



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 November 1989

Thursday, 2 November 1989

Estimates Committee	2367
Day of next meeting	2388
Legislative Assembly (Members' Staff) Bill 1989	2389
Questions without notice:	
Woden Valley Hospital	2400
Public housing	2401
Asbestos insulation	2402
Cosmetics manufacturer	2403
Vietnam memorial	2404
Multifunction polis concept.....	2405
Public Service	2406
Sporting program grants	2407
University of Canberra	2407
Members' staff	2409
Sports facilities	2409
Traffic lights	2409
Fluoride	2410
School counsellors	2412
Cosmetics manufacturer	2412
Milk bottle recycling	2415
Public works contracts	2416
Casino.....	2416
Traffic accidents	2418
Question Time	2418
Australia and New Zealand Environment Council (Ministerial statement)	2421
Personal explanation	2423
Greenhouse gas reduction projects (Ministerial statement)	2424
Motor Traffic (Amendment) Bill (No 4) 1989.....	2426
Adjournment.....	2437
Motor Traffic (Amendment) Bill 1989	2438
Business Franchise ("X" Videos) Bill 1989	2448
Taxation (Administration) (Amendment) Bill 1989	2450
Adjournment:	
South Africa	2451
South Africa.....	2452
Calls by the Chair	2453
South Africa.....	2454
Answers to questions:	
Casino	2455
City plan	2456

2 November 1989

Thursday, 2 November 1989

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

**ESTIMATES COMMITTEE
Report**

MR JENSEN (10.30): I present the report of the Estimates Committee on the Appropriation Bill 1989-90, dated 30 October 1989, together with copies of the minutes of proceedings of the committee. I move:

That the recommendations be agreed to.

On Tuesday, 26 September 1989, the Treasurer presented the 1989 budget, and the following Thursday the Legislative Assembly established an Estimates Committee to examine the expenditure proposals contained in the Appropriation Bill. The committee was to report to the Assembly by 19 October 1989. It became very clear during the early deliberations of the Estimates Committee that that time scale would not be met for a number of reasons. This was mainly because of the requirement for the information that was to be provided as well as the work required to be completed by the staff. The reporting date was later extended until 2 November 1989, and I thank the house for approving that extension.

The committee's terms of reference were to examine the expenditure contained in the Appropriation Bill 1989-90. We held five days of public hearings over the period 9-13 October 1989, and all 12 non-Government members spent some time participating in the discussions and the questioning process of the Estimates Committee. We examined the budget on a portfolio basis and, within that framework, program by program. The principal witness for each portfolio was the responsible Minister, who was supported by agency heads and other senior public servants as required. The exception was program 1 dealing with support to the ACT Legislative Assembly, where you, Mr Speaker, were the principal witness, although the program falls, as you know, within the Chief Minister's portfolio.

At this stage, I think it is appropriate to comment on the form of the report, particularly the attitude of the committee to the Government's budget. I believe Mr Kaine will follow on with this later in the debate. However, let me read into the record two very important principles of the report. They start at the bottom of page 1, for those who wish to follow them. They are:

2 November 1989

The Committee, in preparing this report, accepts that the Government is responsible for introducing the Appropriation Bill to the Assembly and presenting the budget. It does, however, wish to emphasise that the Estimates Committee hearings and report should not be interpreted as support for or concurrence with the Government's budget nor its strategy.

That is a very critical and important part of this particular report. The next paragraph goes on to say:

The Committee has not commented upon all programs or sub-programs that are contained in the Appropriation Bill. Lack of comment in specific areas does not indicate that the Committee or any of its 12 members endorses those expenditure proposals.

Once again, they are two very important aspects of the committee's report. Indeed, you will note that Mr DUBY and Ms MAHER have submitted a statement of dissent on one particular matter. I will leave them to talk about it later on during this debate.

Now that that is out of the way, I am sure I speak on behalf of the members of the committee when I acknowledge the time and effort of all Ministers and ACT government officials involved in the inquiry. My later comments in relation to availability of information will refer to the fact that the first Estimates Committee provided a learning process for us all. I am sure that, in whatever form that committee takes next year, and I will not speculate on it in this particular forum at this time, the process of questioning and provision of information will be much improved. We all learned valuable lessons from this process.

The following comments are of a general nature relating to the overall process. The committee made some 20 recommendations, and I now make comments on some of the key recommendations. The committee believes that the budget papers should be presented in a clearer and more user-friendly format, and has made comment in this regard. One of the areas that I refer to is the requirement to provide ease of reference, cross-referencing, footnotes, et cetera. This is a very important aspect. I can appreciate that, in the Treasury's run-up to its first budget, it was still getting its processes together. As I said, footnotes and cross-referencing would be appropriate in aiding and abetting the process.

The committee also noted that program budgeting within agencies of the ACT Government is at various stages of development. Once again, although I understand program budgeting has been around in the Federal arena for some time, the ACT fiscus and the ACT process were given some dispensation from meeting with Federal Government

2 November 1989

requirements. So, hopefully, we will consider and look forward to some changes in that process.

The committee is also strongly of the view that the development of performance indicators in the measurement of performance is essential to the Assembly's ability to monitor and assess program delivery. The committee expects that a greater amount of information regarding performance indicators and performance measurements will be included in next year's budget.

At this stage, I think it is appropriate to read into the record the first recommendation, which I think relates specifically to this matter. It is on page 4, for those who wish to follow it. It states:

2.10 The Committee recommends that:

- . agencies provide additional supporting information to future Estimates Committees at the time of introduction of an Appropriation Bill;
- . this information must, at minimum, include detailed breakdowns of the following items:
 - . grants
 - . repairs and maintenance
 - . minor new works
 - . minor plant and equipment
 - . other operating costs
 - . major plant and equipment
 - . other capital acquisitions; and
- . this information must also be available at a sub-program level.

Mr Speaker, that particular requirement and recommendation was included because we were concerned that some officials were not always able to provide the information requested by members at the public hearing. Given that much of the information would have been used to formulate the budget, it was a trifle disturbing at times because of that.

As a result of a request from Treasury to all agencies, specific supplementary data were provided. However, because this was generally supplied following agencies' hearings, the agencies were not examined on the information provided to the committee at that particular stage. That was unfortunate, and I think it had quite a lot to do with the nature of the timing process for the committee procedures. Next year, Mr Speaker, I am sure that that particular matter will be improved, as members will have information before they go down into the Estimates Committee hearings and will be able to ask questions in a little more detail.

The committee notes that a significant proportion of the expenditure proposals contained in the appropriation budget are classified as grants to the public sector. These are principally to the Departments of Education and Community Services and Health, the ACT Institute of TAFE and the

2 November 1989

Legal Aid Office, which are budget dependent statutory authorities. The committee considers that, as these agencies receive a very significant amount of appropriated funds and are not commercial enterprises, they should be subject to the same level of accountability as departments. The committee has recommended that the status of these four agencies should be changed to that of a department. I understand that processes are in hand for that, and the committee looks forward to seeing the development of that in the future.

The committee was also concerned about the number of statutory authorities, both budget dependent and non-budget dependent, that exist in the ACT. The committee has recommended that a review should be taken by the Public Accounts Committee of such bodies.

Many of us, I think, will recall the concern in the other place in relation to the proliferation of quangos, and there was a considerable investigation into that by the Federal committee which led to some considerable changes. I think we all realise that, in the process leading up to self-government, the affairs of the ACT were being run mainly by a series of statutory authorities because there was only one Minister - in some cases two - responsible for the affairs of the ACT. So that practice was allowed to develop, and I think now it is appropriate, with self-government, that we should look at that in some detail.

The committee also examined the feasibility of incorporating the revenue and expenditure of the community development fund in the consolidated fund, but concluded that this could lead to a proportion of gambling revenue no longer being tied to community expenditure.

The committee has recommended that, commencing in 1990-91, an additional budget paper should be prepared on the community development fund which would show details of revenue and a detailed break-up of expenditure. This would enable the Assembly and its committees to scrutinise the activities of the fund. I will be making some comments in relation to one area of interest later on in my remarks.

The committee made a number of comments and recommendations relating to a number of programs contained in the budget, and other committee members, I am sure, will comment on these. The following comments, however, are of a general nature relating to the overall process. I think it is appropriate now that I should comment on some of the general recommendations.

Let me refer to cross-agency transfers. Throughout the Appropriation Bill, there were items titled "agency services" with a net appropriation of \$1,000. The committee was concerned, at the time of the Estimates Committee hearings, that no method of reporting had been established to advise the Assembly on the use of this mechanism for cross-agency transfers. We note that the

2 November 1989

Treasury has undertaken to consider this, and I refer to that important recommendation at the bottom of page 5, which I will leave members to read at their leisure.

Another area that we looked at was rent and superannuation. We noted that rent, for the majority of agencies, was included in program 23 rather than as part of the program costs. One particular area was the Tourism Development Bureau. That had its rental in this particular program and was not a charge against the operations of the Tourist Bureau. So I think that will be something that we will be looking at. We recommended that rent and associated costs be allocated to the relevant agency and, where possible, allocated to particular programs. In addition, we recommended that superannuation costs also be allocated to particular programs.

I have already made some comments on statutory authorities and the Departments of Education and Community Services and Health, so I will not reiterate my comments there. The committee also noted that the budget, as provided, did not allow for a clear indication of the total costs of the Assembly. Our concerns related to the inability to separate the Executive from the rest of the Assembly operations.

In fact, we were concerned that there was a brief mention in the description in program 3 of budget paper No. 5, but we considered it important that the budget fully show all costs of the establishment and operation of the ACT Legislative Assembly. A separate program should therefore be created with three subprograms: one for Secretariat support, one for non-Executive members of the Assembly, and a third for the Executive.

At this juncture, I think it is appropriate to correct a statement that I made earlier when I was referring to numbers. In fact, it was 11 non-Government members who participated and not 12, as I indicated before. Mr Speaker has reminded me that he was a witness at the proceedings and not a member of the committee.

The Treasurer's advance is another area that the committee considered. In there, we saw that there was a figure of some \$10m allocated for the Treasurer's advance. The committee was keen to see that, when expenditure is made out of the Treasurer's advance, that information is provided to the Assembly. We recommend, Mr Speaker, that the Treasurer table on a monthly basis a statement outlining the use of the Treasurer's advance.

I think at this juncture, Mr Speaker, I will close with some comments on the staff support assistance. I wish to express gratitude to Ms Karin Malmberg, the committee secretary, who provided considerable support to me and other committee members. I do not think we can forget the efforts of Ms Malmberg and those of the whole committee staff, many of whom worked long hours preparing briefings

2 November 1989

for members and checking information provided by Ministers and their departments. Without these efforts from all committee staff, under the direction of Ms Malmberg, the report you see today would not have been available.

I must also thank committee members who, whenever possible in their busy schedules, participated in the proceedings. My task, Mr Speaker, was made much easier by the way in which they conducted their questioning and accepted my directions as chairman when they sometimes strayed from the business at hand.

MR KAINÉ (Leader of the Opposition) (10.46): Mr Speaker, I had not intended to speak on this matter today, and I had thought that it might be adjourned to allow every member of the Assembly to speak, but it looks as though nobody wants to, so I guess I should say a few words at this stage.

Mr Speaker, I think that the process we adopted in generating this report really, as much as anything, highlighted some weaknesses in our system because of the fact that we are not yet up to speed on how to deal with matters as significant as a budget.

I have no criticism of the report, although I do not agree with all of it. I cannot possibly agree with all of it for the obvious reason that I was unable to attend every minute of every session, I did not participate in questioning all of the witnesses, and I do not know what happened during a great deal of the time that was spent on the estimates. I will come to that point in a minute. I cannot agree with everything that is in it, and I think that the report may even be significant as much for what is not contained in it as indeed for what is contained in it. I put that down perhaps to the inexperience of the members of the Assembly in dealing with a matter of the complexity and the importance of a budget.

I found, as I am sure most members did, that I simply could not find the time to sit in the committee room for every minute of virtually five sitting days which ran well into the evenings. It was an unreal expectation that most of us could ever be able to do that. Quite frankly, Mr Speaker, I am not sure how the chairman managed to disengage himself from all other activity associated with this Assembly and the electorate in order to sit there for the hours that he did. I think that it was a masterly performance on his part to be able to do that. I could not spend that time. In fact I doubt that there was any other member of this Assembly who spent even half the amount of time in that committee room that the chairman did.

Because of that, Mr Speaker, the report is, if you like, a little bit hit or miss. There were some elements of the budget where a number of us were able to attend any one session and where we felt that we had sufficient information to be able to direct some fairly pertinent questions to the witnesses, and we got some fairly

2 November 1989

comprehensive answers. In other areas of the budget where few members were present or where members felt they did not have the information that they required even to frame the relevant questions, then the response that we got from the witnesses was perhaps inadequate. That is no reflection on the officials who attended.

I think that the chairman has properly paid tribute to the support staff who put this inquiry together and assisted him to give it some direction and some guidance as to how it should be conducted, and I personally would like to record the fact that I believe the witnesses, the officials, who presented themselves before this committee also did an excellent job in the context of the questions that were asked of them.

But on the very first day, Mr Speaker, it became obvious to me that many of us simply did not have the detail supporting the budget to be able to go into an in-depth questioning of witnesses as to just what the budget meant, what was the basis on which elements of the budget were constructed, what was the process by which they had arrived at a particular figure, and where all of the support figures were that led to a figure that was actually appearing in the budget. I do not believe that in many cases we got the answers to a lot of those questions, Mr Speaker. I think we will have to properly review the Estimates Committee process before we go through it again next year.

We have to ask ourselves whether we really do need to go through the process that bigger parliaments do. There are only 17 of us, Mr Speaker, unlike the parliament across the lake, for example, which has a series of estimates committees and the members have ample time to prepare and go to a meeting and focus in on a particular aspect of the budget. All 17 of us are supposed to become instant experts in all elements of the budget and sit through a lengthy period where we all engage in the interrogatory process if we wish to satisfy ourselves individually that the budget is right.

We have talked about the nature of the workload that we carry as individual members of the Assembly; as members of several committees; as, in some cases, as Ministers of the Government who have very real and wide-ranging responsibilities to fulfil; and as members with a responsibility to the electorate out there. We are a little different because we all live in our electorates.

Our electorate office, if you like, is our office in this building. We are never free of the burdens of the electorate and we are never free of the burdens of the Assembly, unlike members of other parliaments, who perhaps have a little more time and flexibility. They are removed from their electorate for days on end, when they can focus in on the task of the day in a committee. We do not have that luxury.

2 November 1989

So I really think we need to evaluate what our estimates procedure is going to be in future years if it is going to follow the same pattern. I have some very real reservations about it.

We did deal with a lot of aspects of it but I think, as I said before, that it is probable that this report will be notable in future not so much for what is in it but for what is not in it. When we examine the thing in future years and look back we will say, "How was it that we failed to pursue this particular aspect of the budget on which the report is silent?".

That stems from the fact that the membership of the committee varied on any day from hour to hour. We went when we had the time. Most of us went when there was an aspect of the budget being discussed that we were particularly interested in. That was the best that we could do under the circumstances.

So I submit that the budget in its entirety has not received a consistency in examination and a consistency in treatment in this process. I am uncertain, and I am sure that other members sitting here are probably just as uncertain, that the process resulted in scrutiny of all the relevant aspects of the budget. There were probably things that we missed because, to some degree, it was a bit spasmodic - a bit hit or miss.

I would like to repeat that I believe that the support staff did an excellent job. I believe that the witnesses did the best they could in answering our questions. We were feeling our way a little bit, and they were feeling their way in quite how they should deal with us. I do not want to comment on the aspects of the content of the report but, rather, the process by which we got to developing it.

There is only one aspect of the report that I want to comment on specifically, and that is the question of the treatment of the community development fund. I think everybody in the Assembly knows that my particular field of interest is the Treasury and it is an area in which I think I am qualified to comment by my many years of experience and qualifications, both academic and practical. It has always been my contention that the community development fund should be discontinued, because I do not believe that you can have a fund into which \$20m to \$25m is going every year - it does not matter what the source of it is - and say that that money, no matter what annual level it reaches in the future, and it is increasing every year, can only be earmarked for those people who have been supported by that fund in the past.

It is an untenable position and I would think that the Chief Minister and Treasurer, if she stays in the job for a number of years, will increasingly come to that view. It is an untenable position that that money should be

2 November 1989

earmarked only for those people who have traditionally been supported from the fund. With due respect to the chairman and the other people who contributed to the decision, I was not present at the meeting when that decision was reached and I do not agree with it. I am only saying that because it highlights just one instance when I was unable to be at a particular meeting of the committee and a decision of that kind was made. It is just one of the particular aspects of the report that I disagree with.

I do not want to be too critical of the report. As I say, I think it is the process that we should be looking at this time round rather than the report itself. So with those comments, Mr Speaker, I will leave any further comment that I have to make until the debate on the Appropriation Bill itself in the detail stage.

MR DUBY (10.56): I would like to endorse the comments made by Mr Kaine in relation to the very good job performed by the chairman of this committee, the long hours that were involved and the number of tasks that he did perform. He did it creditably and I think we all owe him a debt of service. I would also like to endorse the remarks made by Mr Jensen in relation to the support we received from our committee staff, in particular Karin Malmberg, who put in many hours of very hard work coordinating things for the often clumsy questions asked by the members of the Assembly.

Like Mr Kaine, I do not intend to go through the recommendations of this report point by point. The recommendations are there; the Government will be looking at them, I dare say; and, hopefully, we will be getting a response to them within the next few weeks. I think that Mr Kaine's point was true and valid, and I think it should be pointed out that the purpose of this Estimates Committee was not, I feel, to come up with reports which criticised government expenditure or in any way interfered with government policy. I think that point needs to be made.

I would not like to think that the Government, at the end of the day, could go through and say, "They have made 20 recommendations about 20 particular items. There are hundreds of other items about which there has been no comment made at all. Therefore, they endorse those items". I think it should be stressed categorically that that is not the case. Just because something has not been mentioned or a specific program has not come under the knife, it does not mean that we endorse the expenditure of money in that program.

The budget belongs to the Government, and is the Government's policy and it is their right to bring down their budget. My party does not agree with the Government's budget policy, we do not agree with the Government's budget strategy, but we feel that they have the right to expend money in whichever way they see fit. For that purpose and that reason, we have not attacked and

2 November 1989

cut areas where we feel the expenditure may not be justified.

Mr Jensen mentioned that I and Ms Maher have put in a dissenting report from the rest of the committee in relation to one item, and that is the iniquitous costs of asbestos removal. I feel it behoves me at this stage to just outline, I suppose, why we have dissented from the rest of the committee.

We feel, as I said, that this budget is a statement of government policy, and the Government's policy has been made loud and clear in this regard. Their negotiating position, their stated position, is that costs of asbestos removal should be borne 70 per cent by the Federal Government and 30 per cent by the territorial Government.

Now, in this financial year we found out that the total amount of money spent on asbestos removal is \$16.3m, of which the Federal Government is contributing \$5.2m, and that the ACT Government is coming up to the tune of \$11.1m. That is not a 70-30 split, and if the Government's position is that expenditure should be done on a 70-30 basis I say, and I think it is quite logical, that we should ask, if there is going to be \$16.3m worth of expenditure this year on asbestos, that the ACT Government contribute only 30 per cent of that. This is in the order of \$4.8m, or close on \$5m. Therefore, we will be recommending that expenditure in that area be reduced by \$6.2m and that the Commonwealth Government be forced to make up the shortfall.

I think it is only fair to put the acid on the Government. That is their position. That is our recommendation in that regard. We note that last year there was expenditure of \$4.1m on asbestos removal and not one penny of it, on my understanding, has come from the Commonwealth Government.

I dare say that this matter will be debated at much greater length when the budget comes down and we go through the Appropriation Bill. But on that point, Mr Speaker, I commend the report to the Government, and I certainly hope that it takes steps to implement all of the recommendations which the committee has proposed. I suppose it should be pointed out that there is no reason why all of the recommendations will not be implemented, because the simple fact of the matter is that we have a 17-member Assembly and there are 11 committee members who have made recommendations in this regard. Eleven out of 17 sounds to me like a majority.

Rather than hoping that the Government takes up these recommendations, I am looking forward to the day when the Government does take up these recommendations. It is as simple as that. It is the clear will of the Assembly that those recommendations be implemented. On that note I shall leave debate until a later time, Mr Speaker.

2 November 1989

DR KINLOCH (11.02): I firstly endorse Mr Kaine's tribute to Mr Jensen, who carried such a burden on this committee. I appreciate that Mr Jensen and I are members of the same group, and I do not want to see this as a piece of special comment, but of course we also could see what he was doing, day by day by day. I want to assure you that it was a "first thing in the morning, last thing at night" exercise which he undertook while continuing his other duties. I was enormously grateful to him. Some of us were not able to be there at all times because of other commitments, and I would like to return to that in a minute.

I would also endorse the remarks about Ms Malmberg, especially at a time when, after all, she was showing her art work in an exhibition that was on at the same time. Perhaps, at some time, we might ask Ms Malmberg to bring her quilts to the Assembly.

Thinking of the staff, I felt all the time what enormous good humour there was. We heard that yesterday in connection with another committee, and this was so in this case as well. It does make life on the first floor very much more pleasurable for us all knowing the good relations that exist between members and administrative staff.

