, especially small businesses. It will mean that there will be a lack of outside investment in this Territory. (Extension of time granted)

If there is a slant in this legislation - and I would submit the slant is currently in favour of excessive union interference - it will mean businesses will go broke; it will mean a lack of outside investment in the Territory; it will mean a decrease, therefore, in the private sector, and I think we all agree that we look to our private sector to provide jobs for young Canberrans and to provide growth in

24 October 1989

this community in the future. The days of extensive government funding and certainly Commonwealth funding and the Commonwealth providing jobs are gone, and this will mean a lack of jobs for young Canberrans. This will mean a poorer Canberra going down the chute economically.

This is a very important piece of legislation. It must be balanced; it must represent the legitimate safety needs, work needs and health needs of employees; it must also ensure that businesses are not unduly imposed upon, with costs or with unnecessary restrictions, and it must encourage agreements made, I would submit, at the workplace between employers and employees coming to a sensible arrangement themselves without outside interference, be it by government, unions or whatever.

A number of amendments will be put forward on Thursday. I have a number of papers here, which were given to us by the persons appearing before the committee. I am quite happy to make those available to members. There are a number of documents which were put before the committee and which I would encourage members to look at - and also the transcript of proceedings, if they are able to - prior to debating the detail stage of this Bill, because I think that will be very edifying for them. I stress again this is vitally important legislation and it behoves us to make a very sensible decision and make sure it is balanced so it does work.

**MR MOORE** (8.39): I would just like to deal with a couple of the points that have been brought up by the Deputy Chief Minister, because I spoke at length on this topic when the committee report was brought down. At that time, when we talked about this matter of "involved unions" which has caused so much concern, I made it very clear that the action of the committee, as I considered it, did not exclude the unions at all but just did not compulsorily include the unions. That was the stance that I took, and it was a matter of some public debate between me and Mr Charles McDonald of the Trades and Labour Council of the ACT. As the debate continued and neither of us seemed prepared to move, I sent a letter to Charles McDonald that read:

I would like once again to extend an invitation to you and/or your officers to discuss the proposed Occupational Health and Safety Legislation.

You will recall from my phone call at about 5.00 pm on October 5 that I believe any claims that the Rally has excluded Unions from the legislation to be unfounded. Whilst we have not accepted compulsory inclusion it has certainly never been our goal or intention to exclude unions in any way.

That applies particularly to me as a very longstanding union member. The letter continued:

24 October 1989

The Rally considers the unions to be an important and integral part of the working life of Canberrans.

Since I no longer speak for them, I am sure they will be able to comment on that, should they wish to or should they wish to disagree with that. The letter further states:

Allow me, therefore, to assure you that should you be able to show us how we have excluded unions we would be prepared to consider changing the proposed legislation to rectify the problem.

I would also hope to discuss with you -

and it goes on. The facts of the matter are that Mr Charles McDonald, some members of the public service and several other people were able to show me that, and in this particular case I must say that we were wrong and that I believe that restoring the term "the involved unions" into the legislation - in other words, leaving the legislation as it is in terms of "the involved unions" - will allow exactly the thing that I was attempting to allow; it will include the unions but it will not compulsorily include them. That was the goal; that was the aim I was trying for, and the legislation already does that.

**Mr Stefaniak:** You were right first time, wrong second time, Michael.

**MR MOORE:** To my satisfaction, that is the case. I realise that the Liberal Party members will not agree with that, nor have they ever, but I have no particular need to please the Liberal Party on this particular thing. I am looking to see, from my perspective, how I can make the very best occupational health and safety legislation available to Canberrans.

Another area - and I hope the Deputy Chief Minister in particular will pay attention to this, since he has made some comment on it - is foreign languages. The foreign languages area in the legislation caused us some deal of anguish because, whilst we recognise the point that the Minister made, that there are many people in the ACT who speak foreign languages, we also recognise the particular problem to which Mr Stefaniak drew attention, and that is prejudice. Because the demand made by the foreign language section in the legislation would put an extra onus on the employers and is something that, particularly if they are employing three, four or five people from different countries, could make it quite an onerous task, we felt that it may make it easier for them, then, to choose to employ somebody who spoke English. We felt that, whilst the goal of including it in the legislation was admirable, its effect could go against the very values that the people who had included it were trying to achieve. That is why I think it is important that we remove that foreign language phrase from the particular section.

24 October 1989

At the same time, of course, because the duty of care goes across the whole area, because the employers have responsibility under the legislation, I believe they still have the responsibility to ensure that their workers understand the requirements of the legislation. So I believe it is very important - dare I say critical - that the Minister reviews, before Thursday when we get to this, his attitude to this because I really believe that it could well disadvantage people who speak foreign languages and who seek to join the work force in the ACT. I plead with him to review it and to talk to Mr Wood at length on it because he was involved in long discussions on this matter.

With reference to the designated work groups and 85 per cent of the Canberra population being excluded by the number 10 or 11, it seems to me that all people under the legislation will be covered by the duty of care, and that is the critical factor. That the number is now not 13, as we had originally recommended, I think, is due to Mr Wood pointing out that some people may consider that unlucky. When you have something unlucky associated with something like occupational health and safety, it is a very poor way to start. The committee emphasised again and again the importance of education in relation to this Bill, so the number was reduced, with the final result being as you see it.

Mr Stefaniak, my good colleague, who is very keen on the notion of an independent NIMBY, pointed out that penalties to safety representatives should be increased. In fact there are no penalties for safety representatives.

**Mr Stefaniak:** I said there should be some.

**MR MOORE:** He says there should be some. There is no way that I can concur with him on this because - - -

**Mr Humphries:** You are clearing the gallery, Michael.

**Mr Kaine:** You've lost the audience.

**Mr Wood:** Liven it up, Michael.

**Mrs Grassby:** Yes, they're all leaving, Michael. For goodness sake, give them something to make them stay. Come back. It's going to get better.

**MR MOORE:** Perhaps if I promise the gallery that I shall shower when I go home before an evening session that may help. The tactics that have come out over the last few days have been something else!

Mr Speaker, going back to my good colleague Mr Stefaniak, who could well be in government within a short while - 1 April, I understand, is the date of their takeover - let me say that the penalties to safety representatives are certainly not an available option because, if that is the

24 October 1989

case, who is going to be willing to be one? Because this is such an important and integral part of the legislation and it is important that a voluntary position like that ought not have any penalties attached to it, it would take away from many of the goals of the legislation. What we have here is a very good piece of legislation that will require a few minor changes in accordance with the recommendations of that first select committee, of which I was a part and on which I learnt so much.

