



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 February 1990

Wednesday, 21 February 1990

Publications Control Amendment Bill 1990 [No 2]	369
Transfer of policing - proposed select committee	375
Personal explanation	397
Very fast train project	398
Questions without notice:	
Recording of Question time.....	405
Shop leases - Downer	405
Planning.....	406
Tourist Commission	407
Assembly Members' behaviour	407
Police force.....	408
Publications Control (Amendment) Bill 1990	409
Health promotion	410
Planning - leases	411
Wealth tax	412
Very fast train	413
Bruce Stadium	413
Tuggeranong - Calwell group centre site	414
Child-care facilities	414
Pesticides	415
Asbestos storage	416
Gowrie Hostel	416
Schools Authority - 1989-90 report (Ministerial statement and paper)	417
Sports policy (Matter of public importance)	421
Personal explanation	437
Discharge of order of the day	437
Adjournment	438
Discharge of order of the day	439
Postponement of orders of the day	439
Adjournment.....	440

Wednesday, 21 February 1990

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

PUBLICATIONS CONTROL (AMENDMENT) BILL 1990 [NO. 2]

MR MOORE (10.31): I present the Publications Control (Amendment) Bill 1990 [No. 2]. I move:

That this Bill be agreed to in principle.

I would like to extend my gratitude to the Chief Minister for allowing me to use the services of the legal section and the Attorney-General. Accordingly, I wish to thank those people particularly for the fine work that they did in constantly checking with me, and making sure that they were clear on what I wanted to achieve in the Bill.

Let me start by saying that I do not perceive myself as either an X-video user or an R-video user. Quite a number of people who have phoned and lobbied me about this matter have described themselves as exactly that. They have said, "I am an X-video user", and then have talked about it. In my life I have watched four movies that were categorised as "X". I watched those after I found that I would have to debate an issue that involved them - I thought I should know what I was talking about. In fact, I do not even own a video machine and I do not have one in my office. For me to watch such movies is actually quite awkward and requires quite a bit of arrangement.

The Bill that I have presented looks for the logical, the rational, the middle ground. When Mr Stevenson presented his Bill we heard many arguments on the notion that what goes in comes out. Despite all those arguments about applying that notion of going in and coming out to X-rated movies, at no stage did he refer to the matter of R-rated movies which, as far as I am concerned, is much more serious than that of erotica.

The arguments used to try to get us to ban X-rated movies - and the letters that I have received on this question come from all over Australia, but mostly from rural Queensland and Tasmania - are almost always concerned with violence. But, of course, the question of violence simply does not apply to X-rated movies. The argument that these people present is invalid - the premise does not apply to the situation; therefore the conclusion is invalid.

The Bill that we are now discussing restricts the publishing of the material involved in X-rated and R-rated

21 February 1990

movies to the areas of Hume, Fyshwick and Mitchell - to the industrial areas of Canberra. The idea of this restriction is to minimise the usage of both X-rated and R-rated movies. I will come back to that point later.

This Bill deals with principles. The Government, I feel, should be prepared to allow business the time to move premises. It would be incredibly unfair to pass a Bill like this, then immediately gazette it, so that a businessman suddenly loses his business because he cannot operate in Belconnen or somewhere like that, and does not have time to rearrange it. That particularly applies to the people who are currently hiring out R-rated movies, because they are part and parcel of the video business.

Let us not forget that most of those video shops usually have one person running and operating them and, from my observation on the relatively minimal number of times - three or four in the last two or three years - I have been in those shops, they have almost always been operated by people who are under 18 years of age or appear to be under 18 years of age. So there is also a difficulty there.

I think that the notion should also require that operators be licensed, and the Government should consider that the licensing of operators would particularly allow the separation, in Fyshwick, Mitchell and Hume, of X- and R-rated outlets. We certainly would not wish to see a situation where R-rated operators were hiring out movies next to X-rated operators because then we would have what the censor is trying to restrict - a combination, in effect, of violence and erotica. I believe that everybody in this chamber agrees with the censor that that is undesirable.

My main reason for doing this, and for claiming that this is a rational and logical move, is related to prohibition. Prohibition simply does not work. The best example, of course - and I have referred to this on many occasions - is alcohol in America in the 1920s. But I think a much more current example is the drug wars in the United States where we know that for every dollar spent the problem increases proportionately. So we have to find some form of policy that will allow us to minimise the usage of R-rated and X-rated movies; to minimise the usage of what many members of our society consider undesirable.

A psychiatrist from Merseyside, Liverpool, in the United Kingdom, Dr John Marks, has recently referred to "the paradox of prohibition". At the same time he is working on an idea that is being developed by Dr Stephen Mugford, a sociologist at the Australian National University. These men are looking at the economic demand curve, and the notion of that curve is that when you free up something and take a totally laissez-faire attitude to it, so that there is free advertising and so forth - what Stephen Mugford calls a "Mars bars" approach - you get an increased usage because, as Mr Stevenson pointed out when he tabled his Bill, advertising has a major impact.

At the other end of the curve, at the opposite extreme, is prohibition - when you deliberately make something illicit. The interesting part about this end of the curve is that it also increases usage. Whilst this is a simplistic version for policy makers, it certainly has some impact on this debate. If we restrict the usage of X- and R-rated videos so that they are generally unavailable but available to people who wish to use them, then we might be able to optimise the minimum usage. That is what I am attempting to do - optimise the minimum usage. I think that that is the only logical approach to this question.

I have had a letter from Dr Mugford, presenting his ideas on drugs, which he has also applied to X-rated movies and to pornography. After describing his particular paradox, he says:

On the other hand, it would seem to apply strongly to prostitution and pornography, even though the absolute parallel to prescribing certain drugs does not occur.

In the case of pornography, any harm arising from its sale will tend, as in Fig 1 -

That is the curve I have just described -

to arise at the extremes - of either a flourishing black market, which thus loses all control of content through proper surveillance or of very widespread availability on a "Mars Bars" basis.

That is the other end of the curve. He continues:

I think that the issue of what harm non-violent erotica does to viewers is still a vexed question. My own view is that depictions of human sexual acts that do not involve violence are certainly preferable to the gross violence that goes under the R label and far less likely to cause harm.

That is why my own thinking is along the lines of restricting both the R and X categories. He continues:

If we assume, however, that harm can result from pornographic videos, then the type of policy you have advocated clearly has the best chance of minimising such harm.

So if there is harm, if the sort of illogical arguments that are put forward by Mr Stevenson and others who like to misrepresent the debate are to apply, then this policy is the one that will minimise such harm. That is why I have presented it.

The debate so far has gone through a series of misrepresentations and those misrepresentations are

21 February 1990

invariably about what X-rated movies are. The idea is to ensure that the community does not understand what they are about. One of the most recent examples has come from the Reverend the Honourable Fred Nile, a member of the Legislative Council in New South Wales. On 16 November 1989 he distributed a media release to the press gallery urging the New South Wales Government to introduce a boycott of the ACT to stop X-rated videos. In the media release he made what he calls "a rhetorical reference to John Lark". He says:

... the Federal Government must stand up to the John Larks of this world and say "No, enough is enough!".

In fact, I have in my hand an agreement by the Reverend Fred Nile to apologise because he went on to say:

... this X-rated hard core pornographic video industry has close links with the Mafia in the USA.

He later makes this apology:

In case my media release dated 16th November 1989 was misinterpreted, I wish to apologise to Mr John Lark for any hurt he may have suffered because of the above media release.

He knew what he was doing, he was aware of it, but he wanted to misrepresent the argument. That was not necessary. If you have a good enough argument, present the argument as it is, present the truth, then you can sway people. The Reverend Fred Nile goes on to say:

I also give an unqualified retraction concerning any possible imputations that Mr John Lark himself has any personal links with the Mafia in the USA, or that the objectionable violent videos I referred to were distributed by him as he only specialises in "non-violent erotica" videos.

But he has already had the opportunity to present non-violent erotica as violent pornography, which it simply is not.

It makes me wonder how people like that can call themselves Christian, because the Reverend Fred Nile is clearly not a Christian. When Christ was asked, "What is the greatest of the commandments?" He said, "Love one another", and went on to say a few other things. The sort of thing that we get from Fred Nile, the sort of thing that we get here, is very far from Christianity. If he really perceives himself as a Christian, then in fact he is a hypocrite. He relies on the fact that other people are Christians and therefore cannot make the sort of statement that I have just made. As most members are aware, I am agnostic. I am not a Christian so I can make such statements without being hypocritical.

What these people rely on is scaremongering. They rely on fear and lies to take advantage of genuine Christians who do not know any better, who believe the sort of lies that are presented. That is how the argument has gone on X-rated videos; that is how people have been swayed - not by the truth, but by lies. That is not to say - and I emphasise this again - that I think X-rated movies are wonderful. I do not. But I am not going to tell other people what they can watch and what they cannot watch in relation to something that does no harm and cannot be shown to do harm. In relation to things that can be shown to do harm, I have no hesitation in supporting censorship.

On violence, we hear the arguments again and again. I wish to refer to a very recent - not two weeks old - report from the National Committee on Violence. It is called "Violence Directions of Australia". The committee concedes that a state of physiological arousal may be induced. But it believes that that does not of itself justify the prohibition of any stimulus, with a tendency to evoke arousal, sexual or otherwise. The committee goes on to talk about sexism and the denigration of women. By the way, this is a majority report, with one exception.

The Committee deplures sexism and the denigration of women. It feels, however, that values such as these, no less than other anti-social thoughts, are best combated not by censorship, but by criticism, censure and stigmatization in the marketplace of ideas.

That is the sort of logical, rational approach that we need, not the notion that we just ban something and create a whole underworld black market for it.

As part of the attempt to ban, we have heard Mr Stevenson talking about movies that describe people urinating on each other and giving that as a reason for banning them. I will take this opportunity to read from one of the greatest political satirists who has ever written in the English language. I refer to Jonathan Swift, author of Gulliver's Travels. Some people may think that Gulliver's Travels is a children's story, and indeed there are versions of it that fit that description. Gulliver first travelled to Brobdingnag and Lilliput, the land of the giants and the land of the little people. But later on he travelled to Laputia and other places, and finally to the land of the Houyhnhms - a difficult one to pronounce. In fact, it is the land of horses and hence you get a slight neigh as you say "Houyhnhms".

Swift describes the scene when Gulliver first meets some of the people there, and the satire is such that the horses that he describes live in what he perceives as the perfect world. However, as he goes on, he realises that their perfect world has a great number of faults. It is the sort of world that would ban and censor. The people in this

21 February 1990

land are called "the Yahoos" - that is where the word comes from. This is how he describes them when he first meets them:

The females were not so large as the males; they had long lank hair on their heads, and only a sort of down on the rest of their bodies, except about the anus and pudenda ... The hair of both sexes was of several colours, brown, red, black and yellow.

What he really is describing is people.

Upon the whole, I never beheld in all my travels so disagreeable an animal, or one against which I naturally conceived so strong an antipathy.

One of them approaches him and this is how he handles it:

I drew my hanger -

that is, a flat broad sword -

and gave him a good blow with the flat side of it;

So what we have now is a description - remember, they did not have videos 300 years ago - of a violent situation.

When the beast felt the smart, he drew back and roared so loud, that a herd of at least forty came flocking about me from the next field, howling and making odious faces; but I ran to the body of a tree, and leaning my back against it, kept them off, by waving my hanger. Several of this cursed brood getting hold of the branches behind, leaped up into the tree; from whence they began to discharge their excrements upon my head.

So the notion in a video of urinating on people is not so different from Jonathan Swift's satire where he has the notion - in fact, the somewhat more repulsive notion - of people excreting on one another. Would that be banned? Would we be looking to ban the political satirist Jonathan Swift? I am sure many of us would like to ban many political satirists.

As for the misunderstanding, let me refer to some comments made by Andrew Peacock in just the last couple of days. This is part of the problem. On the Diana Warnock show in Perth he was asked about X-rated movies. He spoke about the barbaric elements that relate to children, both sexual and in terms of the horror element. He clearly does not understand what X-rated movies are. He finished by claiming: "Thank goodness censorship is not an issue in Australia". Well, perhaps it is not, but perhaps it will be. But certainly he clearly does not understand and one cannot help wondering whether the Attorneys-General, when they made their decision a few years ago to ban the sale

and distribution in the other States, also did not understand what they were talking about. The Attorneys-General now have exactly the same attitude and the same opportunity as Dennis Stevenson has to present that sort of Bill. But they have not done so. They prefer to find a way to optimise the minimum usage. The way they can do that is by leaving things alone and letting the distribution go from Canberra. It so happens that that could well suit us if we are sensible enough to tax such a move.

The denigration of women also comes up in an article by Paul Wilson that I understand was published in the Melbourne Herald. In addition, the likelihood is high that at least some potential sex offenders curtail their plans to engage in sex crimes as a result of watching an X-rated movie. What happens here is that the movie fulfils their need for sexual satisfaction and they therefore refrain from sexual aggression.

Mr Speaker, what I am trying to do with my Bill is to optimise the minimum usage of violence and erotic movies. I seek leave to table the explanatory memorandum.

Leave granted.

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

TRANSFER OF POLICING - PROPOSED SELECT COMMITTEE

MR WOOD (10.52), by leave: On behalf of Mr Whalan, I move:

That this Assembly calls on the Government to establish a select committee empowered to negotiate and finalise the arrangements whereby policing in the ACT is handed over to the ACT Government from July 1990.

I am confident of the support of the entire house as I move this motion. Firstly, I am confident because I will accept the claims of the Government and all its members that it is an open government; that it is accessible to the community; that it wants to consult with the community, and of course, with this Opposition.

Secondly, I am confident that this motion will be accepted because in the history of this Assembly, no such proposal has ever been rejected. Therefore, I would not expect that this sensible proposal, equally sensible as any that has so far been presented, would be rejected. I am confident it will proceed. At this stage I am not proposing the terms of reference or the membership of that select committee. That matter will come soon, in the next day or two, after this matter is agreed.

21 February 1990

The ACT is in the very desirable position of establishing a first. We are undertaking a new venture - in this case, determining the policing that we want in the ACT. We can determine just what we want in policing, and we should determine that. We should not allow events to proceed so that arrangements come into place that we have not examined in the greatest detail. We should make sure that we get exactly what we want. By "we", I mean the ACT community of which we are representatives. That is the reason why it is important that a committee should inquire into this matter, because it provides the broadest base for consultation. I am suggesting that we do not want bureaucratic consideration, although we would listen to the bureaucrats. We do not want just the proposals of government. We want the Assembly to take on this issue and use the committees which are the means by which parliament can extend into the community. That is the desirable way to go.

I propose a select committee. I would note at this stage that the ALP submission to the Speaker on the future of the committee structure in this Assembly suggests that the use of select committees should be rare. I agree with that. So I do need to justify our suggestion of a select committee. I think it is clear why we need to make it a select committee. First of all, no standing committee clearly has reference to policing in the ACT. So it is logical to provide a select committee that can do that task. Secondly, it is such an important matter that parties may want to nominate members with specific interest in that area. That is sensible; there may be people on either side who want to be involved, so we should allow that flexibility.

Another point is that the standing committees are already quite busy, and they may not be able to fit this task into their program or timetable. For those reasons, I believe it is sensible that a select committee be appointed. I might also indicate that the Labor Party is considering the important matter of justice and our legal system, the court system, and we will perhaps be suggesting to the Government shortly that a similar course of action be undertaken in that respect.

There is much to be determined as we take over policing. For me, the starting point of that process is what manner of policing we want in the ACT. I believe that we should not look at what is operating now. We do not take existing models and say, "Okay, how do we change this to suit?". Rather we go back to basics and say, "What do we want? What do we need in this Territory for our policing?". We need to ask questions of how the police should relate to the community. When we have determined that, we can move on to questions such as the structure and control of the police, the training they need and the resources they should be allocated. These are the first questions before we move on to consider what type of force we need to fulfil our requirements. We first determine our objectives then later determine what we need to fill those objectives.

The danger at the moment is that we see the Australian Federal Police operating here, maybe quite successfully, and we will just take what is there. I do not believe that is the way to go. It is very important to get it right, because this is our opportunity. I am aware that it is proposed that we take over the policing by July, so there is a tight timetable for this proposed select committee. I am not hung up on that date in July. I believe it is more important to get this matter right than it is necessarily to take over the police by that time. Let us be sure that we are getting exactly what we want to get. I do not believe that the ACT will necessarily be best served by opting for what appears inevitable. We must search out all the options and aim only for the very best. That is why we need this examination by the proposed select committee. As I have said, I am confident of the support of all members in this house, and look forward to the task in the next couple of days as we move rapidly on the terms of reference and the membership of that committee.

MR COLLAERY (Attorney-General) (11.00): I thank Mr Wood for some of his comments. Perhaps I could put the motion into perspective. Section 23(1)(c) of the ACT Self-Government Act, says that this Assembly has no power at this stage to make laws for:

... the provision by the Australian Federal Police of police services in relation to the Territory.