I would like to go beyond that tribute, however, to look at the comment on page 2, the acknowledgement, and to add to that acknowledgement. It says at 1.12 on page 2:

The Committee appreciates the cooperation and assistance provided to it by all Ministers and ACT Government Service officials during the inquiry.

That is not just a gesture, Mr Speaker. I think in particular of that marathon effort that went over two days. I commend Mr Whalan for that. It was quite extraordinary. All of us who were interested in education were particularly interested in that day, and I must say it was an extraordinary performance that we ought to remember with considerable pleasure, especially as it ended with a birthday party.

In connection with that, I was there most of the day for education, although not on other days, and I believe that one good thing for the members was that we also got to meet, face to face, the administrative staff who were putting together this material and had a chance to talk to them directly. I found that to be one of the most useful things about the whole exercise. At last we were talking to some of the public officials. That was of great personal benefit, I thought, for all of us.

I would now like to return to the questions of the time frame, the problem of sittings and the length of time - all matters raised by Mr Kaine. This year of course was, if you like, on the run. We were doing it on the run. It had not happened before, and it suddenly came up. I endorse and want to stress the need in future to make sure that the

2 November 1989

Estimates Committee and all matters connected with it are very carefully built into the whole time arrangement for the Assembly.

This year, many of us were already burdened - perhaps "challenged" would be a better word - by existing obligations. For me, in one case, these took most of one day during the sittings, and this must have been a difficulty for all of us. So I would like to make a proposal. It is not a recommendation from this committee, of course; it is something that arose from the Centre for Continuing Education at the ANU. Dr Caldwell suggested to me that it might be possible for some kind of impartial, non-party seminar to look at the first year of the workings of this Assembly, especially the nuts and bolts of it. It would look at the things that we can do well and do better, not in terms of party policy or anything of the sort, but just the way we operate.

I want to stress this: one day, I hope to write about this historic first year of the Legislative Assembly of the ACT, and I take extensive notes. I believe we are in extraordinary times in what we are doing, and I would like to think that out of this Estimates Committee experience we could learn a great deal.

So I would like to follow Dr Caldwell's suggestion of some kind of seminar, perhaps in January or after we have completed the year, under pleasant and friendly conditions, where we could look at the day-to-day workings and see what we can do to improve these matters.

MR HUMPHRIES (11.07): I want to make a few brief comments. I endorse the remarks made by the chairman with respect to the amount of information provided in the budget documents, which estimates are worked on. It made it very difficult to get into any proper scrutiny of some programs that were being examined. Certainly it was useful to have an outline of the objects of certain programs and to have information about what was envisaged as the main thrust of programs in the coming year.

In all those respects, I felt on many occasions that the amount of information was not sufficient to really reach a considered conclusion about what the Government was or was not doing properly. I think the testimony to that was the number of times that representatives appearing before the committee had to promise to refer further information to members.

There were reams of paper that arrived containing additional information which had to be discovered by public servants and brought back to the committee, and it has appeared a little bit more. That could not appear in the first place with estimates material supplied en masse to members. Naturally members are better placed to ask good questions if they have the information at their disposal before they arrive.

2 November 1989

I noted with interest Mr Duby's comments about the Government's response to this report of the Estimates Committee. It highlights a quandary that we face in this place, with the Government not having a majority and the Assembly, having considered in detail its budget, making a number of recommendations which are not compatible, I suspect, with the thrust, if not the detail, of what the Government wants to do.

The Government was very keen for the Estimates Committee process to be established, which itself is a very strange thing because governments traditionally are never keen to have budgets scrutinised very closely. Of course, the Government would be quick to say that they were keen because they are an open and consultative government and they have a great desire for members of the Assembly and members of the public to see what they are doing and to discuss what they are doing, question it and so on. But I do not think you need a very great dose of cynicism at all to reject that view as being idealistic.

Mr Whalan: You would not need any over there.

MR HUMPHRIES: I did not catch that, Minister, but I am sure I will when I read Hansard.

Mr Berry: You would not need any extra over there.

MR HUMPHRIES: Any extra? We have got plenty over here. We are overflowing with cynicism. There were clearly strategic reasons for wanting an Estimates Committee, and it does raise the question now of how the Government will respond to the estimates and the report. Mr Duby said that it is not the role of the Estimates Committee to criticise government expenditure or to modify or change government policy. I do not know how the Government responds to that if the purpose of setting up the Estimates Committee was to provide members with the chance of putting a counter view to the Government.

Of course, the Government has to assess whether it wants to respond to those claims or not. The message I am getting is that there must be some confusion about just how the Estimates Committee report will be responded to by the Government. Obviously, I hope, like others, that it will be assessed on its merits and the Government will take advice and change course where that is appropriate. But I certainly do not think, as Mr Duby has said, that because there were 11 members sitting on the committee and only five Government members we can expect the Government to be forced to make a change of policy. That does not follow.

An example of where estimates are useful and produce positive results is where members suspect the Government or its administration of not addressing particular issues or of overlooking matters of administration and detail that members, with the benefit of information which does not appear to other people, were able to pick up.

2 November 1989

I am referring in particular to one matter that caught my eye, and that was the position of the ambulance subscription currently being charged to members of the ACT ambulance service. Members present on the day concerned will be aware that, as from the beginning of next year, a levy will be collected from health insurers in the ACT to contribute to the ambulance fund. That means that all contributors to private health schemes in the ACT will be automatic members, if you like, of the ACT ambulance service. They will certainly be entitled to the free use of the ambulance service.

It was pointed out in the course of the estimates hearing that those who already contributed to the ambulance scheme may also be the same people in some cases who contribute to private health insurance and that many of those people have, in recent months, been paying ambulance subscriptions with the intention of continuing to belong to their health funds and, in effect, paying twice for the same service.

I was gratified to see the head of Minister Berry's department acknowledge that this was a problem that would be addressed quickly by the Government. I have not noticed any statement by the Government or by the Minister in the house on this matter, and I hope that it is being addressed promptly. As I said at the time, it is administratively sloppy to collect money from people by sending them out an invoice to say, "Your subscription to the ambulance service is now due", to give them their money back and then, within a few weeks or months, to send them another letter saying, "Here is a cheque for the amount you have overpaid because, being a subscriber to a health fund, you no longer need to pay this amount".

There is the other complication. If members of that fund do not advise the Government, as of course they would not, that they belong to a health fund, how could the Government know that, except by asking? That raises a further administrative burden. I know that there is legislation coming before us today which attempts to relieve unnecessary administrative burdens and I wonder whether the Government has looked at it in this respect. Anyway, I look forward to a response to that and indeed to a response on the Government's part to the whole of this process. I hope the response will be positive and worth the time and effort that members put into this extensive and complicated process.

MR COLLAERY (11.14): On behalf of the Rally, I join in the general congratulatory comments about our colleague Mr Jensen, our other colleagues, the committee staff, the government servants and the Ministers who assisted with the committee's deliberations. Mr Speaker, the first comment I wish to make is that, like Mr DUBY and in line with the foreshadowed comments of our colleague Mr Kaine, clearly the opposition parties feel that the budget policies and strategies are not those to which we agree.

2 November 1989

I think if the Government is growing smug on anything, it needs to be aware that it has got an Appropriation Bill to get through yet. Whilst the Rally would never stop supply, clearly the legislation indicates that amendments can be moved under section 65 of the ACT (Self-Government) Act to change money matters. There is some doubt as to the correct interpretation of that provision, and the Rally will certainly be seeking advice before the Appropriation Bill comes on.

We serve notice on the Minister that there are some issues raised in the estimates process that clearly are and must be of widespread concern to the community. The first is the proliferation of statutory authorities in the ACT and the recommendations at page 6 of the report that the Department of Education, the Department of Community Services and Health, the ACT Institute of TAFE, which seems to be something on its own in this Territory, and the Legal Aid Office be changed from statutory authorities to departments.

I have some misgivings about the committee's recommendation in terms of the Legal Aid Office, which have to do with some legal ideas of independence, but the other recommendations the Rally supports. Clearly, we do not have an Estimates Committee process that involves all the money of the Territory.

There are bodies that do not appear in the budget itself, and there are bodies, such as ACTEW, which are commercial statutory authorities. There are very large amounts in the Housing Trust - for instance, millions of dollars - that do not really come within the purview of the committee properly.

Mr Speaker, the other issues which concerned the Rally in the estimates process were the lack of information, the very broad lack of detail in the budget, and principally the recommendation at page 3 where the committee agreed that many of the expenditure proposals contained in the budget papers were presented in such broad detail as to be almost meaningless. It became clear to the committee very early in the hearings that additional information was necessary if the hearings were to be of any use to the Assembly.

What amazed me, Mr Speaker, was the fact that officials whom one would expect to have contributed to the budget process had to take so many questions on notice. Those questions were not only detailed questions where you might expect them not to have the facts with them, but there were some fundamental questions of policy going to vote allocations and the like that had to be taken on notice.

I do not include the Treasury witnesses in that, but certainly in a departmental sense the budget seems to have clearly had considerably more political direction than

2 November 1989

contribution by the hands-on public servants involved in budget direction. Whilst it is sometimes very good to have a politically driven budget, we have to remember that we have got a fledgling minority Labor government which has not put a budget together before.

We saw, Mr Speaker, the tentative processes developed by this Government in bringing forward its budget, and it produced incremental ideas to test the waters and advanced step by step. The same is happening, of course, with the proposed expenditures that are not fully detailed for the hospital scheme. This is an incremental, tentative, hesitant, minority government. Mr Speaker, the Estimates Committee hearings demonstrated that quite fully.

One other aspect that was clear to me in the Estimates Committee was the very close working relationship some Ministers have with their officials. That has plus and minus values in it, and certainly the Rally in government would move very quickly to re-establish traditional objectivity in terms of advising and relationships on financial advice.

Mr Speaker, one matter that came up in the Estimates Committee was the question of direct sales of leases. The committee was given, after request, a list of direct sales, which revealed that there had been two sales for an industrial purpose and, as we now know and as was fleshed out by the Rally initially, those direct sales were to Revlon at Hume for two large blocks at \$35,000 rent per annum.

But what we did not have in the Estimates Committee process and what was not volunteered to us was a document that came to the Rally's attention off the file. This was a genuine document, as it has now turned out, dated 29 January 1989, in which a comment is made by a most senior official saying, after a valuation had been made for the purposes of the direct sale, these most ominous words: the prices asked are well below market value, possibly half real value.

A perusal of the file, over the shoulder of an official in the presence of the relevant Minister by my colleague Mr Jensen and me indicated that the valuation was a letter asking for a valuation and a figure signalled back - nothing of the type of valuation report that my colleague Mr Kaine and I, who have been in the real estate industry, for instance, or dealt with them, would know. My other legal colleagues and anyone else here should note that no valuation report appeared, no photograph of the site, no explanation of the terrain. The general issues affecting valuation that have been well established by the Valuers Institute have not been covered.

We do not know the basis for it, but how, after the valuation was requested and received, a most senior official could say that the values are well below market

2 November 1989

value, possibly half real value, I do not know. It is a mystery to me.

MR SPEAKER: Order! Mr Collaery, please stick closer to the issue.

MR COLLAERY: Certainly, Mr Speaker. Again, the estimates process is not yet sufficiently tuned - if it ever will be - to gain sufficient value at the hearings on detailed matters of concern to know, by taking specific examples, whether the budget process is sound.

In the report there are some additional comments by me relating to the Housing Trust. Those comments are based on the transcript of the relevant day's evidence, 9 October. At pages 193 seriatim, comments by me and by other members of the committee indicate that we have not yet been supplied with important information relating to just how the process of renovating government homes is carried out.

I do thank the Minister, nevertheless, for arranging for me to go with her officials to see some of these premises, which I did, and I am grateful for that. Nonetheless, I would be very much interested in seeing and knowing why we have to employ commercial management teams to manage projects between the trust and the infrastructure division.

Now, that is becoming fashionable in the construction industry, but certainly it is not normally a feature of government construction contracting, to my knowledge. That needs to be looked at because it adds an additional cost and means that the Government does not have a hands-on role in choosing subcontractors and doing a number of things on site that were formerly the case in this Territory.

Mr Speaker, broadly the estimates process has been useful, but basically it has raised more questions than it has answered, and I believe that we will not get to the bottom of many of these issues until we actually have the files or are in government.

MR STEVENSON (11.23): I agree with Mr Collaery's comments. I believe it could be summed up as "too little time and too little information". We did not have the time to go into the detail that was necessary, and it was basically extremely difficult to go into the matters that we would have liked to because we did not have the information. Even during the Estimates Committee stages, as Mr Collaery mentions, there is still some information that was not fully obtained.

The suggestion is that it is a new government, and that is certainly true, and that perhaps they are learning, like the rest of us, and that is certainly true. But I think, in matters of finance, the full facts do need to be presented to the members of the Assembly so we can ensure correct accountability of the use of taxpayers' money.

2 November 1989

The recommendations cover what needs to be done in future estimate committees. One thing I would like to do is thank the public servants who worked hard in giving us information and gaining further information, which was a fairly common situation in the Estimates Committee. Also, I would like to thank the secretarial staff, who did a magnificent job and worked late into the day and night and weekend and morning to get an enormous amount of work done in a very condensed period of time.

I also make note of people who tend to be a little bit behind the scenes in estimates committees. The attendants do a wonderful job as a general situation in this Assembly. I think we are most fortunate to have people of such calibre.

It certainly was an interesting learning experience as an estimates committee. In future, I feel we absolutely need to be given more information at an earlier time. I know full well that, while the Chief Minister had what she called consultative processes running beforehand, not all parties were consulted, and information that was asked for was not necessarily given. That would have allowed a more effective estimates committee process to go on. It is unfortunate that that was not the case.

MRS NOLAN (11.26): I, too, would like to make a couple of brief comments. This has certainly been well spoken to today. I would like to thank the chairman for the enormous amount of work that he put into this over the days that it took place. All of us who have already spoken have acknowledged the enormous amount of work and time and effort that the committee staff put into it, also the Ministers and you, Mr Speaker, the government agency officials, and not to be forgotten, of course, the Hansard staff for the enormous number of hours that went into the preparation. The transcripts were quite large. Those of us who had to wade through them understand just how hard they had to work.

I certainly was not able to attend all of the sittings. Of course attended committee sessions that were part of my portfolio responsibilities. I do not want to address my comments today outside those areas. In fact, there are only a couple of ones that I particularly wanted to mention. One has already been mentioned by Mr Jensen, but I think it is very important, and that relates to the area of the Canberra Tourism Development Bureau.

A lot has been said over time, from both within industry and within the public sector, about the amount of money that is spent in the area of tourism and how and whether it is effective. But I think it is very important that all money that is spent in this particular area appears under that particular program. I would just like to read into Hansard the particular mention that is made in the report, under program 12, relating to the Canberra Tourism Development Bureau. It says:

2 November 1989

Program 12.3 includes the activities of the Canberra Tourism Development Bureau. The Committee notes that the cost of rent of Bureau offices in Melbourne, Sydney and Canberra is not included and as a result the sub-program under-estimates proposed expenditure by at least ten per cent. The Committee was advised that this was common to many agencies as rent is paid centrally as part of program 23. It is the Committee's view that this and other programs must include rent components to enable the Assembly to properly assess expenditure. Comment on this issue is made in paragraphs 2.26 and 6.26-27.

Also, the committee expressed concern about the \$1.9m which it considers to be spent on promotional activities. I guess not one of us in this chamber would say that that \$1.9m was an adequate amount of money, but we all know the constraints under which agencies work. I guess the important part is the monitoring to see just how effective that \$1.9m is. It does not really matter whether one spends \$1.9m, \$7.9m or \$1m; unless one knows how effective it is, it really has very little benefit. The report goes on to say:

The Committee also expresses concern about \$1.9 million ... spent on promotion activities without a mechanism for monitoring and the effectiveness of the program. Whatever arrangements are put in place will be reviewed by the Estimates Committee next year.

I think that is very important and it needed to be read into Hansard.

The other area that I was particularly concerned about - and, again, it is not a matter of saying whether it is good, bad or indifferent - was the \$43m for public transport. This includes payment from Department of Education and welfare concessions. That \$43m is the amount of money that is spent by you and me over and above what is collected by ACTION for fares. It is very important that we should know how effective this public transport system is. The committee is not saying that the amount spent needs to be less or needs to be more, but I think the recommendation that the Government establish an independent review of the operations of ACTION is absolutely essential.

I understand that the last review was back in 1987. It was, I guess, only a piecemeal approach to the issue, and it is my hope that this independent review comes forward very quickly. Then all of us, both in the community and in this chamber, can well assess whether that amount of money is adequately providing an effective transport system for our city.

2 November 1989

I do not think I have any further comments at this stage, Mr Speaker. Again, as other members have said, I do not agree with all the recommendations, but I believe that, in the time we had, it was an effective exercise and I am quite sure that those of us who had particular areas of concern were well able to get the right answers. Sometimes it took a little longer. It was a pity, as Mr Collaery has already mentioned, that we were not able to have those answers straightaway, but I do think that in the end we were adequately provided with the answers to the questions that we asked.

MS MAHER (11.32): I would just like to make a short statement on the Estimates Committee. I personally found it a worthwhile exercise and a learning process. It gave me an insight into how the Government and its departments are run. I accept that the committee, the Government and all staff of the departments were going through a learning process, and I hope that the committee's recommendations are implemented and that next year the budget and the estimates process run more smoothly.

I agree with the majority of the recommendations. As my colleague Mr Duby has said, we have put in a dissenting report with regard to the funding of asbestos. I believe that the Commonwealth Government continued to put asbestos into homes long after it had been banned in other States. Therefore, I feel that the Commonwealth Government should pay for the removal of that asbestos.

Finally, Mr Speaker, I would just like to say thanks to all those concerned and a special thanks to the chairman who, as stated previously, put a lot of time and effort into this committee.

MR MOORE (11.34): I would also like to start my comments today by thanking the chairman, who worked so very hard to ensure that the committee worked very smoothly, particularly in some of the more difficult situations when we were very enthusiastic about asking some questions. I felt that the committee was controlled in an appropriate and responsible way. I would particularly like to extend my thanks to the efforts put in by the secretary and staff.

I would like to take this opportunity to concur with Carmel Maher in her comments about the learning process. She talked about the learning process for the Government and the bureaucracy, but, more than anything, I think the learning process was for members of the Assembly, as she mentioned it was for herself. I am sure it extended to each one of us and certainly it applied very much to me. I have not spent a great deal of time dealing with bureaucracy. The bureaucracy in schools is very limited and we tend to do our own things within our own classrooms. I found that particular aspect of the process very helpful in understanding just how the various systems work. I am now able to move with a little more ease in dealing with the bureaucracy.

2 November 1989

One thing that is clear is that the Estimates Committee has been a very large and exhausting process. I sat through most of the hearings, with the exception of a couple of portfolio areas, and found that very much the case, but nevertheless I believe it was a very worthwhile process.

However, it is not too much for the members of the Assembly to handle, and in my view it should continue basically in its present form for next year but with some changes and modifications that I am sure we will be able to assess and improve, as we should do with all things. Interestingly enough, the advantage it had for such a small Assembly was that there were 12 members of that Estimates Committee and it gave us access to a great deal of information and to each others' comments. To me, one of the most valuable things was that, when Mr Wood, Mr Humphries or Dr Kinloch were asking questions, I was able to understand their concerns.

In an overall oppositional sense, there was a certain feeling of sharing the questioning of the Government. Even if we had different views, we still had a sharing of the questioning of the Government. I think that all of us, as opposition members, have that responsibility to question and to check. We might come up with a different view in the end, but we still must question.

Of special interest to me were a couple of areas in education and transport, but particularly the cross-agency fees arrangements which have been commented on and which are part of the second recommendation. We should now see a reporting from Treasury on that section of the Appropriation Bill so that the Assembly knows what sort of moneys are transferred. I understand that this is a transfer that is not necessarily seen by Ministers and is very important for both the Ministers and the Assembly to know how money is being moved around because it seems to me that that could be a great formula for a snow job.

However, that is not to say it is not necessary. I am sure it is a necessary part of being able to transfer funds. It is just that we ought to know what is transferred. We have an insight, I think, and we are able now to approach the task of contributing to the government of the ACT. To me, that is what the Estimates Committee has given more than anything - that insight. If it means that we have to be selective in the information we absorb, then that is an inherent problem in a small Assembly and I accept that.

But as a group - and this is the point I am trying to emphasise - we have the chance to search for and discover the questions and the problems that Ministers and bureaucracy face and we are responsible for ensuring that they deal with them in the way that best suits the people of Canberra. Knowing this, we have had much more opportunity to test the Government and the bureaucracy. Hopefully, that will contribute to openness, frankness and honesty in future years.

2 November 1989

I often think our frustrations with the Government stem from feelings that we cannot change something that is happening; we are just asking questions. But I think that this Estimates Committee has given us the ability to understand what is likely to happen next year and an insight into the following years. That is why I shall look forward to the next Estimates Committee that I am involved in next year.

MR STEFANIAK (11.40): Firstly, I would like to endorse all the remarks in relation to all the staff who assisted: the Assembly staff, the committee staff and, indeed, the Hansard staff. It was a mammoth task. I would also like to commend Mr Jensen for the great amount of work he put in and the dedication he gave to the task. I will comment on only a couple of areas.

I was very concerned about one matter which indeed I brought to the committee's attention - that is, the legal aid figures. I think that only about three of the figures included initially were correct. I would wholeheartedly endorse the comments made on page 12 of the report in relation to the Legal Aid Office. That is certainly something that the Government should take on board to ensure that the situation does not happen again. It really was quite embarrassing for all concerned.