**MR WOOD** (8.48): Mr Speaker, in tune with the fairly reasoned debate we have had tonight, I want to add my call for logic on one matter in particular. I was very pleased to hear Mr Moore's comments on a number of these issues. I recall the debate in the committee concerning the size of the designated work groups. What happened over a long period was that somewhere down the track there was a proposal that a designated work group not have any specified number of workers to be established. Then there were counterproposals - that you need 30 or so - and, by a process of bargaining, the legislation proposed a minimum of 11.

Then on a matter, I suppose, of principle or dealing or of having to feel that a group was responding to people outside, there was an amendment to change that to 12. I think everybody would agree - even those who proposed it - that changing the minimum number from 11 to 12 really had no logic to it and did not do anything except marginally weaken the legislation. As this matter is further debated, I would hope that the logic of it would impose itself upon members' minds and they would hold to the terms of the Bill.

If you look at the process you will see that that number was fairly arbitrarily arrived at and there was bargaining over a period, and realise that when it came to the committee in the first place it had already been a matter for consensus between employers and the Government. Already the number had been changed for that reason. Then to change it further, by one, seemed rather an odd point. It is on that matter only that I rise tonight. I hope that there will be no amendment to the Bill when this is voted on later.

**MR DUBY** (8.50): Mr Speaker, I rise tonight to talk about the Occupational Health and Safety Bill.

**Mr Moore:** Oh, what a good idea!

**MR DUBY:** Yes, absolutely. That surprised everyone, did it not? But, more to the point, my comments are directed at the value to this Assembly of having a committee system at all. We have heard from the Government and the opposition that there are numerous amendments coming through. A number of those amendments, I believe, are a direct result of the recommendation of the Select Committee on the Occupational Health and Safety Bill.



24 October 1989

The chairman of that committee has indicated that he will be moving a certain number of amendments, contrary to the recommendations of the committee. The Government has also indicated that it has a number of amendments to the Bill, the list of which is as long as your arm and none of which follow the recommendations of the committee. Therefore, one must ask: what are we going to do with the committee's recommendations? Surely the whole purpose of having a committee in the first place was for the members of the Assembly to look at all aspects relating to this legislation and to make recommendations about it. Yet we now find what I regard to be the very strange situation in which parties, members, groups of members, alliances, sub-alliances and rumps are moving amendments to this Bill. To me, it does not make much sense.

I am probably going to surprise everybody in this Assembly by saying that our party's view is that the only amendments to the original legislation which should even be looked at by this Assembly are those recommended by the committee. To me it is ludicrous to have people spend a lot of time and effort, have community groups spend hours or days preparing submissions to committees, and have them all written up in nice black-and-white form, only then to have everyone say, "Well, that is the committee's recommendation but what we really want, what is really best, is comprised in all these amendments". I think the situation is ludicrous.

There is no question about the fact that a Bill relating to occupational health and safety is long overdue in this Territory. The Bill, as originally proposed by the Government, contained a number of features which a lot of people in this community felt were simply unacceptable. The committee has looked at those points and has made recommendations along those lines.

As far as I am concerned - and my party agrees - if the committee is going to go to the trouble of making recommendations we will support them. We are not prepared to have last-minute negotiations with people huddled over the desks in this place trying to work out some suitable compromise. The committee has done the work, and I have faith in the committee system and the members of this committee.

Accordingly, when we come to the detail stage of this Bill the only amendments that we will be contemplating are those that have been recommended by the committee. We will not be tolerating private points of view, party points of view or special interest groups' points of view. The committee has examined these issues ad nauseam; I think that is the way to put it.

**Mr Collaery:** Were you on it?

24 October 1989

**MR DUBY:** No, but I have "ad nauseamed" on a lot of other committees. I think that stance should be adopted by all people in this Assembly. What is the point of having committees if, when the recommendations are made, we all rush off and say, "We didn't like recommendations 1 through 7; we liked 8, 9 and 10, but 11 through 17 are no good."?

**Mr Kaine:** Very good point, Craig, I think.

**MR DUBY:** I am pleased to see that I have at least one supporter on the floor of the house. Naturally, I assume he will be instructing one of his cohorts to refrain from putting amendments to the Bill tomorrow.

**Mr Humphries:** He won't do it tomorrow.

**Mr Stefaniak:** No, I won't do it tomorrow. I promise I won't do it tomorrow.

**Mr Moore:** Or Thursday.

**MR DUBY:** I did not hear that - or Thursday even. Anyway, this Bill is long overdue. The recommendations by this committee are excellent. They suit the circumstances relating to this Territory, and we will be pleased to see implemented the recommendations of the committee, and those alone.

**MR HUMPHRIES (8.56):** Mr Speaker, I want to indicate a few concerns about the thrust of this Bill. I believe that, as Mr Stefaniak has indicated, we would do well with this piece of legislation to get it right. He mentioned that this was, I think, the first piece of legislation introduced into this Assembly. Its significance is probably that it was an indication of the Federal Government's commitment to doing something in this field.

**Mr Berry:** Wrong, Gary.

**MR HUMPHRIES:** It was certainly one of the accoutrements of the previous Federal Government, to my knowledge, Mr Berry, and as far as I can see that was inherited by this present minority Labor Government. Whether or not it has quite the same concerns, I do not know, but I would be very surprised if your predecessors were not in a similar boat to you today if it were not for the fact that there is now self-government in the ACT, except, of course, that the Federal Government in those days was not responsible to a duly elected assembly.

The arguments which you might have put up and which might be rejected, of course, would not have had to be run past anybody else, because the Federal Government was entirely autonomous, or largely autonomous, on questions of this kind. We have an assembly which is now responsible for considering issues like this, and I believe that, as Mr Stefaniak said, it behoves us to examine them carefully and ensure that we do not make mistakes. I think any observer

24 October 1989

of the industrial relations scene in the ACT over the last few years would entirely agree with the proposition that the role of unions and employers and their relationships need to be examined.

We need to ensure that a better system than the confrontationist one we have inherited is developed. We need to ensure that we provide for a more efficient system of achieving common industrial relations goals, common work practices and other desirable goals, including occupational health and safety goals. I believe that in many respects this Bill falls short of that, and for that reason the Opposition will be moving a number of amendments to, in our view, improve the operation of that Bill and ensure that it provides a realistic and workable environment in which to pursue these very important goals.

Let me emphasise that the Opposition does not for one moment believe that occupational health and safety is a minor or trivial or second-rate issue in industrial relations. It, of course, is absolutely vital. It is a matter of shame, I think, to all of us that the ACT should have lagged so far behind for such a long time in this area. It is also a matter of some shame that, although this was, as I said, the first Bill introduced into the Assembly, it is only now, five months after the swearing in of the Assembly, that we come to consider this Bill, and I have to ask why.

As members are well aware, Mr Speaker, it is not the Assembly generally or the Opposition in particular that determines the order of government business; it is, of course, the Government. The Government, we have all noticed, has been steadily shunting this piece of legislation further and further towards the back of the queue. It has not been interested in debating it until very recently, and we have to ask ourselves why.

