



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

22 March 1990

## Thursday, 22 March 1990

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

**ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE -  
RESTRUCTURING THE COMMITTEE SYSTEM  
Report**

**MR DEPUTY SPEAKER** (Mr Stefaniak): I call Mr Prowse.

**MR PROWSE:** I present the report of the Standing Committee on Administration and Procedures on the restructuring of Assembly committees, and I move:

That the report be noted.

**Mr Whalan:** Where is the report? I think, Mr Deputy Speaker, before we consider - - -

**MR DEPUTY SPEAKER:** Thank you, Mr Whalan, I take your point. The report can be distributed.

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

**SOCIAL POLICY - STANDING COMMITTEE - NEEDS OF THE AGEING  
Report**

Debate resumed from 19 October 1989, on motion by **Mr Wood**:

That the recommendations be agreed to.

**MR KAINE** (Chief Minister) (10.33): I table the following report:

Blueprint for the Ageing - Standing Committee on Social Policy - Needs of the Ageing - Report - Government response.

The first inquiry of the Assembly's Standing Committee on Social Policy was conducted into the needs of the ageing. As Leader of the Opposition I initiated that inquiry because I believed that special attention needed to be focused on the needs of our increasingly ageing population. Elderly people constitute a major political and economic force with significant needs and aspirations, and have been ignored for much too long.

The Alliance Government recognises the importance of this group and will develop and implement policies which promote

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housing, education, leisure and health programs and the elimination of age discrimination barriers. Advances in health and medicine have increased longevity, and the number of people over 60 years of age is increasing throughout Australia. On average, men can expect to live 18 years after retirement at age 60, and women can expect to live for 23 years after 60.

There is an added boost to Canberra's ageing population due to more people staying on in the ACT after retirement than was the case in the past and some cross-migration from outside the ACT. The Alliance Government's "Blueprint for the Ageing" promotes the concept of the third stage of life for the 60-plus population, during which health, independence, dignity and a feeling of worth are maintained.

The Social Policy Committee tabled its report in October 1989, and I commend it to members. I again commend Mr Wood for its excellence. It is the cornerstone of the Alliance Government's "Blueprint for the Ageing". The terms of reference for the Social Policy Committee were to examine the needs of Canberra's ageing population, concentrating in particular on the frail and disabled who are unable to live independently, dementia patients, those of ethnic origins and those who require respite facilities.

Of the 60 recommendations made by the Social Policy Committee, the Government has accepted 55. If we have not accepted a recommendation it is not because we disagree with the idea; rather, the Government accepts the principle of the recommendation but is not able to agree fully with the proposed implementation. These differences have arisen either because of the tight budgetary situation or because administrative arrangements have improved under the Alliance Government.

More specifically, the four points on which our "Blueprint for the Ageing" differs from the Social Policy Committee's recommendations are as follows. In connection with a hospice facility - recommendation No. 2 - we believe it is more appropriate to consider construction of such a facility in the context of the development of the hospital services rather than as a stand-alone proposal.

The second point is in connection with a continence clinic, to which recommendation 3 refers. The blueprint acknowledges the need for continence services but not necessarily a continence clinic as recommended by the committee. However, the Government will be seeking permanent accommodation for the continence promotion group.

The third area is that of a taxi rebate scheme for people with disabilities, to which the committee's recommendations 39 and 40 refer. The Government agrees that the scheme needs to be reviewed but cannot categorically exclude a change to the present eligibility criteria. The committee recommended no change in the present criteria.

The fourth area is coordination and integration - recommendation 60. Under our administrative arrangements responsibility for the ageing falls within my portfolio. These arrangements ensure for the first time a cohesive and holistic approach to ageing policy, with fully integrated service delivery. It is appropriate, I believe, that my department, rather than the Rehabilitation and Aged Care service in the Department of Health, as recommended by the committee, undertakes coordination and integration. The recommendations and the matters which the Government has adopted go way beyond rehabilitation and aged care matters which are encompassed by that service.

The Government will continue the consultative process commenced by the inquiry. The "Blueprint for the Ageing" has been discussed with the ACT Council on the Ageing, and it has its support. We will be meeting regularly with community organisations to discuss implementation of the blueprint.

As well as embracing the recommendations of the Social Policy Committee inquiry, the "Blueprint for the Ageing" goes further and addresses issues that are outside the range of the terms of reference of the committee. We have used the inquiry as a springboard and, as foreshadowed in the Alliance Government's policy on the ageing, have set the broad priorities and general framework for the next five years for how we will deal with issues and services which affect the ageing.

We need to know more about the ageing and their needs. We will conduct a phone-in so that the ageing and those who care for them can tell us first-hand their problems and how we might best meet their needs. The phone-in will be organised for Senior Citizens Week in May, and the date will be widely publicised.

It is essential that we continue our dialogue with the ageing population. I have therefore arranged for a designated coordinating officer position to be established in my department's Social Policy Division, to ensure a high level of communication on service delivery and policy development as we implement the blueprint.

The Alliance Government places great importance on the quality of life and opportunities for the ageing to continue to contribute to the community. It is a primary aim to ensure that the ageing maintain a sense of worth and dignity, and feel that they constitute a vibrant part of the ACT community. The blueprint explains how we plan to build on intergenerational links and reduce social isolation by increasing access to recreational, cultural and all other community facilities.

We will improve educational opportunities for the ageing by arranging for the University of the Third Age to use existing school facilities to enable it to run courses more effectively.

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A complete review of all concessions on ACT Government services will be undertaken, starting now, to provide more equitable relief to those in need. The priority areas will be transport and energy concessions. Obviously, both of these areas impact heavily on the ageing population.

We recognise that about 60 per cent of the elderly ACT residents receive the age pension which is only 25 per cent of the average weekly wage. This means that 60 per cent of elderly ACT residents are arguably below the poverty line. There are many others on fixed incomes - for example, superannuants - who also live in, or on the verge of, poverty but whose needs are less visible because they are not eligible for most concessions.

Income support is in the Commonwealth's domain. I assure you that we will continue to make representations to the Commonwealth on such matters as the adequacy of the pension, improving incentives to save for retirement, providing opportunities for better use of savings during retirement, ensuring that the labour force is covered by superannuation and that the superannuation benefits are improved, ensuring that women have better opportunities to save for retirement, and providing better employment opportunities for older workers.

In relation to human rights, we will produce a consultation paper on age discrimination, which will cover the inquiry's recommendation on antidiscrimination. We will introduce general antidiscrimination legislation. We have already introduced legislation to allow enduring power of attorney, thus allowing planning for the future.

Over two-thirds of Australians over the age of 65 own their homes, but lowered income severely restricts housing choices and the ability to maintain owner-occupied dwellings. The elderly in the private rental market are recognised as a highly poverty-prone group. Access to adequate and affordable housing is essential if the elderly are to maintain self-esteem and dignity and continue to participate in society.

We have recently signed an agreement with the Commonwealth, which guarantees maintenance of funding levels for the next three years. This enables us to prepare a housing plan for the ageing. The plan will examine home equity conversion schemes, improved house modification arrangements under the home and community care program, and the role of the private sector in self-care accommodation and joint ventures. We will also examine the NCDC consultancy report, the "Review of Aged Persons' Housing Services in the ACT", in line with the inquiry's recommendation. Under the review of housing policy we will be looking at ways of reducing the after-housing costs poverty trap, particularly for the ageing.

We support the three-tier model for the transition from self-care to hostel to nursing home accommodation. We will negotiate with the Commonwealth for a realistic allocation of beds. We are considering the sale of the Jindalee site and the selection of a more suitable site for a new nursing home. I must say, by the way, that Jindalee is the only nursing home in the ACT to receive accreditation by the Australian Council of Health Care Standards and that the high standard of care that it delivers is impressive. Whatever we ultimately decide, that level of excellence must be retained.

Under the home and community care program we will be negotiating with the Commonwealth to include the priorities for transport services, respite care, personal alarms and podiatry services, as identified by the inquiry. Our policy specifies the encouragement of independence and self-management at home for the ageing, wherever possible. Following the Commonwealth's example on health policies for women and young people, we will develop a health policy for the ageing, with particular emphasis on health advancement and preventive health measures.

A key element in reducing isolation and providing access for the ageing is adequate and affordable transport. (Extension of time granted) We will be developing a transport policy for the ageing, for implementation in the 1991-92 and subsequent budgets. We will urgently review the taxi scheme for people with disabilities, for consideration in the 1990-91 budget, and examine ways of reducing transport costs for the ageing. We endorse the concept underpinning the home and community care program, that most older people prefer to stay in their homes, or self-care, as long as possible. Support for carers of the ageing is a central feature in maintaining the ageing in the community rather than in residential care. We will continue our negotiations with the Commonwealth on the home and community care program to improve support for carers.

In conclusion, the blueprint is not a series of empty promises. It begins with a very positive response to the inquiry into the needs of the ageing, and goes further to map out a long-term, cross-agency framework for ensuring that we cater to the needs of our ageing population in a reasonable and responsible way. The Alliance Government, through the "Blueprint for the Ageing", demonstrates that the ageing are valued members of our community, and it ensures their continued contribution to the community.

I want to conclude on a different note today and talk about the benefits of self-government and, in particular, the committee system. This is the first report of the Social Policy Committee. It proves that self-government is benefiting Canberra's citizens. As Leader of the Opposition, I initiated this inquiry; the committee was chaired by Bill Wood, then a member of the Government; the report was presented to the Labor Government and has now been addressed by the Alliance Government. We have agreed with it, and I hope the Opposition will support it.

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The other key result is sensible recommendations - no wish lists or unacceptable recommendations - an enormous amount of work and many submissions. The end result, I believe, is a highly acceptable report that addresses community needs. As members of the first ACT Government, we can be proud of this outcome and the performance of our committee system.

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

### **CREDIT (AMENDMENT) BILL 1990**

**MR COLLAERY** (Attorney-General) (10.46): I present the Credit (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

The amendments to the Credit Act 1985, which are contained in this Bill, are necessary to regularise the status of a number of interstate credit unions that are invalidly registered in the ACT. The invalid registration occurred because of errors made by the credit unions in their applications for registration. A large number of credit unions in other States have been found to be in a similar position. The other States, which have uniform credit legislation, have enacted, or will enact, similar amendments.

The objective of this Bill is to ensure that the rights and obligations of the credit unions and their borrowers are preserved for the period in which the credit unions were not validly registered under the Act. The Bill also validates the credit unions' registration so that they can continue to provide a service to their customers in the ACT. In those unusual circumstances, I commend the Bill to this house.

**MR SPEAKER:** Do you present the explanatory memorandum?

**MR COLLAERY:** Mr Speaker, I present the explanatory memorandum to this Bill.

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

### **CLINICAL WASTE BILL 1990**

Debate resumed from 15 February 1990, on motion by **Mr DUBY:**

That this Bill be agreed to in principle.

**MRS GRASSBY** (10.48): The Labor Opposition is happy to support this legislation, with one change. This legislation had high priority under the Follett Labor



Government. This Bill is another example of how the previous Government was giving high priority to issues affecting the people of Canberra. We have yet to see any initiatives from this fossilised Government.

As the Minister pointed out in his presentation speech, the control over the disposal of clinical waste has been a matter of some concern for a number of years. Existing ACT legislation did not adequately deal with the problem, and before self-government the resources were not available to give this matter the priority that it deserved.

There is something ironic in the fact that a man who opposed the ACT stepping out of the dark ages into twentieth-century government should now be the Minister who introduces this much needed and modern legislation. Nevertheless, time is not as forgiving as some people would like us to believe. I am sure that in 1992 nobody will have forgotten the miraculous conversion of St Craig on the road to nowhere.

It is interesting to note the Minister's claim that this legislation was actioned immediately by the Liberal coalition Government. If this Government claims that action involves no more than proceeding with legislation drawn up by a previous government, then we are in for a dull time under the dullards opposite.

I challenge the Government to provide us with a true record of its achievements in the first 100 days. It would be similar to that book about its ideological hero, Malcolm Fraser - The Wit of Malcolm Fraser - 20 or 30 blank pages. With this conservative Government, it would not even be on recycled paper, I am sure.

**Mr Jensen:** That is older than you, Ellnor.

**MRS GRASSBY:** No, not older than me. The only person older than me is your leader.

**Mr Kaine:** And only marginally, at that.

**MRS GRASSBY:** Do not believe it; you are a long way ahead of me.

**MR SPEAKER:** Order! Please proceed, Mrs Grassby.

**MRS GRASSBY:** The leader opposite is handling the needs of the ageing in case he might be there sooner than he thought. As I mentioned previously, the opposition has one concern with the Bill as it stands. This was raised by Professor Whalan in his report to the Standing Committee on the Scrutiny of Bills and Subordinate Legislation. Clause 4 provides that the Act binds the Crown, but this is then softened by providing in clause 5 that the Crown is not liable to be prosecuted for an offence. The effect of this, as Professor Whalan points out, is that it weakens the thrust of the legislation, and the biggest producers of

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clinical waste, our local hospitals, could breach this Act without a challenge.

I believe this is totally unacceptable and would weaken the legislation to the point at which it would become almost worthless. Although it would be unusual for the Crown to initiate action against itself, the inclusion of clause 5 prevents private persons taking action to prevent the Crown breaching the legislation. I believe it is important for a private individual to have this right. I therefore give notice that during the detail stage I will be asking members to vote for the deletion of clause 5 from the Bill. I had a meeting with Mr Duby, and I believe that this will be agreed to. Of course, he could have changed his mind since that meeting; I do not know.

**Mr Collaery:** Smile at him.

**MRS GRASSBY:** He changes his mind a lot; therefore I am never sure.

**Mr Berry:** If you had a mind like that, you would change it, too.

**MR SPEAKER:** Order! Please proceed.

**MRS GRASSBY:** Good one.

**MR SPEAKER:** Order! The house will come to order.

**MRS GRASSBY:** I am interested to see how the Government responds to the other matters raised by Professor Whalan. In particular, Professor Whalan points out that there are plenty of precedents for improving the return of licence provisions in clause 26(1). He suggests that a "without reasonable excuse" element be inserted into clause 26(1) and a "within reasonable time" provision be inserted into clause 26(2). I am interested in hearing the Minister's response to these suggestions.

Professor Whalan also points out that clause 34(1) of the Bill, which deals with the requirement of any person on premises which have been entered by an inspector to answer questions, does not provide any of the usual protection against self-incrimination. This is, of course, a matter of some concern to all people who are concerned about civil liberties, and I will be interested to hear the Minister's response also to this point.

Finally, Professor Whalan points out that under clause 35 a sample is split and labelled only if the occupier requests part of the sample for analysis within 14 days. The Pesticides Act 1989, which was introduced by the Follett Labor Government, provides that splitting and labelling of the sample occurs automatically. Professor Whalan suggests that clause 35 should be amended to make the procedure similar to the Pesticides Act. The Opposition would fully support such an amendment, and I wait to see what the Minister does in this regard.

The Opposition is pleased to see that this fossilised Government has finally proceeded with our legislation. I hope I do not get too old before I see it introduce some of its own.

**MRS NOLAN (10.56):** Before adding my support to the Clinical Waste Bill, I will correct Mrs Grassby and suggest to her that it was long before self-government that this legislation was proposed. The Labor Government did not get the Bill into the house, as we have done.

I rise to support the Clinical Waste Bill. However, I understand that, as a result of advice given to the Standing Committee on the Scrutiny of Bill and Subordinate Legislation, some amendments are proposed, and we will be proceeding with those later this afternoon.

I believe the Bill is essential if we, the ACT Legislative Assembly, are to ensure the safety of our workers, Canberra residents and the environment. Until now the ACT has been lacking adequate legislation concerning the storage, treatment, transport and disposal of clinical waste. The Clinical Waste Bill seeks to rectify this situation. Fortunately for the ACT, many professionals in the health areas have been taking a responsible attitude towards the danger of clinical waste. Hospitals have undertaken training programs, making all their staff aware of the dangers involved in handling clinical waste and the correct disposal method. These precautions have been a voluntary, cooperative action between the responsible unions and hospital management and staff. The Alliance Government commends this course of action.

Unfortunately, in the wider animal and human health arena generators, transporters and disposalists have not acted so responsibly. Incorrect procedures have been implemented because people do not know otherwise. Other actions, such as dumping harmful clinical waste in our parks and waterways or across the border, have been deliberately initiated. These conscious acts of ignoring acceptable health practices place the public at risk and must be ceased immediately, before serious accidents occur. A Bill such as this one before us today gives us that opportunity.

Clinical waste is not a new issue to the ACT. We have been experiencing problems for a number of years. In 1987 we were made aware of the situation when disposal of clinical waste at household garbage tips became the source of significant industrial action by workers exposed to clinical waste on those sites. This was not a one-off situation, something that we can just forget about. Periodic discoveries of clinical waste have continued to this year. Items such as pathology cultures, blood samples, needles and disposable medical equipment have been located.

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Yet indiscriminate dumpers do not choose only our tips to dispose of their clinical waste. The recent "Clean up Canberra" day resulted in a significant amount of clinical waste, such as disposable needles, being collected from our parks and waterways. The dangers that these wastes present to our community are serious and cannot be ignored.