Secondly, I note the reference to asbestos on page 19. This question has raised its head again recently in the Assembly. I would certainly commend to both the Chief Minister and her Minister for Housing and Urban Services that this Government seek a commitment from the Commonwealth to accept full financial responsibility for the removal of asbestos.

We have recently seen a doubling of the cost of removing it to, I think, a minimum of \$46,000. This is a cost the Territory can ill afford. Again I remind Mrs Grassby, as I have on a number of occasions over the past few months, that it was put in houses during the time the Commonwealth had responsibility in the Territory and the Commonwealth was responsible for issuing certificates of fitness. I wholeheartedly endorse the committee recommendation on page 19 in relation to asbestos and would ask that the Government do all it can to ensure that the Commonwealth takes responsibility.

Debate (on motion by **Ms Follett**) adjourned.

DAY OF NEXT MEETING

Motion (by **Ms Follett**) agreed to:

That the Assembly, at its rising, adjourn until Tuesday, 14 November 1989, unless the Speaker

2 November 1989

fixes an alternative day or hour of sitting on receipt of a request in writing from an absolute majority of members.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) BILL 1989
Detail Stage

Consideration resumed from 26 September 1989.

Clause 3 (Interpretation)

MR DUBY (11.44): I had moved an amendment adding the words "or Presiding Officer" to clause 3 which caused a person to be defined as "an office holder". I believe that that matter is addressed in the amendments that will be moved today by the Chief Minister, so I therefore wish to withdraw my amendment.

Amendment, by leave, withdrawn.

MS FOLLETT (Chief Minister) (11.45): I move:

Page 2, lines 8-11, omit the definition of "office-holder", substitute the following definition:

"'office-holder' means -

- (a) a Minister;
- (b) the Speaker of the Assembly; or
- (c) a person in respect of whom a determination by the Chief Minister under section 10 is in force;"

Amendment agreed to.

MS FOLLETT (Chief Minister) (11.46): I move:

Page 2, lines 21-26, omit the definition of "relevant administrative head".

This amendment is really a consequence of a later amendment that I will be moving which proposes the deletion of the whole of part II, so we do not require that definition.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 4 to 9, by leave, taken together.

MS FOLLETT (Chief Minister) (11.47): I move:

Page 2, line 29 to page 5, line 20, omit part II (clauses 4 to 9).

I move this amendment rather reluctantly. It relates to the question of ministerial consultants and it has become a

2 November 1989

matter of some debate in the course of discussion on this Bill. It has not been a matter that has been able to be resolved amicably amongst all the parties. It is not a matter that is central to the aim of the Bill, which is to provide a legislative basis for the employment of staff. So I propose to omit that entire part, to delete all reference to ministerial and any other consultants from the Bill.

I believe that we can take up this matter at some later stage and we should not delay the passage of the Bill simply because we cannot reach an amicable arrangement on the question of consultants.

MR KAINE (Leader of the Opposition) (11.48): I have no objection to this proposed amendment to the Bill, and in fact will support it, but I just wonder whether in practical terms it will make any difference to the fact that the Chief Minister and her other Ministers are employing consultants. Will those people cease to be employed by the Ministers of the Assembly the minute this motion is adopted?

MR STEVENSON (11.49): This saga of the "Legislative Assembly (Members' Staff Restriction) Bill" is an interesting one. On 27 July this year, the Chief Minister presented the Bill and said that it provided for the employment of consultants and staff by Ministers, certain office holders and members. We all now know that that was absolutely not correct. It did not provide for the use of consultants by members, but basically by Ministers. The presentation speech went on to say:

... the Government demonstrates the belief that Ministers and members should have assistance in key projects.

Once again, that was not correct; it was a misleading statement. In the next paragraph it said:

It is anticipated that this Bill ... will allow greater flexibility.

Certainly not for members, but for Ministers. The next paragraph said:

It is the Government's intention in introducing this Bill to provide individual Ministers and members with the maximum flexibility and autonomy.

Once again, that is not correct. It went on to say:

It will benefit this and subsequent ACT governments. It will benefit the operation of the Assembly and the effectiveness of its members; and it will benefit the people of the ACT by enhancing the capacity of elected officials to respond to public demands.

2 November 1989

Once again, it is certainly for Ministers but unfortunately not for members. At the bottom of the page it said:

In line with my commitment to openness and in consultation ... As part of these consultations, I am also writing to you, Mr Speaker, outlining the consultation process that will commence shortly and inviting the involvement of members.

Unfortunately, if there was any consultative process it was certainly not valid.

Let us have a look at the situation. Rather than a Bill that would assist all members in a general way, there were specific provisions in there that would benefit only the Ministers. But that was not stated in the introduction to the Bill. In fact, the opposite was stated and that was never correct. I think that is a sad situation.

The Chief Minister mentioned "amicable arrangements". I personally have been trying to gain an amicable, sensible arrangement on this matter for some three months - that all members of this Assembly, not just those in the Government, be allowed the opportunities that were presented by the Chief Minister in her Bill. All I ever sought to achieve was that what was outlined in the Chief Minister's presentation speech be actually brought about. Her current amendment is a back down.

Let us have a look at the value of consultants to all members. Obviously a large staff can have various multidisciplinary experts. We are a very small Assembly and we have small staff numbers. It is hard to cover the range of expertise that we need. Consultants can obviously do specific project tasks quickly, such as computer research, support, market research, et cetera, that our normal, day-to-day, full-time, regular staff cannot do. One thing that consultants can do very well is operate outside Canberra - in Sydney, Melbourne or wherever - if there are jobs that we need to have done in those areas. Certainly a staff member could be sent, but that involves travelling, accommodation allowances, et cetera.

Some expertise is simply not available in a staff member, certainly not with the minimum number that most of us have. From time to time there is need for such things as legal advice. I think this debate will highlight the need for drafting advice. Indeed, we need drafting advice, and nobody is going to do that for nothing. As I have not been able to obtain it through the Assembly, it needs to be obtained from other sources. That is not a staff member; that is a consultancy basis. Rather than put on and put off part-time staff, members in the Assembly should have the freedom of choice to use their budget allocation to so benefit the electorate and be optimally effective.

2 November 1989

Now, let us have a look at how the mention of consultants came up in the first place. What happened was that my party was not allowed the average number of staff members, which is one and a half, and as an interim measure only I hired a consultancy. I was fortunate enough to get the use of three people for less than the price of one because of superannuation and various other things. Now, if that is not an eminently sensible idea, then I find it hard to know what is. Certainly, that covered the normal office functions, but it also covered certain consultancy functions. There is no doubt about that. I never hid any of these things. It was done purely and simply because the Chief Minister at that time had not allowed that which was allowed at a later time at the request of this Assembly.

I have never been shown to be personally interested in things other than serving the electorate. Members here well know my views on the expenditure of moneys and the frugality with which I personally operate. When I tried to get the matter handled by the Chief Minister, unfortunately there were many delays, and that did not help any amicability, if I could call it that, in getting it finalised.

I put in any number of letters and had two meetings, all to no avail. I submitted one letter, then finally, after a month, I asked someone to go upstairs and make a sort of a physical point of view about what had happened. That person was told that the letter had certainly come in - it was remembered - but it had been lost. Now, one would have thought at that time that, having made that apology, the Chief Minister would do something. But, no, nothing was done. This sort of thing has gone on for some time and we now have a situation where the Chief Minister, in the final defence, if I could say that, is prepared to suggest that now not even the Ministers will use consultants. I suggest that this is not a situation where sense has prevailed. (Extension of time granted)

I believe that the Chief Minister had other concerns about members in this Assembly, particularly me, using consultants. I do not think it was a practical viewpoint at all; I think it was more of a political party viewpoint, and that is unfortunate. Initially, I had never considered hiring a consultant. I think the irony of it is that it was only the Chief Minister's actions and the resulting inaction that got me to look at the value to our Assembly of all members having the right to use consultants for the purposes I mentioned.

I absolutely agree with Mr Duby - and this should be noted. As Mr Duby mentioned in an earlier speech, consultants should not start at 8 o'clock or 9 o'clock in the morning, work till 12.30, take off for lunch and finish at 5 o'clock, five days a week. That is not a consultant. It is an ongoing situation. Basically it is a staff member.

2 November 1989

I do, however, look at situations where there may be periods of two to three months when we may need assistance for two or three days a week, here or in another State, that would benefit those things which we seek to achieve on behalf of the electorate. I well understand that there will be a further amendment moved on this matter. At the moment I am certainly prepared to allow the matter to proceed today to ensure that all members' staff are covered under legislation.

MR COLLAERY (12.01): Mr Speaker, the Rally supports the amendment moved by the Minister. It is clearly being moved as an interim measure to resolve a justifiable impasse that has been reached, and I congratulate the Chief Minister for breaking that impasse and deciding on this remedy at this stage. But the Rally foreshadows a general agreement in the opposition, that we will move an amendment to the legislation in due course to allow the employment of consultants, provided they are not continuously employed on the premises. They must be genuine consultants and, so far as is practicable, the arrangement must be seen to be a genuine consultancy. The draftsman can determine the exact wording of that provision certainly, but, as far as I am aware, that is the intention of all of the opposition parties.

Mr Speaker, one matter of concern to the Rally has arisen during this process, and that is a letter dated 27 September 1989 from the acting deputy legislative counsel to Mr Stevenson advising, among other things, that the legislative counsel's office could not give effect to his instructions to draft an amendment to allow the employment of consultants. This is an amendment that he no longer presses, of course, but the significance of the letter was a statement by the counsel's office that since the amendment would, in its view, contravene section 65 of the ACT (Self-Government) Act - that is, would vote extra moneys, which on one reading of the Act cannot be done; and we referred to that earlier this morning - it was unable to give effect to the instructions.

Now, I take the view that, unless an instruction we issue to the legislative counsel is itself unlawful and involves an unlawful act, the Bill should be drafted. It is up to this sovereign Assembly - and the Bills committee that we have now created - to find it out of order. I serve notice on the very competent, able and helpful legislative counsel's office that we must resolve the principle of this at the earliest possible date. If it is to be the view of the counsel's office that it can vet our proposals for legality, then there is even greater urgency in our right to employ consultant draftspersons to draft Bills for us. I seek leave to table that letter, Mr Speaker.

Leave granted.

MR COLLAERY: The other matter is that the Chief Minister is clearly anxious to avoid any sham consultancy

2 November 1989

arrangements, and I feel that we must ensure that that view that the Minister adopts is genuine and not in any way hypocritical. To my knowledge, the Chief Minister does have a consultant full-time on the fifth floor. That was the consultant who did not work on the day of the strike recently. Clearly, there is a close and continuing relationship between the Government and that consultant.

We do not know whether that consultant is on the ACT register of consultants. We do not know whether the amendment that we propose to put into this Act will exclude the further employment of that consultant. But, clearly, it is incumbent upon the Chief Minister to set the example that she wishes Mr Stevenson to set, and we need to have across-the-board agreement that the employment of consultants by anyone in this Assembly is genuine and that it is not an arrangement that takes the place of what would otherwise be a contract of service; in other words, an employment arrangement.

This Assembly must be seen to be above reproach in its employment of and payment to consultants. I am sure that all members of the opposition agree with that. I expect it will be a matter of weeks before we can effect the necessary changes to this legislation and bring back the balance we were being deprived of originally.

MR DUBY (12.06): As other members of this Assembly have noted, this Bill has been a long time coming because of the problems involved with this very vexed issue of consultancies. My party will support the amendment proposed by the Chief Minister, removing the consultancy provision from the Bill.

I think the points made by Mr Collaery are quite valid - that none of us can see a problem with a genuine, above-board and open use of genuine consultancies. I look forward to seeing the proposed amendments to this Bill that he will be arranging, because I feel that if these had been presented from day one they probably would have solved the problem there and then.

I note with concern his mention of a letter from the legislative counsel and I do not know whether this is the right place or time to comment on such a matter. I, too, share his concern that clear instructions from members of the Assembly are not being followed by, presumably, the area that has been set up to help us in the arrangement of draft legislation and amendments. Clearly, that is something that needs to be looked at.

Of course, the conclusion drawn by Mr Collaery, that that therefore demonstrates the need for our members to be able to hire consultants to draft legislation for us, seems to me to be foolish because it clearly indicates then that all one is doing is wasting valuable staff resource money on matters which should be quite properly performed by the public servants of this Government.

2 November 1989

Nevertheless, I shall say no more on the matter of consultants, which I am sure will raise its ugly head again in a matter of weeks when Mr Collaery's amendment is put, but in the meantime we support the Bill, as amended.

MS FOLLETT (Chief Minister) (12.08): I would like to make a couple of remarks in reply to some of the speakers. First of all, Mr Kaine made the point that there are already some consultants whose employment status may be affected by this amendment, and that is the case. Both Mr Whalan and I have one consultant each on our personal staff, and we will be making alternative employment arrangements for those two people so that they will not be disadvantaged by this proposed amendment.

I think that Mr Stevenson's lengthy comments today demonstrate his absolute intransigence on this matter and demonstrate most particularly why it is so very difficult to get an agreed arrangement on consultancies. He is absolutely determined to have his own way in this, as in all other matters. He is not amenable to reasoned argument on the subject and, Mr Speaker, I know that he has not complied with your requests and directions in this matter, just as he has not complied with mine. While he maintains that attitude and finds some support in this Assembly, the amendment that I have proposed is the only possible solution.

Mr Speaker, the Government does believe that there are particular circumstances relating to Ministers and relating to the ministerial portfolio responsibilities that should be taken into account in the provision of consultancies and that there are differences between the responsibilities and roles of a Minister and of a member of the Assembly who does not have that portfolio responsibility.

However, as I said, we are prepared to forgo our requirement for consultants in order to get this overriding legislation passed. Mr Collaery has drawn attention to a letter from the acting deputy legislative counsel, and I object most strenuously to his raising that matter when in fact - - -

Mr Collaery: We wrote to you and asked you to look into it; no answer.

MS FOLLETT: Mr Speaker, I support totally the comments made by the acting deputy legislative counsel and, in order to clarify the reason why I support his view, I would like to read to the Assembly the appropriate part of the Australian Capital Territory (Self-Government) Act 1988. In section 65(1) it says:

An enactment, vote, resolution or question (any of which is in this section called a "proposal") the object or effect of which is to dispose of or charge any public money of the Territory shall not be proposed in the Assembly except by a Minister.

2 November 1989

Now, quite clearly, for the acting deputy legislative counsel to have drafted Mr Stevenson's proposed amendments, it would have meant his condoning a member of the Assembly putting up a proposal to dispose of or charge public money of the Territory. The Act is quite clear. If you want to do that, you have to get a Minister to do it for you.

Mr Kaine: In fact it does not do what you suggest. It is not for a public servant to argue with an elected member, and it is up to this Assembly to argue the case.

MS FOLLETT: Well, I think that the Act is absolutely clear, and I support the comments made by the acting deputy legislative counsel. However, it seems to me to illustrate, if further illustration were necessary, the extraordinary confusion that exists about the use of consultants and about their appropriate use by members of the Assembly and by Ministers. As I have said before, the only possible action for us to take at the moment is to delete all reference to consultants from the LA(MS) Bill, because it is not central to the Bill and it is very necessary that we give staff who have been employed - some of them for getting on for six months - the sort of legislative protection that the Bill overall aims to provide.

MR SPEAKER: I seek the indulgence of members to make a statement from the chair on this issue. Members have no rights to use the government draftspeople for legislation. If there is spare time available, the government draftsmen may be used and may give their time. But we must be aware that this, therefore, puts us in a position where consultant draftsmen obviously will be required at the time of heavy workloads on the government drafters.

I further note that all correspondence to the legislative draftsmen is supposed to come through the Clerk. If this had happened, as has been requested, the letter that Mr Collaery received would have been investigated by me, discussed at length and a decision taken at the appropriate level. This did not happen, to my knowledge.

Mr Collaery: Excuse me, Mr Speaker; I tabled Mr Stevenson's letter. I have never received one.

MR SPEAKER: I refer to the letter from the legislative draftsman to whomever it was addressed. So the point is that, if we had stuck to the system that we are trying to put into vogue, this may have been alleviated at a lower level than was achieved.

MR KAINE (Leader of the Opposition) (12.14): I seek leave to make a comment on the statement that you have just made, Mr Speaker.

Leave granted.

2 November 1989

MR KAINE: I am most interested, Mr Speaker, in your assertion that the members of the Assembly, other than those in the Government, have no right of access to the parliamentary draftsmen. If that is the case, perhaps you could investigate and advise the other members of the Assembly how we are to get legislation drafted if we have no right of access to this officer and his office. Where does the money come from if we have to engage people outside of the staff of this Assembly or of the ACT Administration to draft such legislation? I would appreciate it if you would clarify that matter for us.

MR SPEAKER: I will take that on notice.

Amendment agreed to.

Clauses 10 to 16, by leave, taken together, and agreed to.

Clause 17 (Terms and conditions of employment)

MR MOORE (12.15): I move:

Page 8, line 7, add at the end the following subclause -
"(4) A determination under subsection (2) shall be tabled in the Legislative Assembly on the first sitting day after the date of that determination."

The reason for this amendment is that the Chief Minister has the power to vary the conditions of employment of not only classes of staff but also of staff of a specific member. I can foresee circumstances where that may occur. I can also foresee circumstances in which we might not have this particular Chief Minister but we might have somebody who was involved in a personality battle of some kind and who decided to change the conditions of staff of a specific member. My amendment just means that, should the Chief Minister decide that it is necessary to do that, then that would be clear to all members, and the Assembly would be involved in a decision of that nature.

MR JENSEN (12.16): I rise very briefly to indicate that the Rally will support this amendment moved by Mr Moore, for the same reasons that he has outlined. We do have some concern, as Mr Moore does, about the potential for the possible abuse of that matter within the legislation. We seek to have that clarified in order to ensure that that could not happen and that the situation that Mr Moore envisaged could not occur in the future.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 18 and 19, by leave, taken together, and agreed to.

Clause 20 (Annual report)

2 November 1989

MS FOLLETT (Chief Minister) (12.17): I move:

Page 9, lines 5-31, omit the clause.

This amendment relates to annual reports in relation to consultants. It is consequential upon the deletion of part II of the Bill, which we have already voted upon, so it is just to tidy up that provision.

MR HUMPHRIES (12.18): Clearly, as the Chief Minister said, having deleted part II, the Assembly will have to also delete clause 20. But I want to use this opportunity to comment on a point made by the Chief Minister in the course of debate on part II which also relates to this. She said that she accepted the advice proffered to her - or rather proffered to Mr Stevenson - concerning section 65 of the ACT (Self-Government) Act. I want to preface my remarks by saying that I have got every respect for the people in the legislative counsel's office and would not happily tangle with them on matters of legal advice, although I also have worked as an adviser to the Administration on legal matters.

But I have to say I was initially disinclined to accept the view of the legislative counsel that section 65 prevented amendments such as that, and I found the scope that such a view would give to the Government to refuse to accept amendments very large and worrisome. It was pointed out that section 65 has the effect of preventing any amendment to money Bills, if the effect of that amendment was to increase the charge on public moneys of the Territory. It was argued that by consultants being employed, notwithstanding that they came from the same vote that has already been approved or will in future years be approved for the expansion of money on staff, this constitutes a charge on moneys of the Territory.

I must say that I am concerned by that interpretation and I am not sure that the strict application of that interpretation would not, in fact, make it very difficult for a great many Bills put up by this Government to be amended by this Assembly. I do support the remarks by Mr Collaery that this Assembly through its own processes and particularly through the operation of a scrutiny of Bills committee ought to be able to look at Bills, notwithstanding the view of the legislative counsel that they might be ultra vires of powers of this Assembly, and decide for itself whether or not that Bill or amendment ought to be passed.

I have been casting my mind back, on the request of Mrs Nolan, to previous Bills that have been carried by this Assembly and I recall that the Assembly moved certain amendments to the Pesticides Bill back in June or July. I recall also that at one point an amendment was moved from this side of the chamber to provide for additional reporting requirements by government or by the Minister

2 November 1989

responsible for the Bill. Now, it seems to me that additional reporting requirements necessarily involve some additional expenditure of moneys in the Territory, since these were above and beyond what was already agreed to in the Bill as it was presented. The consequence of that clearly must be, if the interpretation that the legislative counsel has provided is correct, that in some way that amendment was ultra vires.

Obviously, I will not press that point, but I do think this whole question needs further examination and I would also say that we cannot assume that the Assembly could operate efficiently on the basis that Bills of this kind could not be amended. It would be a very sad day if we were not able to address all the issues properly in this place because of some legal obstacle to doing that. So I hope that we can overcome this problem by looking at this issue, perhaps initially in the scrutiny of Bills committee chaired by Ms Maher. At this stage I certainly indicate that I am not pleased with that interpretation and hope that it does not stand in that form.

MR STEVENSON (12.22): The removal of this clause no longer requires the amendment that I had drafted, which was to do with the reporting requirements for consultancies. The reporting requirements that we are now going to remove - perhaps not necessarily at this time - and introduced into the Bill by the Chief Minister, required the details of the name of the consultant and the period of his or her engagement, and that basically is all. I do not and did not see that as being anything like the accountability necessary in this or any other assembly.