**Mr Berry:** We will tell you.

**MR HUMPHRIES:** I am sure you will. When it comes to your turn to speak, Minister, I am sure you will tell us.

**Mr Stefaniak:** They didn't like the committee's recommendations.

**MR HUMPHRIES:** I have my own views. I think, as Mr Stefaniak says, you were not particularly happy with the outcome of the consultation that you initiated and, as a result, were not prepared to sit down and listen to the views that were expressed by that committee. However, you are now stuck with them to some extent and the fate of the amendments that you have moved and those that we have moved will be determined at some later time; I assume on Thursday.

Many of the comments that were made by members of the public, in particular by employer organisations, have been

24 October 1989

quoted by Mr Stefaniak, and I think we would be very foolish to ignore those sorts of comments. They were made by people who are working in these fields who know the practical day-to-day problems of managing large work forces. They are well aware of the needs of the ACT, particularly the need to make the ACT a competitive place, and they want to provide for an environment, as much as we do, which is free of industrial disruption and in which large numbers of work days are not lost because of stupid and unnecessary industrial disputes.

In this regard I think it is worth quoting comments by the Chamber of Commerce when it was talking about the role of the trade unions, to which this Bill gives a certain preferential status. In its submission it says:

There is no justification for a body to be included as a registered union other than by reference to the appropriate legislation for the registration of the unions. The Bill sets out numerous obligations on the part of employers to consult with or make available documentation to unions, in addition to employees. This creates duplication and the legislation sets out adequately procedures to be followed by employers which assist and protect employees making the involvement of the unions an unnecessary requirement. The Chamber of Commerce considers that the reference to the involvement of unions throughout the legislation should be deleted.

The Government, of course, has indicated already that it is not minded to accept that advice. That is a difficult position to take. To ignore the advice of those groups is, I think, unwise. I fully support the recommendation of the committee, to which Mr DUBY has referred, that the role of those involved unions should not be entrenched in legislation.

I want to also quote from the submission by CARD, which makes a similar point. It says:

Abuses of this legislation can come from either one or a combination of: a disgruntled employee, an irresponsible involved union or an over-officious inspectorate as well as employers.

And it says in bold type:

Employer protection from possible abuses must be written into the legislation. If this is not included the legislation will be disruptive and can be used as a weapon against the employer.

I see nothing in what the Government has put forward either in the way of the original Bill or in the way of amendments since that time to show that it is cognisant of that concern. Certainly there are, as Mr Stefaniak indicated,

24 October 1989

certain protections against certain activities by employers that might be deleterious to the position of either involved unions or employees; but certainly nothing quite in the nature of a reverse protection for employers, particularly against individuals or unions that abuse the powers created, or the framework created, by this Bill.

As yet I have heard no convincing argument from the Government which says that there should not be such protection. I do not see why protection should not cut both ways. Perhaps the other speakers from the Government side will enlighten me in that regard. I have to say that my observation of the position of trade unions in Australia over a number of years leads me to doubt the wisdom, which is, I think, deeply entrenched to some extent in Australia's industrial relations system, of having preferred status for certain trade unions. I say "certain" because the elaborate registration system and other checks and balances in that conciliation and arbitration system very much create the status of preferred unions.

It is a matter of regret that that has been there, because in my view much of Australia's industrial unrest and lack of economic competitiveness in the world derives from the deeply entrenched and intractable system of union preference. Our whole conciliation and arbitration system has ossified, and it is very sad that we are not able to make badly needed changes to the system, because there are such deeply entrenched interests preventing that from occurring.

I hope that we do not contribute to that entrenchment in the ACT by making unnecessary preferences in favour of what are called here "involved unions". I see no reason for it. I would hope that the Government would be aware of trends towards more flexibility in the workplace and I would certainly hope that that was given consideration in this Bill.

I want to refer also, Mr Speaker, to a comment that the Deputy Chief Minister made in his Government response to specific recommendations of the select committee report. In the body of those comments he makes a rather ominous sounding statement. Referring to the role of involved unions, he says:

Furthermore, to refuse to recognise the role of unions will mean that to play their proper role of protecting their members they will have to operate outside the occupational health and safety system.

Now what does that mean? How does one play a role or operate outside the occupational health and safety system?

**Mr Kaine:** It means they do not accept the referee's ruling.

24 October 1989

**MR HUMPHRIES:** Precisely, Mr Kaine. It indicates that they will not accept the referee's rulings, but they will play their own games outside the framework of this legislation. I assume that one ramification of that position would be that we could expect industrial action. We could expect strikes, go-slows and other industrial actions as a result of the fact that the unions in this case do not get their way.

Mr Stefaniak indicated that it was very clear from the very simple - that is, short - submission from the Trades and Labor Council that it expected that this legislation embodied its wishes already and therefore it would not need to endure great change. The fact is, Mr Speaker, that from this side of the house, at least, it is not acceptable and we shall press to make changes that reflect the reality of Australia's emerging industrial environment. Finally, I want to quote some comments made by the Canberra Southern Cross Club Ltd which, I think, sum up very well the concerns of a number of employers about this legislation. It said:

We support occupational health and safety in the work place and are not upset at the introduction of fair legislation. We believe, along with many others, that the proposed legislation has many anomalies and may be open to abuse by unscrupulous persons or groups.

The legislation is over regulated and will affect productivity. It needs simplifying rather than trying to be all things to all people. The occupational health and safety push should be towards education rather than big stick waving.

The thrust of the legislation puts the onus on employers to bear most responsibility and all cost in matters of occupational health and safety. The legislation is obviously union influenced but what is expected of them? Nothing. What cost are they required to bear? None? What do they do towards the training and education of their members? Very little, if anything.

I endorse those comments. I think that they are wise. I think the Assembly would be unwise to ignore them and I hope that the amendments to this Bill that are to be put up from various sources will be considered on Thursday in that light and that we will end up with an arrangement in the ACT which is realistic and not damaging to the productivity of Canberra businesses. That is something which I think we can ill afford at this time above all others.

**MR JENSEN (9.10):** I rise to speak briefly on this Bill in the in-principle stage. While I, and other members of the Rally, generally agree with some of the comments by Mr Doby, I think there are some reasons why amendments outside the recommendations of the committee may be required.

24 October 1989

We should recall one very important fact about this committee report. It was the first committee report from the new Assembly on a very complicated but important piece of legislation; important not only for the workers of the ACT but also for those who employ them. The importance of the legislation was one of the main reasons why the Assembly sought to have the issue referred to a select committee only some 14 days after its first meeting.

Those of us who served on the advisory committee to Minister Holding will remember the concern by Mr Holding to have this legislation put forward during that long period when we waited with bated breath to see who would eventually fill the 17 seats of this chamber.