An inquisitive, innocent child could find a needle left in a playground by an inconsiderate drug user. If that child unwittingly pierces skin with the needle there is no way of knowing to what he or she may be exposed. That is exactly what happened to my next door neighbour's child on "Clean up Canberra" day. The family went through some very concerning days as a result of the child being exposed after pricking skin with a needle. The AIDS virus springs to mind, but it could also be a number of diseases, such as the highly infectious hepatitis B. The danger is very real. It must be lessened, and the source must be eradicated. Every one of us is at risk. If clinical waste is left at a tip either deliberately or innocently, there is the possibility and opportunity for one of us to be exposed.

Yet it is not only the danger to the human community which must be considered. If waste is deposited in the waterways livestock could be in danger of contamination or infection. Our ecological system could also be adversely affected. It is the danger that clinical waste represents that this legislation will effectively cease.

The Clinical Waste Bill covers all institutions and premises in the ACT generating, transporting, storing or disposing of clinical wastes. It will provide more adequate protection for the workers involved in clinical waste disposal, as well as the Canberra community. Contrary to some reports circulating in the community, the Bill will be properly enforced. To assist the health community in complying with the legislation, a clinical waste manual will be introduced, detailing procedures for the management of clinical waste.

As I mentioned at the beginning of my speech, in the last four years successive Federal and ACT governments have been working towards the implementation of clinical waste legislation, so it was not something that happened in a few months last year. Today we have the opportunity to implement practical and effective legislation to remedy this serious problem. I believe the ACT needs such legislation if we are to protect the health of our workers, our community and our environment.

**MR STEFANIAK (11.02):** I preface my remarks by two things. The Standing Committee on the Scrutiny of Bills and Subordinate Legislation has proposed a number of amendments and suggestions, which I understand have been taken up in relation to this Bill. Secondly, I reiterate the remarks that Mrs Nolan made in relation to the comments made by Mrs Grassby about this being the previous Government's Bill.

So many Bills that have come into this Assembly since its inception were lying around being prepared by the previous Federal public service well before this Assembly came into being, and indeed this Bill is one of those.

I rise to speak in support of the Bill. Legislation establishing guidelines for the safe handling of clinical waste is essential for the continuing health of the ACT community, especially those involved in the storage, transportation and disposal of this material. Clinical waste poses a serious risk to public health and the environment, particularly when it is disposed of through conventional domestic or commercial garbage disposal routes.

Risks include exposing the community to hepatitis B, AIDS and other bacterial infections. Incorrect disposal also holds serious implications for our environment. If waste is deposited in the waterways, livestock and humans could be in danger of contamination or infection. Until now the ACT has had no legislation regulating the disposal of such material. This situation is totally unacceptable to the ACT community and the Alliance Government.

While this situation continues, the potential exists for dangerous mishaps to occur. This legislation will cover all institutions and premises in the ACT which generate, store, transport or dispose of clinical waste. This will ensure that all potential sources of clinical waste are covered by the Act. Under this legislation there is a requirement for transporters of clinical waste to be licensed. This will make sure that proper methods and procedures are used by competent and professional operators. As well, movement of clinical waste will need to be documented at each step of the disposal process through to final incineration, burial or other disposal. This will provide for a cradle to grave tracking system for this waste, making sure that none may be disposed of in incorrect ways. A clinical waste manual will detail procedures for the management of clinical wastes. This manual is to be based on similar documents produced by clinical waste authorities in the other States. The manual and every amendment subsequently made to it will be disallowable by this Assembly.

This clinical waste legislation is consistent with initiatives already taken or now current in a number of Australian States. The definitions, control measures and approach to waste disposal are in accordance with guidelines produced by the National Health and Medical Research Council. I believe that this Bill is an important initiative in ensuring not only that workers in the ACT have appropriate protection in the workplace but also that both the environment and the health of the ACT community in general are safeguarded. I commend the Bill to the Assembly.

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**MR DUBY** (Minister for Finance and Urban Services) (11.05), in reply: It gives me great pleasure to hear the general support that this legislation is receiving from all members of the Assembly and the acknowledged need for this Bill. I think the matters relating to this Bill have been adequately covered, in both my tabling statement and the comments of Mr Stefaniak, Mrs Nolan and Mrs Grassby.

I take this opportunity to refute the comments made by Mr Hedley Rowe, concerning this matter, in the Canberra Times in February. Our legislation will cover all institutions and premises in the ACT generating, transporting, storing or disposing of clinical wastes, and it will provide more than adequate protection for the workers involved in clinical waste disposal as well as the public as a whole.

We will be appointing an adequate number of inspectors for the important task of enforcing the Act. Two new inspector positions have been created and four other employees will be appointed as waste inspectors, giving a total of six field staff to enforce the Act in the ACT. Our proposals are consistent with initiatives already taken in other States, and all interested parties will be consulted in the development of the clinical waste manual and the implementation process for this legislation.

The Government is responding to the comments of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation, and is currently drafting two minor amendments to the Bill. These amendments will be finalised for the detail debate which I hope will occur this afternoon. I thank members of the Assembly for the support that they have given to this Bill, and I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1 (Short title)

Question proposed:

That the clause be agreed to.

Debate (on motion by **Mr Duby** adjourned.

### **GUARDIANSHIP AND MANAGEMENT OF PROPERTY Statement and Paper**

Debate resumed from 15 February 1990, on motion by **Mr Collaery**:

That the Assembly takes note of the paper.

**MS FOLLETT** (Leader of the Opposition) (11.07): I am very happy to be able to speak on this useful report from the Australian Law Reform Commission on guardianship and management of property. The report results from a reference in 1988 by the Commonwealth Attorney-General, Mr Bowen. That reference required the commission to inquire into the desirability of new law and procedures to provide for the guardianship and management of property of persons who are unable, either wholly or in part, to manage their affairs or property.

Shortly after self-government I became aware of some very sad and unfortunate situations involving people suffering from Alzheimer's disease or other intellectual disabilities. These cases involved the fact that relatives of the affected people were forced to go to the Lunacy Court to obtain an order under the Lunacy Act of 1898 to enable them to manage the affairs of their relatives.

As Attorney-General, I resolved that that situation should be dealt with urgently. Last year I was very pleased to be able to introduce, and see the Assembly pass, the Powers of Attorney (Amendment) Act, which partly solves the problem. I was intrigued to notice that Mr Kaine, in his statement this morning on the ageing, claims to have done that. Unless he has another, identical Act, I think the one to which he was referring was the one that I introduced last year. Powers of attorney given under the new Act operate after the donor of the power becomes incapacitated.

Under that Act a power of attorney can be used to appoint a person with either property management powers, guardianship powers or both. But even with the new enduring powers of attorney a situation could develop in which the enduring power of attorney is inadequate despite the foresight of those involved - the relatives and so on. For example, where a person who has appointed an attorney becomes incapacitated there may still be a need for a guardian or manager to be appointed because the attorney has not been given sufficient guardianship or management powers. Clearly, there is a need for a court to be able to add to, or modify, the power of attorney in some circumstances. There will also be unfortunate situations in which a person becomes incapacitated without prior warning or without making an arrangement for a power of attorney. Quite apart from the mental incapacity recognised by the archaic Lunacy Act, a guardian or property manager might be required, due to incapacity caused by drug or alcohol problems. These sorts of problems led to the situation in which the Law Reform Commission was asked to review. It is estimated that in the ACT some 80 people a year are in need of management or guardianship orders, or both, so it is not an inconsiderable problem within our community.

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It is worth describing the concepts of guardianship and management of property. Management of property refers to a situation in which a person is incapacitated in such a way that he or she cannot legally enter into transactions. Guardianship relates to a person's incapacity to make day-to-day decisions about his or her life, apart from management of property. Guardianship can be given to differing extents. For example, a plenary guardian under the existing law has the same powers as a parent has over a child. It is, however, possible to appoint a guardian with limited powers. This might involve making a decision about performance of a particular medical procedure.

I was very fortunate to be able to discuss this subject briefly with the President of the Law Reform Commission, Justice Elizabeth Evatt, last year. It is no surprise to me that the report that we have before us exhibits the careful consideration, wisdom and humanity which are the judge's hallmarks. The report tackles very effectively the question of potential conflict between the principle of providing protection for people who are unable to look after themselves and the sometimes opposing interest in enhancing the personal autonomy of those people.

The report and the draft Bill are based upon five principles: firstly, that a person should be presumed to be legally competent unless shown to be otherwise; secondly, that, if a decision is made to appoint a guardian or a manager, the powers of the appointed person should be limited to performing the function or functions which the person with a disability is incapable of performing; thirdly, that individual autonomy is enhanced if the disabled person is allowed and encouraged to look after himself or herself; fourthly, that the disabled person should be encouraged to live in the general community and participate in activities enjoyed by the community; and, fifthly, that a person appointed as a manager or guardian should make decisions, as far as possible, as they would have been made by the disabled person. In other words, the individual's preferences should be recognised. I wholeheartedly endorse these principles as a basis for the law in this area.

It is also worth mentioning that the report recommends the establishment of a public advocate who would act as a guardian of last resort, if no other individual is ready, able or willing to act as a guardian. The public advocate would also have a community education role in relation to family and community responsibility for guardianship. This is a useful idea, and I will certainly be watching very closely the current Attorney-General to see what he does about that proposal.

I look forward to seeing the results of community consultation on this report, particularly on the draft Bill which, as is usual with the Law Reform Commission's thorough practice, has been provided ready for implementation. The Bill has been drafted in plain English



and seems to me to be an accessible and comprehensive law which will meet a need in the community. I commend this report to the Assembly, and I say again that we certainly endorse the principles and the ideas that it sets out.

**MS MAHER (11.14):** This is an issue which I have been following closely for quite some time. I am pleased that my colleague Mr Collaery has drawn the Assembly's attention to the important report from the Australian Law Reform Commission on guardianship and management of property. As Executive Deputy to the Chief Minister on social and family policy, I can tell members that this report has been eagerly sought after by the community.

In many families in the ACT one or more members cannot adequately manage their day-to-day affairs or their property. This can be due to disability, mental illness, brain damage, senility or the effects of drug and alcohol abuse. Legally, we are far behind the rest of Australia in regard to this issue. This report has been at the drafting stage for many years, and I am pleased to see that at long last it is finally in the public arena.

When the person who is unable to manage his or her affairs is below the age of 18, the law is quite clear. The Family Law Act 1975 and the Children's Services Act 1986 govern the legal position of children, and in most cases the parents become responsible for providing assistance. However, adults in the ACT, who find themselves unable to manage their affairs, face confusing and clearly inadequate legislation. Their families who care and want the best for them are faced with a law which is concerned with only property matters and which was enacted last century in New South Wales. It has since been repealed in that State.

I would like to expand on the Attorney-General's statement and outline some of the more important issues that we will have to consider. The Lunacy Act 1898 - the name is reason enough to remove it from the books - has a number of faults. It aims at people suffering from senility or drug and alcohol related diseases. It focuses on property management, but there are no standards for the quality of management of property. Very few of its provisions deal with personal matters, such as medical approval for treatment or personal development.

It does not require orders to be reviewed periodically to ensure that they are still effective. I consider it important that orders be reviewed so that they can reflect changing needs of individual people. The fact that at present they are not is a direct contravention of the United Nations Declaration on the Rights of Mentally Retarded Persons. Most important of all, basic principles, such as presumption of competency unless proven otherwise or that the least restrictive alternative should be chosen, simply do not apply in the Lunacy Act.

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On a practical level, families in the ACT are further disadvantaged. Orders come from the Supreme Court at considerable expense. The filing fee alone is \$300, and obtaining an order will cost between \$2,000 and \$4,000, and then the order is still inadequate. I am told that most families do not apply, simply because of the name of the Act - who can blame them? - and the obvious stigma that follows. Fortunately, commonsense in ACT families has prevailed over what can be described as a totally inadequate law. Since 1927 probably no more than 20 orders have been made under this ancient Act.

This raises an important issue of how many ACT families are affected. As Ms Follett mentioned, the Law Reform Commission estimates that about 80 people a year need management or guardianship orders. This is a conservative estimate, and the number can be expected to increase as our population ages. In addition, the Law Reform Commission also estimates that there is a backlog of possibly 1,500 cases of people who would seek orders if there were a simplified and more effective system in the ACT.

These statistics clearly indicate that many families in the ACT are not supported or assisted by the law in this difficult task of ensuring that family members who are not able to manage their day-to-day affairs have an acceptable quality of life. Since many of the decisions on property or medical treatment have legal implications, this deficiency needs to be addressed as soon as possible.

The report tabled in this Assembly provides one solution for the problem that I have outlined. The report proposes that a specialist tribunal be established to preside over hearings in this area. While making sure that the interests of all parties are heard, a tribunal also offers a more informal and less threatening environment in which families can seek orders. Other advantages over a court are that a tribunal is better suited to periodic reviews of individual cases and the role of providing advice and guidance to guardians and managers.

The tribunal would make orders only when it is satisfied that a person in question either needs to make an important decision as to his or her welfare or health, and lacks the legal capacity to make that decision, or is unable to manage his or her day-to-day life and his or her needs cannot be met except by the appointment of a guardian. The tribunal will look for some form of specific incapacity, such as intellectual impairment, mental illness or brain damage. This is to rule out the possibility of making orders where a person involved is merely incompetent, eccentric or antisocial.

Once an order of a guardian is made, the guardian would have virtually the same control over the incapacitated person as a parent has over his or her child, and this includes the power to decide where and with whom the person will live, what education or training the person is to

receive, if the person is to work and the nature of employment, and to give consent for required medical treatment.

The report also identifies powers which the guardian should not have, and these include the powers to marry, to vote in an election, to make a will and to consent to adopt a child. Another important exclusion from the powers of a guardian are certain medical procedures, such as abortion, sterilisation, hysterectomy and contraceptive procedures. In these cases, the report recommends that only the tribunal can be capable of ordering these procedures. This is an issue which has been brought to the community's attention through the sensitive portrayal of such a decision in a recent episode of LA Law on television, although I have not seen it.

Lastly, Mr Speaker, the report also recommends that new legislation be established for the position of a public advocate, as Ms Follett has already said, to represent the interests of incapacitated persons and act as a guardian of last resort where no suitable individual can be identified. I take this opportunity to acknowledge and commend all those who take on the responsibility of guardianship. It is a very difficult and challenging position, and is generally a long-term commitment; it cannot be taken on as a passing whim.

Taken on face value, the recommendations of the report provide an effective solution to inadequacies in the current, ancient and entirely inappropriate legislation. However, this issue of how we as a community care for the incapacitated members of families is too important to consider only within the legal context. In the proposed approach to the new legislation there are many areas in which community input and consultation are essential before a detailed proposal is developed.

One major area is the proposed cost of an independent tribunal and public advocate. The community may well consider that other options, such as a tribunal attached to a court system or a public advocate which combines other roles, still meet the needs of the community but at a lower cost. Likewise, the powers of guardians in medical treatment should reflect the views of the community. While I support the general thrust of the recommendations in seeking the fairest and most equitable outcomes for incapacitated members of our community, as I said earlier, it is essential to receive community views before developing a detailed proposal for consideration. (Extension of time granted) Personally, I will be pushing to keep this process to a tight timetable, whatever the solution. The people of the ACT have waited too long for this protection, and it must not be denied them for any longer than is necessary.

**MR WOOD (11.25):** I have a great deal more confidence in this report than the one that we debated late last night.

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It is a good report. I hope that the outcomes in this Assembly are as good. When its recommendations are implemented and not varied, one would hope, the procedures for guardianship will be so much better than they are now.

This report is a stage in the implementation of legislation about the power of attorney, guardianship and management. The legislation that it proposes is complementary to Ms Follett's legislation which was introduced last year on enduring powers of attorney. I hope to see these measures introduced as soon as possible in order to guarantee full protection to those involved in circumstances in which enduring powers of attorney are employed.

The report discusses two broad themes: firstly, providing appropriate protection for those who are unable to look after themselves and, secondly, preserving and enhancing the personal autonomy of those people. Obviously, there is potential for doubt or conflict. For this reason, two proposals in the report are very important - the need to establish a tribunal and the appointment of a public advocate. I was concerned to read in the Minister's brief speech that:

... a number of areas of the report will require careful consideration, particularly in the light of their budgetary effects.

I noted also the remarks that Ms Maher made in her speech about the tribunal and where it may be attached. It is essential that the recommendations in this report be fully implemented. "Budgetary effects" might mean "pass the matter over to the magistrates court" or something similar, and that is completely undesirable.

**Mr Duby:** Hear, hear!

**MR WOOD:** Thank you, Mr Duby. These are not matters for courts. For the success of the scheme, among other matters, it ought to be understood that courts are not involved. Can we be sure, for example, that there will not be considerable costs attached to court administration? I know there would be costs, but courts are very expensive, and I do not think we need to attach this to courts. Nor would the proposal be as easy to sell if people thought they could get involved in courts in a legal sense, even though that may not be the case. The thought that you have to go to a court in these matters would surely deter a lot of people. The report makes this comment about the tribunal very strongly, that it must be a freestanding body, and I totally support that.