My amendment would have achieved additional information that actually meant something. It would have included the total amount paid to the consultant under each agreement under which the consultant was engaged. It would have included an estimate of the proportion of that amount attributable to each task the consultant was engaged to perform and also the reports prepared by the consultant in respect of each task - just the headings of them - that the consultant was engaged to perform.

I was the one who wanted some accountability in the area of consultants. An original amendment that I put forward some three months ago would have introduced the situation whereby the final approval on the use of consultants would have been given, not by the Chief Minister alone, but by this Assembly as a whole. I felt that was important. We all understand that on the hill there have been investigations, and there are others going on around Australia at the moment, into the use of consultants by governments. I think there should be full accountability in this matter.

The attempt by the Chief Minister a short while ago to turn the suggestion that I brought up on the desirability of accountability to the suggestion that there was, perhaps,

2 November 1989

something that needed to be looked at in my own case will not be borne out by the reading of the proceedings in this matter.

Motion agreed to - clause omitted.

Clauses 21 and 22, by leave, taken together, and agreed to.

Title

MS FOLLETT (Chief Minister) (12.26): I move:

Page 1, omit "consultants and".

The purpose of the amendment is simply to omit the words "consultants and" from the long title. The reasons for this are obvious. We have just omitted that entire part from the Bill.

Amendment agreed to.

Title, as amended, agreed to.

Bill, as amended, agreed to.

Sitting suspended from 12.27 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Woden Valley Hospital

MR COLLAERY: My question is to the Health Minister, Mr Berry. I refer to previous questions in this house concerning staff disturbances at Woden Valley Hospital and ask you whether you are prepared to set up an independent inquiry as quickly as possible to investigate complaints of sexual harassment and discrimination, physical and verbal abuse and other matters affecting ward staff at the hospital.

MR BERRY: I think this is the third time this question has been asked, and if I chose to raise a point of order I think the question could in fact be ruled out of order because it has been asked three times. However, there is one particular matter that I would like to raise in relation to this question and that is the statement by Mr Collaery about this issue that was reported in the press. He was reported as claiming that I said that the people involved in the issues which he had raised would be left to themselves. That is not what I said.

My clear position in this is that, if there is a disciplinary issue that needs to be dealt with by management, it should be dealt

2 November 1989

with in the normal way that disciplinary issues are dealt with. If there is a criminal matter that ought to be dealt with, then it should be dealt with by the police if it is reported to them. If there is an industrial issue, in accordance with this Government's policy, industrial disputes which are not settled between management and unions ought to be settled in the Industrial Relations Commission.

I think it is extremely important that this Assembly is aware that the Government, as far as is possible, is prepared to let management manage, and the circumstances which Mr Collaery has seized upon to try to do a bit of headline grabbing is an issue for management. I might add that I have written to one of the employees involved and asked her to contact management to provide further information because it was felt that the information available to management was insufficient. I have asked her to provide further information so that management can investigate the matter further. This is largely a management matter and it needs to take its course before there is interference by Government in what are management matters.

Public Housing

MR MOORE: My question is to Mrs Grassby as Minister for Housing. I note that the Federal Government has recently announced Cabinet approval for a \$4 billion public housing package. In passing, might I congratulate the ACT Government on its 27 September announcement foreshadowing the fact that the package would include \$17m to be allocated to the ACT. Will the Government be implementing the Federal Government's objectives regarding improved security of tenure for public housing tenants, the Commonwealth-State planning process, independent appeals mechanisms, portability of wait times, improved eligibility criteria which are consistent throughout the country, improved choice of assistance, improved home purchase mortgage instruments and other consumer protection measures embodied in that agreement?

MRS GRASSBY: Well, I got a long question so I hope you are ready for a long answer. The answer is yes to all those questions. In my ministerial statement to the Legislative Assembly on 27 September 1989 I outlined a broad housing strategy that would flow from the ACT becoming a party to a new 10-year Commonwealth-State housing agreement, the CSHA. This is the first time that the ACT has been able to participate in the CSHA as a full partner with the other States and the Northern Territory. The announcement this week that the Commonwealth Government will guarantee funding for four years is a direct result of representations from all States, including the ACT. I commend Peter Staples for his achievements in convincing his colleagues of the importance of long-term planning.

As a party to the new agreement, the ACT will be bound by all the objectives, principles and other requirements of

2 November 1989

the agreement. These include the Commonwealth-State planning process, improved security of tenure and improved home purchase assistance arrangements. The objectives of the Commonwealth, such as improving planning and home purchase, are consistent with this Government's housing objectives. Naturally, we will be working in a cooperative manner to achieve these shared objectives. Through the ACT housing policy review, we have already commenced the process of examining the requirements of the new agreement with a view to implementing them progressively over this financial year. This Assembly will have the opportunity of debating the new Commonwealth-State housing agreement - - -

Mr Kaine: I raise a point of order. There is a section of our business paper in which Ministers can seek leave to make statements. This is clearly a prepared statement that the Minister is reading from, and the fact that it is in response to a question asked by a Labor Party fellow traveller is quite irrelevant. I would ask you for a ruling, Mr Speaker, on whether it is proper for the Minister to make a statement on a matter like this during question time.

MR SPEAKER: The point is, of course, that the question should be brief and so should the answer.

Mr Moore: Can I point out, as part of a very brief explanation, that I provided the question to the Minister earlier in order to get a reasonable answer instead of just trying to embarrass her.

Mr Kaine: In that case, Mr Speaker, it was a question on notice and should be dealt with accordingly.

MR SPEAKER: Thank you for that observation, Mr Kaine. Please be brief with your answer, Minister Grassby.

MRS GRASSBY: The new housing agreement does not require that all changes be introduced immediately. There will be progressive improvements and this will be at the same time as other works being undertaken by the ACT housing policy review.

Asbestos Insulation

MR COLLAERY: My question is to the Minister for Housing and Urban Services. Is the Minister aware that there are large areas of asbestos roofing in the ACT, both in private and public buildings? Is she also aware of recent revelations by the Asbestosis Society that dust samples taken from roofing gutters below such roofs contain 20 per cent cancer-causing asbestos fibre? Is the Minister aware that the Western Australian Department of Mines has recently completed an evaluation of a new encapsulation process for asbestos roofing developed by a Western Australian company? Has the Minister received any briefing

2 November 1989

on that new development in Western Australia? If so, will she be giving effect at the earliest possible time to the recommendations of the Western Australian Department of Mines in terms of ensuring the safety of ACT residents?

MRS GRASSBY: I think the short answer is yes, yes, no, yes, yes, yes. I will get back to Mr Collaery with all those answers. That was just for Mr Kaine. I will get back to Mr Collaery.

Cosmetics Manufacturer

MR WOOD: Mr Speaker, I direct a question to the Minister for Industry, Employment and Education. Does he agree, as claimed in a speech in the Assembly yesterday by the leader of the Residents Rally, that the valuation of the Revlon site was unusual?

MR WHALAN: I thank Mr Wood for the question. During the estimates discussion this morning, Mr Collaery did have occasion to reflect upon the professionalism of public servants who work not only in our own Government but also in the Australian Valuation Office. I think it is very timely that we should have the opportunity to defend the integrity of public servants. As a general principle, Mr Speaker, I think that we should desist from attacking public servants under the privileges of this chamber.

Mr Collaery: On a point of order, Mr Speaker; this is simply outrageous. No such attack was made; no such comments were made. This is just pure invention again by this man.

MR SPEAKER: Thank you, Mr Collaery. Please, when you raise points of order, make sure they are points of order. If you wish to make a personal explanation after question time, you have the opportunity to do so. Please proceed, Minister.

MR WHALAN: Mr Speaker, the question refers to the criticism raised by Mr Collaery of the valuation of the site of the lease which was offered to the Revlon corporation for its factory at Hume. The valuation of the site was carried out in the normal manner by the Australian Valuation Office. This office is a very professional organisation and provides valuation services to the Commonwealth throughout Australia.

Prior to self-government, the office provided valuation advice to the ACT Administration, as part of the Commonwealth, and since the introduction of self-government it has continued to provide this very professional service under a memorandum of understanding. Officers from the Valuation Office regularly appear in court supporting valuations made under a wide range of Commonwealth and ACT legislation. On no previous occasion has the

2 November 1989

professionalism of the office been attacked or brought into doubt.

Mr Collaery has stated that the format of the valuation provided in the Revlon matter was not the same as that which he would receive from private valuers. The practice of the Australian Valuation Office has been to provide advice of the valuation and not the analysis supporting the decision.

Mr Collaery: Why not?

MR WHALAN: Mr Collaery has said, "Why not?". It has been the practice and it has been part of the process that has been in existence for many years in the relationship between the Commonwealth and the Australian Valuation Office. That has been the procedure, and if there is to be any change in that procedure it no doubt will increase the costs. But, in this respect, the valuation in the Revlon case was exactly in accordance with this practice.

In the Revlon case, a staged development was considered. The valuers advised that, as separate blocks sold individually, the value was to be \$350,000 and \$400,000, respectively, and a total of \$700,000 if both blocks were sold as a staged package. The \$700,000 figure is the value adopted in the final negotiations and lease documents.

I must say, Mr Speaker, that I find it particularly intriguing that Mr Collaery should raise doubts about the valuation processes in this matter, as he has already been given a full briefing in my office by me and officers of the Department of Industry and Development, at which meeting, in the presence of witnesses, he stated that he had inspected the blocks in question and he said, "I would not pay anything like \$700,000 for blocks of that size".

Vietnam Memorial

MR JENSEN: My question is directed to the Minister for Industry, Employment and Education. I refer him to a letter from Mr Trent Keary, the secretary of the Australian Vietnam Forces National Memorial Committee, which was printed in the Canberra Times of 15 October. That letter stated that they expect approximately 20,000 Australians to come to Canberra for the dedication of the memorial in October 1992, on the fifth anniversary of the welcome home march. Can the Minister advise what action, if any, has been taken by officers within his department to commence planning for this event, especially as I believe a large number of United States veterans and their families are expected to come as well?

MR WHALAN: It is a question which I will have to take on notice. I will give full details at the next sitting, but I can assure you that the Canberra Tourist Bureau is very

2 November 1989

anxious to assist any organisation that is involved in bringing together a gathering such as this in Canberra. At this stage I can only assure the Assembly that the organisation will get the full cooperation of the tourist development corporation. I am not quite sure what steps have been taken so far, but I can assure you I will give a full report.

Multifunction Polis Concept

MR KAINE: I address a question to the Minister for Industry, Employment and Education. It flows from a statement made in the publication recently put out on the multifunction polis, called the ACT Vision. I hope that vision did not come from the use of some kind of hallucinogenic material, Mr Speaker. At page 19 of that report it is stated that a recent study commissioned by the ACT Government, so far unpublished, has examined the potential for commercialising research conducted in the ACT.

Minister, could you tell me why that report has been unpublished. Since you say "so far unpublished" I assume that you intend to publish it. When is that likely to occur so that we can all have the benefit of this research?

MR WHALAN: I do thank the Leader of the Opposition for that question, Mr Speaker. The fact is that, in such a highly professional government office as the citizens of the ACT are fortunate to have in the Office of Industry and Development, it is a regular feature of its operations that it seeks advice from skilled consultants and outside organisations. As part of that process we add very substantially and very efficiently and effectively to the total volume of knowledge that is available to the Government.

I think that the Leader of the Opposition would agree that it is probably far better in a relatively small government, such as we have here, to have the regular use of outside consultancies than to try to establish in-house a full range of capacities which might be underutilised. It is so that there will be many reports to the Government and the public service in the course of the preparation of policy positions, some of which may never see the light of day. There is no reason why they should. I am sure that in Mr Kaine's very extensive period of service in the Australian public service he has been party to many such reports, commissioned by government or outside consultants, which are never to be published or made available.

There will be many of those. In relation to the particular report which has been referred to, if it is indicated that it is of value to release that report at some time in the future, that course will be taken.

2 November 1989

MR KAINE: I wish to ask a supplementary question, Mr Speaker. First of all, I note that I did not get an answer to the question. The fact that the Minister said that it was "so far unpublished" indicated that he intended to publish it. He has not given an answer to the question. But my supplementary question to the Minister is: who carried out the research study for the Government?

MR WHALAN: I do not know, Mr Speaker, because in the report that was submitted the consultant was not identified.

Mr Kaine: On a point of order, Mr Speaker; here is a publication published by the Minister. He talks about a report.

MR SPEAKER: Order! Mr Kaine, you are addressing the Assembly. You must seek leave if you wish to debate the issue. This is not a point of order.

Mr Kaine: I am making a point of order, Mr Speaker, and I think I have a right to do so.

MR SPEAKER: Mr Kaine, I have ruled that that is not to be debated. The question has been answered.

Mr Kaine: I seek leave of the Assembly to make a statement on this question, in that case, Mr Speaker.

MR SPEAKER: Yes; after question time.

Public Service

MR DUBY: My question is addressed to the Treasurer. It concerns the 6 per cent pay rise which was announced today for Commonwealth public servants and, by implication, ACT public servants. I was wondering whether she could tell us: what is the cost to the ACT Government in its salary bill of this increase - quite justified increase, I might add - for the public servants; were provisions made for salary increases of this order in her budget; will this increase in salaries affect any budget programs?

MS FOLLETT: I thank Mr Duby for the question. Mr Speaker, I might take the middle of Mr Duby's question first and just assure the Assembly that in our budgeting for salaries and wages for the forthcoming year we did indeed make provision for national wage increases. The provision that has been made reflects the order of increase that has now been granted to public servants. I think the Treasury forecast was commendably accurate in that respect. So it does not present any difficulty with our budget or the budget strategy or with program estimates.

Mr Speaker, Mr Duby has asked a specific question about the cost of the public service increase. I do not have that

2 November 1989

detail available to me, but I am happy to have a calculation made and will make it available to the Assembly as soon as I can.

Sporting Program Grants

MRS NOLAN: My question is directed to the Minister for Industry, Employment and Education as Minister for sport. What is the Government doing in regard to the CDF for sporting program grants? What, if any, changes are to be introduced or are being contemplated? When does it expect to publicly announce the results of its determination?

MR WHALAN: I thank Mrs Nolan for the question. The allocation of funds from the community development fund as they relate to sport is the subject of recommendations to the Government by an advisory committee which is chaired by Dr Alan Roberts from the University of Canberra. We are very fortunate in Canberra in having serving on his committee a range of persons who have expertise in the sporting area but who are sufficiently objective in their assessment of the applications to ensure that there is an equitable distribution within sport of the inevitably limited funds which are available under the CDF scheme.

No timetable has yet been set for the announcement of successful applicants, but I would like to reassure the Assembly about my total confidence in the objectivity and impartiality of the committee which makes recommendations, which I expect would be varied by the Government only under the most extraordinary circumstances.

University of Canberra

MR HUMPHRIES: My question is addressed to the Minister for Industry, Employment and Education. I refer to the legislation currently before Federal Parliament to create what he, perhaps somewhat prematurely, calls the University of Canberra. I also refer to the report of the Select Committee on Tertiary Amalgamation which handed down its report in July and which in part recommended that the ACT Government immediately prepare appropriate legislation to establish the Canberra College of Advanced Education as a university. I ask the Minister: were drafting instructions ever prepared for that to occur? Secondly, has the Government discussed with the Federal Government the creation of the university under ACT law?

MR WHALAN: In relation to the first point, I can say that the answer is no, there were no drafting instructions issued to our parliamentary draftspeople to prepare legislation along those lines. I think it is worth commenting upon that. I think it is clear that the legislative power at this point of time in relation to the

2 November 1989

University of Canberra is clearly vested in the Commonwealth, and it would be not possible for the parliament of the ACT unilaterally to attract that power to itself.

So it would, I think, be regarded as inappropriate for this parliament to consider legislation without the full cooperation of the Commonwealth Parliament. We could end up looking very silly if we were to purport to pass legislation in an area in which we did not have the jurisdiction. I think that it was prudent of the Government not to act on that recommendation at this time.

We have indicated our preference, indeed, for such legislation to be passed by our Government. But, after the \$22.7m that we did not get from the Commonwealth this year, it will not be the first time that we have been disappointed in terms of outcomes in relation to our approaches to the Commonwealth.

There has been a range of approaches to the Commonwealth in relation to the legislation and the role of the ACT. The most recent of those was a letter from the Chief Minister on Tuesday night, in which she raised with the Commonwealth Minister responsible particular aspects of the legislation currently before the Commonwealth Parliament, and they are in relation to representation on the university council and the number of representatives appointed on the recommendation of the Commonwealth compared with the number recommended by the ACT Government. To the best of my knowledge, we have not yet had a response from Mr Dawkins on that.

MR HUMPHRIES: I wish to ask a supplementary question, Mr Speaker. With respect, I am very grateful to hear the Minister say that representations have been made about the composition of council, but the Minister has not answered the part of the question which asked: did the Government discuss with the Federal Government the creation of the University of Canberra as ACT legislation rather than as Federal legislation?

MR WHALAN: Not formally, Mr Speaker. I can answer that there was no formal level of discussion, but at an informal level I had discussions on this issue with Mr Dawkins at the Australian Education Council meeting in Melbourne several weeks ago. It was as an outcome of those informal discussions that Mr Dawkins immediately wrote to Professor Scott of the University of Canberra and informed him that it was appropriate for the university to commence using the designation "the University of Canberra". But it was clear at an informal level that the Commonwealth was not prepared to hand over the jurisdiction in relation to that university to the ACT.

Members' Staff

MR STEVENSON: My question is addressed to the Chief Minister. What arrangements has she made or will she make once the Legislative Assembly (Members' Staff) Act is gazetted for the employment of the two consultants, Martin Attridge from her office and Robyn Henderson from that of the Deputy Chief Minister?

MS FOLLETT: Mr Speaker, I think in general terms it is probably not appropriate to discuss the particulars of staffing arrangements when those staff members have been named, but I could advise the Assembly that in both of those cases arrangements will be made. One of them, I think, would be a temporary transfer from another government department. In both cases they will be arrangements that are suited to the particular circumstances of Mr Attridge and Ms Henderson, and they will be made within the legislative provisions that apply for staffing.

Sports Facilities

MR STEFANIAK: My question is directed to the Minister for Industry, Employment and Education in his capacity as Minister for sport. I seem to recall some discussion and proposals about three months ago to upgrade the athletic facilities at Phillip, but these appear to have gone onto the back burner. My question is: does the Government propose to upgrade those athletic facilities at Phillip, specifically in relation to providing an all-weather track with lighting?

MR WHALAN: I will have to take the question on notice because I would rather ensure that I do have quite specific details for Mr Stefaniak.

Traffic Lights

MR DUBY: My question is directed to the Minister for Housing and Urban Services in her capacity as Minister for kerbs and gutters. I have had representations from some constituents concerning the intersection of Jerrabomberra Avenue and Goyder Street, Narrabundah. I believe this is a very busy intersection which has quite a lot of traffic through it, and there have been a lot of near misses and accidents at it. I want to know whether there have been any inquiries made into providing traffic lights at that intersection.

MRS GRASSBY: Thank you, Mr Duby. I was with Mr Duby last night when this came up. May I say now that this man does not have a vote in Canberra.

2 November 1989

A member: Which man?

MRS GRASSBY: Not Mr Duby, the gentleman who asked the question. I had a feeling I was going to get this today. Traffic signals are not being installed at this intersection as traffic volumes on Jerrabomberra Avenue will be greatly decreased with the opening of the bypass to the new Monaro Highway. The Monaro Highway is expected to be open to traffic in about four weeks, and then Jerrabomberra Avenue south of Hindmarsh Drive will become a cul-de-sac.

Fluoride

MR MOORE: My question is directed to the Minister for Community Services and Health. I understand that the National Health and Medical Research Council has brought down interim findings on fluoride today. Has the Minister been informed of these findings?

MR BERRY: I thank Mr Moore for the question. The National Health and Medical Research Council has indeed made an interim report at its one hundred and eighth session held in Canberra earlier today, and my understanding is that the final report will be available in April or May 1990. While that working party is yet to complete its review of current research literature, in a number of substantial areas it has made the following points and I think these are pretty important, Mr Speaker.

Earlier statements by the National Health and Medical Research Council, that fluoridation of water supplies is a safe and effective means of reducing tooth decay, can be reaffirmed. Tooth decay rates are falling in countries with non-fluoridated as well as fluoridated water supplies. This is thought to be linked with fluoride intake in other forms, but other factors could be involved. The question this raises will be a line for further research by the working party.

The desirability of continuing a mix of universal water fluoridation and widely practised topical fluoride measures - for example, toothpaste - needs to be examined. I can see by the smile on Mr Stevenson's face that he is not happy with the news so far, but - - -

Mr Stevenson: Normally when one smiles one is happy, Wayne.

Mr Whalan: With some exceptions.

MR BERRY: I think this is an exception. But this is about the issue of a full inquiry of many of the issues that Mr Stevenson has raised in the past - and a very responsible inquiry too, I might add. A further question is whether the multiple sources of fluoride ingestions could be

2 November 1989

increasing the total fluoride intake above the level which achieves optimal preventive benefit with minimum risk of side effects. These two issues will be targets of further research by the working party.

The other main question identified for further work hinges on the possibility of there being alternative methods of distributing fluoride to the general community, which are perhaps more narrowly targeted at children, which are just as cost-effective and which are capable of reaching those sections of the community that may not be capable of taking responsibility for their own dental health.