There is an interesting anomaly there in that it does not exclude us from making laws for the provision of police services with someone other than the AFP. To go with that is section 8 of the Australian Federal Police Act 1979, which says that one of the functions of the AFP is the provision of police services to the ACT. Just to put it further into perspective, the general revenue grant, paid to the ACT from the Commonwealth, does not include at this time a capacity to provide police services in the ACT. So were we to attempt to go it alone with something other than the AFP, we would not have the funds to do that.

I think all members in the Assembly must accept the impracticality of making a deal with anything other than the Australian Federal Police force, but there may be some qualifications to that in terms of any minor and subsidiary contract arrangements that one might want to make in other areas dealing with computer access, forensics and the like.

Basically, the level of funds transfers that is currently estimated to be needed is \$42m. I hesitate to say "currently estimated" because it is a figure given to us from the Commonwealth services. We are aware - and I think the police will acknowledge it - that over the years the Grants Commission has sometimes been quite querulous about the accuracy of financial data that the Australian Federal Police force has supplied to it. But the AFP has changed a lot in recent times and is trying to lift its game, so

21 February 1990

perhaps we may be confident in believing that the figure of \$42m has some accuracy.

I believe that the former Chief Minister, Ms Follett, raised this issue in correspondence with the Prime Minister. That brings me to a number of other issues, but, first of all, I move:

That all words after "That" be omitted and the following substituted:

"this Assembly notes current working party negotiations with the Federal Government concerning the need to finalise arrangements for the policing of the ACT".

MS FOLLETT: I raise a point of order, Mr Speaker. We have the motion before us and I would ask for your ruling. It seems to me that the amendment directly negates the motion and it could not be in order.

MR SPEAKER: Ms Follett, I believe that this is an alternative and a vote can be taken on either the amendment or the original proposal. Therefore it is in order. Please proceed, Mr Collaery.

MR COLLAERY: Thank you, Mr Speaker. Mr Speaker, if we are to take the component of the Australian Federal Police force on contract, the level of funds to be transferred by the Commonwealth to sustain that activity must reflect the actual level of activity. One major problem is really being confident that the current costing figures, as I said earlier, are correct, and particularly whether they underestimate real expenditure. That could leave us in a very difficult position. It is possible that if no agreement is reached, the ACT can continue to rely upon section 8 of the Australian Federal Police Act, which requires the police to police the ACT. If we did that, the level of expenditure the Commonwealth would assign to that task would be taken into account by the Grants Commission and, in effect, weighed against and deducted from our general revenue grant.

In terms of arguments for a transfer, if we do have a transferred component it is a component that we can vary the level of services for. The savings and receipts of the police force would accrue to us and, more importantly, we could get control over police objectives and priorities. However, Mr Speaker, we are hardly likely to be given effective control and priority unless we fully assume the financial responsibility for the task. It is true to say that where governments put their money they like to retain their influence.

The other issue to decide is whether we should establish an autonomous police force. I think all members accept the impracticality of that proposition, and clearly it is impracticable when we consider that the facilities currently owned by the Commonwealth are there, and it would

mean great duplication in a number of resource areas. Because negotiations have to be conducted energetically in the full interests of the people of the ACT, it is inappropriate for me to indicate more than the basic considerations and our basic negotiating position. I am sure that the Leader of the Opposition would agree with me on that aspect. We are unable to debate funding issues and the minutiae of budget and interrelated financial discussions on the public stage.

That brings us to the motion that Mr Wood brought forward. He is proposing that we conduct a most sensitive part of the fiscal adjusting process in an open forum in a select committee. That is really an abdication of the governmental function of conducting negotiations in the best interests of the people of the ACT. Sometimes one must acknowledge that openness is not initially the best way to go in negotiating with such hard-headed characters as the Minister for Finance, Senator Walsh. In our view, it would be better to consider the motion that the Labor Party has put forward further down the track. I accept that we should not see 1 July 1990 as a countdown. We have to get it right. There may well be a time when we would support a motion of this nature as put forward by the Labor Party today, but at this stage it is clearly inappropriate.

The suggestion that we have a select committee is not supported by the Alliance Government because, firstly, it would not be acceptable to the Commonwealth Government. No Commonwealth government would be prepared to negotiate with a select committee. The proposition is unworkable, I suggest. Inevitably, that is the process when we give governmental negotiating status to a select committee, which is, in effect, what the Opposition wants to do. It wants to call the shots publicly. I accept that the Opposition does not wish to grandstand on the issue, I accept that there is a genuine, deep public concern about this issue, but when the Opposition was in government, it did not move to implement that open select committee process. No suggestion was made to us in opposition, and seven months elapsed.

We are now in a position where we need to accelerate. We have additional difficulties with the caretaker period coming up in the Federal sphere. We need to get our working party going on that. The suggestion of confidentiality is an additional problem when we are talking about certain police roles and I suggest that the Opposition might care to indicate whether it has the support of the Police Association in the motion that it has put forward today.

Arrangements for the provision of police services in the ACT from 1 July 1990 will be determined by the Minister for Justice, Senator Tate, and this Government, based on the recommendations of a steering committee of senior government officials. I am pleased to inform the Assembly that negotiations are well in hand and it is expected that a draft report will have been prepared by the end of March.

21 February 1990

At that stage I propose to seek advice from the Chief Minister as to whether we should consult party leaders to see if we can put some of this process on to a consultative basis. At that stage, perhaps we can talk about a reference, perhaps in Social Policy Committee, to a major aspect or component of the considerations that we are giving. In that respect I assume that one of my colleagues will address the question as to whether we really have the capacity for another select committee and whether a component of this discussion could not be taken on board by the Social Policy Committee.

The position of the Alliance Government is that all citizens in the ACT have a legitimate concern about how we are policed in future. I have made that position of this Government absolutely and abundantly clear to the steering committee which is currently negotiating our position on resource allocation, personnel matters, joint use of resources, access to information and reporting requirements. Not the least of our current negotiating topics is the current complexity relating to Federal privacy laws and a whole range of cross-responses in terms of legislation.

I commend to the Assembly the work put in to date by the steering committee which at this stage is comprised of the Chief Law Officer of the Territory, Chris Hunt, and the Under Treasurer, Richard Madden. As well, there are representatives on the committee from the Federal Attorney-General's office and the Federal Department of Finance. As the Leader of the Opposition is aware, that steering committee is advised by an officers working party which is going through the background details and costings.

The Alliance Government carefully considered these issues in Cabinet recently and has agreed to the continuation of these negotiations with the aim of ensuring that a policing arrangement should be in place, if possible, by 1 July 1990. I commend the amended motion to the house and express a strong view that at this stage these negotiations should be conducted as they were planned by the Opposition originally and as they have been continued by this Government. They should be conducted in a spirit of bipartisanship on the basis that the Leader of the Opposition will be kept informed of issues likely to be difficult to debate politically, but worthy of bipartisan support.

Mr Speaker, the prospect that we do not have an arrangement by 1 July 1990 will not produce mayhem or difficulties, per se, for the Territory. But clearly, given the complexities of the finance negotiations that our Treasurer has to undertake with the Commonwealth, be it a new government or not, he would like, I am sure, a fair degree of specificity about the implications of taking on board a police function at this stage of our financial circumstances. I imagine that if the Treasurer has time to speak in this debate, he

will indicate clearly that he would want - and I do not wish to go any further publicly - any arrangement we make with the Commonwealth Government to ensure a guaranteed situation so that if the costings figures which are substantially supplied to us by the Commonwealth, the other negotiating party, are wrong, then we have some guaranteed fall back for additional funding of that component.

Mr Speaker, I acknowledge the good motives behind the Labor Party's motion today. However, I believe it is premature. I believe that perhaps it should have come on day one of self-government. We could have had a select committee to look at general issues of the community's perception of policing to aid the negotiating position. But to impose a select committee now - - -

Mr Whalan: Ha, ha!

MR COLLAERY: Mr Whalan thinks this is amusing. To impose a select committee now would fracture the negotiating process. I undertake on behalf of the Alliance Government to fully consult with the Leader of the Opposition and Mr Wood, as spokesperson in this regard for the Opposition and other members, at the appropriate time for an appropriate committee referral. With the Social Policy Committee it can be a self-referral on issues which may arise on specific policing aspects.

Mr Berry: That is a very qualified commitment. Thanks very much for that. It is not worth two bob!

MR COLLAERY: That is an open, straight commitment.

MS FOLLETT (Leader of the Opposition) (11.13): Mr Speaker, I rise to support the motion that Mr Wood has moved and to oppose the so-called alternative proposition put by Mr Collaery. I think it is very important at the outset that we look at the relevant part of Mr Wood's motion, which is to establish a select committee. Of course, that relevant part is entirely omitted from Mr Collaery's amendment. So I believe that Mr Collaery's amendment does directly negate Mr Wood's motion.

It would have been much more honest of Mr Collaery to simply oppose the motion. Why we have to go through this farce of a meaningless, mealy-mouthed amendment just to assuage Mr Collaery's conscience, I do not know, but that is the case. The amendment makes about as much sense as Mr Collaery's statement just now that Mr Wood's motion is premature. He then said that the matter should have been raised on the first day of self-government, 12 months ago. Brilliant Bernard, brilliant!

There are a great many reasons for supporting Mr Wood's motion, and I am very disappointed indeed to note that the members opposite do not see fit to do so. Nobody in this chamber knows more about the committee system than Mr Wood. He has been the most active participant - the most useful

21 February 1990

participant, in my view. What Mr Wood is proposing is a mechanism for achieving a bipartisan approach to the policing of the ACT. This is entirely consistent with the approach that we were looking at when we were in government and, in fact, the question was raised with Mr Kaine and Mr Collaery of a working party to look at policing of the ACT. It has always been our intention that this should be a bipartisan matter. As Mr Wood has said, the committee system offers opportunities for broad consultation with the community.

I am aware of all of the bureaucratic machinery that is in place, to which Mr Collaery has referred, but I do not believe that that offers the community at large an opportunity to make their views known. We are also very aware that the issue of policing the ACT is very complex. There is the whole question of the kind of policing the Canberra people want, and again Mr Collaery has touched upon that. We have the Federal Police here and I believe that we are to an extent locked into the Federal Police arrangements, but we need to have a very firm say on what we want them to do, what nature of policing we believe the community needs.

There is also the question of cost, which is a very big issue. It is important that we try to contain the costs into the future for policing of the ACT. It is equally important that the Canberra community understands the issue of cost, and the people of Canberra are able to say that they are willing to give priority to this or that aspect of policing and prepared to see their rates spent on it and the cost borne by the community.

There is a further complexity in the whole issue which concerns the employment provisions, the arrangements that will be made for the police who are to serve the ACT community. That is an issue that has been very contentious recently and that needs to be resolved before any arrangement is made for ACT policing. It is an issue on which the police themselves must have an opportunity to have a say. That is their industrial right, I believe, and it is a further complexity of the whole question of policing in the ACT.

Another good reason, I believe, for moving towards this bipartisan approach is that a number of members of this Assembly have already made a variety of pronouncements about the police in the ACT. I would refer members to previous debates on the need, or the lack of need, to increase police powers; to public pronouncements by some members of assertions about police brutality and so on. Those sorts of positions taken by members of this Assembly may - and I stress the word may - diminish the appearance of an objective approach towards the policing needs in the ACT. I think that objectivity is a very important aspect of the arrangements here.

I believe Mr Wood is absolutely correct in saying that a select committee could achieve that bipartisan approach. There is absolutely no question that the select committee would be taking over the role of government. There is no question that the select committee would be entering into negotiations with the Federal Minister or the Federal Government. As I say, nobody knows more about committees in this Assembly than does Mr Wood and he would not make such a silly mistake, Mr Collaery.

I would like to state further, on behalf of the Labor team, that we look forward very much to taking a full and proper role in the committee system of this Assembly. We have always supported the committee system of this Assembly. We are currently waiting for clarification of the roles of committees and the way in which they are perceived by the current Government. Once we have that clarification and once we are assured that our role in the Assembly committees will be the proper role and that those committees will perform their duties appropriately for the Assembly, not for the Government, then we very much look forward to taking a full and proper part.

I therefore wish to commend yet again the Assembly's committee system and to strongly commend Mr Wood's motion that this matter be dealt with in a select committee, in the way that he has put forward. He has not been prescriptive about the membership or about the terms of reference. Quite clearly, there is scope for the committee itself to consider those matters. But I believe it is appropriate that this Assembly, through its committee system, have the opportunity for open and consultative work on the policing of the ACT, and that we do not confine the debate on policing in the ACT and the community's policing needs, to the closed-door, bureaucratic machinery. We know of the existence of that machinery.

I commend the work that is being done. It is necessary, important work, which is aimed at best meeting the community's needs for policing in the ACT. However, it is not the only work that needs to be done. I believe I have put forward the reasons why the select committee process is an appropriate process which offers a more bipartisan approach. I have taken on board Mr Collaery's offer to brief me from time to time. He has not come forward so far, but I expect we can always live in hope.

To sum up, Mr Speaker, Mr Wood's motion is the good, responsible, open and consultative approach on this matter. Mr Collaery's so-called alternative proposition is no alternative at all. It is a proposition for decisions to be made behind closed doors, for consultation by way of edict at his whim, not at my request, and I think that he ought to be ashamed of himself for putting it forward.

MR STEFANIAK (11.22): I am rather amazed to hear the Leader of the Opposition talk about the committee system and the need for this particular committee, when she has

21 February 1990

made a rather feeble excuse as to why there is only one member of the ALP on any of the committees at present, and why that person has been the only ALP member for the last two months. I think that that point really needs to be emphasised. Indeed, Mr Wood is the only Labor member who has been on a committee, and the former Government has been in opposition since 5 December. In terms of the social aspects of policing, Mr Wood's Social Policy Committee is in a position right now to consider any of those aspects it so desires, to put its own terms of reference together and to look at those broad issues. As I understand it, it has done so on certain occasions in the past.

However, there is a problem in relation to the detailed nitty-gritty financial aspects and the previous Government actually started the process by which these are being looked at by departmental officers. As Mr Collaery indicated, negotiations are now well in hand. It is his intention as Attorney-General, and the intention of the Government, to keep the Opposition fully informed, and I understand a draft report is being prepared which should be available for discussion by the end of March.

Given that Mr Wood's committee can look at a large number of areas, and given that the financial ramifications are something that even the previous Government would agree are better left to these detailed interdepartmental discussions, what is the point of Mr Wood's motion? As Mr Collaery has said in his speech, further things can be further referred to the Social Policy Committee, if need be. The need for an additional committee, if that is justified, can be looked at further down the track, given that a draft report will be available, and that the Attorney-General has undertaken to have discussions with Opposition members. No doubt the contents of that report, which is to be ready by the end of March, will be indicated to them.

Why do we need an additional committee, as Mr Wood has stated? A number of matters point to not having that select committee set up, as Mr Wood has advocated. Firstly, the previous Government did nothing about setting it up. Secondly, a committee such as he envisages would have certain time problems in bringing down its report by 1 July. It is doubtful whether there is enough time for the committee to complete its task. The Attorney-General has also mentioned points in relation to the question of confidentiality, and that is another very important aspect which has to be looked at and which militates against a committee of the kind that Mr Wood would like to see.

When we talk about what sort of police force the ACT wants, a large number of factors come into play. There are a number of points which Mr Wood's Social Policy Committee can well look at, including the whole gambit of policing, the financial aspects, the type of police force that we want. We want a police force that relates to the community - an educated police force. Then there is the

question of the numbers that will actually come over. Obviously, we want a police force that does its job well and has high morale. We want to see that the AFP facilities, which are very good, continue to be used. I would certainly hope that, whatever happens after 1 July, the police force that is contracted out to the ACT is given full support by this Assembly, and that this Assembly ensures that the police have all the powers they reasonably need to do their job properly.

We are very lucky at present in the ACT to have probably the finest police force in the country. It is well educated and its activities are scrutinised within the force, by its Internal Affairs Division, and by the Ombudsman. As the Leader of the Opposition has stated, several committees have looked closely at police conduct, and, of course, the Winchester inquiry has opened up a large number of issues ranging over many years.

The AFP is probably one of the most highly scrutinised police forces in the country. It has been put under the microscope, and it is recognised as the best police force in the country. That says a lot for the men and women of the ACT-based Australian Federal Police. I think this Assembly should note that fact. Indeed, I am pleased that various speakers, on both sides of the political fence in this Assembly, have actually expressed similar sentiments in the past. We want to ensure that that continues in any police force that we take over. Given the calibre of people in it at present, I am sure that will be the case.

MR WHALAN (11.27): I just wish to place on the record the correction of certain false statements which have been made by members on the other side. They have been made by what might be described as the "move-on powers junta" of Collaery and Stefaniak. The move-on powers junta of Collaery and Stefaniak has suggested that there has been no attempt whatsoever on our part to discuss the question of policing powers in the ACT, come 1 July 1990. That is patently false. After discussions within the Government, Ms Follett authorised me to have discussions with both Mr Kaine, who was then Leader of the Opposition and Leader of the Liberal Party, and Mr Collaery, as Leader of the Residents Rally. Those discussions did take place, and certain proposals were under way at the time of the change of government.