It is just as important that the proposed public advocate be appointed. At this stage, no great staff numbers need be involved, and certainly for that reason no other option is desirable. We do not want to go out into the bureaucracy somewhere or perhaps beyond, find a person and say, "Okay, you can do this job as well". It is simply not

the path to follow. The public advocate is a most important aspect of the administration of guardianship procedures. It is vital for the protection and rights of patients that the advocate be an independent agency. This matter of guardianship is a most sensitive area - the declaration that people are not competent to manage their affairs and arranging for others to do so - so it must be handled most carefully.

The report indicates the difficulties that may be encountered. The public advocate is necessary to protect, for example, a person who is merely eccentric. The advocate is important to provide the balance between protecting rights of people and managing the affairs of those people. The advocate should also play a role in promoting debate on issues relevant to guardianship and rights of people who are suffering incapacity. For those who will now decide how these proposals will be implemented, I urge most strongly that the recommendations be not diminished in their strength by seeking cost-saving options. These are excellent and much needed proposals. They are not expensive in their implementation. They should be adopted quickly and in full.

**MR COLLAERY** (Attorney-General) (11.30), in reply: There being no other speakers, I thank members for their comments. I believe that in closing this debate I should comment on those remarks rather than rephrase earlier comments or cover the quite comprehensive statements of fact given by the speakers before me.

I tabled this important Australian Law Reform Commission report on 15 February 1990. Two days prior to that, or thereabouts, I gave instructions to my Law Office to pursue a consultative process that Mr Wood has asked us to undertake. I can inform the Assembly that part of that process has begun already, and I will detail that. But, firstly, we all agree, I take it, that reform in this area of law in the ACT is long overdue. Our residents have every reason to ask why it took until 1989 for the Commonwealth Government, the Labor Government, the so-called protector of the people, the social government, the government of conscience, to look into the Lunacy Act of 1898 and realise that it was outdated, inapplicable and causing real distress. I think there is a quite proper rebuke to the Labor Government of this Territory for its failings over recent years in that regard.

Since I tabled this report my advisers in the Law Office have been consulting various professional bodies to seek their input into an analysis of the report's recommendations. My officers have referred the report to the Law Society of the ACT which has replied, indicating that the society will submit its views when its council has considered a report on this matter from its relevant committees. Of course, it says "relevant committees" because, as members will appreciate, these issues touch on conveyancing, probate, trust, equity and other issues.

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Contact has also been made with the ACT Council on the Ageing, the welfare rights bureau here and the ACT Council of Social Service. Preliminary comments based on an earlier discussion paper have been made by Koomarri and the ACT Council for the Intellectually Disabled.

The Law Reform Commission's report suggests that the ACT should adopt the Victorian Government model of a guardianship and administration board and office of the public advocate for our jurisdiction, and I note that Mr Wood endorses that. I note that Mr Wood referred and suggested, from that ideological stance that the ALP cannot get out of, that we would see this as some way of cutting costs or that we would crimp this development because it might cost some money.

I am advised that the Victorian model as it works there is impressive; that it provides freestanding, specialist tribunal advice to administer these important matters. In addition, the public advocate there acts as guardian of last resort and investigates the performance of other guardians.

The Alliance Government is taking a responsible and measured approach in this matter. The Government is committed to reform of the current archaic law on guardianship. The importance of a responsible, responsive and professional system in this matter is beyond doubt. The Government must, however, as all members would concede, propose a system that is both workable and cost effective. We must have due regard to the likely costs of such a system. I can inform Mr Wood that the Victorian model costs about \$2m per annum to administer.

The Victorian population is far in excess of the ACT population, but my officers inform me that a smaller version of that model for the ACT would cost in the order of half a million dollars. This Government stresses that it does not place financial considerations ahead of the very real need of those residents who carry the heavy burden of caring for people who are incapacitated. A responsible government, however, is required to weigh all the relevant considerations, including cost.

The Alliance Government welcomes the report. As Attorney, I undertake to bring forward an appropriate response as soon as the consultative steps, which Mr Wood enjoined us to take, have occurred. Mr Wood usually does his homework very well, but I wish to draw his attention - I do not do this in any churlish manner - to paragraph 5.12 of the report, in which the commission says:

The commission is acutely aware of the cost implications of establishing a new Tribunal. The population base of the Australian Capital Territory is small and cannot support an entirely new Tribunal with its own Registry and support staff. For this reason it is preferable to

associate the Tribunal with an existing administrative structure. The Commission accordingly recommends that the proposed Tribunal be established using the facilities of the Magistrates Court. The Tribunal should be located in the existing Family and Children's Court building. Its Registry and other administrative infra-structure should be run by the Magistrates Court staff with additional resources to accommodate the extra work generated by the Tribunal.

At some future time Mr Wood might wish to clarify that what he meant was that we do not want this important role to go to a court. I suspect, again, that there is a slight ideological slant there, given the unhappy experiences of much of the Labor Party in the court system.

I should also point out that the role of a public advocate in this area also intersects with that of other advocates that we are developing in the modern society. As well, as the house will hear this afternoon, the Alliance Government is well advanced in its Cabinet deliberations on the establishment of machinery in antidiscrimination, privacy and other areas.

Also, as I have alluded to twice, my Law Office and I, together with all the relevant parties at this stage - and I stress at this stage - are looking at a proposed new court structure for the ACT. Indeed, this role may well fit those reforms, but I suggest to Mr Wood that he think carefully about commencing any campaign to prevent this important role being used and developed out of any new court-tribunal structures that we are developing and that we do not undermine the standing of any advocate by suggesting that that advocate is too close to a court.

It is the sincere wish of the Alliance to gain bipartisan support on a new, innovative court model for the ACT. These recommendations will interact very well with proposed structures that the Alliance Government wishes to put shortly to the ACT people, both in the area of court reform and in the area of profound developments in the human rights and antidiscrimination areas.

Question resolved in the affirmative.

### **ASBESTOS REMOVAL PROGRAM Ministerial Statement and Paper**

Debate resumed from 20 February 1990, on motion by **Mr DUBY**:

That the Assembly takes note of the paper.

**MRS GRASSBY** (11.38): Let me say at the outset that the Opposition is pleased to see that the asbestos removal

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program will be completed in the time frame that we set down in our Government. It is, of course, ironic that the Minister who made this statement, Mr Duby, is the same man who not less than six months ago was voting against the appropriation for asbestos removal in the 1989-90 Appropriation Bill. Another example, as I have said before, of the conversion of St Craig on the road to nowhere.

There are many things in the Minister's statement which I agree with. There are, however, a number of things that I think are an insult to the previous Government and to which I take exception. The Minister said the wheels fell off the asbestos removal program under the previous Government. This, of course, is not true. When the first tenders were received the prices were much higher than the Government had been led to expect them to be. It was prudent to ensure we obtained value for money before letting the contracts. It is true that in November 1989 only one contract for 100 houses was let to BRS Asbestos Removal Pty Limited. As I announced at the time, the Government put into place a thorough review of the tender specifications to see if the tender price could be lowered without lowering the safety standards to the householders and the workers involved. While I realise that this perceived delay could have caused some anguish to affected householders, it was important that the overall financial burden to the ACT taxpayer be borne in mind at all times. I also made it clear that I still expected the program to be completed within the original time frame.

In his statement Mr Duby says that in an effort to reduce the costs an examination of possible alternative and less expensive removal techniques has been undertaken. His department has been unable to identify any alternative techniques which do not involve a reduction in either the cleanliness standards, the worker safety standards or public health protection. This is, of course, the very process that I, as Minister, put into effect.

Mr Duby cannot have it both ways. He cannot say that the previous Government was tardy and yet, at the same time, claim credit for the reviews of the removal process which have been undertaken. I am pleased to say the removal technique adopted by the previous Government in its tender specification represents the cleanest and most effective means of extracting this most hazardous material. Of course, this is exactly what the review process that I put in train would have found and we would now be at exactly the same position as this Liberal coalition Government has reached. At this stage, we would have been letting new contracts and work on the program would still have been completed within four years.

The other matter I wish to raise is the lifting of the maximum limit for private removalists



from \$35,000 to \$40,000. In his speech the Minister said that this increase recognised the fact that the private removalists did not face the same large-scale project risk factors for equipment and project manager's overheads. However, this is only a reason for the limit to be lower than the contract price. It is not a reason to increase the limit by \$5,000. Given that the \$35,000 limit was agreed to only a few months ago, I would like an explanation from the Minister as to why it has been necessary to increase the limit by nearly 15 per cent overnight - taxpayers' money. I have not heard of any shortage of private removalists which could possibly justify such an increase.

Finally, I am pleased to see that the asbestos removal program is continuing on the track that I set and I hope that this traumatic period for many households in Canberra will soon be over.

**MRS NOLAN (11.43):** Mr Speaker, the statement made to the Assembly on 20 February by the Minister for Finance and Urban Services effectively removes a major barrier holding up progress with the asbestos removal program.

In that statement, it was demonstrated that this Government had a commitment to remedying this major health problem within four years. That statement also made it clear that this Government was not prepared to allow the welfare and peace of mind of 1,060 Canberra families to be used as a political football.

The existence of asbestos insulation in so many Canberra homes represents a substantial public health problem and while it is not a problem of our making it is nevertheless one we have had to address urgently. I might just make a comment here if I may, that while Mr Humphries left his glasses at home the other day I have something here that I can hardly read, so my apologies.

**Mr Humphries:** Do you want to borrow my glasses?

**MRS NOLAN:** I think I should. We did this beginning in December when it was announced that the Alliance Government was committed - - -

**Mr Collaery:** On a point of order, Mr Speaker; I rise as the leader of business in the house. Mr Berry is reading a newspaper in the chamber. That is his interest in this topic. It has always been the practice of other houses of parliament not to permit the bringing in of newspapers and I believe that this is blatant and it should not be taking place. There are hardly any Opposition members in the chamber, anyway, Mr Speaker. Three of them are here. I draw your attention to page 192 - - -

**MR SPEAKER:** Order, Mr Collaery. I thank you for your observation. I have ruled on this at a previous time. It is quite improper for members to read newspapers during debate. I respect your point of view, Mr Collaery. Mr Berry, I would request that you do not continue.

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**Mrs Grassby:** You wait. Just be careful.

**Mr Collaery:** On a point of order, Mr Speaker. Mrs Grassby has just put a threat on the record. She said, "You wait". I wish to make it clear that I wish that to be in the Hansard.

**MR SPEAKER:** Thank you, Mr Collaery.

**Mrs Grassby:** We are taking note of this.

**MR SPEAKER:** Order!

**Mr Collaery:** Mr Speaker, I have never read a newspaper in this house.

**MR SPEAKER:** You will have an opportunity if you claim to have been misrepresented, Mr Collaery. Please proceed, Mrs Nolan. They are not points of order, Mr Collaery.

**Mrs Grassby:** I do not think you have ever read a newspaper - can you?

**MR SPEAKER:** Order, Mrs Grassby. Please proceed, Mrs Nolan.

**Mrs Grassby:** I am sorry, Mrs Nolan.

**MRS NOLAN:** Thank you, Mrs Grassby. And this we did, beginning in December when it was announced that the Alliance Government was committed to removing asbestos from all Canberra homes within four years, and that any funding negotiations with the Commonwealth would not delay the program. The Government's decision last month to finalise the 750-house contract puts the removal program firmly back on track and will enable our four-year completion objective to be met. When the removal program is fully operational up to 30 teams will be operating simultaneously and approximately 30 houses will be cleaned every four weeks. This will result in approximately 200 jobs being created with the contracts.

I think it is worth reminding members of the background to this particular issue. While accepting no legal liability, the Commonwealth ALP Government decided in October 1988 that for public health reasons the asbestos had to be removed. However, the Commonwealth imposed a funding formula under which the ACT was to be responsible for the first \$10m, 50 per cent of the next \$20m and one-third of all costs over \$30m. I am not quite sure how the ACT Government was responsible for this in the first place and I firmly believe that it should have been a Commonwealth Government responsibility.

Within weeks of that announcement the Asbestos Branch had been established and a survey had been commenced of 65,000 houses built prior to 1980. At the time the extent of the

problem was not known. Ultimately, 1,060 houses were identified as having asbestos insulation. These houses have since had their living areas sealed from the roof spaces to make them safe for their occupants under a program managed by the Asbestos Branch.

The problem faced in Canberra is unique. To our knowledge, Canberra is the only place in the world where 100 per cent pure, loose asbestos has been used in homes on such a scale. While Worksafe Australia's code of practice provided the necessary guidelines and principles for asbestos removal work, experience in the asbestos abatement field has generally involved bonded material containing some asbestos rather than pure, loose asbestos.

As a consequence, safe and effective removal techniques for the work in the ACT homes had to be developed from first principles. The removal techniques which were finally included in the government specifications were based on the widest possible consultation - including outside Australia - with experienced asbestos removalists, unions, householders and, of course, experts from Worksafe Australia.

Tenders were called by the previous ACT Government and based on the specification closed on 12 July 1989. Unfortunately, it was at this stage that the progress faltered badly. It took the previous Government until November 1989 to make a decision and then it was only to let a contract for 100 homes. This has caused additional trauma and anguish for those 1,060 families waiting to have the asbestos removed from their homes.

**MR SPEAKER:** Order! Mr Berry, I draw your attention to standing order 202(e). You continually and wilfully disregard the authority of the Chair. I warn you again.

**MRS NOLAN:** There has been constant criticism about the lack of action and commitment, many heart-rending stories, a very emotional public meeting, persistent media attention, an increase in the number of requests for priority removal and an erosion in the value of people's primary asset, their home. This could have been avoided if the previous Government had acted more decisively.

While the government strategy for completing the program within four years is based on having two major contractors, local firms will continue to have an opportunity to participate in the program. Approximately 180 houses remain either for the smaller firms to take up under private removal contracts, or for one of the major contractors.

To facilitate the involvement of smaller firms, the Government has decided to continue the reimbursement scheme for householders who decide to contract directly with removal firms. The maximum reimbursement limit was increased from \$35,000 to \$40,000 from 20 February 1990.

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This limit recognises that although private removalists must meet the same standards as the government contractors, they do not have the large-scale development equipment and management overheads of the major contractors, nor do they face the same degree of risk as a firm contracted to clean a large number of houses over a long period.

There has been a recent report in the Canberra Times about an idea from a Mr Stewart for removing asbestos cheaply. The report suggests that program savings of 50 per cent would be possible. I would like, at this stage, to briefly deal with that.

As the Minister said in his February statement, countries around the world have found that there is no cheap and safe solution to removing asbestos from buildings. Short cuts have usually meant that the job has had to be done again and this Government has no intention of paying twice. The Minister said in his February statement that no alternative techniques have been identified which did not involve a reduction in either the cleanliness method, standard, workers' safety or public health protection - and, despite the Canberra Times story, that remains the case.

Most of the cheaper jobs done in the past have failed the cleanliness standard. We are currently looking at how to deal with these but I can assure members it will cost us money to fix them. As we understand it, the idea involves using air filled ribs to support a special outer weatherproof canopy instead of the aluminium frame currently required. While we remain ready to consider his idea carefully once he has documented it and his claims as he has agreed to do, we are not prepared to stop the program at this stage. I would point out that it currently takes around one and a half days to put up the outer canopy and its aluminium frame using five workers. The rest of the week needed to prepare a house for cleaning is taken up with sealing the house and furniture, erecting the inner airtight canopy, putting up scaffolding needed for adequate and safe worker access and getting negative air pressure established, all things which would need to be done whatever the outer canopy arrangement is. For this reason there are presently considerable doubts about the claim to save that 50 per cent of removal costs. Nevertheless, we remain ready to examine Mr Stewart's proposal once he has documented it. (Extension of time granted)

Should an alternative technique prove cost-effective, then it is open to the Government to negotiate a variation to its contracts. The point is that an idea does not necessarily translate into a viable course of action. Many ideas flounder in the research and development phase, however we do, of course, remain and wait to see what the outcome happens to be. It would be quite irresponsible to halt this major program at this point based on that idea.

The Alliance Government has been critical of the previous Government for its delay in making a decision. However,

there is no doubt that the removal technique adopted by the previous Government represents the safest and cleanest and most effective means of extracting this most hazardous of materials. There is also no doubt that had there been a cheaper technique available the previous Government would surely have grasped it.

This Government has acted decisively on this serious matter and has implemented a strategy which will see the program behind us within four years. Then, as the Minister said on 20 February, those people affected by this sad episode can get on with their lives.

**MR BERRY** (11.54): I was not going to speak on this matter, but there have been a few matters raised in the course of debate which need to be referred to. In particular - and I have again to fly in the face of your ruling, Mr Speaker, because I was referring to a matter in this newspaper which was of relevance to this debate - I feel obliged to rise to my feet and draw this issue to the members' attention, with your approval, of course. It really brings up the issue of whether or not one can read anything in this place that is relevant to the debate. If it does not happen to be in a newspaper, it appears that one is allowed to read it - - -

**Mr Kaine:** On a point of order, Mr Speaker; I believe that the member opposite is merely arguing against your decision. He does not have the right to do that.

**MR SPEAKER:** Thank you for your observation, Mr Kaine. Please - - -

**MR BERRY:** Well, it will be clarified as I - - -

**Mr Kaine:** Do your research off the floor of the house if it is that difficult.

**MR SPEAKER:** Order.

**MR BERRY:** Well, it just gets down to whether one can read anything in this house at all, because - - -

**Mr Kaine:** On a point of order, Mr Speaker; he is again questioning your ruling.

**MR SPEAKER:** Thank you for your observation, Mr Kaine. Mr Berry, please get on with your discussion.

**MR BERRY:** It comes down, as I said earlier, to whether you can read anything other than matters that are not in a newspaper.