In response to the interim report of the working party, the National Health and Medical Research Council passed the following resolution which summarises its current position:

Council notes the interim report -

and I would like to emphasise that it is an interim report -

of the working party on water fluoridation and endorses its three main lines of enquiry. It looks forward to a definitive response to the questions raised by Dr's Diesendorf, Sutton and Colquhoun in their letter to the Chairman at the May meeting in 1990.

The report, of course, is due at the May meeting in 1990. The interim report continues:

Meanwhile it affirms its earlier recommendations that fluoridation of community water supplies is an important public health measure which has been highly successful in the prevention of tooth decay and that there is no reputable scientific or medical evidence to suggest that current fluoridation levels are causing harm.

Mr Speaker, the responsible position that the National Health and Medical Research Council has adopted in examining the matters closely is endorsed by the Government, but it in itself is an endorsement of the Government's position. I should add that this position was supported during early negotiations on this issue by Mr Moore, who was then from the Residents Rally, because I think Mr Moore responsibly recognised that - - -

Mr Collaery: On a point of order, Mr Speaker; this is gamesmanship across the floor. They have wasted seven minutes; it should be a ministerial statement.

MR SPEAKER: Order! Thank you, Mr Collaery. That was not part of the question, Mr Berry.

MR BERRY: It is about addressing the issue, Mr Speaker.

2 November 1989

Mr Collaery: Who is in charge here? Just answer the question, mate, or make a ministerial statement.

MR BERRY: I am sorry if I have upset the leader of the Residents Rally. Of course it is an issue that is important, and I think the Government's position has been vindicated in arguing that - - -

MR SPEAKER: Order! Minister Berry, that is not part of the question.

MR BERRY: Until the National Health and Medical Research Council reports - its interim report is here now, and its full report will be here in April-May 1990 - I think it is a topical piece of information for the Government and all members of the Assembly to consider in the interim.

School Counsellors

DR KINLOCH: My question is directed to the Minister for Industry, Employment and Education. It arises from the concerns of the Standing Committee on Social Policy as we look at problems of public behaviour. Could the Minister advise how many school counsellors are employed by the ACT Department of Education, especially at college level - although, of course, it would be good to know all those numbers - and possibly what the formula is for determining the number of counsellors. I ask this because we will want to consult counsellors about this problem of public behaviour. Would those counsellors at colleges be free to advise us on problems related to public behaviour?

MR WHALAN: Dr Kinloch had the courtesy to let me know that he was going to ask this question and he invited me to take it on notice. I will do that. But I would like to say in relation to the committee's inquiries that I can guarantee the full cooperation of the Department of Education in relation to providing any information that may be of some value.

Cosmetics Manufacturer

MR COLLAERY: My question is addressed to the Minister for Industry, Employment and Education. In view of your reply on the Revlon matter - that is, that you support the integrity of the valuation as made, which no-one may dispute, as there is no evidence - I wonder how you would explain why a senior official, on 29 January 1989, prepared a briefing note, presumably for either Mr Holding or Mr West, that said:

ACTA -

the ACT Administration -

2 November 1989

believes the prices asked are well below market value, possibly half real value ... Rental is fully tax deductible ... we are pleased to consider other assistance once Revlon is committed to proceeding in the ACT.

I ask the Minister: what is correct - the valuation or the statement of 29 January 1989 by a senior official that the prices asked are well below market value, that statement being made after the valuation advice, as you know, was received in the department?

MR WHALAN: I would just like to refer to the briefing note. Mr Collaery knows that it is not a briefing note that would be prepared for the appropriate Minister.

Mr Collaery: I don't know that.

MR WHALAN: Yes, you do, because you went through the file, Mr Collaery.

MR COLLAERY: I did not. I have not touched the file.

MR WHALAN: Can I tell you, Mr Speaker, that at the specific request of Mr Collaery, who sought to verify this particular document that had been leaked to him - and I do not know who leaked it to him or what his secret sources are - I was quite happy to cooperate with Mr Collaery's request. I took him to the office; we had the files brought in; and he was satisfied that the document that he had was a photocopy of the document that was on the file.

Mr Collaery: Was I given the file?

MR WHALAN: Mr Speaker, this morning we saw Mr Collaery make a reflection about some of my departmental officers. He said, "I was allowed to sort of look over somebody's shoulder at a file", as though he was in some way inhibited or prevented from looking at the file. We were, in fact, sitting around the table. It was for quite a lengthy period that we sat around the table, and I thought that it was a reasonably convivial occasion. Every question that was presented by Mr Collaery was addressed by the officer, opening the file at whatever page Mr Collaery wanted, and Mr Collaery saw there documents which would not normally be made available in this Assembly because they contained information of a nature which is commercial-in-confidence. He was given every opportunity to examine the file, and he went away saying, "Thank you very much for that opportunity to examine the - - -"

Mr Collaery: I said, "Thanks for the beer".

MR WHALAN: I thought you were drinking wine, but if it was beer - - -

2 November 1989

MR SPEAKER: Order! This is not conducive to good government. Please proceed to answer the question.

MR WHALAN: Mr Speaker, the particular note was a file note; it was not a briefing note. Let us get that quite clear. It was a file note. One of the important things that has come out of this is that we now have identification. I do not know who supplied the note to Mr Collaery, but one must assume that he also gave him some briefing as a background to the note. As to whether the person was a senior officer, that is not established at all by an examination of the file, so that piece of information must come from an alternative source.

Mr Collaery: You told us who it was. You gave the name.

MR WHALAN: I think the person whose name was raised was a person who was previously advised by Mr Collaery to buy certain property in Canberra Avenue, Mr Speaker.

MR SPEAKER: Order!

MR WHALAN: Well, that is true, isn't it?

Mr Collaery: No, it is not true.

MR WHALAN: He did buy the property after you advised him to.

MR SPEAKER: Order! Minister, please address the question.

MR WHALAN: Mr Speaker, the nub of the question is: which is the appropriate level of valuation which should be adopted by the Government? The Government has a firm policy in relation to that, and there is only one source of advice.

Mr Collaery: From Mr West?

MR WHALAN: Now, hang on. When the names of certain valuers in the Australian Valuation Office were mentioned Mr Collaery said, "I have confidence in those people".

Mr Collaery: Exactly.

MR WHALAN: He said, "I have confidence in those people", and he now says, by way of interjection, "Exactly". So he agrees, Mr Speaker, that we have good cause to have confidence in the valuation. The valuation, if there is to be an opinion expressed, whether it be by Mr Collaery in front of witnesses, saying that he would not have paid \$700,000 for that piece of land - - -

Mr Collaery: Correct.

MR WHALAN: Yes.

Mr Collaery: That's correct.

2 November 1989

MR WHALAN: You do not deny that. He went out, had a look at it, and he came back into the office.

Mr Collaery: Why did your official brief the Minister otherwise?

MR WHALAN: There was no brief. Let me make this quite clear; we have to establish this. This was a file note that was leaked to Mr Collaery, however he got hold of it. I do not know whether there was a break-in or something and it was stolen or whether or not it was leaked - - -

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

MR WHALAN: But the document referred to - - -

MR SPEAKER: There is a point of order, Minister. Please return to your seat.

Mr Jensen: On a point of order, Mr Speaker; I am not quite sure what the Minister is getting at but, if he is trying to imply that Mr Collaery was involved in any break-in to obtain that document, I would suggest it is totally and absolutely out of order.

MR SPEAKER: Thank you, Mr Jensen. I do not believe the Minister was suggesting that. Please proceed, Minister.

MR WHALAN: A Collaery-gate. Mr Speaker, quite clearly the Government, in deciding its position in relation to the price to be paid for the land, was guided only by the Australian Valuation Office, not by the opinion of Mr Collaery which was postdated, of course, nor by the opinion of an officer in a note on file.

Milk Bottle Recycling

MR MOORE: I address another question to the Minister for Industry, Employment and Education. Would he advise the Assembly whether any promotional material about the reusability of the 600ml milk bottle has been created in relation to the recycling experiment? If so, could the Minister advise when and in what form the material will be available to the general public?

MR WHALAN: I thank Mr Moore for the question. This is quite an important issue, Mr Speaker, because we know that there is universal concern in this Assembly about environmental issues, and this is current. As we know, until recently, milk in the 600ml bottles was available from vendors only. This is not, however, mandatory. The Owl Food Barn supermarket chain recently decided to improve its competitive position in the ACT by adding 600ml glass bottles to its product range. The ACT Milk Authority supports Owl's initiative, and media statements have been

2 November 1989

issued, resulting in a high level of publicity. A full-page advertisement recently appeared in the Canberra Times requesting consumers to return the bottles to the supermarkets. A comprehensive promotion initiated by the Milk Authority for the returnable 600ml glass bottles commences on 1 February 1990, and all Canberra households will receive the related promotional material.

The experiment of recycling the one litre bottles relates to a recent decision on the part of the authority to conduct this trial. It involves a total of 10,000 bottles which will be retailed exclusively through the 25 ACT Shop-Rite outlets. The project is a market test of a recyclable one litre glass milk bottle, and it is not an overall recycling exercise. The purpose of this test is to establish whether or not an opportunity exists for the marketing of recyclable glass milk bottles.

To go back to the promotional aspect, 25,000 recycling bags and 50,000 brochures were distributed to Canberra households on 30 and 31 October. The bags and the brochures relate to the trial of the one litre glass bottles. However, the desirability of the returnable 600ml glass bottle is emphasised in the brochures as well.

Public Works Contracts

MRS NOLAN: My question is addressed to the Minister for Housing and Urban Services. But, first of all, I would like to commend the Chief Minister in relation to the new Australian Capital Territory Gazette. I think it is much better than the one previously available from the Commonwealth Government Bookshop, and I am pleased with this Gazette. My question is in relation to contracts arranged for ACT public works. I ask the Minister why an interstate company would be better placed to advertise for staff vacancies than an ACT company.

MRS GRASSBY: I will have to get back to Mrs Nolan about that. I do not have any idea. I will check it out.

Casino

MR JENSEN: My question is directed to the Minister for Industry, Employment and Education. I refer him to the third recommendation of the Select Committee on the Establishment of a Casino, which states:

at the same time as calling for expressions of interest, the Government invite companies to submit alternative proposals for Section 19 and casino development -

I repeat "and casino development" -

2 November 1989

which could also contribute to community facilities.

In view of the development conditions for block 12, section 19, city, which make it mandatory for a hotel with a minimum of 250 rooms as well as a casino without a fixed size but "likely to be smaller than Adelaide's", does this mean that the Government has completely disregarded this recommendation of the select committee, which would have allowed other options for the whole of the area between Vernon Circle and London Circuit to be developed in a coordinated fashion, like some of the proposals that have surfaced in recent weeks?

MR WHALAN: The short answer is no, the Government has not abandoned that prospect and opportunity, Mr Speaker. The expressions of interest which were invited in relation to the development which seems to be so abhorrent to the Residents Rally party did invite the potential investors in that site to come forward with two types of tender. The first is obligatory; they have to submit a conforming tender. In the ministerial statement, which is listed on the notice paper as item No. 7, details were given of this two-tender approach. Every firm or potential investor must present a conforming tender which will contain a bottom figure for the acquisition of the site.

They were invited to submit as well, if they wished - and this is not at all obligatory - as an alternative, a non-conforming tender, and that non-conforming tender in no way limits what the proposed development could include. The only constraint in relation to that would be to comply with the planning requirements and the planning policy for the area.

So it would be quite feasible for a non-conforming tender to include an element for the development of the cultural facilities off the specific site of section 19. There is no constraint whatsoever on what the non-conforming tender could contain. It might, for example, contain a proposal that the site be given free and that in return they would build a \$100m hospital on the Acton Peninsula for the citizens of the ACT. That could fall into the category of the non-conforming tender. There is no constraint. So that would meet the point which I think has been raised by Mr Jensen.

MR JENSEN: I ask a supplementary question, Mr Speaker. I take it from the Minister's answer that, if one of those non-conforming tenders provides an opportunity to remove the casino and the hotel off that particular site, the Government would consider that proposal.

Mr Collaery: Or screen it out.

MR WHALAN: Mr Collaery yelled out "scream it out" or something. I do not know that it is a football match, but

2 November 1989

certainly that is not the way the Government operates. It might be the way that Mr Collaery operates. The process of the selection of the short list of investors in relation to this has been outlined in considerable detail. I would not like to repeat what has already been said. I would refer Mr Jensen to the paper which was tabled in the Assembly on 19 October.

Traffic Accidents

MRS GRASSBY: I have an answer to a question asked of me by Mrs Nolan on 31 October. The question was about installing unbroken double white lines on the Federal Highway up the crest of the hill which was the scene of a fatal accident on 29 October.

A traffic engineer attended the fatal accident, in keeping with usual practice, and concluded that the line marking on the road did not contribute to this accident. Press reports indicated that there may have been driver related factors which contributed to these fatalities, but this is, of course, a matter for the coroner to consider. Examination of the road, however, has shown that vegetation growth restricts sight distance in both directions. As a result, white lines will be installed, and I have asked that this be done quickly.

QUESTION TIME

MR KAINE (Leader of the Opposition), by leave: Mr Speaker, this is not the first time that I have had to protest, as Leader of the Opposition, at the blatant misuse of question time in this Assembly by the Government. The degree to which it is misused seems to swing, depending on how safe the Government feels. On those occasions when the cold breath of the opposition is felt on the backs of Ministers' necks, they suddenly find that it is convenient to use question time properly and to answer questions. When they think that the pressure has gone off a little bit, they revert to the tactics of avoiding questions, refusing to answer and misusing question time by making ministerial statements.

Clearly, with the misfortunes that have befallen the Residents Rally in recent times, they now feel fairly comfortable. They feel they do not have to respond to the opposition in terms of a reasonable response at question time. Today, Mr Speaker, was a classic case. What did we find? We found four questions to the Government, three from their new found fellow traveller and one from Mr Wood.

Mr Moore: I rise on a point of order, Mr Speaker. I refer to standing order 55, which reads:

2 November 1989

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

MR KAINE: I am not imputing any such motive, Mr Speaker. I am merely identifying Mr Moore for what he is. There were three questions from him.

MR SPEAKER: Mr Kaine, please withdraw the statement so we can get on with it. I believe that it is an imputation. Please withdraw the statement.

MR KAINE: I will simply refer to Mr Moore then as the Labor Party's friend, and I do not think he can take exception to that. But he asked three questions today, Mr Speaker.

Mr Moore: Mr Speaker, I take a point of order. I refer to standing order 55 again. I quite happily sit on the crossbenches. If the Liberal Party were in government, my stance would be the same. The inference and the imputations are there. I request that you ask the Leader of the Opposition to withdraw them.

MR SPEAKER: Please withdraw the imputation, Mr Kaine.

MR KAINE: Mr Speaker, I object. I do not find anything objectionable in referring to Mr Moore as being somebody's friend. I can only assume that he has some conscience on the matter; otherwise he would not take exception to it.

MR SPEAKER: Mr Kaine, I have ruled on the issue. Withdraw the statement.

MR KAINE: Mr Speaker, in deference, I withdraw the imputation. Today, Mr Speaker, we had four questions, three from Mr Moore and one from Mr Wood, and on each of those occasions the Minister to whom it was addressed had a long, prepared, detailed answer to the question - every time. Yet when a question is asked from this side of the house it is shrugged off; it is avoided; they simply refuse to answer it and we get no satisfaction from our questions at all. Mr Speaker, they do not even have the decency to try to hide this. It is done quite blatantly.

Now, I come to the question that I specifically asked of the Minister for Industry, Employment and Education. I referred to a document which he tabled in this house only a matter of days ago. He made a lengthy speech when he tabled it, and he hailed this document as being a valuable document contributing to the future economic well-being of Canberra. In that document he makes a statement, and I will read it:

A recent study, commissioned by the ACT Government, so far unpublished, has examined the potential for commercialising research - - -

2 November 1989

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

Mr Collaery: You gave him leave.

MR Kaine: I have leave to make a statement and I wish I would be allowed to get on with it, Mr Speaker.

Mr Berry: I do not think that rules out the opportunity for people to raise points of order, Mr Speaker. Mr Kaine was on his feet complaining about the misuse of question time. It seems to me now that he is starting to debate the issues which were involved in questions which were answered in this place.

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

MR Kaine: I thank you, Mr Speaker. The point I am trying to make is that the question was not answered. He said that a recent study has examined the potential for commercialising research conducted in the ACT.

This report, according to the Minister and his own document, was commissioned by the Government. Mr Whalan is a member of the Government. It is in his portfolio. One can only infer that the report was commissioned by the Minister. And when I asked him in a supplementary question who conducted the study he said, "I don't know".

Mr Speaker, I simply do not believe that the Minister, having commissioned such a study, having referred to it in his paper, having drawn heavily upon it in the paper that he presented, does not remember who conducted the study. I simply do not believe it, Mr Speaker. It was a direct and deliberate evasion and a refusal to answer my question.

Another part of my question, Mr Speaker, had to do with when he intended to publish it. Since he included in this document the words "so far unpublished", the only inference that you can draw from that is that at some stage he intends to publish it; otherwise why put the words in at all?

Mr Whalan: Why?

MR Kaine: Well, if you had not put them in there it would not have begged the question. But, since you say it is so far unpublished, the inference is that you intend to publish it.

Mr Whalan: No, it does not. It may remain forever unpublished.

MR Kaine: That is a fiction, and again, Mr Speaker, it is a direct refusal to answer the question. I believe that my questions were very reasonable. I would like to know who undertook the study. Are they legitimate people? Do they have any standing? Does the report have any value? The

2 November 1989

Minister thinks so because he has quoted from it at some length. I would like to know who conducted it. Presumably some government money must have been spent on it, and I would like to know with whom the money was spent. It is a perfectly legitimate question.

Since the Minister implies that at some future time it will be published, I would like, Mr Speaker, to have a copy of the report. I do not see anything objectionable, anything unusual, anything improper, in those requests.

I would like the Minister to reconsider his refusal to answer my questions in question time. I am quite happy if he undertakes, as he has obviously done on other occasions with Mr Collaery, to take me into his office, open the file and let me look over somebody's shoulder so I can read it. I do not mind doing that. But I would like to know, for example, that such a report does in fact exist. I think it is perfectly reasonable for me to ask it and it is perfectly reasonable, I think, for the Minister to accede to my request instead of blatantly refusing to do so.

Mr Speaker, I started by saying that I believe that question time is being misused by the Government. I really believe that to be true. I would like Ministers to show some goodwill, show some evidence of this open and consultative Government that they keep talking about, but which, when it comes to show and tell time, they refuse to show and tell. I think it is time that they accepted the fact that, like it or not, they are a minority government; like it or not the climate is going to continue to change; sooner or later the opposition is going to be able, once again, to put forward a united front. And when they do I am sure we will see the Government become eminently reasonable again. I would like them to be reasonable all the time and I do not think that that is an unreasonable request.

Ms Follett: You had 55 minutes.

MR KAINE: But you did not answer the questions. That is the point.

AUSTRALIA AND NEW ZEALAND ENVIRONMENT COUNCIL Ministerial Statement and Paper

MS FOLLETT (Chief Minister), by leave: Mr Speaker, I wish to bring to the attention of the Assembly a number of environmental issues of national significance and to inform the Assembly on how this Government is ensuring that the ACT makes its contribution to the national debate on the environment and keeps abreast of national developments and trends.

The ACT Government is now a member of the Australia and New Zealand Environment Council. This council is comprised of

2 November 1989

Commonwealth, State, territory and New Zealand Ministers responsible for the environment. The council, known as ANZEC, met recently in Victoria to discuss progress on a draft national greenhouse response strategy for Australia. The ACT Government has had strong input into the preparation of this document and at the recent meeting the ACT took the lead in suggesting the targets in the strategy for the reduction of greenhouse gases could be set as high as 40 per cent. This proposal was agreed to by council and the process of editing the strategy document is now proceeding.

Mr Speaker, as well as contributing to this national strategy, the Government has a strong commitment to producing a greenhouse strategy document that is developed by and for the citizens of the ACT for our own unique situation. This is vital. We are a unique part of the Australian population in that we live in a comparatively large inland city surrounded by subalpine and alpine ecosystems.

Much of the current greenhouse debate and planning hinges around the massive population concentrations on Australia's coastline and the effects of sea-level rise. We must develop a strategy which reflects our priorities, our environment, our planning needs and the views of our citizens.

The Government is currently finalising an outline of a draft strategy document. This draft will be the subject of the widest possible community input and consideration by the parties of this Assembly. The Government intends to publish the final strategy document early in the new year.

Mr Speaker, I would also like to inform the Assembly of progress in the ACT on legislation to control ozone depleting substances. Again through ANZEC, a national ozone protection strategy has been developed and all States and territories are moving to pass legislation to comply with the national strategy.

We are developing a proposal to amend the Air Pollution Act so that the ACT has legislation as strong as the other States to control the use of substances which damage the ozone layer. The Government considers this matter a priority. After appropriate consultation, the legislation will be introduced into the Assembly as quickly as possible.

The Assembly may not be aware of the move throughout Australia to develop a system of identifying environmentally friendly products and processes. Victoria now has in place a scheme called green spot. Products which have been assessed as having minimal impact on the environment are branded so that they are easily recognised by consumers in shops and supermarkets.

2 November 1989

Mr Speaker, I have asked that this scheme and other environmentally friendly proposals be investigated. My colleague Mrs Grassby will be giving you more details about some of the recommendations from ANZEC.