It would seem that at that particular time Minister Holding was very keen to have the matter finalised because of promises that I understand he had made, or the Labor Party had certainly made, at the previous Federal election. However, once the legislation was tabled it was an appropriate move to allow all those who felt that they had not been fully consulted to raise some issues.

The new committee system, just established, provided them with an opportunity to raise their concerns before a representative selection of members of the new Assembly. Perhaps if Mr DUBY had been part of that committee, he may not have been so harsh on the rest of the Assembly members for suggesting some modifications to that particular Bill.

As my colleague Mr Moore has just suggested to me, that might have been one of the ways to resolve this problem, particularly as it was our first committee and it was on such an important matter. Perhaps the subject matter or the results of that committee in a draft stage should have been referred to those who had participated in the debate and discussions.

**Mr Kaine:** On a point of order, Mr Speaker, could we interrupt the "Cabinet meeting" to allow Mr Jensen to continue his speech?

**Mr Whalan:** Oh, sorry.

**MR JENSEN:** I was suggesting that it would have been appropriate in this case for a draft report to have been provided for those who had major input into the legislation. That might have enabled some of the issues and concerns to be raised before the committee brought down its final report.

However, we have now before us a committee report which, as I think has already been said, is highly appropriate, well thought out and well constructed. I know that those members of that committee spent long hours in developing those matters relating to this very important Occupational Health and Safety Bill.

24 October 1989

In relation to the various matters and concerns that have been expressed, we will find out tomorrow the amendments that have been provided by the Government and the large number of amendments that I know are being proposed by the committee. I hope that these will be considered effectively and actively by the members of this chamber on Thursday to ensure that finally the workers of the ACT will receive the benefits of occupational health and safety. I understand that they will be the last workers in Australia to do so.

**Ms Follett:** That is right. Shame!

**MR JENSEN:** Let us think about that. A Federal Labor government was in charge of those matters in the ACT; it had that responsibility. Now, let us not sheet all the blame upon this Assembly. A Federal Labor government had that responsibility. Why did it not do anything? That is the question. I would suggest that it is wrong to blame this Assembly.

This is a very important piece of legislation, yet because the Government - the minority Labor Government on the other side of the house - decided that it was not happy with all the recommendations of the committee, it sought to have this matter delayed. I seem to recall, Mr Speaker, that at one stage Mr Whalan almost pleaded with the members of the Rally to make sure -  
- -

**Mr Duby:** Begged.

**MR JENSEN:** Yes, I think "begged" is appropriate, Mr Duby. He begged members of the Rally to listen, once again, to the concerns of the trade union movement. Mr Speaker, members of the Rally, being a very reasonable group of people in this Assembly, were quite happy to listen to what Mr McDonald had to say about this issue. Initially, I must confess, in relation to this matter about involved unions, I had some concerns - along the same lines as those of my colleague Mr Moore - about the effect that this particular matter may have on various employers, particularly small employers, in relation to a possible enforcing of union control over their businesses.

At the time, that caused me a little bit of concern, but it seems to me that we should read that legislation carefully. Clause 37(7) says:

An employer shall not establish or vary a designated work group without consulting -

- (a) each involved union in relation to the employees; and
- (b) if there is no such involved union - such of the employees as the employer considers appropriate;



24 October 1989

in relation to the establishment or variation of the designated work group.

Now, Mr Speaker, I would suggest that that provides some degree of issue in relation to the matter and, if there is any concern on the part of the employees, perhaps the registrar could have some responsibility and role in mediating in this area.

However, in relation to this matter of involved unions, I think that, in general terms, it is quite acceptable. At this point it is my understanding that those members of the Rally present in this chamber will support the proposal to retain the term "involved union" in the legislation. On that note, Mr Speaker, it is probably appropriate that I close my remarks on this very important piece of legislation. I look forward to seeing it provide protection for the workers of the ACT in the future.

**MR BERRY** (Minister for Community Services and Health) (9.19): First of all, Mr Speaker, I would like to put the record straight in relation to the inaccuracies that Mr Humphries put before us.

**Mr Humphries:** Not more inaccuracies? Two lots in one day; what a shame!

**MR BERRY:** Well, it is something you are pretty good at, and we have heard a heap of them today. It gets a little bit onerous having to get up and straighten them out all the time, but they are -  
--

**Mr Kaine:** Do you sit there keeping score, Wayne?

**MR BERRY:** One of them, of course, was the fact that the Liberal Party would not have been aware of this in the lead-up to the election. The Labor Party had a very strong commitment to the introduction of occupational and health and safety legislation when it took office. It was a matter of great shame that occupational health and safety legislation had not been introduced in the ACT before self-government and it was in the light of our concern about that that we developed a strong commitment to introduce the strongest legislation that was possible to prevent occupational health and safety injuries in the Territory.

Since we have come to office, we have all heard the Liberals trying to weaken the Labor Party's commitment to strong occupational health and safety legislation and, of course, to entrench conflict in the workplace on occupational health and safety matters. But that is the tradition of the conservatives in the Liberal Party from whom we continually hear the rhetoric of flexibility and all those sorts of things. I think the flexibility they refer to is that of some unscrupulous employers to decide whether their employees should have occupational health and safety legislation to protect them.

24 October 1989

The Australian Labor Party, in government in the ACT, will ensure that workers in the ACT have the strongest occupational health and safety legislation that this Assembly will permit. I think that the rest of the members of this Assembly should feel considerable concern that the Liberals have set out to weaken the attempts of the Australian Labor Party to introduce strong occupational health and safety legislation.

In relation to the criticism that was rightly levelled by Mr Jensen at the Federal Labor Party, I can say that there were uncalled-for delays in the introduction of occupational health and safety legislation in the ACT. The legislation that was to be introduced was, of course, of the strongest variety which has been supported by Labor in office here.

One other issue needs to be talked about. I know that there were a number of issues raised by the Liberals in relation to some of their more conservative constituents where criticism was levelled at strong occupational health and safety legislation, but I will talk about only one of them. One has to recognise that there are a lot of responsible employers in the ACT and I am happy to say that not all of them support the Liberal Party. But to give members an idea of what to expect, I point out that one employer group, CARD, proposed that payroll tax be dumped in the ACT.

**Mr Humphries:** Very sensible.

**MR BERRY:** Of course it is, and who pays the taxes then, Mr Humphries? Do we do what the Federal Liberals intend to do and get stuck into the people who need help most?

**Mrs Grassby:** That is a Liberal tradition, Wayne. You understand that.

**MR BERRY:** Yes, it is the tradition of the Liberal Party to hit the ones who are in the worst position to fight. They have been doing it for years, and I suppose that we cannot expect change in such a short time.