**Mr Kaine:** When are you going to pull him up, Mr Speaker? He is questioning your ruling.

**Mr Jensen:** On a point of order, Mr Speaker; standing orders 58 or 62 - "Irrelevance or tedious repetition".

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**MR BERRY:** I have not got around to repeating anything yet.

**MR SPEAKER:** Please address the question before the house, Mr Berry.

**MR BERRY:** Mrs Nolan spoke at length about the issues that have affected the asbestos matter in the ACT. The one thing I did notice - and it is quite obvious - was that she failed to identify the people who were responsible for getting on with the job of dealing with asbestos in the ACT in the first place. Of course, that was the Federal Labor Government and I was reading in this - - -

**Mrs Nolan:** Said that, said that.

**Mr DUBY:** Yes, the Federal Labor Government that gave us a bill of \$28m dollars - that gave us a bill of almost 30 million.

**MR BERRY:** I was reading in this newspaper during this - - -

**MR SPEAKER:** Order, order!

**MR BERRY:** Well, you people were not even here then, somebody had to do something and what they did was - - -

**Mrs Grassby:** And you people opposite wanted to cut it completely - - -

**MR SPEAKER:** Order!

**Mr DUBY:** I wanted to get them to pay for everything.

**Mrs Grassby:** Yes, that is right and the people sit here for nothing.

**MR SPEAKER:** Order, Mr DUBY, order! Order, Mrs Grassby, please!

**Mrs Grassby:** Sorry, Mr Speaker.

**MR BERRY:** What I was looking at here which was of most interest to me, Mr Speaker, was an advertisement on page - I cannot even see the page number, I have got my glasses in my pocket, I will get them out later. At any rate, it is an ad which has got the images of Ros Kelly and Bob McMullan. The advertisement poses the question, "Do you have any queries about voting?".

**Mr Jensen:** On a point of order, Mr Speaker; standing orders 58 and 62 - relevance.

**MR BERRY:** The relevance, of course, is that these two fine members of Parliament, one a senator, were Australian Labor Party members of the Parliament of Australia and they were the - - -

**MR SPEAKER:** Order. Mr Berry, please address the question before the house.

**MR BERRY:** With respect, Mr Speaker, I am trying to.

**MR SPEAKER:** Please get on with it.

**MR BERRY:** It was the Australian Labor Party which was in office federally when this asbestos issue first came to the forefront and had to be dealt with, in the absence of self-government in the ACT. And, of course, they got on with the job of dealing with it.

**Mr Doby:** The issue was raised 10 years ago.

**MR BERRY:** In fact, it was raised a lot longer ago than that. It was back in the early part of the century that it was discovered that asbestos could cause damage. But you newcomers to the political scene have probably got a bit of selective amnesia about who at least began to deal with the asbestos problem in the ACT. That is the reason I got to my feet, just to demonstrate that there are matters of interest in the Valley View which concern this house and which are of interest in terms of doing research about the debates that are going on in this house. I think, Mr Speaker, that your ruling on the issue of studying newspapers is a very unreasonable one in that context, and I think perhaps it might be reviewed at some time in the future.

**MR SPEAKER:** Before you rise, Mr Kaine, I would just make a comment that, yes, it is accepted in parliamentary practice, for members to refer to newspapers as part of the debate at hand. However, one normally does not conduct one's research in the chamber - call it looking through newspapers - and that is the impression you gave.

**MR BERRY:** Well, I am sorry if I gave that impression, Mr Speaker.

**MR KAINE** (Chief Minister) (11.59): Mr Speaker, since Mr Berry has chosen to get to his feet and make some remarks about nothing whatsoever to do with the question of asbestos, I presume that I am entitled - - -

**Mr Berry:** On a point of order, Mr Speaker; it has just been brought to my attention that Dr Kinloch has got press cuttings, so parts of a newspaper are okay.

**MR SPEAKER:** Thank you for that observation, Mr Berry. Yes, they are. Please proceed, Mr Kaine.

**MR KAINE:** Mr Speaker, it was quite obvious that Mr Berry's getting to his feet had nothing to do with the asbestos argument whatsoever. It was merely a ploy to make some reference to a couple of Federal members of the Labor Party, and an opportunity to pat them on the back on the eve of an election. Since he has chosen to do that, of

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course, he gives me the right to reply to it, and I take great pleasure in doing so. These political cream puffs from cloud-cuckoo-land over here, who talk about being on the road to nowhere but who are themselves on the road to fantasy land, need to settle down - - -

**Mrs Grassby:** Mr Speaker, on a point of order, I object to being called a cream puff. I mean, the leader of the Government opens up his mouth and the wind blows his tongue around.

**MR SPEAKER:** Order! Please do not debate the issue, Mrs Grassby. I request you withdraw the comment, "cream puff", Mr Kaine.

**MR Kaine:** In connection with the lady in question, I will convert that to "powder puff", Mr Speaker.

**Mrs Grassby:** Thank you.

**MR SPEAKER:** That is a qualified withdrawal but provided Mrs Grassby is prepared to accept it, it is okay.

**MR Kaine:** If Mr Berry really wants to bring the Labor Party, not only at the Federal level, but at the local level, into the debate about asbestos, then it opens up a whole Pandora's box of interesting material. It is noteworthy at the moment that on this issue of grave importance to this community, which Mrs Grassby recognises as being so, neither the leader of the Labor Party nor the deputy have been in the house during the entire debate. They obviously have other more important things to do.

**Mr Berry:** On a point of order, Mr Speaker; I think Mr Kaine ought to concern himself with the issue that is being debated, not - - -

**MR SPEAKER:** Please, do not debate the issue. Just give the standing order number and the few words extracted from that standing order. If you are talking about relevance, I will give directions. Please remain relevant, Mr Kaine.

**MR Kaine:** I submit that Mr Berry introduced the question of two Labor members of Parliament, and any comment that I make relating to that is just as relevant as it was when he introduced it. I am about to make some reference to that. We do indeed have two Labor members of the Federal Parliament, to whom he referred in that newspaper advertisement. One is a senator, the other is a member of the House of Representatives. One really has to ask, where have these two members been during the debate on asbestos? How is it that these two representatives of this community have allowed the whole debate in the Federal Parliament to pass by without comment. There was not one single word on the matter that Mr DUBY referred to - the bill that the Federal Parliament foisted on the members of this community in connection with the asbestos removal program. Where were Mrs Kelly and Senator McMullan then? Where are they



today? Why are they not, during this election campaign, saying to the electorate, "This is what we are going to do for you; we are going to fix the asbestos business for you"? But no, we do not hear a word from them on asbestos. I am glad you introduced them into the debate, Mr Berry, because it gives me the chance to say so.

**Mr Berry:** Never heard Margaret Reid. What about Margaret Reid? Tell us about her.

**MR KAINE:** She is not a Labor member, and we are not crowing about our candidates or representatives in the Federal Parliament. That is a separate issue altogether that has nothing to do with this debate, except that Mr Berry saw an opportunity for a cheap political bit of advertising by introducing Ros Kelly and Senator McMullan into the debate on asbestos. I am amazed that he would even consider doing it, because of their deafening silence on the subject.

I think that before, when he had his cheap little game in terms of newspapers at the expense of the Speaker, and then introduced the question of these two people in the asbestos debate, he opened himself up for a well-deserved attack. Those two people have done absolutely nothing in the debate on asbestos and on what it is now costing this community, not only in terms of their health, but in terms of the cost to rectify the problem.

**MR STEFANIAK (12.05):** I think the genesis of Mr DUBY's asbestos removal program and ministerial statement goes back to a public meeting on 7 December, very soon after this Government took over. I attended on behalf of the Government and I think Mr Stevenson also attended. No members of the Opposition, of course, were there. As a result of that meeting, members of the Asbestos Support Group saw Mr DUBY and myself within a few weeks. I am delighted to see the Minister acting so promptly in relation to the asbestos removal program, in making his statement and clearing up the grave worries and fears lots of Canberra residents have in relation to asbestos. It has given them at least some hope that their homes are going to be asbestos free in a reasonable period of time. I certainly would commend the Minister for that, and I think he has got a fair bit of support for that out there in the community.

There is another thing I want to talk about in relation to this asbestos removal program and it is something that I have mentioned before during the life of this Assembly. Between 1968 and 1980 when asbestos was put into Canberra homes we had a Federal Government administering this Territory; indeed, both Labor and Liberal, Mr Berry, during that period of time. People received a certificate of fitness which they had to have before they could go into their homes. That was issued by a Federal Government department. Once they got that they could go into their homes, but not before. I think it is quite clear that the

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legal responsibility for the removal and the cost of removal of this asbestos rests ultimately with the Federal Government. Despite attempts to get this Federal Labor Government to pay for the cost of the removal of the asbestos, nothing has happened.

**Mr Berry:** At the next Premiers Conference we will see how good your Chief Minister is.

**MR STEFANIAK:** I point out to you, Mr Berry, and indeed to Mrs Grassby, that your Government, when you were in power, did very little to force your Federal colleagues to foot the bill. I can remember Mrs Grassby saying in answer to a question I asked, "First of all we'll be nice to them, ask nicely first, and then maybe we might get tough". In the seven months your Government was in it showed very little inkling that it was ever going to get tough with the Federal Government.

Mr Duby has indicated to me that not only will this Government fix up the asbestos in Canberra houses as soon as possible so that Canberra citizens can be asbestos free, but this Government will push the Federal Government to do what they legally and morally should have done from the word go, and that is foot the total cost of the removal of this asbestos.

**MR JENSEN (12.08):** Mr Speaker, I did not propose to speak on this particular issue this morning.

**Mrs Grassby:** Why are you?

**MR JENSEN:** I will tell you, Mrs Grassby, if you are patient; because I think the matter has been quite well covered by my colleagues Mr Duby, Mrs Nolan and Mr Stefaniak. However, the sheer hypocrisy of the issues raised by Mr Berry has forced me to rise on this occasion to speak in particular on the role of the Federal members in the debate on asbestos, especially those who are seeking election - in the case of one. We remember that this is the first time that particular member has faced the people. The other is seeking re-election.

Once again, I think it is important to remind the people of the ACT, those people who are voting this weekend, where their two members - and those before them - have been in relation to this very important issue. The responsibility for the removal of asbestos within the ACT should be sheeted home to the Federal Government. The Federal Government should pay for it, not the taxpayers and the ratepayers of the ACT, because it was during a period of Federal Government control that the decision was made to allow asbestos, one of the most dangerous - - -

**Mr Duby:** Long after it was banned in New South Wales.

**MR JENSEN:** That is correct. This was long after it was banned in New South Wales and long after it was

acknowledged that asbestos was of considerable danger to the lives of people who came in contact with it at any stage.

**Mr Berry:** By a Labor Government.

**MR JENSEN:** It is shameful that the Labor Government has seen fit to abrogate its responsibilities in relation to the cost of the removal of asbestos from homes in the ACT. It is shameful and it is sheer hypocrisy for Mr Berry and Mrs Grassby and others, to stand up there today and say that it is not so. The Federal Government should take the responsibility for this role and put back into the fiscus of the ACT the \$38m that is so importantly required to add to the \$22.7m that was taken from the people of the ACT by the Labor Government during the discussion at the Premiers Conference that Mr Berry referred to. It is important that we just reflect on that particular issue. It was the Premiers Conference that we referred to where money was taken from the people of the ACT. And what do we find? Not only is money being taken, but we are also given this incredible bill. I think it is shameful on the part of the Federal Labor Government. I think those members of the Federal Labor Government who are seeking re-election this Saturday should hang their heads in shame and they should not be game to come out and face the people of the ACT.

**MR DUBY** (Minister for Finance and Urban Services) (12.11): Mr Speaker, it has been very gratifying to hear the speeches from Mrs Nolan and the Chief Minister himself and, of course, from Mr Jensen on this matter. There is no question about the fact - - -

**Mr Wood:** You can forget about Bill, can you?

**Mr Moore:** Bill's speech does not matter; forget about that.

**MR DUBY:** And Mr Stefaniak, too. I am sorry.

**Mr Berry:** The Chief Minister, too; you had better mention him.

**MR DUBY:** I said him, himself.

**Mr Moore:** Him, himself!

**MR DUBY:** Yes.

**Mrs Grassby:** You should genuflect when you say that.

**Mr Kaine:** Twice.

**MR DUBY:** Mr Speaker, there is no question about the fact that this is an enormous public health problem for the ACT, and I think it has been amply borne out by previous speakers that it is not a matter that is of the ACT's making. Indeed, as Mr Jensen pointed out, the asbestos was

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being put into public homes long after asbestos was no longer allowed to be used as insulation in other areas of Australia, and I think that matter needs to be pointed out loud and clear.

There is no question about the fact that this Government will be raising that matter continually with the Federal Government in a whole range of financial considerations. But, nevertheless, the awful fact is that there are over 1,000 homes which have been affected by this most dreadful substance. It has caused an awful lot of trauma and anguish to innocent ACT citizens and, frankly, I do not think it is a matter on which people should be trying to score cheap political points. With that in mind, I was most disappointed to hear Mrs Grassby's comments as she tried to make, as I said, cheap political mileage out of this issue. This is an issue of grave concern to a vast number of people in the ACT.

I notice that in her speech Mrs Grassby said that it was ironic that I, as Minister - I am very proud of the fact that I, as Minister, was able to get the asbestos removal program up and running, something that the previous Government had not been able to do - was the person responsible when I had voted against asbestos removal in the previous budget. I refute that implication entirely. There is no question about the fact that when the previous Government's budget was being put I voted against the allocation of funds for asbestos removal, but I voted against the allocation of ACT funds for asbestos removal. I never at any stage, nor for that matter did you, Mr Speaker, who joined me in that vote, or Ms Maher, vote against the asbestos removal program. We said, quite categorically, that the funding formula which was enforced upon the ACT was one which was clearly unfair, one which put the cost of removal of asbestos fairly and squarely on the shoulders of the Canberra ratepayers.

**Mr Wood:** If we had all voted that way we would have no money.

**MR DUBY:** No, Mr Wood, I still maintain that if people had followed my lead the Federal Government would now have a major election problem on their hands because there would be people protesting and realising that this was a Federal Government problem, not one which should be sheeted home to be borne by the ACT ratepayer and taxpayer.

I noticed, through Mrs Grassby's speech, that there was an awful lot of mention of the fact that "I would have", "we would have"; I think the words "would have" were used some eight times, if I counted correctly. "I would have if I could have", it is the old story. That is the usual complaint that people have raised against the Labor Party. They would have if they could have. There were over 1,000 homes, Mrs Grassby had seven months to do something about it and what do we wind up with? We wind up with a contract let for 100. Not even 10 per cent of the problem was

addressed in the seven months that the Government had to look at the issue.

As I said, I think this is fairly indicative: "I would have if I could have, but I didn't". "But I didn't" is the bottom line and the fact is, of course, that this Government has. We have addressed the issue completely. There was never ever a commitment from the previous Government about a time frame for the removal of asbestos from Canberra homes - never. I never heard one, never in a million years - that might have been about the time frame, actually. We have bitten the bullet and said, quite categorically, "We shall remove asbestos from Canberra. It shall not be here within four years from January 1990".

**Mrs Grassby:** Exactly what we said, too; it would not be here in four years' time either.

**MR DUBY:** Anyway, the point is those time limitations were never given. In addition, I noticed that, strangely enough, Mrs Grassby suggested in her address that our raising of the refund or the subsidy - if you want to call it that - for the removal of asbestos from private homes from \$35,000 to \$40,000 is something that she does not approve of. She seems to feel that this is throwing away taxpayers' money, it is not being fair, that there are people who could do it cheaper than \$35,000. Well, the fact is - - -

**Mrs Grassby:** No, they were happy to do it without the 15 per cent increase.

**MR DUBY:** The fact is that that is not the case. They know that \$46,000 was the lowest price that could be given for the removal of asbestos at public competitive tenders. When you take away management fees and associated risk costs with large contracts, which come out at about \$6,000, it really means that no-one can do the job for less than \$40,000.

**Mrs Grassby:** It should have been even cheaper if you take all that away. For God's sake, you would never make a business man.

**MR SPEAKER:** Order!

**MR DUBY:** We know perfectly well that the contractors are saying that they simply - - -

**Mrs Grassby:** They have made the burglar the undertaker.

**MR SPEAKER:** Order, Mrs Grassby, please!

**MR DUBY:** They simply cannot do the job of asbestos removal for less and many quotes that we are currently receiving for private removal jobs are coming in over \$40,000 - substantially over \$40,000. Those persons who want to have a private asbestos removal done, for whatever reasons -

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because of a time frame, perhaps, or special family needs - are having to put in substantial amounts of their own money - money that they should not have to. Mrs Grassby knows that. I am amazed that people want to take cheap political points on such an issue of public health.