The record must be clear that an integral part of those discussions with Mr Kaine and Mr Collaery was the desire on the part of the then Government to ensure that whatever arrangements were finalised between the ACT and Commonwealth governments in relation to policing in the ACT, those arrangements were based on a bipartisan approach to this matter.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.29): I wish to make a brief contribution to this debate. First of all, I find the motion itself a little

21 February 1990

peculiar. It calls on this Assembly to call on the Government to establish a select committee empowered to negotiate and finalise the arrangements whereby policing in the ACT is handed over to the ACT Government. I looked at my standing orders, and particularly at standing order 217, which says:

The Assembly may appoint select committees ...

It seems to me that if the Opposition were serious about establishing a select committee, it would not be calling on the Government to do that because the Government does not establish select committees. It is the Assembly that establishes them.

Mr Wood: We need its support, don't we?

MR HUMPHRIES: If you want our support you should move a motion. You have not moved such a motion. You have said, "This is your problem, you fix up a select committee". You have not provided any terms of reference, membership or a reporting date. You just want to throw up the issue, apparently for political kudos, so that you can say that you have done something about policing in the ACT. I do not think that this is a serious attempt to address the issue. I think it is really an attempt to say, "We are concerned about policing, but it is really the Government's problem". To some extent I share that view; it is the Government's problem. The Government has to sit down and make some hard decisions, and in particular, as Mr Collaery has indicated, to engage in some hard-nosed negotiations with the Federal Government.

The issues are complex. They are particularly sensitive in the area of financial contributions by the Commonwealth to our policing needs. We have a very delicate operation to perform here in negotiating an adequate police service for the ACT, and I really do not think that this motion is a contribution to securing such a service. Frankly, I would feel more confident that the Opposition was serious about the processes of committees in this Assembly if to date we had seen some serious attempt by members of the Opposition, with the exception of Mr Wood, to get involved in the process of committees.

Mr Moore: Oh, come on!

MR HUMPHRIES: I am referring, Mr Moore, to the four members sitting - - -

Mr Kaine: Mr Moore is a notable exception.

MR HUMPHRIES: Mr Moore is a notable exception. I am referring to the four members who sit on his right.

Mr Wood: Would you like Mr Moore to get involved too?

MR HUMPHRIES: I would like him to get involved, but he is already involved. The fact is that the four members sitting over there - - -

Mr Whalan: Name them!

MR HUMPHRIES: Ms Follett, Mr Whalan and the other two members sitting behind them. Those people have not bothered to get involved with the committees of this Assembly in the last two and a half months. Apparently, they think that they can sit back and wait until some sort of assurance or undertaking comes from the Government about the way in which committee functions will be performed. We had no such undertaking when we got involved in the committees at the commencement of this Assembly.

What is more, over the last two months during this Assembly's summer recess important work was done which should have had some proper input from the ALP. That input did not eventuate, apparently because these four people over here - this Government in exile - believe that sitting on committees of the Assembly is beneath them and that they should be Ministers. The fact that they are not Ministers means they are not going to grace committees of this Assembly with their presence. The fact is that if they are serious about the committee work of this Assembly, they should get involved and show their bona fides in the first place.

As I said, these are matters for sensitive negotiation and they ought to be handled in a sensitive fashion. I do not believe that a public debate about financial arrangements between the ACT and the Commonwealth is appropriate at this time. It ought to occur in a sensitively-handled fashion and that will best occur through the process described in Mr Collaery's amendment. For example, I think that if it had been proposed some time ago that negotiations about the tendering for the casino were to be handled by a public committee rather than by private negotiation, there would have been howls of outrage from members of the ALP. This is a very similar arrangement. We must have a sensitive approach to this and it is best secured in the way described. It is a matter for government, not for Assembly committees.

MR MOORE (11.33): I find myself in a difficult position because, as Mr Humphries pointed out, the wording of the motion is that the Assembly call on the Government to establish a select committee. I think there is a simple solution to that - an amendment that removes the words "calls on the Government". The motion would then read that this Assembly establish a select committee empowered to negotiate and finalise the arrangements.

What we really require is a select committee and I think that that is quite appropriate. It is also appropriate for the Government to finalise the arrangements, while the select committee should make recommendations to it on how to finalise those arrangements.

21 February 1990

Whilst I support the general concept of the motion, I agree with Mr Humphries that it is very badly worded. I also oppose the amendment that Mr Collaery is putting of just leaving the issue totally to the Government. I think it is a matter that should have a bipartisan approach and agreement and I think that the policing of the ACT is a very important matter. It touches everybody in the community and it would have a great deal more credibility if the establishment of a select committee to look at this had the support of all parties in the Assembly.

I have attempted to play around with this and move an appropriate amendment, but so far I have not been able to come up with the appropriate wording. Probably the approach that we should take is to establish that select committee and allow it to make its recommendations in the normal way, as committee always do. In that way we can have a logical and rational approach to this debate that takes into account all the concerns that have been expressed here this morning.

MR KAINE (Chief Minister) (11.35): I will be quite brief. I think that Mr Humphries has really put his finger on the nub of the problem with this motion put forward by Opposition members. They were not really interested in achieving anything; they just wanted to finger the Government. That is why their motion is framed in the way that it is. They did not want the Assembly to do anything; they just wanted to be able to say that the Government ought to be doing something. I oppose that approach on two grounds, Mr Speaker. The first is the simple and basic fact that the business of government is the business of government, and the other is that we do have a timing problem.

On the first point, it is the responsibility of government to get on with the business of government. When Opposition members were in government, once in a while, when it suited them, they thought they should refer something to one of the Assembly's committees instead of doing their own work for themselves. A notable example was the reference to an Assembly committee of the inquiry into disposal of garbage. If a government cannot determine what it is going to do about disposal of garbage without throwing it on to an Assembly committee, what is it capable of? In fact, it proved that it was capable of nothing and that was typical of the way it went about its business.

This is a very significant matter which is the responsibility of the Government to resolve, and the Government will get on and do it - sensibly, of course. When we have come to a final conclusion on how the matter should be dealt with, we will put it to the Assembly for its endorsement and approval. But the Assembly does not have to be, nor should it be, involved in the detailed development of policies or the detailed development of proposals to implement policies. The Assembly, by all

means, should and will be given an opportunity to comment on the result of that process, which is a process of government.

I was interested to hear the former Chief Minister say that when the Opposition was in government it was looking at a working party. That was its approach to everything - form a working party, form a consultative committee, talk about it, but do not do anything. The former Government did nothing about this, just as it did nothing about a lot of other issues.

To take up Mr Whalan's point, yes, he certainly did talk to me, but he talked to me in terms of a working party, not a select committee. How is it that in such a short time this matter has achieved such eminence that now, according to the Opposition, it must be done by a select committee of the Assembly? That is not what Mr Whalan put to me. At no time did he ever suggest such a possibility. He talked about a working party.

The other aspect of my objection to this proposal is whether this is a question of timing. The previous Government did nothing on the issue, even though it well knew that we would be obliged to take over the responsibility for the police by the middle of this year. Yet in seven months it did nothing. We have now taken over the reins of government and, essentially, we have four months left in which to resolve this issue of how we are going to take over the policing functions from the Commonwealth.

There is not time, even if it were appropriate, to get a select committee of the Assembly involved in that. We have our negotiation arrangements in place, they are proceeding. We will come to an agreement with the Commonwealth as to the best way to handle this problem and, as I said, when we come to that conclusion, we will inform the Assembly. And it is simply quite improper for the Leader of the Opposition and the former Chief Minister to suggest that we should develop these things in the public forum. There are matters of sensitivity there, financial and otherwise, and the former Government did not and we do not develop policy on these issues by public debate and in the public forum. That is not where we resolve issues of sensitivity. We are getting on with the business. We will come to a conclusion; we will tell the Opposition about it.

Mr Collaery has gone to great pains to point out carefully and systematically that there are no possibilities open to us at present other than to accept the continuation of policing by the Australian Federal Police. No other options can be pursued in the time that we have available to us. On the other hand, in the longer term, once we have a suitable arrangement in place with the Australian Federal Police, we can look at other options for the longer term, perhaps even the re-establishment of our own police force at some time in the future if we believe that we can afford

21 February 1990

it, and that that is a better solution than hiring the services of some other police force.

Mr Speaker, I submit that the proposal put forward by the Opposition was not serious. It simply wanted to use this as a vehicle somehow to finger the Government. It did not succeed; it will not succeed. The amendment put forward by Mr Collaery represents the true, achievable, sensible position, and I suggest that members of the Assembly support it and let us get on with it.

MR BERRY (11.41): I think the most important issue about this motion which has not been discussed is the fact that it has been on the agenda for a long time. The Government has had ample opportunity to talk with the Opposition members about a way forward for policing in the ACT and a way forward which would be acceptable to the broader community in terms of the information available on what the community could expect from the police in this Territory.

Policing is a community concern and community policing is an important issue for all walks of life in the Territory. Those concerns have been highlighted by recent reports about the quality of policing in the Territory, and I have no doubt that what Mr Stefaniak has said in relation to the general quality of policing in the ACT is correct. It is a good quality police force, but there are some aberrations which cause concern amongst the community. I think that the community deserves to be properly informed about the police force that it inherits - and will have to pay for in due course - before policing is taken over by the ACT Government.

It is a government problem, as Mr Humphries has said. This Government talks about consultative government over and over again, but surely consultative, open government is about negotiating positions with the players in this Assembly and members of the community who are concerned. Those negotiations have not happened, and what seems to be in store for the people of Canberra is a plan which is being developed behind closed doors. Irrespective of the sorts of criticism that we have heard from the Government benches about the Opposition when it was in government, the fact of the matter is that the community still expects to be informed about the police force that it will inherit. Those financial issues are important, and again, the community needs to be informed about those issues.

Mr Speaker, some criticism was levelled at members of the Opposition about the committee system and about how those who were then in opposition had a committee system imposed on them. To be quite frank, I find that unbelievable. I can never ever recall such a period of bleating and whining as occurred from those members opposite when the committee system was set up. I recall all the trouble that the then Labor Government went to to accommodate the wishes and political imperatives, if you like - and in some cases the lack of political imperatives - of all those members

opposite. It should be below a person of Mr Humphries' status to make those sorts of accusations when they are blatantly incorrect. There was plenty of negotiation about what the committee structure would be like, and all he could do was heap criticism on the then Government over the establishment of committees.

Mr Humphries: I did not say that. I said that there were no guarantees or undertakings.

MR BERRY: You have had your chance to speak. Now you just have to accept that that was the case. Anyway, I think it is important to get this matter out in the open in relation to the performance of this Assembly in the public's eyes. Therefore, I move a further amendment to the proposed amendment:

That the following words be added after "ACT":

and that a select committee of this Assembly be established to recommend to the Assembly the appropriate arrangements for policing in the ACT.

That select committee would bring the issue out into the open and I hope that the Government would take a position whereby the ACT community is fully informed about this Assembly's position on policing. I have yet to see signs of acceptance or rejection from the other side, but I would hope that the bipartisan approach that we often look for in issues of general concern to the community and in issues in which party politics should in some cases be pushed aside for the general good, will eventuate. I think a bipartisan approach is probably most appropriate in this case.

The amendment, which I have put forward in the light of Mr Collaery's amendment, is a vehicle for achieving a bipartisan approach on the policing future for the ACT. I expect that some of the concerns raised by Government members would be dealt with by that committee - specifically, the issue of dealing with members of the Police Association. Its views should be taken into account in relation to this, and I would expect that it is the business of this Assembly to talk to members of the Police Association about what the future might hold for policing in the Territory.

In closing, I call on the Government to exercise a bit of flexibility in its approach. I think it is important that the people of Canberra see that this Assembly is conducting its business in an open way, particularly on such an important matter as the development of a police force in the Territory, and that it cannot be accused of going behind closed doors on such an issue.

MR JENSEN (11.49): I will be brief. I have listened to this debate with interest, and unfortunately it appears to me that we have here a face-saving move by part of the Labor Opposition to compensate for its failure to act

21 February 1990

effectively and efficiently in this area in the past. However, I would like at this stage to thank Mr Moore for seeking to refer this issue to an Assembly select committee - - -

Mr Berry: It was a joint effort.

MR JENSEN: He organised it, Mr Berry and you moved it. Okay? I thank Mr Moore for seeking to refer this issue to an Assembly committee, but Mr Wood, the mover of the motion we are debating at the moment, is the chairman of the Social Policy Committee, a committee which, as I recall, has not had its membership changed, with the exception of one.

Mr Wood: Not at all. There has been no change.

MR JENSEN: I am told there has been no change. So that particular committee has not been changed at all and it has continued with its operations. That committee has as part of its terms of reference - as has every standing committee in the Assembly - a provision to allow it to take on these sorts of issues and consider them as part of its process. It does not need a motion of this Assembly. All it needs is a motion of agreement within the committee and then members of the Assembly are advised that it proposes to take that on.

Mr Whalan: Who runs the committee?

MR JENSEN: Mr Wood is the chairman, Mr Whalan.

Mr Whalan: Have you got a balanced representation?

MR JENSEN: It has exactly the same balance as it had before, Mr Speaker. So let the Social Policy Committee take on this role if it so wishes. It does not need a specific reference. The Attorney-General has also authorised me to advise the house that he is prepared to provide for all Assembly members - - -

Mr Berry: But not the public.

MR JENSEN: Let me finish, Mr Berry, and I will tell you what it is about. He is prepared to provide for all Assembly members to receive a confidential briefing from the two departmental officials involved - similar to the sorts of briefings that were arranged by the Opposition when it was in government. We did not have the public involved in those meetings; they were meetings at which all Assembly members were briefed. I hope Opposition members will take up this offer, and that their attitude to it will not be anything like their attitude to the committees, which is very unfortunate. The offer is there and it stands. By the way, I understand that Mr Kaine has yet to receive an answer to the two letters that he sent to the Leader of the Opposition on a committee structure. Those are hollow words from the Opposition, Mr Speaker. It is

easy for those opposite to say that they want to participate in the committees, but they are not prepared to say how they are prepared to participate. Mr Wood has been an exemplary member of committees. I have served on a number of select and standing committees with Mr Wood and I appreciate, as all members do, the effort that he puts into his committee work. It is a bit unfortunate that the four other members of the Opposition are not now prepared to participate in the same bipartisan manner.

MR MOORE (11.52): I think this is a very sensible amendment which complements Mr Collaery's amendment very well. Mr Collaery's amendment says:

... this Assembly notes current working party negotiations with the Federal Government concerning the need to finalise arrangements ...

and this amendment is really a method of finalising those arrangements. As such it is a complementary amendment that will be seen to be bipartisan.

The arrangements involving negotiations with public servants, which are being organised at the moment and to which Mr Jensen has just referred, are a very important part of that, but the crunch is that they will fill a public service role, a bureaucratic role. No doubt they will fulfil the role extremely well, but our responsibility is much broader. That responsibility is to ensure that as the elected representatives of the people of the ACT, we are sure that the arrangements that are in the process of being organised are suitable to the people of the ACT.

Therefore, I think that it is quite logical and rational to ask a select committee to look at this, especially as the Social Policy Committee, which Mr Jensen has suggested, is overwhelmed by work and has been almost from its inception. To actually establish a select committee with a particular role will ensure that this work is done quickly and efficiently, because I believe that whilst it must be done well it should also be done fairly rapidly because of the time involved.

If we are looking at mid 1990, then obviously the work of this committee would need to start with the work of the public servants and then proceed from there to ensure that the ideas of other people - and Mr Berry referred to members of the Police Association and others - are taken into account. It is quite appropriate that this amendment from Mr Berry follows the amendment that has been moved by Mr Collaery. That is an appropriate and bipartisan approach to the question of policing.

If we support this, then we will be seen by the people of Canberra to have a responsible attitude and to have involved the whole Assembly. The recommendations can then be made to the Assembly and the Government can make its decision on how best to implement them and use them. I

21 February 1990

also note that there is no reference to the make-up of the committee in the amendment, but that is something that can easily be negotiated between all members of the Assembly.

MR WOOD (11.56): Mr Speaker, I am not sure what we have achieved today. I do know that we have not achieved the success that I think this motion deserves. We have not seen the vote, but one can anticipate what it is going to be. We have achieved a remarkable position with the statement of the Executive Deputy, while Mr Kaine has been speaking for the Minister for Justice, the Attorney-General, which seems to me a unique and unusual approach.

Mr Jensen made it clear that we could have a briefing by senior departmental officers on what was happening. Well, I thank him for that, that is appreciated, but I think he missed the point of the debate. I would be interested in that, but I would be much more interested in knowing what the broad community thinks - that is what this is all about. To me, that is the much more important information that we ought to be seeking. I thank Mr Jensen, but really he has not indicated what we need to have.