Mr Duby raised the issue of the committee recommendations, and I must say that I share some of his concerns about the issue of the consideration of matters by committees and what is done with them after the recommendations are made. The fact is that this was not a consensus committee. It did not reach consensus, and therefore I think that the committee and members of this Assembly would have to expect that the various political parties here would take different views about the recommendations which were eventually put to the Assembly in the report. Therefore, I would call on Mr Duby to reconsider his position in relation to the committee report. I think that, being a man of good sense - - -

24 October 1989

**Mr Kaine:** He has left town.

**MR BERRY:** I know that Mr Duby will not have gone far; he will be listening to this debate right now. Only a matter of urgency would take him out of the Assembly, and I am sure that he is listening to this debate right now and taking in everything that I am saying, particularly my urgings in great faith that he will reconsider his position on the recommendations of the committee.

It is true that business employers and unions should work together to provide a safe workplace, but I would have to say that, if history is any measure of the provision of safety in the workplace by employers generally, it is likely that, if it were left to the employers in the future, we would be in exactly the same position that we are in now or worse.

There was some discussion by Mr Stefaniak that there should be some balance between the legitimate interests of employers and employees, and that is true. But the legitimate interests of the employees are often cast aside for efficiency and profits in any particular industry. We have to ensure that not only do the responsible employers have to provide a safe workplace for workers but that irresponsible ones have to provide it as well. That is what strong occupational health and safety legislation is about.

Designated work groups are, of course, an area in which the Liberals propose to narrow the cover of occupational health and safety legislation on workers. The report mentioned that, in cases where the numbers required for designated work groups were increased, there would be a significant reduction in the number of employees who would be covered. For every one employee who is added to the designated work group, there is a significant reduction in the cover of employees by occupational health and safety legislation. It is a matter of great shame that the Liberal Party would support such a wild extension of the numbers that would constitute a designated work group.

I must say that I am rather amused that the conservatives can still talk about outside interference, for heaven's sake, while referring to unions. Unions are a part of work in this country, and have been for a long time. I am puzzled and amused by the old-fashioned approach that the conservatives seem to take about unions being considered to be "outside interference". They are part of Australia and they are a very real part of the workplace. Of course, the great efforts of the conservatives have reduced the membership of unions in some respects, but I am quite confident that the unions will, as usual, rise to the occasion to protect their members when that is required.

One other matter that I would like to dwell on for just a moment is the comment by Mr Moore in relation to the involvement of unions. I should say that one of the very

24 October 1989

positive things to come out of the fairly lengthy consultation period that was associated with the occupational health and safety legislation was the option for members to consider further consultation on the issue of the committee report.

Debate interrupted.

### ADJOURNMENT

**MR SPEAKER:** Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

**Ms Follett:** I require the question to be put forthwith without debate.

Question resolved in the negative.

### OCCUPATIONAL HEALTH AND SAFETY BILL 1989

Debate resumed.

**MR BERRY:** I am pleased to see that Mr Moore took advantage of that period to consult with members of the community who were affected by the recommendations of the committee and has come to a position in relation to it. This is in contrast to some members' positions. It is a matter of great concern to me that some of the members here complain about a lack of consultation on certain matters. On this very important piece of legislation Mr Moore has been able to take advantage of the opportunity to consult with the Trades and Labour Council. In my view, he is to be congratulated on his very good judgment on the matter - - -

**Mr Moore:** As indeed it applies to members of the "Remnants Rally" as well. Does the same not apply to the "Remnants Rally"?

**MR BERRY:** Well, yes, if they adopt the same position. I am sure that the 50,000 affiliates of the Trades and Labour Council welcome the very wise decision of Mr Moore and the remnants of the Residents Rally for their very sound judgment.

**Mr Kaine:** Only the Liberals will stand on a matter of principle, Mr Berry. Everybody else will sell out.

**MR BERRY:** I must say that when I hear the words "sell out" coming from the Liberal Party I go weak at the knees. I just think back a few days in relation to debates on other matters and the various divisions which occurred in that camp. Nevertheless - - -

24 October 1989

**Mr Humphries:** The principle stands.

**MR BERRY:** Well, a couple of principles stand.

**Mr Collaery:** With your party on the budget, it was "principle" and interest.

**MR BERRY:** Well, Mr Collaery, you will have the opportunity to speak. I am sure that you will speak generally, as you promised you would, and I am sure you will put the right sort of slant on this debate because of your strong association with the working class in Wollongong. I look forward to that debate. Seeing that I have only a few seconds, I just repeat, in case Mr DUBY did not hear - - -

**Mr DUBY:** I heard. You are wrong.

**MR BERRY:** I would just like to remind those who are critical of you, Mr DUBY, that you were, in fact, listening to the debate, as I said you would be. Now, of course, all we have to do is convince you that some of the things that you said ought to be considered in the light of debate. Being the very sensible man that I know you are, I am sure that you will.

Mr Speaker, in closing on this issue, I think that everybody here, even the Liberal Party, recognises the importance of strong occupational health and safety legislation. On the other hand, the Liberals may not support very strong legislation, but the rest of us, those of us who consider it is important for the protection of workers, will, I am sure, support very strong legislation when this debate is concluded.

**MR COLLAERY (9.34):** This excellent report was one of the early reports of the Assembly. The introduction contains a statement which refutes some of the things our colleague Mr Berry said. It said that all members of the committee, all parties, accepted the need for this legislation. The report is, of course, a credit to those who sat on the committee - Mr Stefaniak, our colleague Mr Moore, and Mr Wood. I have just noticed that Mr Owens is not here. Where is he?

**Ms Follett:** He is not well.

**MR COLLAERY:** I am told he is not well. Well, no doubt Mr Owens has been congratulated in earlier debates for assisting in the preparation of this excellent report.

Mr Speaker, the recommendations in the report included some matters that were of concern to our colleagues in the Liberal Party. I sought advice from the relevant Minister's department, and that was generously provided in writing, on the full context in which the words "union", "involved union" or "registered union" appeared in the legislation. The Government's adviser on this issue

24 October 1989

reviewed the legislation and comparative legislation in New South Wales and Victoria and has provided some advice which I made available today to the Liberal Party.

Mr Speaker, the areas in the recommended Bill where the term "union" is used essentially relate to the definition of "involved union", and an involved union is where there is an employee who is a member of the union or a person who is performing work covered by that union. Nowhere in the report of the committee or in the legislation is there any tie-up between the federal award legislation and the occupational health and safety legislation.

It is unclear on the face of it, in terms of the explanatory memorandum, the Minister's statement and the report, as to whether there is not duplication between the access to workplaces guaranteed under federal industrial awards and the access and involvement - using that word non-pejoratively - guaranteed by this Bill.