In closing, I would like to again assure members that this Government is serious about environmental issues. We will continue to make a strong and positive contribution in forums like ANZEC. In the ACT the Government will continue to ensure that appropriate environmental legislation is introduced to the Assembly and that environmentally sound programs are pursued within the ACT government service. I present the following paper:

Australia and New Zealand Environment Council - Ministerial statement, 2 November 1989.

I move:

That the Assembly takes note of the paper.

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

PERSONAL EXPLANATION

MR COLLAERY: I wish to make a short personal statement. I claim to have been misrepresented.

MR SPEAKER: Please proceed, Mr Collaery.

MR COLLAERY: During question time some comments were made about the manner in which I had secured a report, a briefing or a document. I shortly wish to say that I cannot state how I came into possession of this, other than that I located it in an in-tray in my office. Maybe Mr Whalan sent it to me. I do not know, and that is an honest statement. It must have been there for weeks before I found it. If the person who gave it to me would come forward, I would be quite happy to identify that person.

The document, I was informed subsequently, is dated 21 January 1989, and I seek leave to table it in view of the Minister's interest in the document and to overcome any lack of perception on the basis of what it represents.

Mr Whalan: Just before the document is tabled, could there be an opportunity for an examination of the document to ensure that there is nothing commercial-in-confidence in relation to it? I think it is very important that we do establish standards in this chamber aimed at protecting outside interests. I do not have total recall.

MR COLLAERY: You have seen it, and there is nothing in it needing protection. Mr Speaker, I am quite happy to withdraw my request to table it. The Minister can make those inquiries and I will seek leave to table it at some other time.

2 November 1989

Mr DUBY: You can let the Minister see it in your office.

MR COLLAERY: He has seen it. Maybe he sent it to me.

GREENHOUSE GAS REDUCTION PROJECTS Ministerial Statement and Paper

MRS GRASSBY (Minister for Housing and Urban Services), by leave: I wish to make a ministerial statement about greenhouse gas reduction projects.

Mr Kaine: Couldn't Rosemary say it all? Did she need a hand?

MRS GRASSBY: You know, Mr Kaine, you remind me of the devil. When he had a mouthful of women and they asked him would he like another one, he went "Mmmm".

MR SPEAKER: Order! Please proceed, Minister Grassby.

MRS GRASSBY: Mr Speaker, I welcome the statement by the Chief Minister on the ways in which our Government is ensuring that the ACT's voice on national environment issues is heard and the positive ways in which we are showing our commitment to environmental action.

I would like to inform the Assembly of a number of proposals which were discussed at the recent Australia and New Zealand Environment Council meeting. These proposals were put forward by Senator Graham Richardson on behalf of the Commonwealth. They are aimed at setting up projects which will provide practical demonstrations of how the production of greenhouse gases can be reduced.

Each State and territory government has been asked to examine how these demonstration projects could be established in their cities and towns. In other words, governments are being asked to show leadership on the greenhouse issue in practical ways.

Mr Speaker, I will now give some details of four of these projects. The first project is for all Commonwealth, State, territory and local government agencies to improve the energy efficiency of any new building they construct. I believe that we have a very good record in this regard in the ACT. I know that the ACT Housing Trust has adopted housing design standards to conserve energy. These standards include design and siting, insulation, thermal mass, heating unit efficiency and other factors. Even with our good track record we will seek to further improve energy efficiency in government buildings.

The second project is for the ACT to help in establishing a set of national standards for efficiency of appliances such as refrigerators, air-conditioners, dishwashers, washing

2 November 1989

machines and clothes driers. The standards would take into account technological developments which have improved these appliances and would aim to remove inefficient and energy hungry appliances from the marketplace. The ACT Government will give this project strong support and legislative backing if necessary.

The third project aims to increase the efficiency of domestic hot water use and hot water storage. Storage of large volumes of hot water for long periods can be very inefficient. To be efficient, high-quality insulation is needed and the temperature of stored water should be kept only at the level required for use.

Strategies such as improved insulation of storage tanks, turning down thermostats and encouraging the use of cold water where this is practicable have been proposed. In addition, the use of solar power for water heating is environmentally sensible. To make solar power a real alternative for the consumer, much more work needs to be done to lower the initial cost and extend the life of solar hot water systems.

The fourth project aims to look at the efficiency of compact fluorescent light bulbs instead of the normal light bulbs we so often use for domestic lighting. These light bulbs are inefficient. Their output is converted into 95 per cent heat and only 5 per cent light. Their lifetime is only 750 hours. Compact fluorescent bulbs, on the other hand, are four times more efficient and last ten times as long. However, the high cost of the new product could be a problem for consumers.

Senator Richardson's proposed project calls for a trial or some form of study to establish how effective fluorescent bulbs are in reducing electricity demand over a given period. Towards this end, I have asked ACT Electricity and Water to provide me with an urgent report on efficiency projects for the ACT covering hot water storage and domestic lighting. This will, of course, require consultation with the community. Any greenhouse initiative must have community support if it is to work at all.

Most residents would be pleased to use products that are environmentally sensitive. We must recognise that in many cases the high purchase costs of these are a major deterrent. We must also recognise that it will almost certainly take a long time to change people's attitudes and habits. The ACT should be taking action now to encourage people to think about the environment when they decide to buy things.

Mr Speaker, governments must lead by example. I assure members that the ACT Government intends to do what it can to implement these demonstration projects in the ACT, and I will keep the Assembly informed of progress on these issues. I present the following paper:

2 November 1989

Greenhouse gas reduction projects - Ministerial statement, 2 November 1989.

I move:

That the Assembly takes notes of the paper.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1989

Debate resumed from 28 September 1989, on motion by **Mrs Grassby**:

That this Bill be agreed to in principle.

MR STEFANIAK (3.49): Firstly, I am sorry I did not bring my four-by-two, or 107 millimetres by about 53. At any rate, in many ways - apart from one substantial matter which I will raise later in my speech and which my colleague Mrs Nolan will follow on with - I am very pleased to see this Bill introduced. As a person who was once in charge of parking prosecutions and who has been actively involved with a lot of people in the parking enforcement branch, including the parking inspectors, and in giving them lessons in evidence and things like that, I am pleased to see a simplification of this very difficult problem.

From the various briefings that we have had, I appreciate that about 119,000 parking prosecutions are sent through Canberra each year, about a quarter of which - 30,000 or so - relate to people from outside the Territory. Certainly, from my experience, about a third of those would end up in court. Quite often I would, in fact, be doing lists of about 200 parking prosecutions in court, which took up a fair amount of time for the parking branch, the staff, and the magistrate, and we would often have two or three people attending.

This system has been introduced in New South Wales, and the idea of the ultimate sanction being the loss of a person's licence or the non-renewal of a person's car registration has a lot of merit. It certainly improved the situation in New South Wales in relation to parking infringements. Accordingly, we certainly have no problem with that. I think that is going to be very beneficial to the ACT. We will see a large increase in prompt payment of these particular infringements; we will simplify the system and ensure that valuable court time is not wasted on minor matters. People who still feel aggrieved can, of course, defend their matters.

A person who goes to court and loses, no matter how good the excuse, if he or she does not have a defence, the defence will have to pay the infringement. But I suppose the counter argument to that is that it is decriminalised

2 November 1989

and that takes it out of the court system. I think some of the parking people suggested to us on several occasions during the briefing that people who do not pay their telephone bills in time have their phone cut off and they have to pay a late connection fee. Really this measure puts parking infringements on that particular level.

Mr Wood: The courts must be happy about this.

MR STEFANIAK: The courts are delighted with this Bill, in terms of that particular effect, as are the police. So generally we are very supportive of what the Bill is aiming to do.

There is one aspect, however, which causes us concern. I am not too sure how we are going to go on this one, but I am a little bit concerned about the attitude of certain people which I think shows quite a bit of hypocrisy or, at best, a lack of understanding of what the law is all about and a lack of consistency. I am concerned that there is no provision for a person to get a courtesy reminder. Now if you do not pay your electricity bill, if you do not pay your rates, or if you do not pay your telephone bill, you will get a reminder.

Mrs Nolan: I am not sure about rates, but all the others.

MR STEFANIAK: Well, certainly with electricity and telephones you get a reminder. It is common practice, when sending out accounts - and indeed in businesses too - to get a reminder. There is quite often a 30-day, a 60-day and a 90-day reminder if you do not pay a bill. That is common business practice. Remember, we are getting parking infringements into the civil law and out of the criminal law, and I think it is most important that people are given that reminder.

The Liberal Party had discussions with the Government, the parking infringement people, the Administration and the legislative drafter. In our discussions it became apparent that it would be difficult legislating for reminder notices to be sent out; however, that could happen administratively. Accordingly, we drew up amendments, which have been circulated, to ensure that this could be done at an appropriate time. I will speak very briefly to those amendments.

I understand Mr Duby has also put out amendments, which are not put forward, with a view to having reminder notices sent out. The idea is that the time for issuing a parking infringement notice be extended from 14 days to 28. After 14 days, by way of administrative action, a courtesy notice would be sent out, telling the person that he or she has 14 days in which to pay. This covers the situation, which is not infrequent, of persons having their infringement notices taken from a windscreen. Some people do that, in fact, and put it on their own windscreen in an attempt to ensure that they are not pinged by the parking inspectors.

2 November 1989

Kids often do it, and sometimes - parking inspectors themselves acknowledge this - infringements do just blow away; it is not an absolutely foolproof system.

In many instances, people will write to the registrar and, if that is the situation, the registrar will say, "Well, fair enough, you did not get your parking infringement notice, and you will not have to pay the final fee". I know that will occur. However, a lot of people do not write to government departments although that is always open to them. As the Minister for Community Services and Health quite properly said during the fluoride debate, a lot of people will simply not use fluoride tablets if there is no fluoride in the water, even if they are made readily available, because a lot of people, due to ignorance or for whatever reason, seem to be simply unable to avail themselves of the opportunity to write to a government department or to avail themselves of some service that is provided. Quite often those people are the poor and the socially disadvantaged in our society. No-one can tell me that there are not any poor or socially disadvantaged people who own motor cars and who get parking infringement notices. Over the years I have certainly prosecuted a large number of people for various parking offences. Quite a number of them were disadvantaged, poor, or did not have much money, whether they were unemployed or students or whatever.

Mr Duby: Did you let them off?

MR STEFANIAK: If they had a good excuse, often they would be let off by the court, Craig, yes. Quite often those people simply cannot be expected to, and will not, avail themselves of an opportunity to write to a registrar. So they will be the ones affected by not receiving a courtesy notice. I do not know the percentage of persons who have their traffic infringement notices taken off windscreens or blown away; I do not think anyone does. But it does happen quite frequently, and I am somewhat amazed that the Labor Government, which professes to represent the socially disadvantaged - the poor and the downtrodden, the people who may have trouble looking after themselves - is now not prepared to agree to this very sensible amendment which would enable all people to get a reminder notice after 14 days, if they have not paid their fine by that stage, to cover those very real situations that do occur. I am very disappointed that the Government has done a complete turnaround on that principle, given what was said during the fluoride debate and also what was said during the debate on the Police Offences (Amendment) Bill when Government members were very keen to go in to bat for those whom they saw as the disadvantaged in relation to that.

I am also concerned to hear that my good friend, the NIMBY, Mr Michael Moore, will not be supporting us on this particular amendment. He seems to have adopted the Labor Party's attitude, and that is most disappointing. But, I suppose, what can one expect from a wine-and-cheese pinko

2 November 1989

leftie, as maybe he has recently become? I understand that he does drink wine. I checked on that one, Michael.

I would hope that Mr Duby, who has put up amendments which really serve just to increase the fine and increase the amount of time one has to pay the traffic infringement notice, will now reconsider and support our amendment. I am also somewhat concerned that the Government, in fact, has now indicated it will not support our amendment, having actually talked with Mrs Grassby and having basically worked out our amendments on the basis of what we spoke on. The only thing we did not initially agree to was increasing the fine from \$20 to \$30 for a final notice. The \$30 was indeed Mrs Grassby's suggestion to cover the additional cost. We accept that there is a cost in sending out reminder notices, but reminder notices are currently sent out.

My colleague Mrs Nolan will speak to the Assembly and indicate to the Assembly what occurs in other States in relation to this matter. We believe that reminder notices are absolutely essential for this type of legislation, given that the thrust of this legislation is to make these matters akin to normal civil collection procedures in a court. Indeed, it is perhaps a very accurate description to say that, in many ways, it is like the type of penalty people get when they do not pay their telephone bill on time and pay a reconnection fee. Here there are penalties which involve a late fee for one who does not pay and further quite punitive measures if one continues not to pay, but it is not criminal.

For consistency, I would urge upon members of the Assembly to vote for our amendments. Apart from that, Mr Speaker, we have no difficulty regarding the rest of the legislation. This legislation will dramatically increase the amount of time the courts have to deal with other matters. It will simplify procedures; I think it is generally welcomed by all sections who have expertise in this area; and, of course, my party will be supporting it. I would urge other members, though, to carefully consider our amendments and vote with us in relation to them so that we can have those reminder notices.

I would even re-emphasise to Michael Moore, who I understand is wavering somewhat on this, that he should do this. This would be very consistent with his new-found stance now that he has left his old party and is taking on the role of a sort of poor man's Tony Fleming. I commend our amendments to the Assembly and certainly the rest of the Bill.

MR STEVENSON (4.01): I commend Mr Stefaniak's amendments to the house for some very practical reasons that I think we should all look at and acknowledge. There are any number of reasons why people may practically not know that a ticket has been issued to the vehicle, because after all it is not issued to them; it is issued to a vehicle. Mr

2 November 1989

Stefaniak mentioned a few examples. A ticket might blow away. Someone could take it, not just to use it on his own vehicle but he could also do it for mischievous purposes. Someone could well lend a car to a friend and the friend might either deliberately or inadvertently not tell the owner. Perhaps the friend meant to pay the ticket or whatever. I was aware of a case recently where that happened to somebody, and the person did not know at all. The car could also be stolen. There are a great number of stolen cars, and when they are abandoned people usually do not worry too much about whether they are parked correctly. So, for all these reasons, it is very reasonable not to go into the extra expense and time needed to correct matters once they have run on far too long.

There are two other reasons why the amendments should be agreed to. One is that it is revenue relevant. That means that it will be like the case of ACT Electricity and Water. Once it started sending out reminder notices instead of turning off people's electricity - like Telecom when it cuts your phone off - it found that the response was absolutely superb and helped a great deal, firstly, in terms of the revenue coming into the organisation and, secondly, it did absolute wonders for public relations. Customers - that is an interesting term to use under the Motor Traffic Bill - are a lot happier.

If one gets booked and forgets about it, or one did not know about it and so on, a reminder is a fair thing. So let us have a look at the various reasons that people may have for not knowing about having received a ticket. Certainly people may not have paid it initially and it may be their own responsibility, but 14 days is not very long anyway. The other thing is that some people, when they are issued with fairly expensive - and they are expensive - parking or traffic infringement notices, simply do not have the money to pay them.

Mrs Grassby: They should not break the law in the first place.

MR STEVENSON: Well, there are actually reasons for people doing this. We say, "One should not break the law". But it is true that there are different laws, and some have different standing to others. I can certainly admit to having received a parking infringement notice or two.

Mrs Grassby: Never, Dennis!

MR STEVENSON: Yes, indeed, I have given a few and have got a few back. It is probably a fair exchange. I think it is the case that some people cannot afford it and they think they will have to save up for it, and to have to pay it immediately is not a reasonable thing. So there are many logical reasons. The fact that, with this Bill, we have tightened up the situation dramatically should be enough. Let us not go to the extremes of not even giving people an opportunity of a reminder as well.

2 November 1989

MR WOOD (4.06): I support this Bill, as it has significant social and legal reforms contained in it. I want to speak about those two aspects. This Bill is long overdue in this Territory. The social reform contained in the Bill is the elimination of imprisonment as the ultimate punishment for failing to pay a parking fine. This Bill will achieve that by decriminalising parking enforcement. In introducing this Bill, the Minister pointed out that the threat of imprisonment has not proved effective in discouraging parking offences in the past. Obviously, that criminal sanction was not working.

Mr Jensen: It was never applied, was it? Was it ever applied?

MR WOOD: That is right. It is essential to make the general observation that some people often regard the introduction of ever harsher punishments as the cure for society's ills. The threat of sending people to gaol just was not working, and it is entirely inappropriate to the act of overstaying on a parking meter. This Government does not believe in treating parking infringers as criminals, and this was clearly set out in our election platform. Imprisonment has proved ineffective as a deterrent - - -

Mr Stevenson: You mean washing society clean?

MR WOOD: That is right; anyway, I cannot resile from that.

Mrs Grassby: No, you are right, Bill.

MR WOOD: I just wanted to see whether you were listening. It has been ineffective as a deterrent largely because it is out of step with present-day community attitudes. When imprisonment is imposed for failing to pay fines, it is the less well-off members of the community who end up in gaol, because paying the fine is much more difficult for them. That, of course, is socially unjust, and unfair provisions of that nature must be removed. Gaining a licence brings responsibilities - responsibilities not always accepted, of course, as we see so tragically so often. One of the most important of those responsibilities is that of obeying traffic regulations, and those traffic regulations include parking regulations.

Another legal responsibility follows the decision to become a registered owner of a vehicle. Further to that, if you lend a vehicle to somebody else who incurs a parking notice and then you choose not to notify the infringer's name and address, you are responsible for the vehicle. You can be sure that the parking ticket that was on my car the other day when I came home, that my daughter acquired, will come back to her. But that is my responsibility and I accept that.

2 November 1989

Holding a drivers licence is a privilege, as well as a responsibility, which the majority of motorists take quite seriously. In New South Wales there were changes recently, and, if the events there are any indication, the passing of that legislation had infringers who had not paid fines scrambling to the authorities and asking that their licences not be cancelled.

Mrs Nolan: They get reminder notices.

MR WOOD: Do they? Another aspect of the Bill allows allegedly infringing motorists to take the matter to court. That, of course, is most important. This will mean that the natural justice rights of persons receiving parking infringement notices will not be diminished. It should be obvious to us all that the introduction of licence and registration cancellation, as proposed in this Bill, will prove more equitable, as well as a more effective deterrent to all motorists, regardless of their income. This Bill is in full accordance with the Government's commitments to social justice, which ensure fairness for everyone in the ACT.

There are also a number of legal aspects which must be mentioned. The substitution of civil for criminal enforcement and the introduction of the fine default cancellation scheme proposed in the Bill will not diminish existing legal rights. We are still talking about fairness. The right to furnish a statutory declaration naming another driver as the infringer remains. In this case the registrar may take action against the person named in that declaration after serving that person with a final notice, or the registrar may apply to the court for a declaration that the person who completed the statutory declaration is liable. No cancellation action can be taken against a person who has furnished a statutory declaration unless the court has made the declaration sought by the registrar.

There is also provision for people to notify the registrar that they dispute liability for the infringement. Again, no cancellation action can be taken against such persons unless the court has heard the matter and decided in the registrar's favour. Further, there is an umbrella provision which provides that a person who has had his or her licence cancelled or has been subject to another appropriate sanction may dispute the parking infringement in court. Where the person is successful, the registrar will reissue the licence or registration as if the licence or registration had not been cancelled. Hence this Bill will retain people's legal rights to have access to the courts for disputing their parking tickets, while at the same time removing the unjust sanction of gaoling fine defaulters. Possession of a drivers licence is important to us all. For some it is absolutely vital for their livelihood. So, in the proposed legislation, great care has been taken to ensure that a licence is not lost easily.

2 November 1989

Mr Stefaniak mentioned section 556A. That section has allowed, perhaps in some cases, for justice to be granted. In other cases, it has allowed injustice, because it does discriminate. The discretion currently vested in the magistrate under that section is removed. That right currently available to drivers has been taken away. The scheme decriminalises parking offences, and section 556A is only available where a person is charged with an offence. The enforcement of parking fines is achieved through administrative means. Under this scheme, fines for parking infringements should be seen as analogous to other government charges, such as the telephone accounts which have been mentioned.

There is no recourse to a court and no provision to allow a magistrate to decide that, although a person did not pay, in the circumstances he or she should not have to. Section 556A is specifically directed at criminal offences to allow persons in special circumstances to escape having a criminal conviction recorded against them. Such an arrangement is not appropriate for administrative measures. For this and for many other reasons the Bill is a step to ensure greater justice and greater equality amongst people in the ACT, and I am pleased that we are all supporting the broad thrust of it.

MR DUBY (4.15): It is actually quite strange rising to address a Bill about parking fines, realising that it is actually a reform Bill, something that is correcting a situation which has long been a sore on society - the fact that someone who for various reasons cannot or will not pay a parking fine can actually wind up going to gaol. Of course, we are all familiar with the tragic circumstances of the case in New South Wales some 18 months ago, where a person did go to gaol because of inability to pay parking fines and was bashed and is, I believe, seriously and permanently injured to this day.

This Bill, I think, does address that issue and it removes the criminal element from the offence of not paying a parking fine. For that reason we will be supporting it entirely. I think there is general support throughout the Assembly for this reform measure to be introduced. The dispute at this stage seems to be revolving around the actual mechanics of how people will go about paying their parking fines and what people regard as the most appropriate and socially responsible way for that to be done.