I am sorry that the debate went the way it did. Mr Collaery started by acknowledging our good intentions on this matter. After that, Mr Humphries and Mr Kaine - those two gentlemen particularly - got up and disagreed with Mr Collaery, questioning our motives entirely. Now, I am sorry it went that way. We are sincere in wanting to get the best possible result and we did not want to take a political run. As shadow Minister on this matter, I have not been out there hitting the media with all sorts of claims. I have been waiting for this to come up so that we could take this more responsible approach.

I come to a matter that I did not think would be discussed today, and that is the position of the ALP members in committees. Members on the other side have claimed that we are neglecting our duties; that my colleagues are neglecting their duties by not participating in committees. Mr Speaker, there are, as I am sure you know, a number of outstanding matters that the Opposition wants settled relating to committees, in particular the role of the Executive Deputies. Ms Follett, my leader, indicated our determination that the committees should be committees of the parliament. There must not be any threat or any potential that they will be committees of the Government. Among the questions that we do want resolved is that of the role of Executive Deputies. I have mentioned in conversations with my colleagues on the opposite side of the house that we believe it inappropriate that Executive Deputies should chair committees in areas where they have a comparable responsibility as Executive Deputy.

I can say to Mr Kaine and Mr Stefaniak, and anybody else who raised this question, that when you get your act together, when you negotiate with the ALP on that matter, the committee system will be up and running properly as it

was always running before. That is a very important matter, so let us not have these unnecessary remarks about my colleagues not taking part in committees. We have got it all organised. My colleagues here know what committees they are expected to be working on, and they are looking forward to that task, but we must have confidence in the committee system.

Mr Jensen: Well, let us into the secret!

MR WOOD: I am sorry you are laughing about it, because this matter really is fundamental to the way that the parliament operates. Mr Stefaniak made a remark that I want to contest. He went on at some length about the Australian Federal Police being the best police force in Australia. That may be the case, and I am not going to contest that point of view, but it is not the important aspect we ought to be considering. The question is: is it the best that we can get? Can we do better even than the Australian Federal Police? I think we should be aiming to do better than good. So, Mr Stefaniak, I do not think your point is really the one that we should be considering. I am not going to argue about the competence of the Australian Federal Police, but that is not the major issue.

The amendment that Mr Collaery moved mentions the working party that is taking those negotiations along. That is important; it has to happen and it is not incompatible at all with the proceedings that I would envisage of the select committee. That working party will give good, sound, bureaucratic advice, but nevertheless, to repeat my point, it will be inadequate advice because it is not necessarily reflective of broad community views, and that is why we need that committee.

I thought I heard Mr Collaery say that that time in July was not a critical point. Perhaps if I heard him correctly, he could tell Mr Kaine that, because we do not absolutely have to suffer any damage to or any loss of what we can achieve by trying to adhere to that very rigid timetable.

I note the amendment moved by my colleague Mr Berry and I support it. I think it is a sensible way to go because there was no real intention that the select committee we planned to establish was going to take the running for the Government. I expected that the committee would be giving advice back to this parliament, and directly to the Government in that way. It is not proposed that we should negotiate with the Federal Government and with our counterparts over there. The proposed amendment is sensible and I urge all members to support it.

Question put:

That the amendment (**Mr Berry's**) to the amendment be agreed to.

21 February 1990

The Assembly voted -

AYES, 6

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

NOES, 11

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

Question so resolved in the negative.

Question put:

That the amendment (**Mr Collaery's**) be agreed to.

The Assembly voted -

AYES, 11

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

NOES, 6

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

Question so resolved in the affirmative.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 11

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

NOES, 6

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

Question so resolved in the affirmative.

PERSONAL EXPLANATION

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

MR SPEAKER: Do you claim to have been misrepresented?

MS FOLLETT: I do indeed.

MR SPEAKER: Please proceed.

MS FOLLETT: During the debate that we have just had, both Mr Humphries and Mr Jensen accused me and members of the Opposition of having no interest in this Assembly's committee system. In fact, Mr Humphries specifically stated that we considered it beneath us. That is absolutely untrue. From the outset I have made clear - and I have stated this on behalf of all of our members - the very high esteem in which we hold the Assembly's committee system and our total support for the work of that committee system. But I would like to point out that the Government has fallen into its very own little trap. It continues under the misapprehension that it is in control of the Assembly's committees and it is not.

Mr Jensen says I have not bothered to reply to Mr Kaine's letter on the Assembly's committee system. Mr Speaker, you know, and Mr Kaine also knows, that I have replied to the appropriate person who is you, not the Leader of the Government. These are Assembly committees, not government committees and that is at the very heart of our current difficulty. As Mr Wood has said, we are ready willing and able to take a full part in the Assembly committees. We only await clarification of some of the problems that I have raised with you, Mr Speaker - problems which I believe act to reduce the efficiency of those committees in representing the views of this Assembly. One of those problems - a major problem, in my view - is the fact that

21 February 1990

the Government proposes to have Executive Deputies chairing committees which are within their portfolio interest. I await clarification on that matter and on others, as I have written to you, Mr Speaker, quite properly.

VERY FAST TRAIN PROJECT

MS FOLLETT (Leader of the Opposition) (12.10), by leave: On behalf of Mr Whalan, I move:

That this Assembly calls on the Government to -

- (1) encourage public support for the Very Fast Train project;
- (2) undertake specific studies on environmental and planning issues associated with the project; and
- (3) make representations to the Commonwealth Government with a view to seeking a co-ordinated national approach to development of the project.

I am very pleased to have the opportunity of speaking on the issue of the very fast train and to welcome the Alliance Government's recent statements of its in-principle support for the very fast train project which, as I am sure members are aware, was my Government's position as well. But I am sure it is clear to members on both sides of the Assembly that that support must be tempered by the need for a complete assessment of the economic, social and environmental impact of the project - not only on Canberra, not only in our own backyard, but also on the whole of Australia. On the economic front, of course, the very fast train offers the ACT a great number of advantages, particularly in the construction phase and potentially also in the operational phase.

I think it has been said before that the potential of the VFT for the ACT is perhaps greater than its potential in other States; it could mean more to us than anywhere else. However, I do not believe that we should kid ourselves that the development of high speed communication links, such as the very fast train, will only produce benefits through decentralisation of industries from major population centres. There is also the prospect that some of Canberra's role as a regional centre may be lost to the Sydney and Melbourne head offices. That is an issue that has been raised publicly and one of which we, as an Assembly, need to be aware. The benefits may well be outweighed there.

One of the major issues and a major issue of importance is the method by which the very fast train and its associated infrastructure is to be financed. I am sure all members will be aware that from its inception, this project was stated as being carried out at no cost to governments. It

is of paramount importance that we all recognise that the very fast train is a private sector project, and that the profits from the project will flow back to the private sector.

Mr Kaine has raised some concerns recently by his public statements that he would give priority to public funding of infrastructure costs in the ACT. I would be much happier to hear him give priority to funding of health or education or one of the other community services in the ACT. I know that Mr Kaine is now trying to back away from that commitment and to say what we all knew initially - that those costs must be negotiated. But by having let it slip early on, I think Mr Kaine has given away our negotiating position and that he has, in fact, offered \$30m to the VFT project.

Mr Kaine: You are as bad as your deputy. You are misrepresenting the facts!

MR SPEAKER: Order, Mr Kaine! Please proceed Ms Follett.

MS FOLLETT: Thank you, Mr Speaker, it was good of you to intervene. I think that we all support the economic benefits that the very fast train could bring to the ACT, but I do not support the assertion that the ACT will have to pay for the infrastructure costs. As I have repeatedly said, it is a private sector project, and the private sector must be responsible for the costs. The consultancy report which Mr Kaine released states that the infrastructure costs should be met by the VFT consortium. It accepts that; I do not know why Mr Kaine does not.

I think that the people of Canberra should be assured that when the Labor Party is returned to government we will not hand out money to private projects like that. We have an open approach, an approach where the community is able to have a say on these matters. It is a matter of principle, I believe, that the infrastructure costs associated with the very fast train project should be paid for by those who will make the profit, the consortium.

There is another fundamental question about the funding of the very fast train, and that is the way in which the consortium acquires land. It is becoming increasingly apparent that much of the financial viability of the project will rely on the capture of increases in land value. In the ACT, of course, there is a special term for that increase in land value - it is known as betterment.

We have a long tradition in the ACT also that that betterment should be captured for the ACT community, especially where that applies to green field development. But we have yet to hear from Mr Kaine's Government what its policy on the transfer of land might be. I would like to put it on the record, Mr Speaker, that under a Labor Government those leases, could only be acquired by the consortium for their full value for their use for the very

21 February 1990

fast train and not at their rural value. I think that we owe it to the community to ensure that it gets full return on what is a community commodity, the ACT land. We do not support land speculation. So I call again on Mr Kaine to make his position clear.

I have said repeatedly that the Labor Party has a policy of in-principle support for the very fast train, but it believes - and I will say it again - that it should not be paid for by the people of the ACT, whether that is in terms of paying for infrastructure costs or by income forgone on the land transfers.

There needs to be a full evaluation, which has yet to be undertaken on this project, of the overall environmental effect of the very fast train. In terms of the natural environment in Canberra, we do not have a detailed environmental impact assessment. At the national level also there needs to be a comprehensive environmental impact assessment. I know that we are all concerned about the ACT environment, but we have to be aware that the very fast train would go well beyond our own concerns. In fact, there are already 60 rare or endangered plant and animal species in the Gippsland area alone which is along the proposed route of the very fast train. So we do need further research. We need further reassurance that those and all other native flora and fauna will be fully protected.

While the protection of the natural environment is crucial in any evaluation of the very fast train proposal, it is of great concern to me that there has been very little evaluation of the impact on the social environment. The report that has been prepared for the Government by Peat Marwick addresses direct economic costs and benefits, and that has been the extent of the Government's paper-in-response as well. But I would ask what the social implications are of Canberra becoming so closely linked to Sydney and Melbourne. Is there a possibility that we will become a dormitory suburb of Sydney, a city of commuters, and what implications might that have for the provision of community services?

I am not the only person asking these questions, Mr Speaker, and I know that had any of the Government members bothered to attend the public meeting at the Reid TAFE a couple of weeks ago, they would have known beyond any shadow of a doubt that those questions are being asked right across the community, by community groups, by pensioners, by environmentalists, by a huge range of groups within the community.

As I said before, there is no doubt that there will be a great many benefits from the very fast train and that we must encourage support for the project. But that support has to be based on a full knowledge and a full understanding of the implications of the project.

I think that we have had a very regrettable indication this morning of the Government's approach to open government and consultation with the community on sensitive issues. This is another sensitive issue, Mr Kaine, an issue on which I think it is appropriate that the community be consulted. You apparently do not believe so.

Mr Kaine: There is a community consultative group in existence. Don't you remember? You established it, and it continues in place.

MS FOLLETT: I do not think that we can build community support by promising government handouts to the project. I think that we can build community support - - -

Mr Jensen: Another misrepresentation.

MS FOLLETT: Government members are interjecting on each other. We are getting some rather good schoolboy antics across the road there! I will it say again - the support by the community should not be generated by government handouts to the project; it should be generated in the full public knowledge of the benefits and the risks of the project. I think that support can be achieved by demonstrating that the proposal can stand on its own two feet, that it will be developed without breaching Canberra's longstanding and well understood land tenure system, and that it will not destroy the environmental or the social fabric of our community. I think it is time that the Government made its position clear on those matters.

Most importantly, however, I believe that there should be a coordinated national approach to the assessment of the very fast train. It is very important that States should not be forced into situations of conflict or bidding against each other over this project. It is a project of national significance and it should be treated that way.

We heard Mr Greiner saying on the radio this morning that he believed that the current debate over road transport is a national issue because it involves several States, and he was calling for a national approach on that issue. The very fast train is no less a national issue. It is a project of national significance and I think it is time that we treated it in that way. I would like to call on the ACT Government to act responsibly in this matter and to make its view known to the Federal Government - a view which calls for the institution of a full and independent inquiry into the very fast train, where all the issues are aired in a way that gives them the national prominence they deserve.

The community throughout Australia clearly has an interest in this issue. We have had some limited meetings and public announcements on the issues so far but it is a national project, a project of no less significance than, say, the Snowy Mountains scheme, where its impact will be

21 February 1990

felt throughout a number of States - probably throughout Australia. It is therefore appropriate that a national approach be taken on the issue. I call on the ACT Government to clarify its position on the other issues I have raised and to raise with the Federal Government the need for a full and independent inquiry.

MR KAINE (Chief Minister) (12.23): I do not know where the Leader of the Opposition got her speech from. She must have had it faxed in from Mars, because she obviously has not been aware of anything that has been happening on this project for the last two-and-a-half months since she became Leader of the Opposition. Ms Follett has raised three specific points.

A member: Oh! She is leaving the chamber.

MR KAINE: Yes, she is leaving, she does not want to hear the rebuttal. She does this every time, gets up and leaves as soon as she has made her little petulant speech. She has raised three specific issues concerning ACT Government support for the very fast train project and how that project might best be progressed. I point out to the Assembly, Mr Speaker, the very significant progress made on VFT matters already by this Alliance Government in the short time we have been here, and I foreshadow that I will be putting on the table an amendment to the motion that Ms Follett has put forward, reflecting what the Government has done and is doing.

In both its transport and tourism policies issued shortly after taking government, the Alliance stated its support for the proposal to build a very fast train linking Sydney, Melbourne and Canberra. That support is unequivocal - unlike that of the Opposition which is with us today and against us tomorrow. On 2 February the Government also issued its formal response to the VFT joint venturers' proposal which goes into detail on the type of environmental, social, and economic studies and assessments required before considering final approval. Ms Follett is entirely unaware of all this.

The very fast train proposal raises many complex issues for both government and the community. It is our view that a very fast train system throughout south-east Australia with Canberra at its heart will be a major and welcome boost to our national transport infrastructure and will have a significant positive impact on the ACT economy.

That view is strongly supported by the results of a preliminary economic impact evaluation, prepared for the ACT Government by consultants. I released that economic study on 6 February. The results of the study show quite clearly that the VFT will be a major boost to the Territory's economy and to this region and that potential costs are significantly outweighed by the benefits.

What will be surprising to some people is the extent and distribution of potential benefits across the various sectors of the economy. I am sure that will be a surprise to Ms Follett because she probably has not read that either. It has been said by some critics of the project that the benefits of the VFT would accrue primarily to whoever owns the system. What this study shows is that, even from the earliest design stages, the benefits would be felt across a wide range of industries and indeed throughout the entire community. The study shows that significant benefits would be gained in the service industries, particularly in the finance, property and business services sectors, in tourism and in education services, as well as in the high-technology sectors.

On releasing the report, I noted that the consultants had also identified between \$35m and \$50m worth of additional ACT infrastructure which would be required to accommodate the VFT and associated development in Canberra. Ms Follett, of course, had to misrepresent the report. She said all costs to the project should go to the consortium, as recommended by the consultants. Section 2 of the report, about economic costs to the ACT for certain infrastructure costs, states that they are in no way apportioned as costs that should fall to the consortium; they are costs which we as a community should pick up in some manner when the VFT runs through.

To assert that we are talking about a \$35m or \$30m handout is sheer rubbish. There is no handout to anybody. I have refuted that argument before, but again Ms Follett did not want to listen. The leader of the Labor Party jumped up, as she has done before on this issue, and asserted that the whole of the cost would be borne by the ACT taxpayer. This simply is not the case. It is a blatant misrepresentation, a distortion at which the Leader of the Opposition and her deputy are becoming adept.

As is clearly stated in both the Government's formal response to the project and in the consultant study report, the responsibility for meeting the costs of associated infrastructure would be a matter for negotiations between the Commonwealth and ACT governments and the joint venturer. The VFT joint venture has publicly acknowledged that it would bear the cost of bridges and underpasses to accommodate existing roads and services. It is somewhat surprising that the Labor Opposition should be proposing this motion which urges a positive and proactive approach to the VFT and at the same time be seeking any and every excuse to knock the project.

In response to the specific points put forward by Ms Follett, I would certainly agree that public understanding and involvement in the VFT project should be encouraged. I was pleased to note that the VFT joint venturers have, over recent months, made considerable progress in their public involvement program. The progress report Focus for the Future which the joint venture issued in December, is a significant step in that direction.

21 February 1990

To assist that public information process, the Alliance Government has made public both its formal response to the project and the consultant study on economic impacts to which I referred earlier. Both are available over the counter at ACT Government shopfronts, and reference copies have been placed with the public library system.

The ACT VFT Advisory Committee has been actively seeking public views about the project and will report to the Government in April - and Ms Follett says that we are not consulting! She established the advisory committee. It is alive and well. It is doing the job for which she established it; it is out there consulting. But presumably she has forgotten about that since she has assumed the leadership of the Opposition. That committee has already played an important role in raising public awareness of the VFT and the many associated issues. A series of public meetings in early March will provide further opportunities for the public to learn more about the project and to provide views to the Government.

Ms Follett has also proposed that the Government undertake specific studies on the environmental and planning issues associated with the project, and I certainly agree. I would, however, point out that the VFT joint venture will be spending a significant proportion of the \$20m that it has currently set aside for the feasibility study on environmental issues.