I am sure that if we had not acted as we have, Mrs Grassby would have been reaping the whirlwind of future complaints and requests for compensation from people who have been severely and adversely affected by the fact that they have had asbestos in their homes. Anyway, as I said, I think the fact that we have raised the private limit from \$35,000 to \$40,000 indicates the amount of concern which this Government has over this very important health issue. Once again, I just reiterate the fact that I am annoyed that people can use a matter of public health as a simple effort to try to take political points. We have not tried to make points out of the asbestos program. We have acknowledged that the previous Government under its administration - - -

**Mr Collaery:** On a point of order, Mr Speaker; there are a lot of noises coming from the kitchen over there. We are not selling pizzas here and - - -

**MR SPEAKER:** Order, Mr Collaery. Do not debate the issue. If you have a point of order, give the point of order number and a few words from the context. Please proceed, Mr Duby.

**MR DUBY:** Thank you, Mr Speaker. I was starting to get a bit thrown out there by the noise from the other end of the wood.

As I said, we have acknowledged that through its administration the previous Government had set standards which simply cannot be interfered with. We have continued those standards and refined them and we have no intention of lowering those standards just to penny pinch and try to save money when it is against the health of various people.

We also note that there were earlier private removal jobs that were cleared and authorised by the previous Government. It would now appear that this Government will have to pay for double the cost. Nevertheless, we always remain ready to look at ways we can reduce the cost to the taxpayer here in the ACT of the removal of asbestos and - - -

**MR SPEAKER:** Time, Mr Duby.

**MR DUBY:** The key point I just want to say is that the Alliance Government is committed to getting the asbestos program finished.

**Mr Berry:** He has not sought leave.

**Mr Jensen:** I seek an extension of time for Mr - - -

**Mrs Grassby:** No. He is finished, Mr Jensen. Sit down.

**MR SPEAKER:** Would you all settle down.

Question resolved in the affirmative.

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

Debate resumed from 21 February 1990 on motion by **Mr Humphries:**

That the Assembly takes note of the paper.

**MR WOOD (12.22):** Mr Speaker, I want to use this debate to comment on the life of the Schools Authority when it was an autonomous body, before its transition in the late 80s to a Department of Education. I want to make this comment ahead of announced changes back to an autonomous body. I note remarks in the Alliance education policy that a schools council charged with the administration of ACT schools will be introduced. Again, the Chief Minister in a speech in December said that he would restore participation and autonomy to the education sector.

I think it is worthwhile making some comment on the success or otherwise of the Schools Authority. As an autonomous body it ceased in the late 80s under, I might say, a Labor Minister. It was, at that time, part of the planning for self-government and there was a logic there that the Schools Authority was fine when the Minister was a Federal Minister and remote from the ACT - certainly in policy matters. With the arrival of self-government or the impending arrival, it was logical that the self-governing Act could pass that administration back to an education department. That is a point that has been debated fairly hotly and on which I have had differing views at various times.

The Schools Authority was an acclaimed system, not just with those who managed it but around Australia. It was a system that was well recognised as introducing important reforms into the education area. There is no doubt that it was a bold new venture and led the way in Australia in many areas. It was much applauded - very much so in the ACT. Indeed, it was surprising to me when it was replaced that there was no outcry, there was no community protest, there was certainly no return to the fervour of the debate of the 1960s and early 1970s that resulted in the establishment of the authority. I was surprised about that. This speech is not a eulogy but an assessment by one who has worked in a variety of capacities in the system, who has studied the system and who valued it.

The Schools Authority was formed in late 1973 on an interim basis to administer government schools from the beginning

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of 1974. It was formally established in 1977. It introduced a revolution in education. It was unquestionably a marvellous change from what was then a stilted and stifled New South Wales system. It developed a range of principles that were a model for the rest of Australia. The new system was to be fully autonomous and self-directing under a distant Commonwealth Minister. It would draw its energy through the participation of an empowered, interested, informed and active community. In turn, it would devolve significant autonomy to schools and their local communities. School management, school decision making and, most importantly, curricular development would be the responsibility of parents, teachers and, indeed, at the upper secondary level of students. They all shared in those tasks. How well did this wonderful design work? Very well I believe, though I do add that a number of problems have tended to be submerged under the general praise.

Let me look at the various aspects of the new system. A statutory body was established to administer education; it did so effectively for more than 10 years. Inevitably there were difficulties and frustrations, but in all the praise that is often said about the authority let us not overlook the fact that it encountered very significant difficulties. It was supposed to be autonomous, but how autonomous was it? I quote from an early and very authoritative study which argued that the authority or the council of the authority did not have actual power over the direction of many aspects of education policy or over administration of this policy. That was due, and the fact would be somewhat the same today with some differences, to a number of external agencies, and other factors - external factors that impinged on the authority of the council. There were also very significant internal constraints. There was a constant complaint over the life of the authority from members of the council of the authority that power and information, in particular, remained with the bureaucrats.

I say this to Mr Humphries openly if I can, and to the rest of this Assembly, not in any sense of criticism of what happened then, but in the knowledge that we need to understand these things. You can give power to a body, but it is never absolute power, is it? It is always a constrained power. I do not think that was always recognised in respect of the Schools Authority. So I have no doubt then that the return to the autonomy indicated by the Chief Minister will, no doubt, be a limited autonomy which raises the question of how much influence the public can ever have.

What is the public's share of the participation that we are all so keen about? This is a matter that I paid great attention to at some stages in my life in the authority. It is questionable if there is ever much more power, if there is ever much more participation than is available through the normal means of communication and consultation



that exist. I want to say that establishing an authority like this does not automatically mean that it is going to be able to do all the things that is hoped of it.

Let us talk about that community participation, which has been an aim for education in the ACT. It is one of the reasons we set up these bodies and the school boards. Participation is always sought but it is very difficult to achieve. There are the formal links, Schools Authority, school boards, committees and the like, and there are informal links out through parents. But I know from my experience that it is very difficult to achieve the measure of participation that is claimed in philosophical statements.

Let us look at school boards. They operate within the range of guidelines and policies of the authority and within that they administer the affairs of their schools with, I might say, varying degrees of success. A few are excellent in promoting interest and vitality around their schools. Many, however, are victims of school principals - perhaps of older traditions - who run their own agenda and keep their boards busy with minor detail. I can say that in very few cases are boards or other parent groups entirely successful in enlisting the measure of support from parents that they want.

Schools in the ACT are open, they are inviting, they do involve parents, but mostly that interest from parents is geared to their children. Judging by the schools I have been in, if we want to get parents in we get all the kids in first - we do something around their children. That is fine, but it does not do a great deal for the administration of the school, for the curriculum, for work that you want to do with parents, for all those sorts of things. Simply establishing a school board does not mean you are going to get participation. I sat on different school boards in different capacities for about nine years and can state that it does not automatically do anything for you.

I want to come on to what I would regard as the most significant features of the Schools Authority, or perhaps more accurately, associated with the Schools Authority - the matters of internal assessment and internal curriculum development. These factors have had more impact on the system than anything else, more than the council of the Schools Authority, the autonomy, or the boards.

Secondary colleges are the key features of ACT education, responsible for more change than anything else. Why is this so? They reflect directly on what children do. I might add that they place a very considerable extra burden on teachers. The break from rigid internal exams with their inability to accommodate to specific student needs and abilities to a system where schools prepare curriculum to suit students, and then carry out the assessment, is the most significant advance in ACT education at any time. The

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restriction of external exams and of a remote curriculum were removed and the results speak for themselves. We have highly educated school leavers and high retention rates. Mind you, I come back to a problem I alluded to earlier; the high praise that we have given the system tends to obscure significant difficulties that are still there.

Let me quote the example of curriculum development because there is a difficulty in that. It has been school based. Over the years that has absorbed enormous energy from teachers, and to a lesser extent from the community.

**MR SPEAKER:** Order! I draw your attention to standing order 40, Mr Stefaniak.

**Mr Stefaniak:** I am sorry. I acknowledged you as I walked in, Mr Speaker, and I will do it again.

**MR SPEAKER:** Thank you. Please be seated.

**MR WOOD:** Curriculum development has required enormous energy from teachers; it is time-consuming. They have put heart and soul into that, but it does not mean we have perfect curriculums. I know they cooperate a lot more these days; they swap curriculums and they work together. I note in a remark you made, Mr Humphries, that schools are accepting curriculums from different school sectors.

I think those who sometimes criticise teachers as working a nine to three day do not realise the commitment they give in time to curriculum development and to the assessment that follows that internal examination. It is constant assessment. I used to stand at the door of the school in the morning. It was a convenient place to be so I could open it for the teachers coming in with loads of stuff - they could not open the door themselves - and do the same in the afternoon.

The degree of commitment that is given both in curriculum development and in assessment is not always recognised. These things do not depend on any autonomous outside body. They could have been established free of it. They were associated with the development of the Schools Authority, but they arose from a different report and could as easily have been established by a simple administrative act of a minister for education. There was a major benefit in its coming at the same time as the Schools Authority because it is an appropriate style for a cooperative, self-managing and participative system.

I want to emphasise what is essential to the way our education system runs, and that is the provision of highly qualified teachers. They needed to be under the Schools Authority structure. Teachers had to be responsible for that curriculum development, they had greater autonomy, greater management requirements, they had more contact with the community - difficulties that I have mentioned notwithstanding - and peer assessment, though I will not mention that today. The teachers had a lot to do.

In a recent report on quality in education the major thrust is the need for the professional development of teachers but here are some problems, and I guess you are aware of them. In recent years - and it is certainly not the responsibility of your Government - the amount of resources going into professional development has been severely squeezed. The number of teachers who are advisory teachers has been severely squeezed. We are not giving the teachers now the support that the system requires and that they formerly had. It is a great problem. The style of teacher we have and their needs are not related to an autonomous body. They are related to the type of system we have. It is complementary to that system, but we are still going to need that same dedicated teacher, that same highly qualified teacher, no matter what sort of administrative structure we have.

I want, finally, to refer to a factor that was always fundamental to an autonomous body, an area in which successive councils were well-served, and that is the position of the chair of the autonomous authority. As I reflect on the various chairs over the years - and I have known them all and have attended to what they have all said - they all exercised a considerable level of independence. They all asserted the rights of the authority council to pursue policies contrary to the expressions of government or, more commonly, to the Minister of the day. This was the case whether the chair was operating under a Labor or a Liberal government. (Extension of time granted) If the Government goes down the path of autonomy, you will need to bear this in mind. You will need to nominate a chair who is in a position to criticise the Government when that chair or the autonomous body believes it is necessary to do so.

In summary, I would assert that the Schools Authority was a highly successful undertaking, very appropriate at a time when ministerial control was remote and when people in the ACT had little say in the schooling of their children. But bear in mind that the most significant changes were not directly due to that autonomous council. Bear in mind also that we now have self-government, and we would be hoping that this Assembly and its committees would be much more in contact with the ACT community.

We have a different set of circumstances operating now. An autonomous council could still operate a stilted and stifled system such as we had in this Territory up till 1974. Establishing an autonomous council does not automatically do wonderful things for you. I am sure you do not expect it will. Remember that the teachers are always the vital component in the education of this Territory. Do not forget that those teachers are basic.

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

**Sitting suspended from 12.40 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Mr Speaker - Chronicle articles

**MS FOLLETT:** Mr Speaker, my question is to you, and I refer you to your reply to Mr Berry's question of 22 February 1990 regarding the column "Speakers Corner" in the Canberra Chronicle. I would ask you, Mr Speaker, how does your reply relate to your conversation with me on the evening of 22 February when you stated that the Chronicle had edited out of your column of 20 February those parts which referred to private members' business, and given that the Chronicle has denied this allegation, can you tell the Assembly who is lying - you or the Chronicle?

**MR SPEAKER:** I would be only too pleased to handle that question, Ms Follett. In fact you are the one who is misled. I did not make those statements to you that the Chronicle had in fact edited out private members' business. I told you and Mr Berry on a number of occasions that the newspaper restricts the number of words allowed. I am allowed 400 to 500 words and on several occasions a number of paragraphs have been left out of the article. However, I have then put the extra words in the following articles.

**MS FOLLETT:** Mr Speaker, I ask a supplementary question. I seek to have incorporated into the Hansard a file note made by my senior staff member in relation to this matter and dated 23 February.

**Mr Kaine:** On a point of order, Mr Speaker, I would submit that a file note made by a member of the staff of the Leader of the Opposition has nothing to do with the question at all. It is quite irrelevant.

**MR SPEAKER:** Order! Ms Follett, would you like to read it out?

**MS FOLLETT:** Thank you, Mr Speaker. The note to me reads as follows:

Following being questioned in the Assembly by Wayne Berry on 22 February about the politicisation of the column, the Speaker, Mr Prowse, phoned Rosemary Follett shortly after the Assembly rose for the day. The call was to complain about the nature of Mr Berry's question. The Speaker told Rosemary Follett that the Canberra Chronicle was in fact responsible for the final content of the column. He said that his version had been edited, implying that the Chronicle had edited out all mention of ALP Private Members' Business. Following this discussion I then visited the Clerk, Mr Mark McRae, at approximately 6 pm and asked him for a

copy of the unedited version. After going to see the Speaker, Mr McRae returned to inform me that the Speaker was not willing to provide the unedited draft.

On the morning of 23 February 1990 I rang Mr Peter Hallett, Editor of the Canberra Chronicle, to inform him of the questioning in the Assembly and the ensuing discussion between the Speaker and Rosemary Follett. Mr Hallett said that while the Speaker's Corner column of 13 February, which only dealt with executive deputies, had been edited because it exceeded the agreed length of the column, the column of 20 February had been printed in its entirety as provided by the Speaker.

**Mr Kaine:** I raise a point of order, Mr Speaker. If the Leader of the Opposition is seeking leave to incorporate that document, I would oppose it on the grounds that I have no knowledge of whether the events as recounted in that paper are accurate or not. They are the opinion of a staff member and I submit that there is no place for having that alleged series of events incorporated in the Hansard. It is quite scandalous to propose that it should be.

**MR SPEAKER:** Thank you, Mr Kaine.

### **Sporting Lease Transfers**

**MR MOORE:** My question is to the Chief Minister as Minister for planning. Chief Minister, I refer you to an article in the Chronicle of 23 March where you are reported as giving an assurance to representatives of the ACT Rugby League that:

Betterment arrangements for the redevelopment of Northbourne Oval would proceed under previous betterment arrangements.

Could the Chief Minister explain to the house the taxation forgone by that decision, considering that a lease was secured for sport in 1979 for the sum of \$16,000, and was very conservatively estimated to be of the value of about \$6m by Phillip Hobbs in a later article. Is the Chief Minister also aware that if he is reported correctly, the assurance he gave was not given to the leaseholders, since the lease was transferred away from the sporting body, the ACT Rugby League, on 30 August 1989 to the ACT Leagues Club Limited, and his assurances which will cost ACT ratepayers so dearly are not binding?

**MR KAINE:** Mr Speaker, my understanding is that Mr Moore is reading from an article in the Chronicle. I am in no way responsible for what the Chronicle prints, but I would say that in connection with the particular site, or any other site, I made it clear when I announced the change in the rate of betterment that it would apply to any application

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that was submitted after that day. Any application that was already in the system had been submitted on the basis of the then existing arrangements for betterment tax which were obviously agreed by the previous Government. It did nothing to change them and, in all fairness, our legislation cannot be retrospective beyond that point. Clearly, any application that is submitted after the day on which I made that announcement will be assessed at the new rate of betterment. There is no taxation forgone because you cannot make taxation retrospective, and no sensible or reasonable government would make it so.

**MR MOORE:** I ask a supplementary question. Since the transfer of that lease appears to have been carried out without observation of lease condition 4(e)(i) and if the lessees are found to be in breach of the lease conditions, since the ACT Rugby League clearly has no further use for the site as a sporting body, will the Chief Minister resume the lease and return it to its 1979 condition as a park open to all Canberrans? I have the lease and I can explain that.

**MR KAINE:** If the lease has been transferred without the approval of the ACT Government or the ACT Administration, then an assessment would have to be made as to whether it were a legal transfer and, if so, whether there was betterment tax or any other tax attaching to that transfer. If so, the tax will be levied. I understand that there is some question about whether the transfer within the Rugby League organisation was in fact a valid transfer and that is being examined. I have had no advice yet as to whether a conclusion has yet been reached on that matter.

### **Mr Speaker - Party Meetings**

**MR WHALAN:** Mr Speaker, I direct a question to you. Can you assure this Assembly that, as evidence of your independence, you have not participated in any joint party room meetings of the Alliance Government?

**MR SPEAKER:** I see that as an affront to me, Mr Whalan. I do not need to verify my independence and my impartiality by attending or not attending a joint party meeting. I put it on the record that I certainly have attended joint party meetings.

**MR WHALAN:** Mr Speaker, I ask a supplementary question. I refer you to the Hansard of 13 February when Trevor Kaine said, at page 33 - - -

**Mr Kaine:** I raise a point of order, Mr Speaker. I note that the member opposite - - -

**MR SPEAKER:** Order, Chief Minister! Please give the standing order number and a small extract from the standing order.

**Mr Kaine:** Well, it is a matter of courtesy, perhaps, as anything else. I notice that the member opposite has lately taken to referring to me, not by my title but simply as Trevor Kaine. Everybody else in this Assembly, Mr Speaker, does me the courtesy of referring to me by my title. I wish he would do the same thing.