One of the things that I have heard Mr Stefaniak say - and I am sure he is genuine in his beliefs in this regard - is that when people do not pay telephone accounts, electricity accounts or things like that on first notice they subsequently get a reminder notice and they then go in and pay them. That is all very well with what we would regard as normal business accounts, but a parking fine is not a normal business account. This boils down to a matter of social responsibility. People who receive a fine of some

2 November 1989

kind are given a statutory time within which to pay it and, subsequent to that, if they have not paid it within that time, action of some severe nature usually occurs. I am sure Mr Stefaniak would laugh at the concept that people given six months to pay certain fines should, when the six months are up, get a reminder notice from the court to say, "Dear Sir, you have not paid it", and then get a further extension of time.

Mr Stefaniak: They do, actually.

MR DUBY: I know they do, but not, I am sure, as a matter of courtesy, Mr Stefaniak; it is because they are being reminded that, if they do not pay this as a matter of urgency, they will be dealt with severely.

Mr Stefaniak: But it is a reminder notice; it is a courtesy.

MR DUBY: Yes. Well, of course, we do not want to - - -

Mr Stefaniak: The next notice is a policeman coming around to arrest the person, some months later.

MR DUBY: Yes, precisely.

Mr Collaery: And then Bill waiting to prosecute them.

MR DUBY: Absolutely, yes. As I said, I think it really boils down to a matter of social responsibility. These fines are just that; they are not normal accounts for which people have to regularly budget in their accounts system. Some mention has been made of that. I do not believe that people require a full month's notice to budget for the payment of fines, but I will get onto that matter later.

The second point is that it has been said that a reminder notice should be issued, for a number of reasons. We have heard that the car may have been stolen or a friend or relative may have borrowed the car and subsequently received a ticket without notifying the owner of it, et cetera. We have heard that people may maliciously remove a ticket from a windshield to put it on their own car or that it can be washed or blown away. Whatever the reason, people do not know they have had a ticket and they suddenly receive a notice in the mail saying that a particular offence occurred and that they are required to pay a fine. In addition, under this proposal they will be required to pay the original fine plus an administration fee.

I have been assured by the Minister and her departmental advisers that, in those cases or in cases like it where people have received a ticket and genuinely do not know about it, all they need to do, to be perfectly honest - I have asked the Minister for this assurance - is to notify the department in writing and administrative charges of any kind will not be incurred. Of course, if the vehicle were stolen or anything like that, that would be enough; they

2 November 1989

would not even have to pay the fine. But we are talking about situations where a car has been borrowed or someone has just helped himself to the ticket.

Mr Stefaniak: What if they do not write?

MR DUBY: Well, naturally enough, they are going to have to do something about the situation. If they do not respond to a letter advising them that an offence has been committed, why would they bother answering a reminder notice, Mr Stefaniak?

The answer clearly is that they would simply take action, if they are in any way responsible. I am sure all people are. We are assured that the purpose of sending people reminder notices is to assume they are responsible; that they have just not paid the fine because they have forgotten or they have not had the money or something like that. Of course, in such cases they will respond, naturally enough, to a notice which tells them the fine has not been paid and an administration fee has been charged to them. As I said, the Minister has advised that that fee will be waived if someone can make representations in writing, or they can go, I am sure, to the Office of City Management or the shopfronts right throughout the city in many convenient locations and make a statement there at the counter if they are unable to draft a suitable letter themselves.

Actually I have received advice from someone in relation to the problem of the misappropriation of parking tickets or their being blown or washed away, and the recommendation was simply that a very sticky tag be attached to the ticket. It could then easily be just plonked onto the windscreen and the tag would be so sticky that it would stay firm and require a razor blade or something like that to remove it. It might be worth investigations, Minister.

If someone then comes and rips off the ticket part, that person cannot attach it to his or her own car. That means that the parking officers will not recognise it as a ticket on such a person's vehicle. Of course this would also cover the situation where the wind blows it away or someone somehow removes it. That sticky label will be on the windscreen. The owner of the vehicle will not be able to say, "I did not know about the ticket", because there will be the label with some printing on it to let the person know a parking ticket has been issued. Of course, as people got tickets they could have them like score cards on war planes; you know, up the side of the windscreen. People would then be able to keep a tally of how many tickets they have had through the year. So there is a whole variety of ways that the problems mentioned by Mr Stefaniak can be overcome.

I have proposed some sensible amendments because I think it is fairly apparent that we all agree that a 14-day period of notice is simply insufficient for people to be able to

2 November 1989

pay their fines before they incur that administration charge. The administration charge, of course, is an eminently sensible idea. I think, once again, Mr Stefaniak has recognised the value of imposing a charge - no problem for anyone. But we all agree that, of the tickets that are issued - I think it is in order of 120,000 per year - only about one-third of people at the moment currently pay their fines within the appropriate time. The remaining 80,000 people wait for a reminder notice to come to them before they then go and pay. Of the 80,000 who get the reminder notice, I believe in the order of 79,000 actually go and pay their fines, if my understanding of the figures is correct. I believe at the end of the day only about 1,000 or 1,200 people per annum actually go to court to contest a parking fine. Clearly, people are using the reminder notice system as an extension of time on the payment of the fine.

Once again, I think it is worth while thinking about the situation that, of those 80,000 people per annum who get a reminder notice, quite a number would be "double-ups". Out of the 80,000 second notices that go out - I do not know, and I am just guesstimating figures - I would not be at all surprised if at least 40,000 people get two notices per year, or perhaps even 20,000 people get four notices per year.

Those notices cost money to produce and issue. We are all familiar with the costs. We have been briefed on this by members of the department. Basically, the accepted cost of issuing a reminder notice to the public for a parking infringement seems to come out at \$13 or \$14. That is not an insubstantial amount of money when one considers the current situation of 80,000 of those second notices going out. We are talking about something in the order of a million dollars worth of public expense. As I said, it will be interesting to see whether that public expense is being borne by all the ratepayers and taxpayers of the ACT to provide probably a small core of offenders basically with additional time to pay. I just do not think that is fair.

As I said, the situation remains that a parking infringement notice is a fine; it is not an account. The concept of sending someone a notice to pay a fine, to me, is not socially fair. As we go through the amendments that Mr Stefaniak and I have proposed, I think people will see that the amendment to extend the time within which people can pay their fine - from 14 days to 21 days - is eminently sensible here in the ACT. Most people in the ACT still work on a fortnightly pay system; that means that any person who receives a ticket has at least two fortnightly paydays in which to budget to pay the fine.

I suppose one could argue that it should be extended to 28 days. I genuinely believe that, if we do extend the period to 28 days, the situation will be that most people will tend to forget about the fine. It will be something that

2 November 1989

happened last month, way back in the dim, dark past and they will just tend to forget about the thing. As a result, they would wind up incurring an additional administration charge which, to me, does not make all that much sense. I suppose really the bottom line is that it is a social obligation; it is a form of responsibility to pay fines as they fall due.

I shall be supporting the thrust of the legislation. I shall be moving amendments which I think would make it much more sensible and fair, and I look forward to the ensuing debate.

MRS NOLAN (4.28): I will be brief. I think that a lot of the concerns have been well traversed and I am sure that they are going to be spoken on in the detail stage of the Bill. But there are a couple of things that I would like to say. As my colleague Mr Stefaniak says, obviously we in the Liberal Party do not agree with the concept of people going to gaol for the non-payment of parking fines. Again, we really do welcome the broad thrust of this legislation.

There are a couple of areas that I did want to mention today. One concerns the Bill in its original form. Fourteen days, I believe, is totally unacceptable in relation to getting a reminder notice. In fact, the Bill in its current form provides not for a reminder notice but for a final notice, at which point an administrative cost of \$20 applies. Both Victoria and New South Wales look at a 28-day period before there is any additional cost. Most of us, I think, know that in New South Wales the situation is that after 14 days a reminder notice is sent and an administrative cost of some \$27 applies.

In Victoria the situation is that a reminder letter is sent after 28 days and there is an additional cost of only \$10. South Australia has a 21-day period with a final notice and an additional administrative cost of \$10. Queensland has a reminder notice after 21 days with no additional costs at all. Tasmania has neither a reminder nor additional cost. In Western Australia there is a 28-day period - a final notice after 14 days with a further 14 days to pay. So there is a courtesy note, if you like, in Western Australia too. But one of the things that I am really concerned about is the area of public relations in this whole exercise.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

2 November 1989

Ms Follett: Mr Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1989

Debate resumed.

MRS NOLAN: Mr Speaker, before I was interrupted I was talking about public relations in this whole matter before us. Firstly, I should say that I do not believe Mr DUBY should be making comparisons between the numbers of parking fines paid now and the numbers likely to be paid under this new legislation. I think it can be well said that in New South Wales there has been a marked improvement with the new legislation, on which this current legislation is really well based. It is totally unacceptable to say that, because a percentage of fines are not now paid, the reminder notice situation - whether it be after 14 days, 21 days or what have you - is still going to go on further down the track.

In terms of public relations, currently in Canberra the whole area of parking is actually looked at rather badly. The community out there really does not like parking inspectors. The parking inspectors probably have one of the worst jobs in the world. Everyone hates them. Everybody looks at them and sort of says - - -

Mr Kaine: I do not. I think they are nice people.

MRS NOLAN: Well, the majority of the community out there says, "Gosh, they're the people that we don't like; they've just booked me for five minutes overstay at a meter", et cetera. You often find that, if the public relations aspect is right and the whole situation is approached with a little care, the end result is that more people will pay those fines, and pay them immediately they receive the notification on their windscreen.

So I think, really, the exercise needs to be looked at in a little more detail. To say, as Mrs Grassby has done, "Fourteen days after you receive your notice you are going to have to wear an administrative cost of \$20", is ridiculous. I do not think that the Administration would even be placed to be able to make that turnaround in that period of time. I am quite sure that it takes several days. That is only two periods of five working days, and so I think it would be quite difficult to make that turnaround in 14 days. I do not consider that it was well thought through. Mr DUBY is proposing 21 days. I would consider that 28 days would be a much more appropriate way to go. In this particular area, this is very important.

2 November 1989

We talk about a socially just Labor Party which is concerned about those socially disadvantaged people out there in the community. What about the lady pushing the pram back to the car, with two children, five minutes late to collect the car, who has to wear a \$30 parking fine? Fourteen days later she is then expected to pay an additional \$20. That is \$50 she is paying. Very often in this climate of high interest rates it is very difficult for some of those single income people to actually afford to pay \$50. She certainly did not set out to get herself a parking ticket, but it does happen. I would have thought that an extra 14 days, to make it 28 days, would have been much, much better.

We are proposing an amendment which provides for a \$30 additional cost after 28 days. I think that that would be much more appropriate. The figure is, in fact, much higher than that of any other State that imposes such a charge. In fact, in New South Wales it is \$27; in Victoria \$10; and in South Australia \$10. Queensland does not have any additional cost; nor do Tasmania and Western Australia. So if, in relation to the Bill, we were to go down the path of looking at 28 days, obviously that does not necessarily mean that a reminder note provision has to be put in the Bill itself. It should be just one of those things that is done in a regulatory fashion, as part of the mechanics of the Bill, if you like.

I would suggest that that would be a much more appropriate way to go than the current situation where, after 14 days, people who have not been able to get the money together to pay a fine of \$30 are expected to pay an extra \$20. So they are immediately up for \$50. That is totally unacceptable. I would have thought that the socially just Labor Party that we are talking about here would be looking at doing something much more appropriate for the average people out there in the community.

MR JENSEN (4.35): The Rally supports the general thrust of this Bill, particularly the proposal to remove the ultimate sanction of prison for those convicted of parking offences. My colleague Mr Collaery will be speaking a little later on, and he will comment in relation to the various times of issuing parking tickets and in relation to the matter of whether there should be some form of period of grace before a person has to actually pay the parking fine.

Mr Duby has already referred to the tragic consequences of a parking offender being gaoled in New South Wales. I have been advised by Mr Stefaniak that no such sanctions have taken place in the ACT. So I guess this particular legislation ensures that we never get down that track in the ACT. Of course, we must bear in mind that, were we to do so, at the moment, anyway, such offenders would have to go to New South Wales prisons. I suspect that is probably one of the reasons why that has never taken place. Mr Stefaniak agrees, so I defer to his superior knowledge of the court system - from the right side, of course, I should add.

2 November 1989

I do not think, however, that there is any argument about the need to provide some form of sanction for those who fail to pay a parking fine. The proposal to cancel licences and registrations is noted, and the Rally has no objection to this concept. However, there is one aspect of this Bill which requires some clarification. I understand that approximately 30,000 of the parking fines issued in the ACT are for cars from New South Wales, and no doubt some are issued for cars from other States as well. Mr Speaker, I would like to draw members' attention to page 11 of the Bill, proposed subsection 162E(1)(f)(ii). It says:

if the motor vehicle is not registered in the Territory - suspend the right to drive that motor vehicle in the Territory.

When I read that the thought occurred to me: how the heck are we going to set up some form of system to apply that sanction to people of New South Wales who come across here and park and do not pay their parking fines? Are we going to set up some form of monitoring device at the border? Will we have to run our licence plates through some sort of check as we cross the border and, if we come up on the bad side of the books, will the little man in the blue uniform say, "Sorry, madam", or, "Sorry, sir, you cannot come into the ACT because you have not paid your fine."?

I am just wondering how it is proposed to bring in this measure. It was suggested to me at one stage that one does not make laws unless they can be enforced. I am just trying to work out why we have that particular penalty and how we are going to enforce it. I draw that matter to the attention of the Minister and her advisers to see what arrangements they are going to make for this. I hope we do not go down the track of 1984. That is what we called it in the old period but, of course, we are probably talking about 2084 now because we have moved on a little bit. Surely we will not go to the situation where we have some form of checkpoint at the border of the ACT to sort this particular problem out.

Once again, Mr Speaker, might I suggest that all good laws should be able to be enforced. If they cannot be enforced, let us not have them. Hopefully, the Minister will have some sort of answer to the query that I have just raised. I will listen with bated breath to find out how this will be done, because I am sure that is going to be an interesting exercise.

MR COLLAERY (4.39): Mr Speaker, the Bill has the broad support of the Rally but we support the amendments proposed by the Liberal Party. We do so on the basis that this Bill, if it becomes law in the form in which it is proposed, will in our view cause far more expense to the community in extra litigation, it will cause confusion, and it goes against the weight of our own practical experience. It is an attempt to turn back the tide. Firstly, a large

2 November 1989

number of people in the Canberra community are in transit by virtue of both their occupation and their lifestyle. They are moving to different apartments, flats and houses, and there is a high level, as the Administration's own advisers know, of non-response to all manner of mail and other correspondences sent out to them.

I understand that at the present time 1,000 matters a month are referred to the Magistrates Court for follow-up - that is, 200 a day - and about 60 to 80 a month are actually dealt with before a magistrate. The rest are dealt with under a system called a plea by post. That is an anachronistic, difficult, time-wasting system, and we support the broad attempt by the Government to rectify that inordinate waste of money and court time. It is particularly good that the Minister proposes this measure before we take over court expenses, because we are likely to cop a big bill for that activity.

Bearing in mind that, in the budget for 1986-87, revenue raised from parking penalties was \$2.64m, and, given that we have an increasing contingent of parking inspectors, we are talking about a very high overhead factor in enforcing our laws. However, the enforcement of our laws should be seen to be punitive and salutary, not revenue raising. We support the amendments proposed by the Liberal Party simply because we believe it will be more economic and there will be less cost at the end in view of the extra time given for people to adjust to the fine and the reminder.

As I understand it, the Minister's proposal has a sudden-death effect after the first period has expired. An administration fee is imposed after the first 14-day period - or 21-day period, depending on what period is selected under either the Minister's proposal or Mr Duby's proposed amendment.

The ACT community is one that is used to receiving reminder notices, and the proposal in the Bill is not in accordance with the current convention, as it were, by creditor agencies, both government and non-government. I predict serious problems. But, in my view, more serious problems will emerge in the situation where one of the large numbers of, for example, young persons in this Territory who move from one address to another fairly quickly receive no notice of any of the steps that the Minister proposes to take under the new procedures and in fact has a licence cancelled under proposed section 162E. Firstly, it is not clear to me what the position of that driver is in the hiatus between cancellation and discovery or receipt of the notice that his licence is being cancelled.

Mr Duby: He is obliged to tell the registrar of his address at all times.

MR COLLAERY: Mr Duby says that licensees are obliged to tell the registrar of their change of address. I ask every member in this Assembly whether when they last changed

2 November 1989

address they wrote to the motor registry and advised it of their change of address.

Mrs Grassby: Yes, I did, because it is against the law not to.

MR COLLAERY: Well, my own experience in practice is that very few people, particularly people who do not write letters and are not used to it - including a large number of the multicultural community - would write those letters. We know that. The fact is that we will get extra problems out of this. I can see legal problems arising for people who are found to be notionally unlicensed when they are stopped for other matters during that hiatus period, and I wonder whether the Minister has fully considered that aspect. She might respond on that point on the advice of her advisers.

More importantly, it occurred to me only a few moments ago that the effect of withdrawing a licence like that, by administrative fiat, for workers - particularly courier drivers and transport drivers - is automatically to deprive such a person of his or her livelihood, because we have not ever properly enforced the change of address notification provisions in the Motor Traffic Act.

I am sure the International Labour Organisation conventions provide, among other things, that no-one shall be arbitrarily deprived of his or her right to work or access to work. I have not been able to lay my hands on them in the few minutes since this problem occurred to me. I am concerned about the effect of this legislation in terms of a working person, such as a truck driver, who will get the sack straightaway from most companies without a licence. I am concerned about the effect on the families and, overall, I am concerned about the image of this Territory in terms of bringing in legislation that could result in an arbitrary withdrawal of the capacity to undertake employment.

I believe that this Bill should go to the scrutiny of Bills committee of the Assembly. We have got to realise that every one of us here has probably had a 16-hour working week for as long as we know, and the fact of the matter is that we are not adequately placed - - -

Mrs Grassby: Day.

MR COLLAERY: Day, sorry - my apologies.

Mr Wood: It is showing.

MR COLLAERY: It is. Thank you, Mr Wood, for rescuing me. I ask the Minister whether she will comment at this stage on those points I have raised. It is probably a little unfair, but perhaps Mr Moore has received a briefing, because I think he still has space to talk on this Bill. Clearly there are questions. I may be wrong, but it seems

2 November 1989

to be the case that this legislation could result in a young courier driver losing a licence where notice in one form or another has not been received from the registrar of the processes that are taking place. We believe that the added time that the Liberal Party proposes will ultimately reduce court congestion and confusion and may also overcome what could be a problem for the members of the TWU particularly, and for other employees for whom a licence is the very basis for sustaining their families.

Another effect of the legislation, I believe, in the short term will be that persons who live interstate will receive a wholly ineffective notice saying that they are not allowed to drive any more in the ACT. That may well mean that Queanbeyan residents who receive such notices and are not able for economic reasons to pay their fines, or the administrative fine that gets automatically levied on them, will be notionally not allowed to drive in the Territory.

There are other insurance and contractual implications of being involved in an accident - whether through your own fault or through the negligence of someone who drives up the back of your vehicle - when you are not licensed to drive, and all of us who have been in law practice know that that is something that some insurance companies, not the credible and reputable ones, fall upon with glee. If your licence happens not to be valid at the time, that starts to get them out of their contractual insurance obligations. As well, and for the many people who have motor vehicles on hire purchase, the fact that a person has lost his or her licence or does not have it at the time some event arises can void those agreements and result in other implications.

Mr Speaker, that is just a superficial run across what I see to be the potential effects of this legislation. The entire Ministry has left the benches. Maybe that is because the Ministers are reeling in shock. I have the feeling that they are not sufficiently involved with the legislation truly to know how it could have an unintended result, in that, in a form, certainly through the fault of a person, there could be an arbitrary withdrawal of the capacity to work and support a family.

I believe this legislation needs to be looked at very carefully. It should go to the scrutiny of Bills committee. We need to get recognition from this Government that this committee has to be staffed and funded immediately and we should not have legislation of this complexity coming before us again without the advantage of second reading speeches, proper legal advice and adequate legal counselling on all its implications - in particular, on Australia's obligations under International Labour Organisation covenants about taking people's capacity to work away from them.

MR MOORE (4.50): I have heard many arguments about lost notices and stolen cars and people who cannot afford to

2 November 1989

pay. I draw attention to the fact that the Bill does provide for waiver of the fee. I know that has been exercised already in Canberra and it will continue to be exercised. I am quite happy to allow this legislation to go ahead with that waiver.

There is very little point in my reiterating the sorts of arguments that have been presented to date. In the general concept, of course, I support the legislation, as do all members of the Assembly, clearly - with just some difficulty over these amendments that are presented. Generally I think we have had the situation - we may still have such a situation - where the law-abiding citizens have been, in effect, subsidising those who are refraining from paying; in other words, they are taking advantage of the time and therefore not paying their bill promptly.

In fact, a businessman yesterday told me - this is third-hand but it gives some indication of some of the problems - that he is aware of somebody else who has built up a \$2,000 bill in terms of parking. That is a pretty hefty sort of a bill and, if that is delayed enough, of course the interest is quite significant. When a business person is forced into that situation it does indicate some problems with the parking situation, but it also indicates what I believe to be a need to do away with this reminder notice as a first stage, and I will be monitoring events carefully and waiting for people to indicate to me whether the waiver is actually working or otherwise.