Our formal response contained advice to the joint venture on the types of issues that the ACT Government would wish to see included in these studies. It is inevitable that over the next two to three years there will be a need to investigate a wide range of matters, including the environmental, planning, social and economic impact, and the VFT Advisory Committee will be advising the Government on the need for specific studies as its process of inquiry proceeds.

The final matter in Ms Follett's motion relates to the need to take a national approach to the VFT. Again, I can only support her contention. The ACT is a member of the formal intergovernmental group on the VFT, which is charged with preparing coordinated responses to the key issues raised by the VFT proposal - the national approach that the Leader of the Opposition says that we should be taking. Not only are we engaged in it, we are also taking a leading role in that intergovernmental committee at the moment.

I understand that the group is close to finalising its first set of recommendations to member governments, and these recommendations will deal with the issues of environmental guidelines and assessment processes. Ms Follett is so far out of touch she is off the planet. A meeting of the group agency heads in Sydney last Monday considered a proposal to continue that coordinated approach into other areas of policy affected by the very fast train

project. The ACT representative supported that proposal as, of course, you would expect him to do. I will, however, be continuing to raise VFT matters at a bilateral level with the Premiers of Victoria and New South Wales and, when appropriate, with the Prime Minister.

There are a number of issues, particularly in relation to Commonwealth land and planning processes, which can be resolved only bilaterally with the Federal Government. Let us now come to the real issue in all of this. In addressing this motion, Mr - - -

MR SPEAKER: Order, Mr Kaine! It being past 12.30 pm, the time allotted for private members' business has expired. You may be given the opportunity to continue your speech when we next address this point.

MR KAINE: I will finish it later, Mr Speaker.

Debate interrupted.

Sitting suspended from 12.32 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Recording of Question Time

MR SPEAKER: I remind members that the Assembly has agreed to a motion allowing the recording of question time today. Recordings will be without sound for use by television stations in news, current affairs and documentary programs. It is agreed that still photographs can be taken. I propose to call members, in order, around the chamber to ask questions to ensure as wide a coverage as possible. At the conclusion of question time I intend to suspend the sitting for about 10 minutes to enable the camera crew to remove the equipment.

Shop Leases - Downer

MS FOLLETT: My question is addressed to the Chief Minister. The Downer Community Association has been seeking a meeting with you, with respect to the leases over the shops and the community centre at Downer. Those leases are due to expire this year. Could you inform the Assembly whether you have arranged the meeting with the community association. Could you inform the Assembly, also, when the community might know the Government's plans for this area or whether you consider this issue also too sensitive for community consultation.

MR KAINE: Mr Speaker, I have no knowledge of any request from the Downer Community Association to meet with me. If its representatives will contact me I will guarantee to

21 February 1990

Speak to them personally and make an appointment. But, as far as I am aware, I have had no communication from them so far.

Planning

MR WHALAN: My question is of the Chief Minister. On 14 February, in response to a question concerning the relative roles of the Commonwealth and the territorial governments in relation to planning matters in the ACT, you said, *inter alia*:

If you like, we are in a negotiating position, we are in a state of dialogue, and that will continue, as far as I am concerned, until the interests of the Territory are properly represented in the outcome.

By what standards will you determine that the interests of the Territory are properly represented in the outcome? If in the final analysis these standards are not met, what steps will you then take?

MR KAINE: I think Mr Whalan is asking me to be specific about something that neither he nor I could ever be quite explicit about. The Commonwealth has put in place a planning authority with certain powers, and that authority has moved to put in place a National Capital Plan.

There are things about both the initial establishment of the planning authority and its autonomous powers with which this Government disagrees, and there are things about the proposed National Capital Plan with which this Government disagrees. We will continue to negotiate on both of those issues in the expectation of striking a proper balance between the interests of the national capital, on the one hand, and the interests of the people who live here, on the other. Until the negotiations are complete - and you can never foretell the outcome of negotiations until they are completed - I cannot predict the outcome. I am not a clairvoyant; neither is Mr Whalan. We will do the best that we can in the interests of this community.

MR WHALAN: I wish to ask a supplementary question. If you are not satisfied with the outcome, would you consider legal action against the Commonwealth?

MR KAINE: That was a rather curious question, Mr Speaker. As I understand it - perhaps Mr Whalan is better informed than I am, although I doubt it - the National Capital Plan and the National Capital Planning Authority have certain powers, and there is no provision for appeal by this Government or anybody else. It has to be a negotiated solution.

Tourist Commission

MRS GRASSBY: My question is directed to the Chief Minister. On 15 February you were asked a question about your speech to BOMA, in which you said about the tourist commission:

The Government has appointed a commission of five part-time members.

You answered:

... I will take it on notice and give her an answer in due course when I have all the details.

Do you have the details? If so, when will you provide an answer to the Assembly? If not, when do you expect to announce the names of the five part-time members?

MR KAINE: When I have the answer to the question that I took on notice, I will provide it.

MRS GRASSBY: I wish to ask a supplementary question. What is the legislative basis upon which these appointments were made?

MR KAINE: I will take that on notice, too.

Assembly Members' Behaviour

MR BERRY: My question is directed to the Speaker. I refer firstly to a letter written by you expressing concern about dealing with members of the public. It stated that there is little chance that the Assembly will ever reach the standard of credibility and acceptance by the public. That was from the fourth paragraph of a letter dated 7 February 1990. Considering that concern, do you think that the following statement made by you on the Matt Abraham show assists in helping us reach a standard of credibility and acceptance? I quote from the Monitair Pty Limited transcript:

... There now is a Government with a majority and they're entitled to stop the behaviour, the reprehensible and loutish behaviour, I might add, that some members of the Opposition party have come up with ... There is one or two of them who use it to their advantage and they bring down the dignity of the House ...

MR SPEAKER: I am not sure where Mr Berry is aiming with his remarks. However, I think the record stands for itself. I agree that we need to take cognisance of the fact that behaviour in this chamber is seen by members of the public. It has been most welcome in this chamber in the last few hours to see that behaviour has improved.

21 February 1990

MR BERRY: I wish to ask a supplementary question. Will you now officially name the members, according to standing order 202, or will you apologise to each and every member of the Assembly for these public statements, which in themselves diminish the dignity of the Assembly?

MR SPEAKER: I would like to take that question on notice, thank you.

Police Force

MR WOOD: I direct a question to the Treasurer.

Mr Kaine: Next?

MR WOOD: Yes, it is the next one. I thought you would like to have referred to you a statement by your political friend and colleague Sergeant Mackey that they - that is you - will not be able to afford the facilities for a decent police force here come June the way things are going. Do you agree with this Liberal candidate's clear implication of mismanagement by your Government? Secondly, is this the advice that you have given Sergeant Mackey or is it the advice that he has given you?

MR KAINE: This is a good one. I am glad Mr Wood asked me this question. Firstly, as I understand it, when Mr Mackey made the statement he was commenting on eight years of Labor government mismanagement connected with the ACT, not with the management - - -

Mrs Grassby: No, not the way he said it. You weren't there.

MR KAINE: It is another boomerang.

Mrs Grassby: No, you weren't there; that's your trouble.

MR KAINE: No, I was not there; I am only assuming. I have a great deal of faith in Mr Wood's integrity, and I am assuming that he is faithfully reporting a statement that was made. But, since I was not there, all I can say is that I would draw no inference from that about the mismanagement of this Government in anything. We have not been here long enough to be guilty of mismanagement. If anything, it was the management of the Follett-Whalan Labor Government that left us for seven months with absolutely no negotiations on what was to be done with policing in this Territory. We have inherited the situation and we are fast running out of time. The Commonwealth has said that it wants to transfer this function to us in the middle of this year. We are starting from square one to establish and negotiate the ground rules under which that transfer will occur.

There is no implication in there of any mismanagement on the part of this Government. I am quite sure that Sergeant Mackey clearly implied and meant no such criticism. But I would be looking at the performance and the behaviour of the Follett-Whalan lack of government for the previous seven months and the years of Labor mismanagement before that for the root of his comment and criticism.

MR WOOD: I wish to ask a supplementary question. Sergeant Mackey very carefully and clearly explained the way things will go, come June. He was projecting to the future. Mr Kaine, does any factor in this cause you to shut down the debate about policing?

MR KAINE: Absolutely none. We will negotiate a proper arrangement with the Commonwealth for the provision of police services by the Australian Federal Police because, as was debated this morning on the floor of the house, with only four months remaining there is simply no other option open to us. What we do in the longer term is another question. I have no idea what Sergeant Mackey was referring to. He has not brought the matter to my attention in any way personally or directly. I am quite sure that, if he feels that I am in any way at fault or that I should have any criticism directed at me, he is a very courageous person and he will tell me.

Publications Control (Amendment) Bill

MR MOORE: My question is directed to Ms Maher as chairperson of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation. Significant publicity has been given to the likelihood of Mr Dennis Stevenson's Publications Control (Amendment) Bill being found to be illegal and therefore dismissed in the event of a High Court of Australia challenge. What action is the committee taking to assess the legality of Mr Stevenson's Bill and what processes is it using to determine whether it is constitutionally acceptable? Has the committee applied the same methods of scrutiny to other Bills, such as the weights and dimensions Bill which seems set to pass through its detail stage in the Assembly today?

MR DEPUTY SPEAKER (Mr Stefaniak): I am advised, Mr Moore, that Ms Maher cannot comment on that until that committee reports to the Assembly.

Mr Whalan: On a point of order, Mr Deputy Speaker; can you quote the particular standing order under which you have made that ruling.

MR DEPUTY SPEAKER: Standing order 241, Mr Whalan.

Mr Whalan: On a point of order then, Mr Deputy Speaker; I draw your attention to standing order 116 which states that questions may be put to a member, not being a Minister,

21 February 1990

relating to any Bill, motion, or other public matter connected with the business of the Assembly, of which the member has charge.

MR DEPUTY SPEAKER: Mr Whalan, the practice is that the scope of questions allowed to committee chairmen is very limited.

Ms Maher: I can answer the question, to a certain degree.

MR DEPUTY SPEAKER: Mr Moore, given the ruling on your question, you may like to ask another question.

Mr Whalan: On a point of order; Ms Maher has indicated her willingness to answer the question. She does not need to be protected by you and the other chauvinists.

Mr Humphries: On point of order, Mr Deputy Speaker; I refer you to standing order 117(e)(ii) which states that questions shall not refer to proceedings in committee not reported to the Assembly. This clearly is such a matter. Irrespective of whether Ms Maher wishes to answer the question, it would be against the terms of standing orders to have such a question answered.

Mr Whalan: On a further point of order; to the best of our information, this matter is not before the committee because the committee has not taken the initiative of examining the matter. So, quite clearly, it is outside the scope of that standing order. I ask you to rule accordingly.

MS MAHER: The matter is with Professor Whalan who is an adviser to the Bills scrutiny committee. At the moment he has the documentation and is looking it over in the normal procedure and will be reporting back to us. So we are in the process of having some work done on the particular legislation to which Mr Moore referred; we are acting on it.

Health Promotion

MR STEVENSON: My question is directed to the Minister for Health, Education and the Arts. Given that in April 1988 the World Health Organisation indicated that \$20 billion is being spent on preventable diseases and that \$6 billion of that is spent on malnutrition, would the Minister please indicate what steps are being taken in the ACT to encourage a healthy lifestyle, particularly with reference to sensible eating habits.

MR HUMPHRIES: I thank Mr Stevenson for his question. It is certainly the case, as he pointed out, that a grossly insufficient amount of health budgets, not just in this country but also around the world, is spent on preventive rather than curative procedures. It is very sad that we

spend a lot of money dealing with problems only when they arise, not before they have arisen. It is typical of governments all over the world to allow that to occur, and there is no exception in the case of the ACT Government, but it does not excuse us from addressing the problems of preventing disease and illness before they arise.

A number of things might touch on what Mr Stevenson has asked. First of all, as members are probably aware, in the ACT we have a health promotion fund. The aim of that fund principally is to take preventive steps to head off illness and disease, to promote healthy lifestyles and to prevent the need for us as a polity to spend money on curing disease and illness once they arise. I think members have heard a lot about that, so I will not go into details at the moment.

There are also other initiatives dealing specifically with food. Members may be aware that earlier this week I launched a kit called "Food: Your Choice" which is aimed at school children in the ACT. It was sponsored and produced by the Milk Authority of the ACT and is designed to be used by teachers in schools to assist them in educating children about the correct way of eating and the best way of producing healthy lifestyles that go with that correct way of eating.

I acknowledge those are small steps, but I believe they are in the right direction. We will certainly follow them up in the coming years.

Planning: Leases

DR KINLOCH: My question, which is addressed to the Chief Minister, refers to the editorial in today's Canberra Times. Will the Government be conducting an inquiry into the issue of the lease on block 3, section 52 in the City, as suggested by the editorial?

MR KAINE: I read the editorial in the Canberra Times with some interest. Because of the issues that were raised in it, I have had discussions with the responsible officials about the lease of block 3, section 52 in the City. Because of its complexity and the fact that it has been going on for such a long time, I have asked for a full report and a recommendation on the current application by the lessee, with the emphasis on "current". I understand that representatives of the lessee are to speak with the Secretary to the Office of Industry and Development today and that I will get a report and a recommendation following that meeting.

I agree, and the Government agrees, that issues and procedures involved in the planning and leasing approvals and management processes need to be improved. The Government has already stated that it will be promulgating

21 February 1990

comprehensive planning and leasing legislation which will provide specifically for a more effective and efficient management system of leases in the ACT.

I do not see any advantage in reviewing a series of negotiations and approvals, all of which occurred before self-government was granted. I believe it is more important that we concentrate on getting the system right so that problems such as that associated with section 52 in the City do not come up in the future.

Yesterday I answered a question from Mr Moore on this issue. I said that I would take on notice that part of the question that related to whether 8,000 square metres of office space would be an acceptable component of the hotel development. I understand that the lessee has approached both the Office of Industry and Development and the Interim Territory Planning Authority seeking a variation of the lease to provide for a readjustment of the gross floor area described in that lease, and the current proposal seeks a minor increase in some specific areas of use. A possible interpretation of the lessee's proposal, if it were approved, would allow up to 8,000 square metres of retail and office use. An analysis of this proposal is to be included in the report and the recommendations which I expect very soon from the Office of Industry and Development. I will consider that report and the recommendations as soon as possible, and I will advise the Assembly, the lessee and the public accordingly.

Wealth Tax

MS MAHER: My question is directed to the Minister for Housing and Community Services. Today's Canberra Times reported that the ACT Council of Social Service has called for the introduction of a wealth tax on home owners to fund the expansion of public rental housing. Does the Minister, who launched the ACTCOSS housing issues paper, support the introduction of a wealth tax?

MR COLLAERY: The short and simple answer to that is no. There were a number of useful initiatives in the ACTCOSS paper, but a wealth tax should be taken up obviously at national level so that it would impact, were it to be introduced, equitably across the country. I think all members would agree that a wealth tax is an ideological issue that, since Federation, has not found a home. I acknowledge the social justice push behind that statement, but I advise the Assembly that it is doubtful that we would initiate a wealth tax.

Very Fast Train

MRS NOLAN: My question, which is addressed to the Chief Minister, is in relation to the very fast train project. What progress has the Government made in advancing a coordinated approach, in terms of Commonwealth-State discussions involving relevant governments, on the very fast train project?

MR KAINE: The VFT seems to be a very popular issue but, because of the misconceptions from some elements of the Assembly and the distortion of the facts in some cases, I guess it is worthwhile dealing with it one more time, and I thank Mrs Nolan for the question.

As I think I have made quite clear before, the Government sees the VFT as potentially the most significant transport and development project in south-east Australia. We in the ACT have an opportunity to reap enormous benefits from the project for the residents of the ACT in particular and for the whole region of which we are becoming an economic centre as well.

On Monday, 19 February officers from the Office of Industry and Development met with their Commonwealth, New South Wales and Victorian counterparts to discuss a coordinated government approach to the VFT. At that meeting it was agreed that the initiative of the ACT to commence joint work in relation to two key areas should be adopted. The first one is in connection with environmental assessment, and the second is in connection with land acquisition and development. Both issues are of major concern to people observing the development of this project.

Our officials have agreed to develop a common approach on these two issues, for consideration by all governments involved. A further meeting of relevant agency heads of the four governments will be hosted by the ACT Government in early April to review progress. These reactions result from my direction that my Government will take a leading role in advancing the VFT project and ensuring that there is clarity and consistency in approaches to the fundamental issues involved in it. We are doing everything in our power to ensure that this is a multi-government approach, and that all governments involved in this project take a common approach, particularly on these vital questions of environment, land acquisition and development.

Bruce Stadium

MR STEFANIAK: My question is directed to the Minister for Finance and Urban Services. What is the status of the upgrading of the Bruce Stadium complex in preparation for use by the Canberra Raiders?