**MR SPEAKER:** The point is taken.

**MR WHALAN:** In his instruction to you on 13 February at page 33 of Hansard, the Chief Minister said:

because of your office you must remain aloof from the day-to-day business of government.

I also refer you to the document which you yourself signed entitled "The Accord for Government between the Liberal Party and Others". It says in paragraph 10 that the decision making will be vested in the joint party room. How do you reconcile the direction from the Chief Minister, Mr Kaine, which directs that you remain aloof from the day-to-day business of government and this statement which you signed, which clearly makes the commitment that all decision making relating to the Government will be made in the joint party room, with your earlier statement which is that you have participated and will continue to participate in meetings of the joint party room?

**Mr Collaery:** On a point of order, Mr Speaker, as manager of business in the house, I ask you to exercise extreme care in answering this question. I draw your attention to standing order 117(b)(iii) and (iv), imputations and inferences. I also draw your attention to the House of Representatives Practice by which we are bound in the absence of rules to the contrary. That states at page 197:

Practice in the House of Representatives has been to change the Speaker with a change of government. The Speaker does not sever his or her connection with the governing party, may attend party meetings and does not, of necessity, refrain from election campaigning.

I ask you, Mr Speaker, not to engage in debating this issue.

**MR SPEAKER:** Order, Mr Collaery. Thank you for that observation. I will take that question on notice.

### **Non-government Schools Funding**

**MRS NOLAN:** I address my question to the Minister for Health, Education and the Arts in his capacity as Minister for Education. What impact will the Federal ALP Government's new non-government school funding program have on the ACT?

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**MR HUMPHRIES:** Under the latest Hawke Government proposal, which, of course, impacts very directly on the Australian Capital Territory, Commonwealth funding for schools in funding categories 1 to 7 will be frozen. This policy will mean that the squeeze on parents of pupils in non-government schools, which began in 1984, will not only continue but will also be tightened. Four and a half thousand ACT students - more than a third of the pupils in Independent Schools Association schools - will be disadvantaged by the next round of assaults on non-government schools.

The most objectionable aspect of this program is its sectarian approach. The chairman of the Association of Heads of Independent Schools of Australia, Father Greg O'Kelly, said that the new policy clearly favoured Catholic schools and would stifle the funding of new Protestant schools. He was concerned that the new funding proposal had every appearance of being sectarian and would - -

**Mr Wood:** It favours the poor schools.

**MR HUMPHRIES:** Well, poor or rich they are still sectarian, Mr Wood. This would reopen the controversy to the detriment of harmony and unity in the Australian education scene. Father O'Kelly is no Orangeman - he is a Jesuit priest and the headmaster of St Ignatius College, Riverview - - -

**Mr Wood:** Not exactly a poor school!

**MR HUMPHRIES:** He said that the new policy would favour Catholic schools over Protestant schools - that is the point he was making. He was not saying it would not advantage him, but that it would disadvantage other schools in the system.

I have to say that I am impressed by the cooperation between Catholic and Protestant schools on other issues. I would have thought that the Labor Party would have learnt the lesson of the great state aid debates of the past and accept that the community as a whole is supportive of a two-tier system, with government and non-government schools supported equally on a non-sectarian basis. I think the Federal Government's approach contrasts very strongly - - -

**Mr Wood:** It was supported on a needs basis.

**MR HUMPHRIES:** Be that as it may, Mr Wood, the impact of this proposal by the Hawke Labor Government is sectarian in nature. I think that is unfortunate; it contrasts with the Federal policy which is committed to providing a basic per capita grant for additional needs-based funding, and I would hope that the ACT would not have to endure the pain and suffering that undoubtedly will be inflicted should this Government be re-elected and should this policy be implemented.



### **Distribution of Federal Funds**

**MR JENSEN:** Mr Speaker, my question is directed to Mr Collaery in his capacity as Attorney-General. I refer the Attorney-General to an article appearing in today's Melbourne Age headed, "Ansett won big price cut on use of RAAF jets". Could the Attorney confirm to the Assembly whether he has sought legal advice on this and associated matters, particularly as it relates to the division of Federal funds collected partially from the ACT taxpayers and its effect on the distribution of those funds to the ACT fiscus?

**MR COLLAERY:** I thank Mr Jensen for the question. Mr Speaker, I have had a number of queries about this issue. I should inform the house that on 16 January this year - before a Federal election was called - I asked the Law Office to examine the legality of the proposed release scheme for the airlines by the Hawke Government. I further asked the Law Office to determine whether the grants or waivers given were lawful, whether there was an arguable case that the payments lacked a lawful basis, whether procedures employed to make lawful payments were irregular. I asked them to determine whether the ACT Government, given its parlous financial state, as a result of the Federal situation, had any right of action by way of injunction or declaration to restrain further payments.

The interim advice I have received from the Chief Solicitor of the ACT is that the Audit Act 1901 may be applicable. That gives a responsible Minister the power to write off or waive funds subject to certain statutory rules. Those are that for payments exceeding \$50,000 no Minister shall waive a payment unless he has considered a report concerning the proposed waiver furnished to him by a committee consisting of the Secretary to the Department of Finance, the Secretary to the Department of Administrative Services and a Comptroller-General of Customs.

Our inquiries are still continuing. Clearly, the lawful basis of these payments and other interrelated waivers and grants of the type referred to in the article Mr Jensen mentioned are the subject of further inquiries by my office to determine whether correct procedures were followed. We note, however, that no announcement and no response has yet come from the Hawke Government on these expenditures of funds sorely needed in this Territory.

### **Mr Speaker - ABC Radio**

**MRS GRASSBY:** Mr Speaker, my question is to you. I refer to the answer to Mr Berry's question on 22 February 1990 concerning the improper comments you made on ABC radio

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regarding members of this Assembly. What efforts have you made to ensure that your apology to the Assembly members is made public on ABC radio in the way that other defamatory comments are retracted? Do you intend to include your apologies in your Canberra Chronicle column?

**MR SPEAKER:** I intend to take no further action, Mrs Grassby.

### **Legislative Assembly Precincts**

**MR WOOD:** I direct a question to you, Mr Speaker, reflecting my interest in the precincts of this Assembly and referring you directly to a reply you gave to Mr Berry's question on 22 February concerning those precincts. You stated you had consulted with appropriate officials to obtain a consensus view about those precincts. Can you tell the Assembly who those officials were? Secondly, why did you not see it as appropriate to discuss this matter with Assembly members, or at least party representatives or someone like me who had expressed an interest?

**MR SPEAKER:** I will answer that to the best of my ability. The discussions were held with the security people belonging to my staff, the Secretariat, police officers and security people from outside the Police Force but within the group that we employ. I believe that that is all that is necessary in the initial stages as we are developing our security system from those initial discussions and all members will certainly be advised of the permanent procedure that we will lay down in concurrence with the opinions of members of the Assembly.

**MR WOOD:** I ask a supplementary question, Mr Speaker. I am not quite convinced about simply being advised. In determining the precincts, and all the other matters related to that, there is the possibility of reshuffling of space which could include my own space, my party's space or anybody else's space, so can you give a commitment to talk to Assembly members about it?

**MR SPEAKER:** Mr Wood, I again find this incredible that you people - particularly you - are coming up with these ridiculous statements. I have come to you on numerous occasions seeking comments from you about a change of venue or any accommodation changes, and I have always found you receptive. I would expect better of you than this question. Other members of your party are rarely available to discuss these matters, even though I have tried. Yes, Mr Wood, I agree totally with your premise that all these matters should be discussed at length with members and my door is always open. I believe that some members of your party do not even know where that door is.

### **Legislative Assembly Chamber**

**MR STEFANIAK:** My question is to the Chief Minister. Chief Minister, is it true as reported in the Public Eye that you are in agreement with a proposal to upgrade the Assembly chamber at a cost of \$250,000, as asserted by Ms Follett?

**MR KAINE:** Mr Speaker, that is a very interesting question.

**Ms Follett:** I have never asserted that.

**MR KAINE:** I must say that I was absolutely staggered to read in that publication the assertion by the Leader of the Opposition that I was involved in some sort of a secret deal to upgrade the Assembly premises and that a price tag of the order of \$250,000 was associated with it. Quite frankly, the matter has never been discussed with me; I have never heard of such a proposal. Perhaps the question ought to be directed to the Leader of the Opposition as to where she got this fantasy from, because I know absolutely nothing of it.

### **Legislative Assembly - Drinking Water**

**MR BERRY:** Mr Speaker, my question is directed to you. I draw your attention to the fact that the supply of water provided by the attendants to members of the Assembly comes from the adjoining rooms where there are, in fact, two supplies. One is filtered to remove the fluoride and the other is ordinary tap water. Mr Speaker, are you aware of rumours that for some time a practical joker has been switching the water so that when the attendants think they are supplying filtered water they are in fact supplying tap water?

**MR SPEAKER:** I was not aware of that, Mr Berry, but I can assure you I will look into it and in future your water will also have something added to it if you were that prankster!

**MR BERRY:** I ask a supplementary question, Mr Speaker. Have you noticed the difference?

**MR SPEAKER:** I certainly have, thank you. My teeth are going brown.

### **Education Cuts**

**MR MOORE:** Mr Speaker, my question is directed to Mr Humphries as Minister for Education. Could the Minister please inform the Assembly what proportion of the proposed cuts of between \$6m and \$9m that he anticipates will be identified in education will be derived from the private education sector, or are all the cuts focused solely on government schools?

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**MR HUMPHRIES:** It is very difficult to answer a question relating to the budget process or to assessments of budget strategy at this stage, since the Government, first, has not made any decisions and, secondly, would not properly be making announcements about any decisions it had made in advance of any statement by the Treasurer and Chief Minister. Even if I were able to answer that question, I would not be able to do so at this time. The fact is that the Government has not made any firm decisions in this area and is yet to consider all the implications. It will, of course, do so at the appropriate time.

Also, however, it is my personal view that there ought to be an appropriate balance between government and non-government sectors. It does not mean necessarily exact parity in the extent to which they might sustain cuts. I would hope that it would be approximately proportional to their size, to the number of students enrolled in that system, and I hope that we can provide for that, should it be necessary to make cuts in the education system.

I can assure Mr Moore that the approach taken by the Government will be such that it minimises the impact on every part of our school system, and sustains as much as possible of the good things, the qualities and strengths of our education system as we possibly can.

### **Federal Election Campaign**

**MS FOLLETT:** Mr Speaker, my question is to you. Is it true that a member of your office is authorising the Liberal Party Federal election advertisements and has spent the past weeks working full time on the Federal Liberal campaign? Does this indicate that you have not only deserted the party from which you were elected, but also the party to which you have recently defected?

**Mr Collaery:** On a point of order, Mr Speaker, I ask you not to engage in debate on this question which offends standing order 117(2)(b)(iii).

**MR SPEAKER:** The issue raised by Ms Follett is really not part of my responsibilities as Speaker, therefore I would decline to answer that question.

### **Driving Licences**

**MR STEFANIAK:** My question is to the Minister for Urban Services. I refer to a television report on WIN TV on 14 March this year that persons who have been disqualified from driving in New South Wales can obtain an ACT driver's licence. Is that true, Minister, and what are you doing about it?

**MR DUBY:** I thank Mr Stefaniak for the question. Interstate drivers are required to provide proof that they reside in the ACT and declare any driving convictions that they may have had before they can be issued with an ACT driver's licence. However, it is possible that where a New South Wales driver seeks an ACT licence, while a case is pending - and I stress the word "pending" - for offences which could lead to the loss of that interstate licence, an ACT licence could be issued. To cover for this event, the application form for an ACT licence will be amended, under my instructions, to require drivers who are currently being processed for driving offences by an interstate or local court to declare that fact upon application for an ACT licence.

### **Legislative Assembly Precincts**

**MR WHALAN:** Mr Speaker, my question is again directed to yourself and it relates to your directive on the needs of protocol and common courtesy in relation to the use of the Assembly precincts. Were you, Mr Speaker, consulted on the use of Assembly precincts for the ACT Citizen and Junior Citizen of the Year awards presentation by the Chief Minister, and did you agree to the exclusion of certain members of the Assembly from that particular function?

**MR SPEAKER:** I can answer the two parts. Yes, the Chief Minister's Department did contact me and was authorised to hold those meetings. No, I did not know that certain members were excluded. That is all I can say on the matter.

**MR WHALAN:** I ask a supplementary question. In view of the fact that you were not aware that members of the Assembly were excluded from that function, what steps will you take to ensure that the Chief Minister's Office does not in future repeat such demonstrations of ill manners.

**Mr Kaine:** I will invite who I like to my functions; it has got nothing to do with the Speaker.

**Mr Berry:** On a point of order, Mr Speaker, there has been repeated ignorance of your authority here and I think that the Chief Minister should be warned.

**MR SPEAKER:** Thank you for your observation, Mr Berry. Your objection is upheld. The point raised by Mr Whalan is not valid in that, provided all members of the Assembly request permission to utilise the facilities of the Assembly and that approval be given by the Speaker, they are entitled to ask those members whom they wish to invite, provided all members are made aware that that function is being held in their precincts.

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### **Food Legislation**

**MRS NOLAN:** My question is again to the Minister for Education, Health and the Arts. Is the Minister aware that the Federal Minister for Consumer Affairs has criticised the ACT Government for the lack of food legislation in the ACT and what is this Government doing about it?

**MR HUMPHRIES:** I thank Mrs Nolan for her question. Yes, I am aware of comments made by the Federal Minister for Consumer Affairs; although I have not heard them directly or seen any report of them directly, I have had them related to me. The Government does acknowledge at the outset that food legislation in the ACT is seriously deficient. There is no doubt about that whatsoever. The ACT is the only State or Territory in Australia not to have introduced food legislation in line with the national - - -

**Ms Follett:** On a point of order, Mr Speaker, I would refer you to standing order 118B. It seems to me that the answer to Mrs Nolan's question could be yes or no, but clearly the Minister is debating the subject.

**MR HUMPHRIES:** Mr Speaker, further to the point of order, Mrs Nolan asked me the Government's intentions in this regard and I am clearly relating those intentions.

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

**MR HUMPHRIES:** Mr Speaker, we are the only State not to introduce food legislation in line with the National Health and Medical Research Council's model food code. It is the Government's intention to bring that legislation into line with other States and Territories. We have been developing legislation, following initiatives taken by the previous Follett Government, to remedy this omission. We will address issues such as food hygiene, food content, packaging, labelling and food building construction.

As I said, I did not actually hear the comments by Senator Bolkus directly, but I am aware of his attack on the ACT for not having that legislation in place. I am extremely disappointed in his attitude of using the ACT, and particularly ACT self-government, as a whipping boy for the failures of his own Government in the ACT.

For years prior to self-government, the Federal Labor Government promised to introduce updated legislation to improve food standards in the ACT but, unfortunately, those promises were never met. For six years the Hawke Government had control of public health regulations in the ACT.

**Ms Follett:** On a point of order, Mr Speaker, again, I refer you to standing order 118B. Mr Humphries was asked whether he was aware, yes or no, and what were his intentions. He is now debating the matter well beyond the terms of the question.

**MR SPEAKER:** I believe that is an open-ended question, Ms Follett. Please proceed, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I state very clearly that the Government has no intention of responding in the way Senator Bolkus would like us to respond and propose knee-jerk reactions to problems that have been inherited from his Government over many years and which are not solved overnight.

**Mr Kaine:** You are not going to respond the way the Leader of the Opposition would like you to, either.

**MR HUMPHRIES:** Precisely, Mr Kaine. We will be acting in this area, Mr Speaker. We intend to introduce food legislation at the earliest possible opportunity, and Senator Bolkus's comments do not help one bit.

### **Rock Eisteddfod**

**MR MOORE:** Mr Speaker, my question is also directed to the Minister for Health, Mr Humphries, and I refer to some answers he gave yesterday on health promotion. He referred particularly to moneys allocated to the Rock Eisteddfod. Can he identify how much was allocated to the Rock Eisteddfod and how the decision was made on the relative priorities that would provide that money for the Rock Eisteddfod, particularly when there is already an equivalent production in the ACT of the Dance Festival which is supported by the ACT Milk Authority and which gets only a very small sum of money for support? Can you tell us how the decision was made to support this commercially-operated Rock Eisteddfod?

**MR HUMPHRIES:** At present I cannot say exactly how much was allocated. I think the figure was \$30,000, but I am not sure. I will check that and get back to Mr Moore if I have misled him in any way. The reason that the activity was sponsored, particularly in advance of the establishment of any formal framework in which the Government can make assessments of claims on the health promotion fund - and I acknowledge that that framework is not as yet in place - was that it was necessary to consider ways in which the Government might provide for particular activities which, in the short-term, needed to be funded.

In this case, we discovered that last year Quit for Life, under another program, had sponsored the 1989 Rock Eisteddfod and we believed it was appropriate in those circumstances to ensure that it did not lose appropriate sponsorship. Last year's sponsorship was not available for this year. Therefore, we felt it was appropriate to allocate some money from the health promotion fund towards this activity. It is an activity which is embraced by the terms of reference of the health promotion fund. By the

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way, I have been advised that the answer to Mr Moore's question is that \$20,000 was provided from the health promotion fund.