Clause 37 of the Bill requires an employer to consult with an involved union when establishing or varying a designated work group. Unlike the Victorian, South Australian and proposed Commonwealth schemes, this legislation states that the employer and involved union need not reach agreement. The decision after consultation belongs to the employer. The union is not involved in the selection of representatives, but that, of course, gives a somewhat artificial flavour to the law. The law facilitates access to the workplace by union representatives and, by and large, one assumes that in most trades those representatives will be properly oriented and will be going to the workplace for the mutual benefit of employer and employee. But we must be conscious that there may be instances where that statutory access may be misused.

I await the detailed debate on clause 37 of the Bill to determine the view of this Government to the possibility of abuse of access to workplaces that have no history of disputation or non-compliance with award conditions and whether there may be one or two unions who may see this as a lever to other involvement in workplaces.

I invite the Government, when we debate clause 37 in the detail stage, to indicate the consultation it has had, particularly with the BWIU, to determine how, were this provision to be passed, the BWIU intends to abide by the very spirit of the legislation, which is to promote harmony, equity, mutual respect and, of course, prosperity for both parties.

**Ms Follett:** And the gag!

**MR COLLAERY:** The Rally remnant has never applied the gag, Chief Minister. Clause 41 of the Bill requires employers to prepare and keep lists of their health and safety representatives and to allow involved unions, among others, to inspect the list. Now, there is a list of names,

24 October 1989

presumably titles and perhaps even addresses that can be perused by union representatives. I trust that in the detail stage the Government will indicate its consciousness of the privacy aspects of this and the strong duty on an employer to maintain privacy, a duty which, if this Minister is true to her word, will shortly be imposed by privacy legislation. We need to look carefully at that aspect to determine whether it is not only those in the upper income strata of society that are conscious of their privacy requirements, but also the disadvantaged, the migrant workers and the workers themselves. I have some uneasiness about that clause.

Clause 47 of the Bill allows an involved union to apply to the registrar to have a health and safety representative disqualified from office for up to five years where certain grounds relating to misconduct exist. If you peruse the legislation you will see that there is no real right of review; there is no real right to give notice in advance. The legislation is draconian and it appears to be inappropriate for this day and age when removal of a health and safety rep for up to five years may have other serious implications. I invite the Government to look again at that to see whether it is against the spirit of a proper review of discretions. The registrar would be exercising a discretion at law, and that may be an area that the Government needs to attend to. After another quick perusal of the report, I did not see whether the committee had made any definitive suggestions in that regard.

There are other areas in this Bill where rights can be affected - the revocation of provisional improvement notices and variation notices and the like. This piece of legislation is not all milk and honey. There are areas in the Labor Party's own charter and direction that sit uneasily with this legislation. Of course, the overall historic need for this legislation is evident. I do not think we are going to debate it at large. As someone who grew up in Wollongong, a town that for years was rigidly controlled by the ironworkers union, I know how the pendulum swings and where proper balance has existed. As members know, the independents have been in power in that town now for years as a result of the excesses of the union era in Wollongong.

To give it its dues, unionism will result in proper regulation of workplaces, but I do suggest that the ACT is not known for flagrantly unhealthy and improper work practices. However, the legislation is certainly timely. It brings us into line with the States, and the Rally will, of course, broadly support the legislation, subject to the comments I made and some other comments about such matters as the possibility that involved unions could denote the type of protective clothing required, outside the industrial award. Those of us who have acted as professional advisers to the smaller businesses know how much it can cost sometimes to provide uniforms and other things that those who are serviced by government agencies with bulk purchasing and the rest do not appreciate.

24 October 1989

Having moved from the private sector to a government office, I am often struck by the magnificent equipment, desks, ergonomic furniture and all the rest. I know how hard it is at times for an employer to be able to afford that and how few employers in this town are really getting rich off their workers. The overall aspect of the legislation suggests that we have a broad consensus in this town that bodes well for industrial harmony in both the short and the long term. But the question is whether unions should have preferential status in determining situations in workplaces that competent, organised, literate, articulate and informed workers might themselves want to organise. We must always be conscious that we should not impose the workplace values that may have already been chosen democratically and in an egalitarian manner by workers themselves.

To give a broad example, there might be a group of workers who have decided on a certain sort of clothing, a certain work practice, a certain type of equipment that they find safe. Where there is no objective evidence that it is not safe, I would suggest that it would be inappropriate for an involved union to come in and upset that safe and harmonious situation simply for the purpose of bringing in new standardised equipment.

**Mr Berry:** How do they do that?

**MR COLLAERY:** Well, there are often union pushers for the use of standardised types of equipment. I am certain that those union leaders who read these Hansard debates - and no doubt they all will; they are all very well informed and have very good service machinery now - will note these comments. I trust that in the early days of the working of this legislation, in whatever form it emerges, those points will be considered.

Mr Speaker, early in today's proceedings the Deputy Chief Minister, Mr Whalan, referred disparagingly to the Rally as some sort of remnant and rump group. But, as my colleague Dr Kinloch informed me, to be a sacred remnant is no odious description. At page 222, the Australian Encyclopaedia contains a potted version of the history of the Labor Party, and if there was a body that went through the vicissitudes of rumps, remnants, breakaways and all the rest, that was the Labor Party. I remind the Deputy Chief Minister that he may regret casting stones at the early teething problems of what, hopefully, will be a contributing, responsible, community party in the ACT. Mr Berry, of course, has a lot of work to do because some of his ladders still do not reach the highest floors in this town.

Mr Speaker, the final comments I have to make relate to the way in which the Australian Labor Party is set out in this encyclopaedia. It refers to its emergence by unionism and the values upon which unionism was built, including, of course, industrial accidents, unemployment insurance,



24 October 1989

industrial arbitration and the rest. It then states how the party moved on to other things. The headings in the encyclopaedia are "Rise and Fall", "The Split and Afterwards" and so on. So I trust that, in the early days of the Residents Rally reorganisation, the Deputy Chief Minister will realise that if he wishes to get through some of this socially necessary industrial type of legislation he should recall the necessity to work with the whole of the Assembly and cease his divisive comments and the attempt today to exploit what has been a settling activity in the Residents Rally.

**MRS GRASSBY** (Minister for Housing and Urban Services) (9.48): I rise to respond to some of the things I just heard Mr Collaery say. The Labor Party may have had many rises and falls, but it is still here after many years. The Labor Party was born on the backs of the unions and we have never forgotten that. That is the basis of our party and that is why we are still here.

**A member:** They are on your back now, are they not?

**MRS GRASSBY:** No, they are not on our back. I am proud to say that I am a member of three unions. My father, who owned many businesses, always asked people before he employed them, "Do you belong to the union?". If they did not, he said, "Well, you know, I cannot employ you". When they could not understand that, he said, "If you cannot be true to your mates, you will not be true to me". I am not afraid to say that I am proud to belong to a union and to be part of it.