21 February 1990

MR DUBY: I thank Mr Stefaniak for the question. I am very pleased to be able to report that the main arena of the Bruce Stadium is in A1 condition, ready for Sunday's match between Hawthorn and the Swans, which will be starting at 2.10 pm, so do not be late. It is a very pretty picture. The grassed area looks magnificent. Work in the stand, the sponsor boxes, the change rooms and support facilities will all be fully operational on Sunday; they are ready to go also for the coming Rugby League season, featuring, of course, the Canberra Raiders.

The athletics field, about which there was a lot of concern in relation to the Raiders' shift to Bruce Stadium, has continued to be operational during the building works. The ramp for the disabled from the field to the stand has been completed, and the stand and upgraded scoreboard will be completed prior to the games for the disabled, commencing there on 1 April this year. Extensions to the change facilities will not commence until after those games.

The Rekortan surface for the additional two lanes of track and throwing areas will not be constructed until spring when the temperatures are appropriate for laying it. In brief, the stadium is ready to operate for the coming Rugby League season.

Tuggeranong : Calwell Group Centre Site

MR JENSEN: My question is directed to the Minister for Finance and Urban Services. I refer him to recent publicity on the future of some large native and exotic trees on the site of the proposed Calwell group centre in Tuggeranong. What action is he or his department taking regarding this matter?

MR DUBY: The matter to which Mr Jensen refers is of concern to the Government. It involves an area which contains a number of trees, some native and some exotic species. In the planning approval for the construction on the site certain of the native trees, particularly ones which are believed to be aged, have been specifically set aside. I can give a firm undertaking to Mr Jensen that those trees will not be destroyed.

Child-care Facilities

MS FOLLETT: My question is addressed to the Chief Minister whom I refer to his policy on the family, in particular with respect to the availability of affordable and high quality child-care facilities within the ACT. What approaches have you made to your colleague Senator Margaret Reid on this matter, as I believe it is she who is primarily responsible for the delay in the construction of a child-care facility in the Parliamentary Triangle, which was budgeted for in the ACT budget?

MR KAINÉ: It is pretty easy to see that there is a Federal election in the air. I believe the deliberate aspersion against Senator Margaret Reid is reprehensible and should not be occurring in this Assembly. No doubt, she has a particular view, but I do not believe for a moment that she is the only person opposed to what is currently proposed in the Parliamentary Triangle. I do not know that there is a lot of public support for what is proposed there.

A limited number of people who would like to see the facility built there have a vested interest, but if the entire population were asked whether it would like a child-care facility in the Parliamentary Triangle or at the bottom end of Tuggeranong which Mr Whalan claims so strongly to represent, we would know the answer. So I think we should examine the political import of Ms Follett's question rather than the question itself. In direct response to the question as to what approach I have made to Senator Margaret Reid, the answer is none.

Pesticides

MR PROWSE: My question is directed to the Minister for Finance and Urban Services. In relation to the use of pesticides in and around homes in the ACT to control various insects and rodents, my concern is that the public at large is not fully informed as to the dangers, both immediate and residual, from the application of chemicals used for this purpose. What action is the Government taking to ensure that excessive amounts of pesticides are not used in residential areas?

MR DUBY: Thank you, Mr Prowse, for the question. The Government is aware of the dangers involved with organochlorin pesticides and the excessive use thereof, and is also aware of a Western Australian study which indicated that pest control operators were using excessive amounts of organochlorin pesticides around homes. They are used against termites in buildings. Although this is not covered by regulation in the ACT, where treatment is used it must be in accordance with the Australian standards. Organochlorins are the only approved chemicals under those standards.

Under the Pesticides Act pest control operators can purchase organochlorin pesticides only if they have obtained an approval for a restricted permit from the Registrar of Pesticides. Approvals will be granted only to operators who possess or are eligible to possess a New South Wales pest control operators licence. The issuing of those licences is done on a stringent and very professional basis. Persons who are in a position to be spraying these chemicals are monitored, and I can give an undertaking that excessive use of these particular chemicals is not occurring in the ACT.

Asbestos Storage

MR MOORE: My question is addressed to the Minister for Finance and Urban Services. I refer to a very competent article by Leanne Mason in the Canberra Times this morning, in which she refers to Government contractors removing asbestos. In that article she referred to the contractors with BRS Asbestos Removals. Is the Minister aware that the President of the Oaks Estate Residents Association, which incidentally has been going since the very early 1950s, a Mr Peter Matthews, wishes to discuss the storage of asbestos by BRS at the weekends not 50 metres from residences, and that he has been told by the Minister's office that he will be unable to have an appointment to discuss this matter with him for up to three weeks? What action does the Minister plan to take to ease the concerns of residents, which have been expressed to the Oaks Estate Residents Association? I understand that his office has Mr Matthews' phone number.

MR DUBY: I thank Mr Moore for the question. The issues that he has raised are of concern. We all know of the dangers and problems that asbestos poses to the community. I have been in correspondence with Mr Matthews from the Oaks Estate Residents Association about the storage matters. I have dealt with queries that he has made of my office by means of a letter, and I do not believe he has expressed an interest in seeing me personally. I believe he has been able to discuss the matter fully with staff of the Asbestos Branch. That is the state of play at the moment. If Mr Matthews chooses to see me, my door is always open.

MR MOORE: I wish to ask a supplementary question, Mr Speaker. Considering that Mr Matthews has drawn attention to the fact that there were two containers there last weekend, would the Minister be prepared to see him as a matter of urgency?

MR DUBY: As I said, my door is always open. I stress that the disposal of asbestos throughout the Territory is very closely monitored, and I have every confidence that the procedures being used by the contractor are well within the guidelines that are accepted by my department. However, if Mr Matthews has a concern and wishes to continue it on a face-to-face basis with me, he is more than welcome to come and see me.

Gowrie Hostel

MR STEVENSON: My question is addressed to the Attorney-General who will no doubt be aware that there was a report in the Canberra Times this morning of the possible sale of the Gowrie hostel by the Federal Government. As Attorney-General, is he aware of any legal considerations to do with that proposed sale?

MR COLLAERY: I thank Mr Stevenson for the question. That report in the Canberra Times raises some important questions for the Territory. Its suggestion that we are immune from the National Capital Development Commission policies is largely correct, and this is made clear in section 64 of the ACT (Planning and Land Management) Act. As a result, the legal position is that the Commonwealth is able to convert the use of the present Gowrie hostel site to a use that is in contravention of existing NCDC policy, despite the fact that the Commonwealth does not establish that site as being of national significance. I think all members will see the relevance of that comment to those made by the Chief Minister of late.

Additionally, the proposed sale of the site and its subsequent redevelopment cast doubt on the initial intention of the Commonwealth when the site was gazetted as national land immediately prior to self-government. The planning and land management legislation requires that the Commonwealth shall not declare an area to be national land unless the land is, or is intended to be, used by or on behalf of the Commonwealth. I believe that is at section 27 of the Act. Clearly, given the Commonwealth's actions and prospective actions, it is difficult to see how the proposed sale meets the requirements of the Act, in particular section 27(2). Clearly then, the current actions of the Commonwealth must call into question the validity of the declaration of the Gowrie hostel site as national land, and, as all lawyers know, that casts some credibility on the overall declarations within that document.

Sitting suspended from 3.06 to 3.15 pm

**SCHOOLS AUTHORITY - 1988-89 REPORT
Statement and Paper**

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.15), by leave: I have great pleasure in tabling the final annual report of the former ACT Schools Authority for perusal by Assembly members. As you will notice, Mr Speaker, the report is addressed both to the Commonwealth Minister for the Arts, Tourism and Territories and to me as holding responsibility for the conduct of education in the ACT. The reason for this is that the Commonwealth carried out the functions of government in the Territory until last May and, furthermore, the Schools Authority continued to operate under that title until last August - that is, until after the period covered by this report. It then became the Department of Education, reflecting the assumption of ministerial responsibility as a result of self-government and additionally acquiring the administration of non-government school functions in the ACT. It is plain, therefore, that this totally reflects some historic changes for the conduct of education in the Territory. As the report observes in its introduction:

21 February 1990

The cornerstone of the ACT school system is the conviction that schooling is optimised when responsibility for the educative process is shared throughout the community.

The Government shares very much that sentiment and indeed would like to strengthen and broaden the application of that principle in our education system. That foundation referred to was well and truly laid from at least the early 1970s onwards, when the people of the ACT moved spontaneously to establish a separate education system which, in my opinion and doubtless in the opinion of others in this place, continues to move forward in many respects in the front ranks of Australian schooling structures.

We are by no means complacent about that achievement by the parents, citizens, teachers and students of this community. Members will recall that I was able to announce a series of policy initiatives late last month in matters such as the monitoring and assessment of literacy and numeracy, a continuous review program for all ACT public schools, and the formulation of strategies and changes for the improvement of our public high schools. In addition, we were able to see the enrolment of the first full fee paying overseas students in our public school system, a development which should enhance both the financial standing and the national and international reputation of our school system.

Fittingly, with the approach of ACT self-government the growing role and status of the Schools Authority had already been recognised by the leaders of State education systems in this country and New Zealand. In November 1988 they agreed that the authority should host the main meeting of the Conference of Directors-General of Education in Australia and New Zealand, and that happened in Canberra in March 1989. The Authority's Chief Education Officer, Dr Willmot, now Secretary to the department, became chairman of the conference at that time.

The aspect of the change from Commonwealth to ACT responsibility which I want to emphasise today is that, if the education system was marked in the former period by its closeness to the needs and aspirations of this community, it is more so now than ever. This is the message that I want to convey in the tabling of this report. I think I can promise you that that theme will emerge even more strongly in the next report. That document should at least be in a position to deal with the inception of our proposals for initiating community participation, not just in the governance of individual neighbourhood schools but also in consultation over the broad conduct of the overall system.

The Assembly will notice that the report before it surveys a great deal of preparation and change, which has effectively prepared the ground for policy developments to

which I have referred. For example, the establishment of the schools division, in line with the recommendations of a management review, has enabled the authority and then the department to offer enhanced services to students, schools and the community to meet the new conditions that have applied since last year. This has enabled our system to extend school based management, which is still being carried forward, as well as overall accountability. A new approach to management, which is necessitated by increased attention to careful use of our resources, a criterion for any government, was also instanced by the setting up of a financial planning and analysis unit in the system within the resources division of the department.

In the authority's academic and vocational program for students one of the significant advances in the period under consideration was the approval of the first employment, or E, courses in December 1988. This arose from the work of teachers in our secondary colleges and from the employment reference group of the authority's accrediting agency. The group comprises representatives from employer organisations, the ACT Teachers Federation, other unions, the ACT Institute of TAFE and the ACT Council of Parents and Citizens Associations Incorporated. Those students who complete E courses receive ACT employment course certificates which reflect the skills and knowledge that are directly relevant to the employment course that is cited on the certificate. The Assembly will be pleased to hear that an even wider range of E courses should be available in our colleges this year.

In the time that can be spared today it is impossible to canvass all the achievements and initiatives that are surveyed within the report before us. But I direct the Assembly's attention to the constructive activity of the working party on the provision of mathematics for years 11 and 12 students. Here, typically, much is owed to the participation of members drawn from Canberra's growing tertiary sector of education as well as from the school system.

Authority staff are also highly active in curriculum development generally, including collaboration at a national level. During the period a working party was formed to oversee a project to develop a total culture of service for the authority's and now the department's clients, a very wide term which includes students, parents and the community at large. The working party is involving parents, teachers, students, schools and departmental areas in consultations about ways of providing the best possible education service to the people of the Territory. I applauded that initiative when it was announced, and I still do so to this day, and even recommend that a similar kind of culture of service might be adopted by other departments of the Government.

Another innovation which I ask the Assembly to note is the authority's introduction of a project to increase the

21 February 1990

number of Asian language teachers in our public schools. The authority and what has become the University of Canberra have devised a special program in language methodology for teachers who are already fluent in a major Asian language. In this they have been assisted with funding from the Asian Studies Council. Members will be aware that reference to the teaching of languages, being a high priority for this Government, is made in our education policy. I have already announced a number of things that touch on that policy, including an expansion of the French-English program at Telopea Park School which Dr Kinloch and I were fortunate to visit this morning. That program has been extended to Narrabundah College, so there is a complete French-English program from preschool to the end of secondary schooling.

In conclusion, Mr Speaker, it is fitting to consider, as the report does, some of the ways in which ACT schools can respond to and use the challenges of self-government which are still new to us in this unique Australian city State. First of all, schools can take advantage of the national function that surrounds us in the ACT by guiding students to an understanding of how and why Australians formed Federal government, why Canberra was created and how it draws together State and Commonwealth governments. It is our opportunity to promote knowledge of Australia's national political structure and philosophies. All political groups in the community have said that they wish to see this vital knowledge spread throughout Australian school systems, and we are uniquely placed for that.

In recognising the national function which this Territory exists to serve, our students can also be helped towards an understanding of the circumstances and contexts in which the study of foreign languages can advance their careers and their understanding of Australia's national roles and responsibilities.

Lastly, in relation to the regional setting to which members of all political persuasions in this Assembly have been giving increased attention, the report suggests, and so do I, that our schools should consider offering enhanced rural studies, including the commendable agricultural courses already available. Tertiary entry would be the goal of some students, leading to careers in primary industry. However, given our situation in this part of Australia and the services which we can exchange for it with mutual advancement, the broad aim of school-level rural education could be to give more of our students confidence in their ability to work in a rural environment.

In summary, this report concerns itself with a highly interesting, historic period in the growth of the responsibility and self-reliance of the ACT Schools Authority. It also looks forward to the results of the assumption of adulthood by the new Department of Education. I commend the report to the Assembly. I present the following paper:

Schools Authority Act - ACT Schools Authority - Report 1988-89

and move:

That the Assembly takes note of the paper.

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

SPORTS POLICY **Discussion of Matter of Public Importance**

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

The failure of the Kaine Government to produce a sports policy for the ACT.

MR WHALAN (3.26): It is pretty obvious to us all that interest and participation in sport in Australia distinguishes it from the rest of the world. We have noticed from time to time that some less charitable foreign commentators on Australia have referred to our interest in sport as being almost the ultimate demonstration of our hedonism, but all of us here certainly would not agree with that.

It is quite interesting that sport and the leisure industries have a major impact. Sport and recreation nationally account for approximately 20 per cent of total private consumption and 10 per cent of gross domestic product. Given the very high sports participation rate and higher levels of disposal income in the ACT, the benefits to the ACT economy from sport and recreation are probably even higher than the national percentages. For some, sport is a private and personal thing; for others, the important elements are competition and achievement; and for a lot of others their enjoyment is rather vicarious in that they like to observe others doing it; they are the voyeurs of sport.

Sport has ramifications for lifestyle, health, personal satisfaction and self-esteem. Throughout Australia, almost to a citizen, people have a deep and abiding interest in sport; they wish to be in some way identified with sport; hardly a person who has been exposed to the "Life Be in it" campaigns would want to be a Norm. Who in this chamber would want to be a Norm?

In the ACT there is particular interest in sport. We have 120,000 registered participants in sport, of a population of in excess of 270,000. The 120,000 registered participants in sport do not include casual activities such as tennis, golf and jogging. It is a very important area of activity.

21 February 1990

I would like to quote from a table which lists the 30 most popular sports in the ACT. I seek leave to table this and have it incorporated in Hansard. It is a valuable source of information for those of us who have an interest in sporting activities as it demonstrates interest in different levels of sport in the ACT. This chart shows the most recent figures for registrations in sport. The top sport in terms of registration is gymnastics, with 10,800.

Mr Kaine: Jim who?

MR WHALAN: Gymnastics.

Mr Kaine: I thought he might have been Norm's brother.

MR WHALAN: He comes from Yugoslavia. Then there is golf, with 7,500; rugby league, 7,106; soccer, with 7,000; netball, softball and touch. For those of you who are interested in touch it is pretty high up the list, at No. 7. That is a participating sport. The list goes on. Thirty categories of sport are listed and rather than go through it, I seek leave to have it incorporated.

Leave granted.

Document incorporated at appendix 1

MR WHALAN: In the ACT we are particularly blessed in having many facilities. While some of us have cause for complaint about what we have in the ACT from time to time, our sporting facilities are quite excellent. There are some glaring deficiencies - probably none more obvious than the absence of a swimming pool of Olympic and competition standard in Tuggeranong. I am pleased that this Government is now falling over itself to support the development of a pool in 1990-91. All we need is a commitment as to when, and then we will all be happy. We will keep pressing for that commitment.

We have the Australian Institute of Sport, educational facilities, particularly the University of Canberra which has sports oriented courses, and the wonderful NCDC-designed velodrome, which I mention tongue-in-cheek. The very significant achievement which was referred to during question time today, initiated by us on this side when we were in government, is the redevelopment of Bruce Stadium. Everybody is falling over each other for free tickets to see the Hawks and the Swans next Sunday play the first football match at that stadium which is being redeveloped as a multipurpose venue. Again, an initiative of this side when we were in government is the prospect of the redevelopment of the police driver training range as a multipurpose motor sports venue. Also an initiative taken when we were in government was the initial use of Glebe Park as a sporting venue. All of these are unique characteristics of Canberra in sport.