### **Legislative Assembly Chamber**

**MR SPEAKER:** Before we proceed to the next business, I wish to clear up the matter of the \$250,000-plus that Ms Follett was reported to have identified in Public Eye. I had expected to get a question on this matter. Prior to the first meeting of the Assembly, it was suggested that at some later stage the back wall should be moved to allow more seating capacity for the public chamber. There was also the possibility that we put a door in the back of the Assembly chamber, behind the Speaker's chair, to accommodate transit of the Ministers' advisers. That was also costed, and there were other minor considerations for work to be carried out in the chamber, all of which I discussed with Ms Follett when she was Chief Minister and with the then Leader of the Opposition at various times.

When the Government changed we found that there were problems with the accommodation and with desks not fitting into the chamber. We looked at the possibility of having purpose-built benches installed in the chamber. However, we received a quote for \$13,000 for the drawings alone. I do not want to press that further, but that sounds absolutely ridiculous. I think we should look at the source of such a ridiculous claim on funding. On the basis of that quote, the building assets management section was directed not to proceed any further with that project. So the only funding that looks like being spent on the chamber at this time is about \$7,000 to remove the rear wall back 12 feet or so and a cost to instal a door on the side of the building.

As Ms Follett has been reported in the Public Eye as claiming a \$250,000-plus expense, I would suggest that, as she would not perpetrate a blatant lie, either her advisers are in error or that the Public Eye reporter incorrectly reported the matter.

### **DEPUTY CHIEF MINISTER Motion of Censure**

**MS FOLLETT** (Leader of the Opposition) (3.08), by leave: I move:

That this Assembly censures the Deputy Chief Minister, Mr Collaery, for:

- (1) the tabling of correspondence in this Assembly which wilfully and deliberately misled this Assembly in relation to the redevelopment of the Northbourne Flats;



- (2) his threat to a member of this Assembly to take out an injunction to prevent that member from meeting with constituents;
- (3) his inability to discharge his ministerial obligations in a fitting manner.

A motion of censure is indeed a very serious step and it is certainly not one that I or members on this side of the Assembly would take lightly and we do not on this occasion either. It is only the most reprehensible behaviour that would move us to make such a motion and only that kind of behaviour that would justify such a motion. Mr Collaery has demonstrated the reprehensible behaviour that is necessary to justify a motion of this gravity. In this Assembly, on Tuesday, 20 March, Mr Collaery attempted to turn the tide in his losing battle with Mrs Grassby over the Northbourne Flats.

The background to this duel involves proposals to redevelop a group of more than 400 flats, part of the public housing stock administered by the ACT Housing Trust. The site on which these flats are located had come to the attention of some property developers - and they are lately the new-found friends of Mr Collaery, of course - as a prime site for redevelopment. These developers, of course, were encouraged in this view by the published policy of the Alliance Government on housing which states, amongst other things:

We will examine the gradual redevelopment or relocation and improvement of some older public housing.

For example, Northbourne Flats - pretty fair sort of encouragement, I would have thought. As well, in a press statement issued by Mr Collaery on 25 January, he said the following, and I will quote it at some length.

The Minister said there were currently big differences in the standards and amenities between new government houses and some older stock. Some imbalances also existed in the disposal pattern of public housing as a result of unrestricted sales in earlier years.

"A carefully planned and monitored sales and replacement strategy will be used -

This is a sales and replacement strategy -

as an effective management tool to correct these anomalies," Mr Collaery said.

He continued:

"In some instances valuable stock no longer suitable for public housing will be sold. This will have a positive effect on public housing as

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some sales will provide funds to buy or build more than one replacement dwelling".

That is the end of the direct quote from Mr Collaery's press release.

Mrs Grassby received some well-sourced information, which was consistent with the Alliance policy and with Mr Collaery's press statement of 25 January, and which indicated that consideration was being given to the redevelopment of the Northbourne Flats. In an effort to flush out the Government, Mrs Grassby quite properly wrote to the residents - she is in touch with her constituents - and issued a press release.

**Mr Kaine:** Disgraceful behaviour, absolutely disgraceful.

**Mr Moore:** I raise a point of order, Mr Speaker, in relation to standing order 202, which deals with a member who persistently and wilfully obstructs the business of the Assembly.

**MR SPEAKER:** Thank you, Mr Moore. I would ask members to listen in silence. Please proceed, Ms Follett.

**MS FOLLETT:** Following Mrs Grassby's very well-justified, responsible and proper action in protecting her constituents, there then ensued a battle of words. In the Canberra Times of 27 February 1990, one of its reporters, Miss Leanne Mason, reported that Mr Collaery had said that it was possible that sections of the flats would be demolished and new flats built. Subsequently, Mr Kaine refused repeated requests to make a categorical statement about maintaining the flats.

Then, to further continue the war of words, Mr Jensen issued a press release on 8 March 1990, which outlines the procedures to be followed in redeveloping the flats, but does not specifically preclude the redevelopment of Northbourne Flats. I will read from Mr Jensen's enlightening document, which says:

"The current land use policy for the site of the Northbourne Flats is residential," Mr Jensen said. He said that any proposal to change that use to commercial must go through a long process of public consultation.

Mr Jensen has not precluded a redevelopment of that site.

**Mr Kaine:** Do you mean that if you leave it out, you can read it as something that is being done positively? What a load of rubbish!

**Mr Berry:** I raise a point of order, Mr Speaker. You have already warned the Chief Minister about interrupting, and I think it is about time that you demonstrated - - -

**MR SPEAKER:** Thank you, do not make a speech, Mr Berry. Please sit down before you dig a hole for yourself. Mr Kaine, and members of the Government, would you please allow Ms Follett to continue and be heard.

**MS FOLLETT:** Thank you, Mr Speaker. I am not surprised they are a bit embarrassed about this. It is embarrassing. Quite clearly at this point the members opposite, and Mr Collaery not the least of them, were losing the battle of words. In a desperate effort to turn the tide, Mr Collaery subsequently sought to deliberately and wilfully mislead this Assembly. I would refer you to the Hansard of 20 March, which we have available to us. If you have a look at the bottom of page 13 of that version you will see that Mr Collaery solicited - and he quite freely admits it - a dorothy dix question from Ms Maher. Her question was:

With regard to the rumour concerning the Northbourne Flats, does the Government propose to actually sell the Northbourne Flats?

Mr Collaery's response on this matter is typical of the man. He has used a ploy which he has made use of previously, and it is a ploy of innuendo and inference. I would just like to refer to another example of his use of this. In this chamber, in response to a dorothy dix question from Mrs Nolan concerning Tuggeranong swimming complex on 13 February 1990, Mr Collaery, in referring to Mr Whalan, said:

Thanks to events in this chamber, we have had access to Mr Whalan's documentation ...

The impression that Mr Collaery sought to create was that he had secret access to some sinister document - - -

**Mr Collaery:** Like the blue fly.

**Mr Duby:** Yes, at least we did not have it on tape.

**MR SPEAKER:** Order! Mr Collaery, Mr Duby, please desist.

**MS FOLLETT:** I will repeat it, Mr Speaker. I presume that as members are being so free with their interjections, I will be allowed to conclude my remarks, even if I run over time. The impression that Mr Collaery quite clearly sought to create was that he had secret access to some sinister documents of Mr Whalan's, which proved some improper motive or action on Mr Whalan's part.

Mr Speaker, these tools of inference and innuendo are Mr Collaery's stock in trade. They are not appropriate as a stock in trade for the Attorney-General. The facts are irrelevant to him; he leads a fact-free existence. On 20 March in this Assembly - and it is recorded in Hansard - Mr Collaery resorted to the same technique in relation to the Northbourne Flats. He is somewhat flushed, Mr Speaker.

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Let us study his words on that occasion. On page 16, he refers to a visit that he made to Northbourne Flats. The points that Mr Collaery made on this matter were, first of all, that he returned to this building. Secondly, he asked for the records. Thirdly, he says:

I found a document ... prepared during Mrs Grassby's tenure as Minister for Housing ...

Fourthly, he went on to say:

That document was for the proposal to the Housing Trust during Mrs Grassby's tenure as Minister for Housing, proposing a development by Civil and Civic of the site.

The grammar is his own, Mr Speaker, but as I have quoted it, I have persisted with it. That was what Mr Collaery said to this Assembly on 20 March. The inferences that Mr Collaery intended to be drawn - and quite clearly intended to be drawn - based on the document he tabled, were as follows: firstly, that he had obtained a previously concealed document. Rubbish.

**Mr Duby:** How long do we have to put up with this?

**MR SPEAKER:** Mr Duby, I warn you! Please do not interject.

**MS FOLLETT:** The inferences that Mr Collaery intended this house to get from his remarks on 20 March were quite clear - that he had obtained a previously concealed document. Secondly, that document was prepared or authorised by or prepared with the knowledge and approval of Mrs Grassby. And thirdly, that the document contained a proposal for the redevelopment of the Northbourne Flats site by Civil & Civic. If Mr Collaery thinks that was not the inference that was coming through on 20 March, he is in grave error. No such inferences can be drawn.

The facts are as follows: firstly, the document that Mr Collaery made so much of is a letter from Civil & Civic to Ms Joan Westaway, the property manager of the ACT Housing Trust. Secondly, Mrs Grassby never at any stage saw the letter nor knew of its existence. Thirdly, the letter relates to a proposal to provide new stock, and I quote, "for the Trust on various sites around Canberra". Fourthly, it contains reference to a joint venture proposal in Rugby Park. And finally, that letter contains no reference whatsoever to Northbourne Flats. They are not mentioned.

One of the greatest crimes in the Westminster system of parliamentary democracy is to mislead the Parliament. The fact that in this case the deception had been wilful, malicious and misleading draws this house and the member opposite into disrepute. That disrepute is heightened by his radio comments that in seeking to stop Mrs Grassby embarrassing, he would take legal action, take out an injunction. That is disgraceful.

**Mr Collaery:** What was disgraceful about the old tenants - - -

**MR SPEAKER:** Order! Mr Collaery, address your question through the chair.

**MS FOLLETT:** Mr Speaker, I call upon the Minister to resign.

**Mr Kaine:** She is still on at you to resign.

**MS FOLLETT:** Mr Collaery and Mr Kaine both laugh at that concept. They obviously regard an attempt to mislead this Assembly as a matter to be taken very lightly, but I repeat it: I call on the Minister to resign, or on the Chief Minister to sack him.

If the Minister is not willing to resign and the Chief Minister has not got the fortitude to sack him, if they are not willing or able to take this action, then I will ensure that every Attorney-General in this country receives a copy of today's Hansard. The ACT's Chief Law Officer, Mr Collaery, has disgraced the ACT, and he has disgraced his own profession, I might add. This is a very serious matter which requires serious action and I think it is an absolute tragedy that the members opposite have chosen to treat it lightly to the point where you, Mr Speaker, have constantly had to stop them from interjecting; where you have, in fact, had to name a Minister for his constant interjections. If those are the standards they think are all right in this Assembly, I have to disagree. They are not good enough for this Assembly and they are certainly not good enough for the people of the ACT.

**MR COLLAERY** (Deputy Chief Minister) (3.23): Mr Speaker, I am very pleased to speak on this motion because remarkably it coincides with one we were bringing on and I foreshadow a motion shortly to state certain things, not only about the conduct of Mrs Grassby, but also of the Leader of the Opposition and Mr Whalan. That will come on shortly and will, no doubt, interest the public of Canberra.

I have here - and I propose to table it after I speak - a chronological listing of activity concerning the Northbourne Flats. I will deal very simply with the only point of any substance that I felt the Leader of the Opposition made in her bizarre speech - that contained in the words of letter of 8 November 1989, the document to the ACT Housing Trust, proposing a development by Civil & Civic of the site, which appeared during Mrs Grassby's tenure as Minister for Housing.

Ms Follett makes the technical point that the site itself was not mentioned in the letter of 8 November 1989. I can assure the Assembly that in the ultimate discussion I had with Civil & Civic - the only one, when I finally rang Civil & Civic and asked them what was going on - I spoke to

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a Mr Alan Johnson and in conversation, we discussed the Northbourne Flats site. In that conversation I had with him, he gave me no reason to believe that his interest was not in the Northbourne Flats. At no time did Civil & Civic issue any media release saying that that was not the site that they had in mind. In fact, when members read the chronology of this sorry affair - - -

**Ms Follett:** Mr Speaker, may I ask that that so-called chronology be tabled now?

**MR SPEAKER:** Certainly.

**MR COLLAERY:** Mr Speaker, I can table this as I wish, and certainly I have indicated that I will. The Leader of the Opposition has so little trust in me that she does not even believe I will table a document when I say I will. That is endemic of the Opposition's bizarre - - -

**Mr Moore:** That is because you lie all the time.

**Mr Jensen:** On a point of order, Mr Speaker, I am not sure whether you heard that interjection. Standing order 64 relates to offensive language and Mr Moore referred to Mr Collaery as "lying all the time".

**MR SPEAKER:** Thank you. I did not hear the comment, but if that is a correct description of the wording used, would you withdraw it please, Mr Moore?

**Mr Moore:** That is not a correct description of the wording used, Mr Speaker. However, it is very close, and I withdraw it.

**MR COLLAERY:** Thank you, Mr Speaker. We will let Mr Moore return to his couch where, of course, we tried to get him whilst he was with the Rally. The fact is that this Opposition, for some bizarre reason, has such a great fear of me in this Assembly that its members have not once asked me a question. Not once have they asked me a question in Question Time, not once have they shown an interest in any of the portfolio areas for which I am responsible. That is a disgrace in itself and is a measure of their somewhat obsessive, psychotic reaction to having someone in this house who is not of their hand.

**Ms Follett:** I raise a point of order, Mr Speaker. I think referring to members as "obsessive" and "psychotic" is quite clearly out of the order.

**MR SPEAKER:** Yes, I agree. I would ask you to withdraw it please, Mr Collaery.

**MR COLLAERY:** Mr Speaker, I withdraw those words. I suppose any member of this house would be perturbed at the way this group opposite goes on at times.

**Mr Moore:** Maybe we do not trust you to give us a true answer.

**MR COLLAERY:** Mr Speaker, there are noises from the couch again. I am having difficulty.

**MR SPEAKER:** Order, Mr Moore! Please proceed, Mr Collaery.

**MR COLLAERY:** I point out to members of the house that there was a consistent line of correspondence with the Government, and it has never been suggested by me at any time that Civil & Civic's approach was in any way improper or incorrect. There were no imputations regarding impropriety about anyone in this matter. Apart from that, I regarded it as quite improper to worry those aged tenants.

Mr Speaker, if you had been there on 6 March when I went to Northbourne Flats and met the people on the lawns there, and particularly one 89-year-old lady, you - and, I am sure, all members - would have shared my concern for what self-government seemed to mean for those people, particularly in the form of Mrs Grassby's media statements.

Other correspondence, all of which I propose to table now, makes it clear that Civil & Civic were seeking to identify sites of various kinds in the inner city area. Whether that correspondence was to the personal knowledge of Mrs Grassby or not does not detract from the points I have quite legitimately taken in my statement to the house, as recorded in the Hansard of 20 March 1990.

Ms Follett conveniently decided not to address an issue when she referred to the fact that I was asked a dorothy dixer and I am sure members of the media will recall my comments. On page 15 I said:

Thank you, Mr Speaker. I decided to seek this question on the floor a few minutes ago, when Mrs Grassby asked the question of Mr Kaine to get a little bit of publicity ...

If it was a dorothy dixer - and indeed it was - I simply asked Ms Maher to ask me about the Northbourne Flats. There was no typed or prepared response in my hand. I spoke to the documents available. It was as clearly of interest to the house since Mrs Grassby had, in an extraordinary fashion, attempted to divest herself of the distress she had caused those tenants by asking a question of the Chief Minister and not of myself. Of course, no-one on that side of the house wanted to ask me a question in relation to that matter.

I have had prepared for some days now this chronological listing of activity involving Northbourne Flats and we will table those documents in due course when a foreshadowed motion comes forward to deal with the reprehensible conduct of certain Opposition members. Last week we saw that

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extraordinary headline, "Assembly upgrade plan 'outrageous'", which is a quote by Ms Follett, and since then that report, attributed to Ms Follett, has been put down comprehensively.

**Ms Follett:** On a point of order, Mr Speaker, I fail to see the relevance of those remarks.

**MR COLLAERY:** I will not pursue that; there will be another opportunity. Going back as far as 13 May 1988, Civil & Civic refer in a letter to significant considerations concerning other flats - the Bega and Allawah Flats sites, for example. In referring to a letter I was tabling, I made no imputation or inference when I used the words "proposing a development by Civil & Civic of the site".

The very fact that disproved any connection was in the letter itself. How could I be misleading the house in law if I tabled the very letter that did not mention Northbourne Flats? There is a fatal flaw in this motion. I am being censured for misleading the house. How could I have misled the house, Mr Speaker, if I tabled the letter that did not mention the Northbourne Flats? It was a letter tabled on the spot in an unprepared moment out of a selection of documents. Members may recall that I separated it.

I am happy shortly to table the complete correspondence and to inform the house - and I am sure members are in a position to corroborate this - that on 15 March, according to my records, I spoke with Mr Alan Johnson, of Civil & Civic, and our conversation centred on the Northbourne Flats. At no time did he say to me, "Oh, it's not the Northbourne Flats, it's some other site". We talked about the Northbourne Flats, Mrs Grassby's initiatives - if we can call them that euphemistically - and the regrettable events that have arisen. I indicated to Mr Johnson, as our Alliance policy states, that this Government is interested in innovative joint venture redevelopment and other aspects of housing that will work towards the continuance and upgrading of public housing, in the interests of our compliance with the Commonwealth State Housing Agreement.