I point out that the Labor Party has been around a long time. I cannot remember how many names the Liberal Party has had, but there have been many over the years. I always remember the lovely saying attributed to Billy Hughes. He was asked, "You said you once belonged to many parties, Mr Hughes, but I notice you have never joined the National Party". He probably would never have joined the Residents Rally either. He replied, "A man has got to have some respect, hasn't he?"

I hope, Mr Collaery, that at the end of as long a period as the Labor Party has existed you will be able to say that the Residents Rally still exists. But if you keep losing your members at the rate you are losing them now, I am not sure you will be able to do that.

Mr Humphries talked about education. I am a member of the Southern Cross Club and the thing that worries me is that, very often when people talk about education, they are saying that workers do not really need education. The attitude is: "We will look after you; do not worry about it". I have heard that story before. It is a great line among people in business. They say, "We will look after you; do not worry about it; we will educate you". The trouble is they do not educate people, they do not tell them about the faults in the workplace.

24 October 1989

Let me just tell members about one union that I happen to know, the rubber workers union in Australia. Ninety per cent of the people in that union were born outside this country.

**Mr Collaery:** Lord Dunlop!

**MRS GRASSBY:** Please yourself. Today you will use a Dunlop product, so they tell me. I repeat that 90 per cent of those rubber workers were born outside this country and their first language is not English. Most of the accidents to members of that union occur because the instructions in the workplace are not in the languages they speak. They do not understand the operations of a lot of the machinery they use.

This Bill says the common law duty of care is to be sure that, if you are employing people whose first language is not English, all the instructions relating to machinery must be in the languages which the employees speak. I would like to be sure that this will happen. I used to be in the rag trade, or the shmateh trade - - -

**Mr Duby:** Vot?

**MRS GRASSBY:** Shmateh trade - I hope that Hansard can spell shmateh; it is Yiddish. Normally, things should be fine with a machine. Machines work the same all round the world. But today there is some incredible machinery in the rag trade which is not found in all parts of the world. This is where the difficulty starts. People start getting their arms burnt by the steaming machines. They find that machinery that cuts large numbers of patterns - - -

**Mr Kaine:** They start putting two left arms on garments.

**MRS GRASSBY:** They lose fingers - not arms but fingers.

**Mr Humphries:** That probably explains my suit.

**Mr Collaery:** What happened to that shirt? Look, it is too long.

**MRS GRASSBY:** Oh, wonderful, where is the pair of socks that you usually have up your shirt sleeve? What else have you got up your arm that we do not know about? I have just been to David Jones with you and it worries me what you have got up your arm that we do not know about.

**Mr Duby** interjected.

**MRS GRASSBY:** I am sorry; I missed that, Mr Speaker. I would have liked to answer it, but I missed it.

**Mr Kaine:** It is a good thing that you missed it, Ellnor.

**MRS GRASSBY:** Mr Duby, don't be so rude.

24 October 1989

One of the things that has always worried me in many fields that I have worked in is the fact that we have taken it for granted that people who come from other parts of the world know how things work, and we do not take care of them in the workplace. My fear is that in this Bill we may forget this fact. Although Canberra does not have a lot of heavy industry, such as the rubber and car industries, we still have a lot of people working in industry whose first language is not English, and we have to look after them.

I worry about the fact that we have not taken care of these people. I have talked about this in relation to the Southern Cross Club. People say to you, "Oh, it doesn't matter if a person who is serving in a club or a bar doesn't speak English well". I own two hotels and it is quite amazing how much damage can be done in the cellar of a hotel by a person who does not understand what he or she is doing. One of the things that I learnt was never to stand over a keg when you are trying to stem it, because if you do not hold it the stem can go straight through the keg, through your head and out the other side. I can tell you, it leaves an awful gash.

**Mr Collaery:** How many times did that happen?

**MRS GRASSBY:** Many times, Mr Collaery. Can't you see all the holes? But, Mr Collaery, believe you me, I do not have as many as you have!

People take it for granted that you do not need to know too much English if you are working in a hotel or club cellar; that it does not matter; that everybody can understand the things that matter. But they do not, and this is the sort of issue we should be thinking about in the workplace. We have one industry here in Canberra in which the great percentage of the women who work in it come from Eastern Europe. That is the laundry industry. An enormous amount of damage can be done in that industry to people who are handling machinery they do not understand.

**Mr Humphries:** Not to mention the clothes.

**MRS GRASSBY:** Yes, we all know that; put a canary in a washing machine and we know what happens.

**Mrs Nolan:** It comes out yellow.

**Mr Humphries:** Is that where you wash your clothes, Ellnor?

**MRS GRASSBY:** Yes. That is why they all come out yellow. Aren't they lovely?

Although this Bill went to a committee, and I think the committee did a wonderful job, I am not sure that the members saw the same things in the legislation as we had seen in the workplace. The committee spoke to employers and to the Trades and Labour Council. That was wonderful

24 October 1989

and I am sure that the TLC would have put up a very good case. But I wonder how many workplaces they visited or how many workers they spoke to. It is all very well to talk to the employers, but how many employees did they address?

**Mr Kaine:** They went up to the fifth floor but everyone was on strike.

**MRS GRASSBY:** No, they were not on strike, Mr Kaine. I was here from 10.30 am until 7.30 pm. I spent one hour out doing a small job and that was it. I was here, answering my own phones, by the way. The Chief Minister was answering hers too. I can vouch for that because I was here with her. Also the Health Minister was in and out of the building many times doing his job. We were not on strike. I would like that understood right now. Employees in my office, who belong to a union, took the decision to go on strike and I have no right to tell them that they do not have that right.

**Mr Kaine:** Don't you? I thought this was a sovereign parliament.

**MRS GRASSBY:** No, this is not the Liberal Party, Mr Kaine. I think you have misunderstood. This is the Labor Party and we do not tell our workers that they do not have rights.

**Mr Kaine:** You do not tell your workers they have to do a day's work for their pay?

**MRS GRASSBY:** My workers do more than a day's work, Mr Kaine. My workers very rarely leave this house before 7.00 pm or 8.00 pm, and they are all in here by 8.00 am. A lot of them work over weekends. Let me tell you, Mr Kaine, my workers are underpaid and overworked. If my staff choose to obey the union's laws and take the day off for a strike, I am not here to tell them they do not have those rights.

**Mr Kaine:** You got to the bottom of it eventually. They take a day off when there is a strike on.

**MRS GRASSBY:** They did not take the day off. If you had watched television you would have seen the Health Minister's staff out picketing the office and you would also have seen one of my staff members. They were not taking the day off; they were making known the fact that they believe in a cause, which they have the right to do. If I were not a Minister in the Government, I would probably have been picketing with them because I believe in their right. I finish up by saying - - -

**Mr Kaine:** I hope so.

**MRS GRASSBY:** Thank you, Mr Kaine. Just because you did not speak and because you had more champagne than I did at David Jones does not mean to say I have no right to be on my feet.