We have seen Canberra used more recently as an international cycling venue. Apart from the rain last year, which impaired the international cycling event in association with the Commonwealth Bank cycle race, it should help put the ACT on the map in that sport. The list of the extent to which our facilities are of international standard goes on.

The successes of the ACT in sport cannot be overlooked. We find successes among the young and the older. Our team in the masters games in Adelaide late last year participated very successfully. Our young people are continually travelling interstate and overseas to compete successfully. Our disabled athletes are among the best in the world. Both physically and intellectually disabled athletes from the ACT have had major achievements. Men and women equally have demonstrated success. We have had success in rugby league, basketball, cricket, various sports for the disabled and ice hockey, with a range of outstanding athletes in individual and team sports. The list goes on and shows the importance of sport in the ACT, the significance of its role in our community and the classic demonstration of how Australians love their sport and how, in this respect, Canberrans are so typically Australian.

So sport in the ACT is important, and government has a fundamental role to play. It spans every aspect of sporting activity, it relates to assistance with funding of sport and has a role in relation to the organisation of sport. One of the best examples of the role of government locally in the organisation of sport relates to Sports House and the separate operation of a department of sport, recreation and racing. It has a role in encouraging, facilitating and financing coaching development, the provision of sporting facilities and the development of sports administration. All this demonstrates how important sport is to us and the role that government should play.

That takes us to the attitude of the Trevor Kaine Government to sport. Maybe its attitude reflects the active participation in sport that we observe within the ministry, and that is the motivation for the level of - - -

Mr Jensen: What was your sport, Paul?

MR WHALAN: Norm, I will tell you after, when we are not on record. Maybe that is the motivation for the level of involvement in sporting policy. After two-and-a-half months in office this Government has not produced a sports policy. It is deplorable that one of the most important areas of community activity and concern has been absolutely and totally ignored. I have seen displayed a poster comparing sport with the arts. It shows a rock band with the guitarist playing a tennis racquet. The caption is that more Australians play musical instruments than play sport. I am quite pleased that it might be the case, and I hope it is, but if that is the case there are many more musicians in Australia than I expected.

21 February 1990

It leads to wonder where the Government's arts policy is. It may have relevance. Maybe tomorrow we will discuss as a matter of public importance where its arts policy is, because it seems to have overlooked that. It is not surprising, however, that the Government does not have a sports policy, that it is not concerned about sport, because it was during our period of government that we were continually knocked in relation to sporting matters. These people were the greatest lot of knockers I have ever met.

You would remember, would you not, Mr Speaker, that there was an MPI on sport, which was initiated by the other side. It was not in support of sport; it was not to extol the benefits that accrue to the community from sport; but rather it was to knock the initiatives of our Government in sport. This negative attitude is now reflected in the fact that these people cannot come forward with a balanced policy in relation to sport, and it is well-known fact amongst the sporting community that the Kaine Government is so disinterested in sport that after two-and-a-half months it has not bothered to come forward with any sort of a sports policy.

We are proud to compare this lack of activity by the Trevor Kaine Government, the lack of policy, with our comprehensive range of policies and achievements. As a government, we were proud of our association with the sporting community. We were proud of our involvement with the Sport and Recreation Committee chaired by Dr Alan Roberts who is head of the University of Canberra's Centre for Sports Studies, our association with the ACT Academy of Sport chaired by Dr Dick Telford and the sports loans interest subsidy scheme.

MR COLLAERY (Minister for Housing and Community Services) (3.42): I thought, in the best traditions of sport, the last speaker just fell over the line.

Mr DUBY: But there's no correct weight.

MR COLLAERY: Indeed, and I am not referring to any evening debates in which the member has referred to conditions that get you across the line - not referring, of course, to anyone in the chamber but himself. Since the member opposite could not restrain his curiosity and deep interest in the Government's sports policy, I am happy to table it. I seek leave to table the Alliance Government's sport policy. If you had rung me last night, Mr Whalan, you could have had it.

MR SPEAKER: As you are a Minister, you do not require leave.

MR COLLAERY: One of the reasons why there was a delay was that we tried to decipher the Labor Government's sports policy, and that took considerable time. A lot of what Mr Whalan said in the first phase of his remarks lacked

excess, but he was not really himself, of course. But there was much with which we agreed. At the beginning he put the debate, as he quite properly should have, on a bipartisan basis. Of course, all of us in this chamber support the statements that he made, except for the criticisms that he ventured into, not moderately, I might say, in the first phase, and I will not re-cover the ground. We are a sporting community and a sporting nation. I do not want to be the first person to speak on this motion about involvement in sport.

The Alliance Government's sport, recreation and racing policy has been in the process of development, out of subsisting policies of the parties that have formed this Alliance, for a couple of months. One reason that we held on for a little time was to complete some discussions with the racing industry. There have been two comprehensive, lengthy discussions in that area on issues of concern with parties known to members in this house. They are matters that have dealt with policy shaping aspects. We sought to give some indicators here. On the basis that the Alliance Government's policies are not bound by ideological rigidity, I foreshadow that, it not being an immutable policy, we may well see some further statements in the area to do with the racing industry, particularly as we approach funding issues a little more thoroughly. But as the position stands, it is stated in our policy in both the preamble and paragraph 10 in relation to those further discussions that we had. The policy belies the lengthy discussions that we have had in devising a policy that reflects the proper aims in the community. We sought to give a philosophical statement at the beginning.

My colleague Mr Stefaniak will outline in more substance actual sporting initiatives and areas. It lies with me to respond to the motion by saying simply that it falls on its face because we have tabled the policy. It did not take an MPI to bring our policy forward. It was up there yesterday evening, and if the member had asked for a draft of it, I do not think we would have objected to showing it to him. The failure, if there is any, is once again of the other side of the house to understand that we are in government, we are engaged in important negotiations with areas in the sporting, recreation and racing field, and that those negotiations will assist us to frame a policy that is community based, industry based and based on the environment in which we live.

The member opposite mentioned one or two other policies. He mentioned an arts policy. I draw his attention to the arts policies of the respective parties here. He will see that there is very little, if anything, of substance in issue between the parties forming the Alliance, and it is simply not true that this Government lacks a policy. What you are really saying, Mr Whalan, is that you have not seen the amalgam and the fully drafted policy. You have seen it today; it is a reality.

21 February 1990

At times in government policy is developed out of the restructuring of certain areas, particularly in the welfare area. I welcome the fairly good level of bipartisanship in that area. When we are looking towards some restructuring moves in the welfare area, as we were in parts of the sporting area, we should not produce a policy that does not reflect our intentions. We are trying to bring forward our policies to reflect our real and practical intentions and aims.

I will not delay the house. This has been an empty motion, and I think we will try to give some substance to it by speaking to our policy in the time available for this debate.

MR BERRY (3.48): I think the most appropriate thing that has been said so far was said by my colleague, Mr Whalan - that more people play musical instruments than play sport. That is certainly true of the Government because for the last couple of months it has been fiddling around with the sports issue, and this hastily cobbled together sports policy demonstrates the amount of time that it has been playing with its instruments rather than getting on with the job.

Until today, the Government's lack of policy on sport in the ACT has caused a great deal of concern in the community, because the rush of blood to the head in the grab for power was followed by a vacuum in this area. The community had become quite accustomed to a very progressive attitude from Labor to the issue of sport. Mr Whalan has quite ably shown those areas in relation to which the public has become aware of our position, particularly the Bruce Stadium. There was an expectation that we would have a high standard motor racing circuit some time in the future if Labor was able to carry it through. I certainly would support the development of that proposal and hope that the Government will do something about it.

Labor gave a commitment, not only in principle but also in financial terms, to sport in the ACT. There was some criticism, as has already been said, of Labor for doing that. The community has a high participation rate in sport. As my area of interest is that of health, I hope that participation in sport will have a beneficial effect on the general health and fitness of the community. One would hope that there will be a resultant drop in health costs - that is, unless we see the sport of gymnastics replaced by boxing or some other such sport, in which case the health costs might increase.

But in the general sense, and seriously, to use a phrase coined by the Liberals, it does improve the health and fitness of the community and will contribute to a drop in health costs. That is aside from the arguments about playing sport to get fit or getting fit to play sport. I think everybody agrees that participation in sport contributes to the general health and welfare of the

community. With the emphasis of the media on elite sporting features, most Australians would rather be looking like those very fit high performers than the Norms who were spoken about earlier. Who would like to look like Norm?

The ACT has the highest rate of participation in sport nationally, and that is around 40 per cent. The huge range of sports available to people in the ACT has been mentioned - all 30 of them - along with the numbers of people who participate in those sports ranging, as has been said, from 10,800 to about 880 in the top 30. We benefit from this participation, not just as individuals with improved health but also as a community, because, as I have already said, the health and fitness of the community is reflected in lower health costs which have to be borne by the taxpayers as a whole.

Labor's budget included the funding of a health promotion fund, as members opposite will vividly recall. We proposed that taxes raised from the sale of cigarettes be used to fund health promotion, and part of that was to be used to replace tobacco sponsorship of sport in the Territory. It would also be used to encourage healthy lifestyles, especially amongst the young. We cannot forget that the only significant group in which tobacco smoking is being taken up is young women. That has been raised in this house before, but I do not think anybody would object to it being raised again and again, until there are some achievements in reducing the impact of tobacco products on our youngsters.

In 1989 the ACT Department of Community Services and Health released the Canberra health survey which demonstrated ACT individuals' understanding of the need for a healthy lifestyle. The survey results showed that in the last five years 5 per cent had given up smoking and that 23 per cent of men and 14 per cent of women were ex-smokers. It is important to capitalise on this trend and reinforce the message that smoking is dangerous to health.

The tax that has already been collected - very little of which has been spent, I might add - is being held by Treasury and has not flowed on to sport, so sport has seen virtually nothing of the money collected. We know that a significant amount of this money would be in the Treasury. It is of concern to the community that the Government will be overcome by the temptation to use that money to fund some of the areas in which it has failed to manage properly the economy of this Territory.

Of an expected revenue of \$660,000 this financial year, as I have said, virtually nothing has been allocated by this Government. I think that is a disgraceful performance. It is disgraceful in the sense that there was a community expectation that the money would be allocated to do what we set out to do with the program in the first place, but it is also disgraceful that there has been seemingly a turnaround from the high priority that was put by the

21 February 1990

Follett Labor Government on the expenditure of those funds in pursuit of health promotion.

As far as the community is aware, no structure has been set in place to examine proposals and ensure that the money is allocated in the best possible way. It is being kept very quiet because I am quite certain that the Treasury officials and Government members would be casting their greedy eyes on the money as it lies there, and I am quite sure that in the structure of the Government there are stronger people than those associated with sport.

I think the most important issue in relation to health in the Territory, and in particular in relation to the allocation of funds to sport, is that health promotion fund. We need to ensure that the focus of this Assembly remains on that fund until those moneys are identified in a consultative way for allocation to sport, and the community will achieve, I am sure, a resultant improvement in health and fitness. I am sure that we would have support in the community in attempting to force the Government into the open, as we have done on a number of occasions in the last couple of months, on this issue of health promotion funding. While the Government fiddles around on the issue of sport in the community, the sporting organisations languish through the lack of funds.

Today the Labor Opposition sought from the Government a full list of its policies. This will put to rest what Mr Collaery said. It was delivered at 11.00 am, and there was no sports policy. So do not give us that business about playing around last night. Clearly the sports policy has been cobbled together since 11 o'clock this morning.

MRS GRASSBY (3.58): The failure of the Alliance Government to produce a sports policy stands in contrast to the commitment which the Labor Government gave in this area when it first came to power.

Mr Kaine: Where was all this commitment expressed? Let us see your policy paper on the table.

MRS GRASSBY: We have a policy. I wish to speak today about the importance of the community sports policy from the perspective of social justice and its importance to women. As we saw at question time, women do not really matter; they cannot even answer questions directed to them! You asked why Mr Wood was not part of our Cabinet. Why did you not have a woman in your Cabinet?

Mr Berry: Mr Speaker, are these the people to whom you were referring in that ABC - - -

MR SPEAKER: Is this a point of order, Mr Berry?

Mr Berry: Yes, it is a point of order. Are these the people to whom you were referring in that ABC article? If they are, you should name them.

MR SPEAKER: That is not a point of order, Mr Berry. Please resume your seat. Please proceed, Mrs Grassby.

MRS GRASSBY: Sport can be very important in developing self-confidence and giving a sense of achievement. This is particularly needed among young women in our community. Unfortunately - and we have seen this done by the Opposition - they can be put into a group on their own and it can be thought that they do not need any help, that men can run everything.

The sad part about it is that they are put in with minority groups, such as people who are disabled and ethnic people who need help in this field. But this is a sporting country, and I think it gives them self-esteem and the opportunity to be part of the community so that they can participate as equals and leave behind their disadvantages. Not all women can be like Lisa Curry. Therefore, women need to be given a sports policy so that they are ranked equal with men. Our Labor Government was particularly concerned to focus on sports for the whole community, not just the elite athletes, and particularly for women. We would leave the elite athletes to the Federal Government which is doing a very good job with the AIS.

This Liberal Alliance Government will very shortly have been in office half the time that we were there. The complete lack of any sports policy stands in marked contrast with our achievements in government in relation to sports, which were carried out by Mr Whalan. Let me repeat some of the achievements of the Labor Government under Mr Whalan as Minister. Mr Whalan's first official function as Minister was to open a school softball championship in the ACT. Our Government contributed \$150,000 towards the construction of an indoor hockey facility for Southwell Park. This is very important, as members know, because hockey is a significant women's sport, and our national team does extremely well.

Our Labor Government also contributed \$100,000 as the first instalment on an indoor netball complex. We have all heard Mr Stefaniak and Mr Collaery talking about the 7,400 registered netball players in the ACT. The members opposite would not even know that netball has the greatest number of participants in Australia.

Mr Collaery: It was Mr Whalan who said that.

MRS GRASSBY: You would not know. He had to tell you. Our Government launched the "Spring into sport for recreation" promotion last September. This was aimed at the older adults, to encourage them to try a new sport or return to sport for recreation purposes. It was aimed particularly at women, to give them an opportunity so that they were not left out. Mr Whalan was also the co-host at a reception for the sixteenth national Australia soccer championships last September.

21 February 1990

Where is the Government's commitment to women's sport? I can continue with a list of areas in which we did something for sport in the first term of government, because we knew it was a priority. We believe that people should not only be spectators but also be part of a sport, and we took particular care to achieve this. Women were one of the targets, and we gave them as much importance as males. As we have seen today, women do not matter at all to this Government; they are not even allowed to answer questions directed to them. The support by our Government to women was extremely high, but I have not seen that from the Opposition. The travel assistance participation for the disabled to the Olympics was also organised by our Government, and I was very proud of the fact that there were equal numbers of men and women in this group.

As I said, with Mr Whalan as Minister for sport, a lot was done and a high priority was given to sport. I congratulate him on the very hard work that he did while in government. I would like to see the Opposition put its money where its mouth is.

MR STEFANIAK (4.03): This afternoon we have heard what amounts to a lot of drivel from the Opposition in relation to its great achievements in sport.

Mr Duby: Dribble? That's basketball talk.

MR STEFANIAK: I said drivel, not dribble. I will concede two things. It started the redevelopment of Bruce Stadium - we do not begrudge that at all - and when we were in opposition we were trying to work out the most cost-effective way of operating it. Also there was an initiative in relation to Glebe Park, but do not try to claim any credit for the police driver training track.

A member: Not Glebe Park.

MR STEFANIAK: They might have started that, but we finished it.

Mrs Grassby: We were trying to negotiate for the police driver training track for some time - do not worry about that - and we are still negotiating for it.

MR STEFANIAK: Work in relation to the police driver training track is in its early stages, Mrs Grassby, and that is very much an initiative of this Government. Mr Whalan said that sporting groups and people to whom he talked are very worried about this Government and its attitude to sport. That is hardly the message that Mr Collaery and I are getting as we talk to sporting groups. Indeed, quite a number of sporting groups and individuals were somewhat concerned about the performance of the former Labor Government. So you are kidding yourselves there as well.

This Government has been in office for two months. We have now lain a sports policy on the table. Additional policies are being prepared; that is to be understood. But this Government has also announced a number of initiatives, looked at a number of items and raised a number of very exciting questions for the development of sport in Canberra in the near future. The training track at Fairbairn is one of them.

There are also big possibilities in the potential for an international standard 2,000-metre rowing course, with the construction of the Eastern Parkway. The fact that fill from the roadworks there is being extracted so that a dry basin of required rowing course dimensions is being created has raised the question of whether something could be done with that. The Government has asked for more information in relation to the costing of that project and its possibilities. That could be a very big plus for Canberra if the costings are right.

The ACT Government is keen to promote Canberra as a venue for major sporting events. One initiative for which the past Labor Government certainly cannot claim any credit is the attempts to persuade the Australian Cricket Board to supply us with an international cricket match at that remarkable venue, Manuka Oval. We are hopeful of getting something there in the next couple of years. That is certainly something for which you cannot claim any credit.