If you do lose a parking ticket you can write in to the department and say, "I have lost my parking ticket", or, "I am not aware of this. I do not know why I am getting an administrative charge", and they should say, "No administrative charge. Just pay the fine". Obviously if somebody writes in for a fifth or sixth time, or if the person has got \$2,000 worth of parking fines - no doubt that example is somewhat exaggerated - he or she should be forced to pay immediately. That may bring a little more efficiency to the whole system and put less of a strain on the rest of the taxpayers. So, with those few comments, Mr Speaker, I will say in general that, in principle, I am certainly supporting this Bill.

MRS GRASSBY (Minister for Housing and Urban Services) (4.53), in reply: Mr Speaker, I am pleased at the generous support by the members of the Assembly on this important issue. In summary, firstly, the Bill decriminalises parking offences. Obviously this is well and truly overdue in this Territory. Secondly, the Government believes that the cost of following up unpaid parking fines should be levied on the infringers themselves and not the taxpayers generally. Thirdly, we need to minimise those costs. As you have heard, approximately 117,000 parking notices are issued each year. Approximately 78,000 reminder notices are sent out. The cost of following up unpaid parking fines is in excess of \$20 per notice, a total cost to the ACT taxpayer in excess of \$1.6m. I mean, we are on our way to funding the Canberra Hospital, aren't we?

2 November 1989

It is important to remember that parking fines are for a breach of the law. I would like to say that they are not the same as telephone and electricity bills or any other bills that we may have. There is no moral obligation to send a reminder notice. The Government will oppose Mr Stefaniak's foreshadowed amendment as the cost of sending reminder notices is quite high and will not be recovered in most cases.

The Government also rejects Mr Stefaniak's amendment which suggests that motorists who fail to receive a parking infringement notice - for example, if the notice is taken off the vehicle - will be unfairly penalised. Mr Moore or Mr DUBY - I am not sure which - raised that concern. My advice is that the parking notices are placed securely under windscreen wipers so the chance of their being blown off is very small, although it could happen. We are not saying it does not.

I accept that there are occasions when another motorist removes a notice to place it on his or her own vehicle in the hope of confusing parking inspectors. Mr Speaker, I asked a parking inspector about that and I was told, "If we are on that run the same day we remember whose wipers we put it under". They said, "We have got very good memories. We would then open it up and have a look and, if the number on it does not match the car, then we write another parking fine and, if the car it has been taken off is still there, we put it back where it should be". Our parking inspectors are incredibly bright people. They know exactly what people are up to.

However, my advice from my department is that this happens rarely. Parking inspectors always check notices on vehicles in such circumstances. If it has been placed on a vehicle it does not belong on, it is placed on the correct one it was written out for. However, there is a provision in the Bill which will cover such circumstances. Clause 21, page 9, line 18 provides the registrar of motor vehicles with the discretion to extend the initial payment date. Therefore, if the infringer establishes that he or she did not receive the notice, the registrar can effectively waive the administration fee. Of course, if the registered owner receives the final notice and he was not the infringer, he can submit a statutory declaration naming the driver of the vehicle at the time the infringement notice was issued.

If the car is stolen, the Act already provides for a notice to be withdrawn, so there is no fee there. The administration fee proposed only defrays the cost. I thank Mr DUBY for his wisdom in realising that all associated costs in following up parking fines should be borne by the infringer and not the ACT taxpayer generally. Mr DUBY was correct in relation to the number of people who defend cases in the court. It is about a thousand a year. However, approximately 28,000 summonses are sent out.

2 November 1989

Because of this, the Government accepts the amendment proposed by Mr Duby to increase the administration fee from \$20 to \$25.

Mr Duby and Mr Moore both raised with me the issue of making it known on infringement notices that an additional fee will apply if the payment is not made within the prescribed period. I give assurance that parking infringement notices will display very clearly, in bold letters, that failure to pay within the prescribed period will lead to an additional fee. This will be in very large print on the front of the parking fines, so have no fear that the people who get parking fines will not know when they get them that this will happen. There will also be an extensive public awareness campaign to publicise the changes. We will do that.

The Government believes 14 days will be sufficient time to pay. However, we recognise the merits of the amendment proposed by Mr Duby to increase the time from 14 to 21 days. I am sorry; I understand it is 28 now. The extra time proposed seems fair to accommodate those infringers who are on a tight budget. As for Mr Jensen, who asked the question about people driving from other States - Mr Jensen, are you listening?

Mr Jensen: I am listening.

MRS GRASSBY: Sit up straight, Mr Jensen.

Mr Jensen: I am sorry, Minister.

MRS GRASSBY: There will not be a checkpoint at the border. The police will be assisting in enforcing the provisions relating to interstate licence holders. The police will have access to the names of infringers whose licences have been cancelled, and also such motorists are likely to be detected for traffic offences. If they are unlicensed, they will be treated accordingly. We will be helping New South Wales in that regard by letting them know of these people, and they will be letting us know.

Mr Jensen: Are you going to give the parking inspectors a copy of the stolen car list as well?

MRS GRASSBY: No, we are not going to do that because that is against the law; we cannot do that. As it is, Mr Jensen, if a person does drive a car into the ACT after having his or her licence cancelled - the person would be notified of this - and has an accident, that person will know exactly what he or she is up for, because we all know the penalty for driving a car if it is unlicensed.

I foreshadow two Government amendments to clarify and correct oversights in the preparation of this legislation. I ask all members of the Assembly to agree to the passage of this Bill, including the amendments the Government is prepared to accept.

2 November 1989

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 7, by leave, taken together, and agreed to.

Clause 8 (Interpretation)

MRS GRASSBY (Minister for Housing and Urban Services) (5.01): I move:

Page 2, line 30, after "inserting", insert "in subsection (1)".

This is to clarify in which subsection the definition of penalty should be located.

Amendment agreed to.

MRS GRASSBY (Minister for Housing and Urban Services) (5.02): I move:

Page 2, line 33, omit "157(3)", substitute "157(1), (2), (3), and (5)".

This is to correct the oversight in the preparation of the legislation whereby some parking offences relating to loading zones were omitted from this section.

Amendment agreed to.

MR DUBY (5.03): I move:

Page 3, line 24, omit "20", substitute "25".

Mr Speaker, this amendment is to change the amount of money charged for the administration fee in relation to the sending out of a notice to advise that a fine has not been paid, from \$20 to \$25. The figure of \$25 has been agreed upon, I believe, by Mr Stefaniak. Originally he was proposing \$30. The \$25 fee, we think, is a far more reasonable amount, in view of the fact that there are now no more - - -

Mr Stefaniak: We accept.

MR DUBY: That is excellent.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 9 to 30, by leave, taken together.

2 November 1989

MR STEFANIAK (5.04): There are several amendments I propose within that, Mr Speaker, and I seek leave to move them together.

Leave granted.

MR STEFANIAK: I move:

Clause 18, page 6, line 15, omit "14", substitute "28".

Clause 20 -

Page 6, line 35, omit "14", substitute "28".

Page 7, line 6, omit "14", substitute "28".

Page 7, line 15, omit "14", substitute "28".

Clause 21 -

Page 9, line 20, omit "14 days", substitute "28 or 14 days, respectively,".

Page 9, line 31, omit "14 days", substitute "28 or 14 days, respectively,".

Page 9, line 38, omit "14 days", substitute "28 or 14 days, respectively,".

Page 10, line 32, omit "14 days", substitute "28 or 14 days, respectively,".

Page 14, line 36, omit "within 14 days after the date of the notice".

Page 15, line 10, omit "within 14 days after the date of the notice".

Clauses, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

BUSINESS FRANCHISE ("X" VIDEOS) BILL 1989

MS FOLLETT (Treasurer) (5.06): I present the Business Franchise ("X" Videos) Bill 1989. I move:

That this Bill be agreed to in principle.

This Bill will establish a business franchise in relation to the X-rated video industry in the ACT. X-rated videos are produced in the ACT from copyright master tapes mainly manufactured and purchased from overseas. These are sold either at the wholesale level to retail outlets or sold and hired out at the retail level.

Most manufacturers in the Territory produce copies of imported master tapes and are also wholesalers, while retailers include the mail order or retail arm of manufacturing and wholesaling businesses, independent adult shops, video shops and other sundry outlets such as newsagencies, pharmacies and petrol stations.

2 November 1989

According to the evidence given to the Commonwealth Joint Select Committee on Video Material by the Adult Video Industry Association, the adult video industry is a significant manufacturing industry in the ACT and a substantial employer. The proposed Act, which has been based on the provisions of the Business Franchise (Tobacco and Petroleum Products) Act 1984, will require all persons who wish to sell or hire X-rated videos from the ACT to be licensed. Licences are initially granted for one month, and thereafter must be renewed each month on payment of the appropriate licence fees.

A wholesale licensee will be required to pay a \$50 monthly fee in respect of each premise, plus 20 per cent of turnover on the sale or hire of any X-rated video. A retail licensee will only be required to pay a \$50 monthly fee in respect of each premise, provided all X-rated videos are purchased from licensed wholesalers. Retailers purchasing X-rated videos from unlicensed wholesalers - for example, a Northern Territory wholesaler - would be required to pay 20 per cent of the value of those purchases.

The taxing of the sale just prior to retail sale and hire will mean that the Territory will be taxing the same sales figures as are taxed by the Australian Taxation Office for sales tax purposes. Such records are, therefore, currently maintained by the industry.

The Bill provides strict conditions for applicants to meet before the commissioner may grant a licence. The commissioner must have no reason to believe that the applicant has contravened a provision of the Publications Control Act, been convicted under that Act, or been punished on conviction by a fine of \$10,000 or more or imprisoned for a period of not less than one year. As applies to all applications for business franchise licences, the commissioner must also be satisfied that the applicant is a fit and proper person to hold a licence.

Licences will also specify the premises from which the sale or hire of any X-rated video may occur. Any breach or change to the conditions upon which a licence was granted would allow the commissioner to cancel that licence. Wholesaling or retailing X-rated videos without licences will attract strict penalties.

These are \$5,000 or two years' imprisonment for natural persons engaged in unlicensed wholesaling, and \$2,000 for natural persons retailing without a licence. Corporate bodies convicted of offences may be fined up to five times these amounts.

Mr Speaker, it should be clearly understood that this Bill does not have the effect of legalising or legitimising X-rated videos. The industry has been operating legally for a long time and is subject to controls established by the Commonwealth. While the Bill places certain obligations

2 November 1989

and restrictions on the industry, it should be emphasised that it is primarily a revenue measure.

Regulation of the industry also occurs through the operation of the ACT Publications Control Act. The Publications Control Act provides a strict regulatory and penal code which restricts the publication, advertising, sale, hire and distribution of X-rated materials including videotapes. Mr Speaker, the Government is concerned to ensure that there is effective regulation and control of the industry especially in relation to minors. The Australian Federal Police advise that there have been no recorded complaints from the public about alleged breaches of the law in relation to minors obtaining access to restricted areas or X-rated videotapes. The police are satisfied that there is compliance with the laws applying in the ACT and that they are adequate.

In conclusion, this Bill seeks to impose a tax on a well-established ACT industry. It will not impact significantly on ACT residents. The scheme will operate to raise revenue in much the same way as the sale of petroleum and tobacco products distributed in the Territory. Business franchises now contribute significantly to the ACT's revenue, and in the current financial year \$23.7m is expected to be raised, of which \$2m is estimated to come from the franchise scheme established by this Bill. I now present the explanatory memorandum for the Bill.

MR MOORE (5.11): I would like to adjourn this Bill. I was going to suggest for nine and a half weeks, for a particular reason, but I think that is probably not appropriate. So I move that we adjourn the Bill, Mr Speaker.

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

Dr Kinloch: Mr Speaker, I worry sometimes. I am the only one with a pillar, and it has strange effects. I think it sometimes affects the line of sight.

MR SPEAKER: I resent that challenge, Dr Kinloch. Mr Moore was on his feet well before the Chief Minister had presented the information on the table and he was on his feet before you rose.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1989

MS FOLLETT (Treasurer) (5.12): I present the Taxation (Administration) (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

This Bill amends the Taxation (Administration) Act 1987. That Act provides a consolidated system for the administration of Acts dealing with taxation in the

2 November 1989

Territory. Amendments to the Act are required to facilitate the administration of the Business Franchise ("X" Videos) Bill 1989.

The amendments will give tax officers the power to inspect and, if necessary, seize any X-rated video that a tax officer believes to be connected with an offence against the tax law. This is seen as a necessary deterrent to illegal trading activities within the Territory. The amendments further expand existing provisions to ensure that all moneys due to the Territory in relation to X-rated videos are received.

The commissioner will be able to request information in respect of each application for an X-rated licence and levy penalty tax on the person who fails to renew a licence but continues to trade. These last two amendments will also apply to licences granted and renewed under the Business Franchise (Tobacco and Petroleum Products) Act 1984. I now present the explanatory memorandum for the Bill.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

South Africa

MR BERRY (Minister for Community Services and Health) (5.14): I would, in the adjournment debate, like to raise some issues in relation to the racist regime in South Africa. It is particularly opportune to do that because of the recent Commonwealth Heads of Government Meeting in Kuala Lumpur. The first thing I would like to do, Mr Speaker, is to add my support to the call to continue sanctions against the regime as presented at the recent Commonwealth Heads of Government Meeting in Kuala Lumpur. I would also like to add my voice to the condemnation of Mrs Thatcher's persistent campaign for the relaxation of the sanctions in spite of the calls from the African majority for their intensification.

One other issue, Mr Speaker, that I would like to draw attention to in this debate is the law of common purpose which is practised by the racist regime. Mr Speaker, 14 of the accused in what is described as the Uppington 26 murder trial have been sentenced to death for the murder in November 1985 of a municipal policeman, Mr Lucas Sethwala. They are currently waiting on death row. I would have to say, Mr Speaker, that never, even in the history of South Africa, have so many been sentenced to hang for one murder.

2 November 1989

The sequence of events that led to the murder trial and the sentencing to death of the Upington 14 followed the gathering of several hundred people in Upington to protest against the rent increases in that town and overcrowding. The police moved in to disperse the crowds with tear gas. It is reported that one group ran past the home of a black local policeman who had allegedly shot a pregnant woman the week before. The group hurled stones at the policeman's house. He fired shots in return.

All of these events, I think, are beyond the imagination of people in Canberra, because I do not think the people in Canberra could imagine the depth of oppression which is suffered by the black people in South Africa. One of the shots that was fired by the policeman crippled a 10-year-old boy and then the policeman ran out of his house. Some of the group gave chase and caught and disarmed and eventually killed the policeman. One individual was found guilty of killing the policeman but, by virtue of the common purpose laws which are practised by the racist regime in South Africa, 24 others were convicted of the murder, 14 of whom have been sentenced to death, though many would not have had any part at all in the murder.

I raise that today in the adjournment debate, firstly, to highlight the plight of those awaiting execution. They have been on death row for many years now, and it is an absolutely horrifying piece of work, I would suggest, to hold people on death row for so long. It is just torture. I would also like to draw attention to the regime consciously using judicial execution to murder opponents of the regime as well as terrorising broad masses of the South African people.

There is growing use of the so-called common purpose law. This is not the first time this has happened. The Sharpeville six were another famous group that were sentenced by the same law, and now the Upington 14 is a classic example of the use of this sort of terrorism by the racist regime. Of course the real aim of sentencing the patriots under the common purpose law is to send a message to people present at a political rally or incident, that they could end up on the gallows as a result of their participating in protests against the racist regime.

I would like also to draw attention to a rally outside the South African embassy tomorrow to protest against these events and, of course, against the racist South African regime.

South Africa

MRS GRASSBY (Minister for Housing and Urban Services) (5.20): I would like to support my colleague on this. Before I was married I travelled through that country.

2 November 1989

Unfortunately, I became undone. I found that because I sat down at the table in my own house with the maid, who happened to be black, I was taken into Marshall Square and warned that I had 24 hours to get out of the country, that you did not fraternise with blacks.

This was a thing I had never known in my life. The fact is that I found it unbelievable. I always remember as a small child an Aboriginal gentleman came to apply for a job with my father. His statement was, "Do you have a job for a blackfellow?". My father's answer was, "I have got a job for a man, and if you are man enough to do it you have got the job".

So I had never known such racism and I could not believe it. I find to this day, although we hear that they are relaxing a lot of the laws there, they are not being relaxed fast enough. The fact, as my colleague has just said, that people have been kept on death row for the time that they have is, I believe, the most terrible punishment that you can impose on anybody. I fully support him.

I am against Mrs Thatcher saying that this is not the way to go. I believe this is the only way to go. I think the reason why we have had changes for the better in South Africa is that the world has recognised the fact that we do not trade with South Africa and we do not help them. I think this is the only way to go, and I fully support my colleague in this.

Calls by the Chair

DR KINLOCH (5.22): I wish to endorse the comments of Mr Berry and Mrs Grassby. You will appreciate that, if my wife and I went to South Africa, we would not be able to stay in the same hotel. I have very strong feelings about such matters.

Mr Speaker, I cast no imputation whatever, may I say, on your judgment on who gets up, but I am aware often that, for instance, if Mr Kaine and I get up at the same time I cannot see you, so you cannot see me. I was aware today that several people got three calls to my one. So I think there is a kind of blind spot here - not your fault, I am saying. I think there are problems with this room and I am truly conscious of somehow or other being tucked behind a pillar. So I make no imputation whatever about you. Indeed may I say, in the events of the last three weeks, what a superb job you have done as Speaker. I would now like to ask Mr Collaery to speak on the South African matter, as I am sure he will.

2 November 1989

South Africa

MR COLLAERY: I fully endorse what my brother, at least in this matter, Mr Berry, said. Of course, we are all appalled by what is going on in the Republic of South Africa and, as a democratic parliamentary assembly, we need to use our position here, close to the other house, to keep pressure up on the Federal Labor Government for it to recognise some of the United Nations General Assembly resolutions in this regard, or to continue its recognition of them.

I am not wishing to make political points. There are a number of areas where I believe Australia's consciousness needs to be raised. I think the union movement in the ACT has been at the forefront of the peaceful side of that activity. I congratulate the union movement and I support what Mr Berry said, completely and utterly.

I also endorse the resolutions at the conference in Kuala Lumpur where renewal and a request for more vigour in the sanctions were introduced, regrettably without support from the United Kingdom. The Australian Government is to be applauded for taking the stand it did, but certainly more should be done to raise the Australian consciousness about those allegedly judicial executions and of course the extrajudicial executions and the perversion of the laws of evidence that allow people who happen to have been part of a group to be said to be in common concert and to be tried and so disgracefully imprisoned for those events.

South Africa

MR DUBY (5.24): I rise to let the record show my party's support in full for Mr Berry's statements. The system in South Africa of apartheid, I think, is repulsive to all thinking men and women, and we support his statement completely.

Question resolved in the affirmative.

Assembly adjourned at 5.25 pm until Tuesday, 14 November 1989, at 2.30 pm

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Casino

Mr Jensen asked the Chief Minister, without notice, on 31 October 1989:

I refer [the Chief Minister] to the first recommendation of the Select Committee on the Establishment of a Casino, which urged the Government to "adopt as a matter of policy the urgent implementation of the Social Impact Survey recommendations relating to the epidemiological studies and establishment of counselling, referral and education services".

Can the Minister advise what progress has been made in implementing this important recommendation?

Ms Follett: The answer to Mr Jensen's question is as follows: the Social Impact Study of the Civic section 19 development and casino recommended that a community based counselling service for research and data collection on the nature and problems of gambling in the ACT be assigned to an appropriate agency. These recommendations were included in the Government's submission to the Assembly select committee and were accepted by the committee with the additional recommendations that such services be established irrespective of whether a casino is approved and that a proportion of total government gambling revenue be dedicated to the funding of the counselling services.

The Social Impact Study indicated that there probably exists at present a small but significant problem of excessive gambling in the ACT community. It was unable to quantify the level and nature of the problem. Without such data it is not possible to determine whether the establishment of a counselling and referral service specifically for excessive gamblers is justified, or whether it would be more appropriate to deal with the problem through enhancement of existing agencies in the financial counselling, mental health or addictions areas.

The Government therefore proposes to address the Social Impact Study's second recommendation, relating to research and data collection, as its first priority. My colleague the Minister for Community Services and Health, Mr Wayne Berry, has asked his department to investigate and report on the excessive gambling problem that may exist in Canberra, its level and nature, and the options that exist for providing appropriate counselling, information and referral services. It is anticipated that this report,

2 November 1989

which will require some sensitive but detailed research, will be completed by mid-1990.

City Plan

Ms Follett: On 31 October 1989 **Mr Jensen** asked the following question:

My question is directed to the Chief Minister in her capacity as Minister for planning. I refer her to proposals to vary the city plan for Gordon, variation No. 4, 1308/89, and Monash, section 6-18, by changing the gazetted roads to remove battleaxe blocks to make the developments "more commercially viable". Can the Chief Minister advise the Assembly of the rationale behind these changes and whether they set the scene for changes to longstanding planning policies which would meet the needs of developers rather than of people who will be living in the new suburban areas?

My answer is as follows: the blocks referred to are part of land packages being developed by private enterprise.

The original layouts for these residential subdivisions were prepared some years ago by the National Capital Development Commission.

It is a principle in private enterprise land development that developers have the opportunity to seek approval to vary previously prepared block and road layouts where they believe that this will lead to more efficient practices and respond more closely to their assessment of the market.

No changes in planning policies are involved and since the amendments reflect a perception of the market there is no reason to believe they will be less successful in meeting the needs of the people who will live there.