24 October 1989

I think it is a shame - a shame on the Federal Government - that this Bill has not been brought to fruition before this. I always remember Henry Ford's statement: "You can take all my factories and all my machinery away, but take my people away and I am finished". He understood that it was the workers who built his cars, not his machinery and not his buildings.

It is the workers who hold this country up. All the other people have learnt to get the tax lurks and so on, but all the workers have got is their labour to withdraw. When they withdraw it we have people like Mr Kaine insulting them and complaining about the fact that they feel they have rights. That is all they have got, Mr Kaine; nothing else but their right to withdraw their labour and I support them in that right.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1.

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

### **ADJOURNMENT**

Motion (by **Ms Follett**) proposed:

That the Assembly do now adjourn.

### **Recyclable Milk Bottles**

**MR MOORE** (10.00): The topic that I would like to raise tonight is milk bottles. A new one-litre milk bottle is being introduced through Shop-Rite Supermarkets. It is claimed that this is a recyclable milk bottle, and indeed it is, because glass can be melted down. However, I am delighted to see today that the Owl Supermarket has, perhaps because of the pressure from Shop-Rite, reintroduced the 600ml milk bottle, the returnable, recyclable milk bottle.

When we look at recycling we really should be looking at the two levels. The returnable, recyclable 600ml milk bottle gets used about 20 times before it is melted down. It uses a tremendous amount less energy. I think it is a great opportunity for us in this Assembly to encourage recycling and a community awareness of the different levels

24 October 1989

of recycling. Those members who, like me, get 35 600ml bottles of milk per week delivered to the door can attempt to do their bit for recycling by buying their milk, if not in the same quantities as I do, at least in those bottles.

### **United Nations Day**

**MR COLLAERY** (10.02): Today is United Nations Day and I think it is appropriate and fitting that this Assembly acknowledge the fact that today we celebrate and record the great work of United Nations and its staff, some of whom are based in Canberra and form part of our community. In particular, I refer to the United Nations High Commissioner for Refugees here in Canberra and some affiliate sections of other UN offices.

Mr Speaker, I am sure all members of the Assembly know that Australia had an originating role in the establishment and the first sessions of the United Nations in San Francisco in 1945. The great Australian, Dr H.V. Evatt, took part in that. If any member of the Assembly is so inclined next Sunday, he or she can go to Woden Valley cemetery and see a simple piece of black granite, the greatly neglected tombstone of Dr Evatt. On it is the simple and very moving inscription "Son of Australia". I think it is appropriate at this time, at a troubled time for the United Nations, both in its funding and in the proper exercise of its powers, that we recall what it grew out of and the great man who put so many of his good years into establishing it.

I will not detain the house any further, other than to record in the Hansard that this Assembly, among all the democratic and parliamentary assemblies of the world, wishes that organisation all success in every phase of its activities, particularly those devoted to world peace.

Question resolved in the affirmative.

**Assembly adjourned at 10.05 pm**

## ANSWERS TO QUESTIONS

The following answers to questions were provided:

### Asbestos Removal

**Mrs Grassby:** On 19 October **Mr Stefaniak** asked the following supplementary question relating to the removal of asbestos cement sheeting:

... when can we expect that review [of removal procedures] to be completed and will the Minister justify what she refers to as "a minor cost"? On my information, it is a potentially huge cost.

My answer to the member's question is as follows: there has already been a lot of discussion on new procedures between my department and the relevant union and industry bodies. There remains a difference of view which needs to be resolved as far as possible to complete the review of the policy. Further consultations with industry and unions are expected to take another fortnight.

To implement the policy, it is anticipated that a regulation to the Building Act is required and a further month would be necessary to see the regulation made. With respect to the cost of the removal of asbestos cement sheeting, current estimates vary from less than \$400 for a bathroom renovation or eaves removal to about \$2,000 for removal of all sheeting from a typical house. This cost is relatively minor in comparison with the total cost of related building work. Any relaxation of the procedures will apply only to domestic quantities of asbestos cement sheeting.

### Road Upgrading

**Mrs Grassby:** On 19 October 1989 **Mr Jensen** asked the following questions:

I have received some representations concerning the poor condition of the Fairlight and Mountain Creek Roads in the Uriarra Crossing area. Can the Minister advise when much-needed improvements to these roads will be undertaken?

I have another question to the Minister for Housing and Urban Services on a related matter. It refers to the condition of the Boboyan Road, which links the ACT to Adaminaby from the Naas Valley and Tharwa. As this road has considerable tourist potential and is currently in a deplorable condition, could the Minister advise when the road will be upgraded, and preferably sealed, to the border?

24 October 1989

My answer to the member's questions is as follows: the roads referred to by Mr Jensen are all unsealed rural roads which carry very little traffic. The levels of expenditure required to upgrade and seal them cannot be justified at the present time.

All rural roads are regularly maintained, although maintenance on Boboyan Road is behind schedule because of the wet winter and spring weather. Boboyan Road is programmed for surface upgrading and additional drainage works, which will be carried out as funds permit. It is expected that \$20,000 will be spent this year.

In addition, my department plans to investigate whether a short section at the north end of the unsealed section, which is costly to maintain, should be sealed in the near future. I am advised that both Fairlight and Mountain Creek Road surfaces are in good condition. However, it is planned to spend about \$50,000 on replacing safety crash rails and improving safety signs on these roads this year.

Although sealing of these roads is not presently planned, the ACT Government would naturally reconsider this position if significant additional traffic was anticipated or if the New South Wales Government were to reclassify the roads from local to tourist status and commit funds to upgrading the substantial sections of these roads in New South Wales.

### **Housing Trust**

**Mrs Grassby:** On Thursday, 19 October, **Mr Stefaniak** asked "and what do you know about the Housing Trust home at 59 Blackman Street, Macquarie?". I assume Mr Stefaniak is aware that the house has been vacant for some time.

The house referred to by Mr Stefaniak was purchased by the Housing Trust because it represented a valuable addition to the trust's rental stock in a desirable location in Belconnen. While structurally sound, the house required a number of repairs before allocation. Unfortunately, there were considerable delays in arranging for all the necessary repairs to be completed.

Further delays occurred in allocating the house, but it has now been allocated to a family. Delays in tenanting this house highlight deficiencies in the trust's maintenance and allocation arrangements. I know that the trust is very conscious of these problems and has taken considerable steps recently to reduce vacancy rates. Further improvements are planned.

Nevertheless, I have requested that the Housing Trust undertake an immediate review of current procedures to ensure unnecessary delays in allocating vacant houses are avoided.