Despite all of Mrs Grassby's rhetoric about women, I note that in the second last paragraph on page 1 of the Labor policy there is mention of women, but there do not seem to be any further statements. So perhaps she is having herself on.

Mr Whalan said that there are 120,000 registered participants in sport in the ACT. He is wrong; I think it is about 122,000. Certainly sport is very popular in the ACT, and the Alliance Government recognises that. We recognise the social and economic importance of sport and recreation to our community. Programs which are administered by the ACT Office of Sport, Recreation and Racing aim at developing participation in sport and recreation activities, which increases community health and fitness levels as well as promote employment, tourism and financial growth.

With the Attorney-General being the Minister responsible for sport, and me as the Executive Deputy assisting him on sporting, racing and recreation matters, we have enabled the sporting community greater access to government and we enable continuing consultations to take place with it.

In relation to swimming facilities at Tuggeranong, last week this Government made a commitment which I submit is quite different from the hollow commitment that the Labor Party would have people believe it had made. This Government will continue to provide quality services to

21 February 1990

promote and coordinate the development of sport, recreation and racing in the ACT, in close liaison with community and sports organisations and the racing industry.

For the ACT to be successful in high-level national and international competition, services such as those provided by the new ACT Academy of Sport are important. They aim at assisting the performance of developing ACT athletes and teams, combined with funding through the sports development program, and will continue to ensure that the sporting community is well serviced.

We will also ensure that the planning of open spaces and sporting facilities caters for all sports. The Alliance Government will be encouraging sporting groups to become more involved in making decisions regarding facility use and development and to develop their own facilities. The sports loans interest subsidy scheme is assisting in that regard.

The Government will ensure that residential areas continue to be serviced by a range of swimming pools and related recreation facilities. We have already announced that we are committed to the development of additional swimming facilities at Tuggeranong.

We realise that Bruce Stadium will be a central focus for major sport in the ACT, providing a truly multipurpose facility. Bookings for national and international events for Australian rules, rugby union and rugby league in the next few months demonstrate the importance of this fine venue. We are very keen for the forthcoming Australian Rules match to go well. It is a good hit-out for the stadium, and we would encourage all Canberrans to go to that. It is another plus for this Government.

This Government has recognised the need for a motor sport facility and the opportunity for developing a national standard venue at the old Australian Federal Police training centre. The Chief Minister has sought an assurance from the Federal Government that the site will be made available to the ACT in accordance with procedures finalised before self-government. We are working closely with the new ACT Motor Sports Council to develop the proposal for the use and continued management of such a facility.

Canberra's high standard of sports facilities, tourism and other recreational attractions will be a major promotional factor in attracting sporting events to the ACT. The Government is presently considering bids for conducting major events with significant tourism and economic benefits, such as the masters games and the rugby union golden oldies. I will certainly be playing in the rugby union golden oldies when we get that.

Encouraging participation is the central purpose of our sport and recreation policy. Emphasis will particularly be

given to encouraging the young, the old, women and the disabled to participate in sporting and recreational activities - for example, encouraging veterans games. This Government is providing assistance to the wheelchair games which is to be held in April. Transport arrangements have been made by the Minister for Finance and Urban Services to facilitate the smooth running of those games. Federal funding is being used in the establishment of a junior sports development unit which will promote links between school and community sport and will encourage participation by children and youth in an expanded "Aussie sports" program.

The Government fully endorses the use of the health promotion fund in promoting healthy lifestyles and as an alternative to tobacco sponsorship of sport, recreation and racing in Canberra. It will also encourage sport to gain improved private sponsorship arrangements. Already \$30,000, plus \$3,000 for advertising, has been provided to fund a Quit for Life race to replace the Rothmans race. In our policy we recognise the huge benefits that non-government sponsorship provides to sport. We will do all we can to facilitate private sponsorship of sport, with the exception of tobacco company sponsorship. We will discourage that. Legislation regulating such sponsorship will be introduced with exceptions, such as the existing Winfield Cup and the Australian Cricket Board arrangements.

The health promotion fund provides an alternative source of funding to tobacco sponsorship. Already a number of sporting groups, apart from the ACT Racing Club, are applying for money from that fund, with the encouragement of this Government. We recognise, as a government, that the racing industry is vital to the ACT community, providing employment, leisure opportunities and considerable financial resources. It also brings in tourists and tourist dollars.

We will fully support the industry to keep pace with the ever increasing standards of the sport nationally. As Mr Collaery has already said, our policy indicates that. We support drug-free sport and competition. We support the random drug testing of ACT athletes under the Australian Drug Agency testing program, and we will instigate a drugs in sport education program for the ACT.

Mr Speaker, far from the criticism that has been levelled by the Australian Labor Party members at this Government for its lack of impetus in the sport, I think the contrary is true. This Government has already announced a number of initiatives, a number of possibilities, that it is investigating in the two months or so that we have been in power.

We will continue to give a high priority to sport, as is evidenced by this sports policy. We recognise its health benefits to the community and also the vast opportunity that some sporting events have to bring big dollars into

21 February 1990

this community. I think the Opposition's claims that we have not performed in that area are totally spurious.

MR MOORE (4.13): Having now been able to read through the new policy of the Alliance Government on sport, recreation and racing, I thought I would spend a little bit of time discussing what I have read. I certainly enjoyed the preamble about the snowfields and other areas, such as the South Coast and rural New South Wales, which are well and truly out of the ACT but which provide recreation for Canberrans. But it does not have a great deal of impact on what action this Government can take in order to improve recreation for members of the Canberra community.

Then it goes on to swimming pools and states that the Government will:

Ensure that all ACT residents have ready access to swimming pools and related recreational facilities.

To me this is somewhat of a turnaround, considering its response concerning the Tuggeranong pool. Do not mistake me because, if you recall, I voted with the Government on the pool. Nevertheless, a number of statements have shown a relaxed attitude to what is going on there, and we still do not have a clear picture as to what will be going on. The policy continues that the Government will:

Maintain an Olympic standard swimming pool within the Civic with the aim of upgrading that facility to one capable of year round use.

That is an admirable aim. It continues:

The Alliance Government will ensure that we retain an Olympic diving facility, water polo pool and a children's wading pool ...

This is all admirable, but I will put in a plug at this stage for underwater hockey. Members may not be aware that underwater hockey is a growing sport. I will draw attention to the fact that I have been requested by my brother-in-law to put in a plug for it, so there cannot be any accusation of not declaring an interest, although it is not a financial one.

Ms Follett: He is having you on, I think, Michael. It's to drown you.

MR MOORE: That is right. I refuse to play the game. I also look at the policy No. 4, open space, which states:

Sports Grounds

The Alliance Government will ensure the provision of open space for sport and recreational facilities in new residential areas.

It is interesting that you have not commented on some of the old areas. At a meeting of the Braddon Residents Association the other night a great deal of concern was expressed about what is sometimes called Northbourne oval or referred to as rugby league park.

Mr Jensen: They are doing a flip-flop, are they, Michael?

MR MOORE: We will have to look very carefully at whether the area should be developed in residential terms. I understand that nobody has considered as reasonable an original proposal which included office space and so forth. The notion of a residential area development will have to be considered very carefully, compared with whether the area should be retained as a sporting facility or returned to its status of just over 10 years ago when the community at large had access to it. Mr Jensen interjected that I am doing a flip-flop. No, I have not done a flip-flop.

Mr Jensen: I did not say "you".

MR MOORE: Mr Jensen interjects to say that he did not say it about me. The Braddon Residents Association and I have always kept open minds as to the conclusion. The only thing, as far as I am aware, that the Braddon Residents Association, the City Residents Coalition or I have ever stated about it was that none of us was prepared to see it go to development for office accommodation. Mr Jensen would agree that he also held that view.

Mr Jensen: I still do.

MR MOORE: I have no doubt that you still do. It is a very serious matter for us to consider that site and to how it can be of most value as a sporting facility, particularly to a community in inner Canberra which appears to have fewer recreation areas. Many of those suburbs are going through their renaissance and now have young children again. That is illustrated by the fact that students are being turned away from schools such as the Ainslie Primary School which, only four or five years ago, was under threat of closure because it did not have the numbers. By the way, they are not commuter students either. They are living within the standard intake area.

I draw attention to point 7 in the policy, about school sport. With Mr Kaine's suggestion of major cuts to education, I wonder whether the trick might be to encourage students into sport so that we can have 150 students on the oval with one teacher, and in this way we can do away with a few teachers. There are possibilities in that. Seriously, school sport is a most important and critical part of the sporting basis of any particular area.

I really want to draw attention to page 4, policy 11, sponsorship in sport. I wholeheartedly support the notion of limiting tobacco company sponsorship of sport. But I also draw attention to the fact that you have not included

21 February 1990

alcohol companies and their sponsorship. Tobacco is our greatest killer as far as drugs go, but following very closely, particularly with young people, is alcohol. The advertisements that we have on television which tie alcohol and sports together really need to be looked at carefully because we should use an opportunity to discourage - or not to encourage, perhaps I should put it that way - the combination of alcohol and sport. I am not speaking against alcohol as a drug that is being used, but in this relationship there are definitely some problems, and it is an area that certainly needs to be looked at.

Finally, I look at future initiatives, policy 12, and congratulate Mr Stefaniak on his very clever softening up procedure, as follows:

We will examine the sport and recreation policies in other states and abroad to bring policy development in this area to a national pacesetting standard.

I presume Mr Stefaniak is softening up the Government in order to get his overseas trip organised. I am sure the Minister would not be so silly as to allow Mr Stefaniak to go without also going.

It is good to see that the Government has finally established a sporting policy. How clever you were to write it in a day. Considering the limited time and looking back, as I did earlier today, over the Residents Rally and the Liberal policies, I think it is very interesting to see what you have come up with, and it will be even more interesting to see how you attempt to implement it.

DR KINLOCH (4.22): It has been a delightful experience this afternoon to have had the chance, thanks to members of the Opposition, for us to discuss our excellent sports policy, and we thank them for it. It was very good of them. We welcomed it. We rejoiced in it. My colleague Bill Stefaniak and I were especially enjoying it as we attended a sports lunch this afternoon, one of the many responsibilities and cares that are laid upon us. It was difficult, but we coped.

After Mr Moore's delightful references to Gulliver's Travels this morning, which I much enjoyed, I also enjoyed his references to underwater hockey. I want to undertake, as a subcommittee of one, to look into the problems of overwater or dry land snorkelling, underwater volleyball and, if possible, underwater snooker. Possibly the balls will have to be especially treated, but we will look at that.

The members of the Alliance Government began to look at this sports policy in the early days of last December. We very much enjoyed discussing it. It has been a kind of indoor sport for members of the Alliance Government over many, many hours. So we rejoice today in the magnificent

achievement of the marathon effort, crossing the line, and presenting it to you.

MR SPEAKER: There being no further speakers, the discussion is concluded.

PERSONAL EXPLANATION

MR JENSEN: Mr Speaker, I seek to make a statement. I claim to have been misrepresented.

MR SPEAKER: Please proceed.

MR JENSEN: I refer to some statements made, which seem to imply that I, as the only Norm in the chamber, was the person who looked like Norm in the "Life. Be In It" campaign. I can assure all members opposite that I participate and have always participated in sport, and I suggest that no-one can accuse me of being a "Norm", as they say in the "Life. Be In It" campaign.

DISCHARGE OF ORDER OF THE DAY

Motion (by **Mrs Nolan**), by leave, proposed:

That private Members' business, order of the day No. 1, be discharged.

MR WHALAN (4.25): We will not oppose the discharge, but we are disappointed that we will not have an opportunity to discuss this in principle in view of the embarrassment which has been caused to Mrs Nolan by the retail traders who have quite clearly opposed her initiatives in relation to extended trading hours. We are well aware of the hostile meetings which have been called by retailers. It would have provided us with another opportunity to pursue the question of the 600 letters that were posted out to retailers by Mrs Nolan. Otherwise, we do not oppose the discharge.

MR KAINE (Chief Minister) (4.26): I am pleased that Mr Whalan does not oppose this. I do not believe that it is reasonable to allow his speculation about embarrassment to Mrs Nolan to hang unresponded to, and I intend to respond to it. I am quite sure that Mrs Nolan is no more embarrassed by this issue than the fact that it was Mr Whalan who extended Saturday afternoon trading for some weeks before Christmas last year. I am in no way embarrassed by the fact that I continued that extension of trading hours, and that determination of mine remains in force until I withdraw it. So to a degree, Mrs Nolan's Bill would have had little effect, even if it came before us and was put into effect. As Mr Whalan well knows, it is within the power of the Minister to make such a

21 February 1990

determination. He made one; I have made another, and there is no further debate required than that.

On the question of the letters, Mr Whalan is very keen on this innuendo about people and whether what they have done is proper or not. If he keeps it up, it might be another boomerang. I have inquired into his insinuation in this case, and the only evidence that I can find of anything that has any resemblance to the events that Mr Whalan is ascribing to Mrs Nolan is that before we took the Government Mrs Nolan corresponded with a large number of private operators in the small business world. It was in no way an act performed as a member of this government. It was done as a private individual. She has explained to me quite satisfactorily the arrangements that she made for distributing that correspondence. It was not done at the public expense, if that is what you are insinuating, Mr Whalan and, having been given the facts, you might care to withdraw any such insinuation.

You might stop trying to misrepresent, distort, and imply that people on this side of the house are somehow acting in an improper way. I would be most obliged if you would stop doing that because it is a boomerang and if you keep it up, you may get a few landing back on your own deck.

MR BERRY (4.28): I also take the opportunity to prevent distortions that were just put to this Assembly by the Chief Minister. The way the Chief Minister put it was that what the then Minister Mr Whalan had done was similar to the permanent arrangements which were proposed by Mrs Nolan and which will subsequently be knocked off. The Chief Minister's discretionary power is quite different, so do not let us distort issues and put them to this house in that way.

Mr Kaine: I can assure you that, unless I do otherwise, it is permanent.

MR BERRY: But the very clear distortion is the difference between discretionary powers of the Minister and the legislation which was proposed by Mrs Nolan. Mrs Nolan's legislation is the issue under debate, not the distorted discretionary powers about which the Chief Minister is talking.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Collaery: I require the question to be put forthwith without debate.

Question resolved in the negative.

DISCHARGE OF ORDER OF THE DAY

MRS NOLAN (4.30): This Bill was originally a private members' Bill, Order of the Day No. 1, but it is to move across to the Government's executive business and will be placed on its legislative program.

Question resolved in the affirmative.

DISCHARGE OF ORDER OF THE DAY

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

That private members' business, order of the day No. 2, be discharged.

POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day, Nos. 1 and 2, executive business, be postponed until the next day of sitting.

MR WHALAN (4.31): Again, we agree to postpone the orders of the day, but I think the reason for their being postponed should be placed on record. We discovered during question time today that matters relating to at least one of these Bills was the subject of review by the Standing Committee on the Scrutiny of Bills and Subordinate Legislation and that the review is current. I am surprised that there had been such a breakdown in communication between Executive Deputies, who chair such important committees as the Bills review committee, and the Government when the Government was proposing to proceed with legislation through all its stages while concurrently the Bills review committee was examining it.

It is yet another example of the failure of the Government to get its act together when it comes to Government business. We were ready to proceed. We had no indication whatsoever that this legislation had even been referred to the Bills committee. I think that was apparent from the question asked at question time today. It came as quite a surprise to us that the terms of the legislation had been referred to that committee. I urge the Chief Minister to get his team to get their game together, that they take a

21 February 1990

few lessons from the Canberra Raiders and communicate with each other so that - - -

Ms Follett: Play the ball, not the man.

MR WHALAN: Yes, and to play the ball, not the man or woman, so that there can be an orderly and competent flow of business through this chamber.

MR COLLAERY (Attorney-General) (4.34): I rise simply to make a very fatal observation of what the member opposite just said. The fact is that the Labor Party has not put a member on the Standing Committee on the Scrutiny of Bills and Subordinate Legislation. If it had participated, as was indicated earlier in the chamber, it would know the situation. It would have been in a position to assist that all-party, non-political committee. It would be regrettable were we to politicise the Bills committee.

There is set schedule for matters to go to a Bills committee, and members should be aware of it. These Bills usually excite very little interest, except for the penalty and proof provisions. There is a procedure that, as my colleague Ms Maher indicated, was in progress. In the other house across the lake, when members have a concern that should be taken up by the Bills committee, one reason for the in-principle debate is that members can draw attention to issues that should be referred to the Bills committee. Did any members opposite draw attention to any matters? Perhaps we are all in the same boat on this one, Mr Whalan.

MS MAHER (4.35): The Standing Committee on the Scrutiny of Bills and Subordinate Legislation met yesterday morning and referred the matters to Professor Whalan then. He has not had time to get back to us on these particular pieces of legislation.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Question resolved in the affirmative.

Assembly adjourned at 4.41 pm