Mr Speaker, this censure motion will backfire. Shortly it will really boomerang. On the notice paper we have a Bill to pass - the Clinical Waste Bill - and that Bill should get through. Since in justice we must respond to this attack, it is now doubtful that we will get to that matter today. I suggest that that is not the way to spend the time of this Assembly productively and fruitfully.

**MR BERRY (3.33):** Well, it is nice to see Mr Collaery squirming in the face of a good thrashing by the diminutive Mrs Grassby - and a nice public thrashing, I might add; and one that he well deserves. This Assembly has had past experience of the ploys used by Mr Collaery and from the beginning of his campaign, before even being elected by the people of Canberra, he used rumour and innuendo to make



assertions. We see some more examples of that in this matter.

We have heard of all the secret documents, theories of conspiracies and threats to reveal all. We have all shared in Mr Collaery's conspiracy-enriched life. I must say, as a result of his earlier activities, I was moved to put a motion in this Assembly to allow Mr Collaery to reveal all. I recall giving him all the time he wanted in order to do that. I offered him the opportunity to bring all his information into the public arena to shed light on all the things he had spent months alluding to.

One of the most interesting points in this debate is the silence of the people around him and the lack of support which has been shown because of their knowledge of Mr Collaery's past performance. What happened in all of that? Just hours of drivel - no information, no facts; just more innuendo, more assertions and more conspiracy theories.

**Mr Jensen:** On of a point of order, Mr Speaker, I would suggest that we are going long back into history - - -

**MR SPEAKER:** Order, do not debate the matter, Mr Jensen.

**Mr Jensen:** I refer to standing order 58 regarding irrelevance.

**MR SPEAKER:** Thank you. Please stick to the point, Mr Berry.

**MR BERRY:** I am sticking to the point, Mr Speaker, but that will become evident as I move through my speech, if the members opposite are patient enough to wait that long.

The so-called senior lawyer who, of course, has expressed this undying interest in civil liberties - all that knowledge, training and experience, but no commitment, no dedication, no action to justify his accusations, no supporting evidence - just slurs members of this chamber and members of the public who have offended him in some way. And do not forget the public servants who have been slurred as well. The barrage has not stopped since his power grab.

The people of Canberra would be justified in asking if they might be better served by the Attorney-General spending more time - time paid for by them - on developing legislation and introducing it into this Assembly. Perhaps he could bring himself to get over his personal antagonism towards the human rights commission and the Federal Government and allow the setting up of a human rights commission office for the people of Canberra. It is becoming obvious that the greatest threat to the human rights of the residents of Canberra is the Kaine-Collaery Government.

**MR SPEAKER:** Order, Mr Berry. Please be relevant.

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**MR BERRY:** The Attorney-General has left us with no choice but to defend the rights of citizens and to move this censure motion. In response to her constituents, Mrs Grassby sought the assurance of this Government - specifically the Chief Minister, who has been sitting very quietly for the last few minutes, as the Deputy Chief Minister's actions become more evident - that their housing would not be sold out from under them.

Another example of duplicity which Mr Collaery exhibited a little time ago appeared when he suggested that all the 400 tenants of Northbourne Flats were out on the lawns to meet him. Well, my information is that, aside from members of ACOSS and Jobless Action who were there because they were concerned about what Mr Collaery might do, the tenants were well outnumbered by the members of the ACT Housing Trust whom he took along with him to swell the numbers at the meeting.

What response did Mrs Grassby receive in her call for a commitment that Northbourne Flats would not be sold? What happened to the Chief Minister? He was very quiet on this issue; he did not get behind Mr Collaery and support - - -

**Mr Collaery:** It is in Hansard. Look through your Hansard.

**MR BERRY:** There has been no commitment that the site will not be sold. Where is this commitment? The Chief Minister is still sitting there quietly.

**Mr Kaine:** I have never heard so much drivel in my life so there is not much point responding to it.

**MR BERRY:** What response did Mrs Grassby receive? Slurs from Mr Collaery, slights and innuendos of a personal nature.

**Mr Kaine:** You are doing the slurring.

**MR BERRY:** And we have heard a bit of you on this as well.

**Mr Kaine:** It is in the Hansard.

**MR BERRY:** Oh yes, you will straighten me out, will you, Mr Kaine?

**Mr Kaine:** I will do what Paul Whalan did yesterday, I will take you out behind a play shed if that is what you want.

**MR BERRY:** You will straighten me out? More threats, the same as those you handed out to Mr Moore. You will get him too - a few more threats. In a bizarre chain of events, the people of Canberra saw revealed the fact that the Deputy Chief Minister was to have a meeting with developers and the Northbourne Flats were on the agenda. But as soon as he was flushed out by Mrs Grassby - - -

**Mr Collaery:** She wrote a letter to all the tenants.

**MR BERRY:** She flushed you out, Mr Collaery. She flushed you out in the open and then you were running scared, so much so that you were not even going to meet with the tenants. What happened to the request by the residents to attend that meeting? You called off the meeting because you did not want to be pressured into having some of the residents there to keep their eye on you. More deception. That is all we have ever had from you since you have come into this place. It was not until you were forced by public outrage that you cancelled the meeting. Let us face it, it is all a matter of public record.

Mrs Grassby has demonstrated that she is prepared to stand up for the rights of the citizens of Canberra, but Mr Collaery's evasion of the issue and misrepresentation have left us with no alternative but to move this censure motion. This is a motion of some gravity for this Assembly. I am sure that the Government members opposite will gather round their friend because he needs a bit of defence at this stage. But he is in deep trouble because he has misled this Assembly and the people of Canberra. This is not the first time, of course. This motion should be carried in order to spare the people of Canberra any more of the garbage that we get from this Minister.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (3.41): I will try to take as seriously as this matter demands the issues that have been raised. Frankly, I cannot see a great deal of substance in them and I do not know that they deserve much consideration or time devoted by this Assembly. But as we have been dragged through this process of a sham censure motion, we might as well go through the charade.

It is clear to me what has really happened today. It is clear that the Opposition has heard a whisper about a rising tide of anger on the part of members on this side of the house about the comments made by Mrs Grassby about the supposed selling off of the Northbourne Flats. The Opposition said to itself, "Gee, that won't look very nice, will it, you know - 'Grassby censured' or 'Grassby condemned'".

**Ms Follett:** Mrs Grassby.

**MR HUMPHRIES:** Well, the newspapers do not usually say, "Mrs Grassby"; they would say, "Grassby condemned". That is what you would have feared had you allowed the normal course of events to have occurred today, as you thought.

**Ms Follett:** I raise a point of order, Mr Speaker. You have ruled previously on the correct form of address of members and I must object to having my members addressed by their surnames.

**MR HUMPHRIES:** I was not addressing her; I was quoting.

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**MR SPEAKER:** I do not believe that is a valid point of order, Ms Follett. Please proceed, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I was quoting a newspaper headline, which would certainly not say, "Mrs Grassby". It would just say, "Grassby" or, "Humphries" or, "Kaine" or whatever.

**Mr Kaine:** They say it with respect when they refer to me.

**MR HUMPHRIES:** Of course, Chief Minister. It is clear that what has happened here is that this Opposition has anticipated bad news. Perhaps it even thought that there would be a censure motion on Mrs Grassby and decided to head off the Government at the pass. It has decided that offence is perhaps the best form of defence.

**Mr Kaine:** But only when you have got the strength.

**MR HUMPHRIES:** But only when you have got the strength - that is the point, Mr Speaker, and I will come to that in a moment. The fact is that these people have decided that they are going to preempt any criticism by accusing Mr Collaery of something that they see as being just as damaging or damning as what Mrs Grassby has done. But the fact is it is not. Nothing Mr Collaery has done, nothing Mr Collaery has been accused of having done in this place holds a candle to what Mrs Grassby has done in this community. I think Mrs Grassby's conduct has been absolutely disgraceful. She has pulled out a claim which is totally without foundation and totally unsubstantiated, held it up to the people of Canberra and said, "This is what is going to happen. I have no evidence of this; I cannot prove it. I have my sources, but I cannot reveal what they are. But I tell you these flats are going to be sold".

What is more, the claim was made directly to the residents of those flats by writing to them and saying, "This is what this Government is going to do to you". That is absolutely and utterly irresponsible; absolutely and utterly reprehensible. This former Minister for Housing ought to have had the decency at least to have put her suggestion to the Minister for Housing first and asked him whether there was any substance at all in the claims. Had she done so, she would have had, in very clear terms, the assurance she received on 26 February - after she had already written to residents of the flat unnecessarily alarming them as to what might happen. The Government has given an assurance that it has, and I quote, "absolutely no intention of selling any government flats, including those along Northbourne Avenue". That was a promise made to Mrs Grassby in writing on 26 February. I think it is disgraceful that she did not attempt to obtain that first.

Mr Berry referred to a campaign or a stream of innuendo and smears. I thought he was talking about Mrs Grassby. In

fact, the words he used would apply very well to Mrs Grassby because that is exactly what has happened here. Where is self-government left if people are allowed to rise in this place or elsewhere and make claims without any substance or foundation, alarm others - in this case particularly poor people, people with particular needs in our community, people who might not be able to find accommodation elsewhere - and get away with it? What recourse is there? There is only one recourse, and that is properly expressed horror in this place at what that kind of activity represents. I think it is Mrs Grassby who wanted this place to be the object of a motion of censure, not Mr Collaery.

Ms Follett referred to dorothy dixers. I am astonished by this claim made by Ms Follett from time to time. Does she pretend that there were no dorothy dixers when she was Chief Minister; that her Ministers never received dorothy dixers from Mr Wood? Sometimes I wish I were in opposition; I wish I could ask Ms Follett, as a Minister, whether that had ever happened. The answer is that of course it has happened. There is no shame in dorothy dixers, as she well knows, because she used them frequently when she was in government.

Mr Speaker, I think that this is a sorry affair; it has reflected badly on the whole Assembly. Let us not pretend that this debate is going to reflect on either side very well. It angers me that people should use the institution of this Assembly and at the same time the principle of self-government in this shameless fashion. I regret the fact that, as a result - and this is only one factor, I suppose - politicians in this place are going to be held in low regard by the citizens of this Territory. We have only ourselves to blame when this kind of fiasco goes on.

I think it would be better if people did not make claims they could not substantiate; if they did not necessarily drag the hopes and aspirations of Territorians through the mud for the sake of winning a few political points. We should get down to the real business of this governing this Territory for the benefit of all the citizens of it.

**MR MOORE (3.47):** Mr Speaker, when I read the tabled letter on Mrs Grassby, I must admit I was quite concerned that such a letter, which had no relevance whatsoever to the statement that Mr Collaery had made, could possibly have been tabled, giving the impression that Mrs Grassby was doing something inappropriate or corrupt. I should not have been particularly surprised because, from my long knowledge of Mr Collaery, I should have been aware that he is, after all, "character assassination Collaery". It is appropriate that we censure Mr Collaery at this time.

I refer to Mr Humphries' comment that this will reflect badly on this Assembly. It will. The responsibility for the whole of this business lies fairly and squarely on the shoulders of the current Attorney-General and for that

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reason he should be censured. I intend to name some of the people I know of whom Mr Collaery has attempted to character-assassinate with innuendo and snide remarks - no, worse than snide remarks. He has various methods of character assassination. The first person I intend to name is Trevor Kaine. Then there is Robyn Nolan - I have heard him speak about both of those. You have all heard him on - - -

**Mr Collaery:** On a point of order, Mr Speaker, I refer to standing order 55.

**MR SPEAKER:** I would ask you to address the debate before the house, Mr Moore, not go back into history.

**MR MOORE:** Mr Speaker, as part of the debate it is important to establish the fact that it is the standard procedure of Mr Collaery to use these character assassination techniques. His standard procedure is innuendo, connotation and character assassination. I draw attention to the people who have been named before by him in this Assembly - Mr Whalan, Mrs Grassby, Geoff Da Deppo and Tony Hedley. Also, I have heard him personally on Rosemary Follett; and in the Residents Rally, on Marion Le, my wife, my sister - - -

**MR SPEAKER:** Order, order! Mr Moore, I would ask you to withdraw those comments. I did direct you to address the question before the house, and if you read the motion you will find that your comments have nothing to do with it.

**MR MOORE:** Mr Speaker, what I am referring to is the tabling of correspondence in this Assembly which wilfully and deliberately misleads this Assembly. What Mr Collaery is doing is using his standard tactic of deliberately tabling a totally irrelevant letter in order to ruin the character of somebody. It is his standard character-ruining technique. I could go on to Mr Justice Kelly, Hector Kinloch and many other people.

**MR SPEAKER:** Order! Mr Moore, I ask you again to desist from that form of debate.

**Mr Collaery:** On a point of order, Mr Speaker, I ask that that reflection on the judiciary be withdrawn in an unqualified sense.

**MR MOORE:** I happily withdraw any suggestion of any reflection whatsoever on the judiciary, for whom I have the greatest respect. But I certainly do not withdraw the suggestion of any such ramifications in relation to Mr Collaery because that is what this is about - it is about innuendo and that type of conduct. I shall not name anybody else, even though there are people sitting somewhere around this Assembly who fit into that category.

What we have is a censure motion which claims that this man wilfully and deliberately misled the Assembly. I am

satisfied that that is what has happened. When we are satisfied that that is what has happened - that he has wilfully and deliberately misled this Assembly - then - - -

**Mr Kaine:** Who is "we"? You and the Labor Party?

**MR MOORE:** The Chief Minister asks "Who is 'we'?". The "we" should be every single member of this Assembly, including Mr Kaine, who should be horrified by the fact that somebody is prepared wilfully to lie to this Assembly - - -

**A member:** That is a point of order!

**MR MOORE:** I withdraw the word "lie", Mr Speaker. The point is that if somebody wilfully and deliberately misleads then, in effect, he is using a lie. A lie is deceit. That is what I am referring to.

**Mr Collaery:** On a point of order, Mr Speaker, I ask that Mr Moore withdraw that imputation that I told a lie when tabling that document.

**MR MOORE:** But that is exactly what this censure motion is about - he has been censured for telling a lie.

**MR SPEAKER:** Order! I will take advice on that. Your objection is overruled, Mr Collaery. The charge against you is that you "misled" and an interpretation of that word is, of course, "lie", and therefore the charge is against you. Mr Moore is quite correct in his interpretation. He may proceed, provided his language is parliamentary.

**MR MOORE:** Thank you, Mr Speaker, I shall be very careful to keep to parliamentary language when talking about this type of lying. I think that I have assisted in making the point that the Assembly generally has a responsibility and this Government also has a responsibility. If one of its members tells a lie to or misleads this Assembly, and that person does not have enough guts to step down himself, then other members of the Government should have the courage to vote in favour of this censure motion and remove him from that office. He brings down not only the quality of the Government but also the reputation of this Assembly along with that of those people about whom I have spoken before.

**MR JENSEN (3.55):** Once again, we see on the other side of the chamber a shameful waste of the Assembly's time this afternoon. The sorts of actions we have seen from one of the members opposite - I will not do him the service of naming him - should worry us. He was prepared to refer to my own wife, which was rather nasty in the extreme. It is the sort of action that leads us to worry about the nature of the person involved. This is incredible and it is of some concern to me. It is a shameful waste of the Assembly's time this afternoon, and I am sure that an amendment that I will move shortly will clearly show where the truly reprehensible behaviour on the part of members of this Assembly has occurred.

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Over the last couple of weeks we have seen a series of misleading and mischievous statements by members of the Opposition. We have seen Mrs Grassby scaring the pants off people living in Northbourne Flats by saying that their flats are going to be knocked down, knowing full well that those sorts of inferences were disgraceful in the extreme and done for purely cynical political purposes. We have seen also the statement made by the Leader of the Opposition, who said, "Assembly upgrade plan outrageous". What a lot of tommyrot!

**Mr Moore:** On a point of order, Mr Speaker, is this relevant?

**MR SPEAKER:** Thank you, Mr Moore. Please proceed, Mr Jensen.

**MR JENSEN:** I am talking about reprehensible behaviour, Mr Speaker.

**MR SPEAKER:** Please address the motion.

**MR JENSEN:** In that case, I shall move the amendment which has been circulated in my name. I move:

That all words after "Assembly" be omitted and the following substituted "condemns the reprehensible conduct of Ms Rosemary Follett, Mrs Grassby and Mr Whalan in relation to statements made concerning the Legislative Assembly, the future of Northbourne Flats and the future employment of staff of the Canberra Tourist Bureau respectively".

**Mr Moore:** On a point of order, Mr Speaker, that negates the motion.

**MR SPEAKER:** Your objection is overruled, Mr Moore; it is an alternative proposition. Please proceed, Mr Jensen.

**MR JENSEN:** I thank you for your ruling, Mr Speaker. As my colleagues continue with this discussion this afternoon, I think it will be quite clear where the true fault lies in these matters. Here we see a previous Minister, Mrs Grassby, seeking to worry tenants unduly for purely cynical political reasons. We see the same thing in relation to the Leader of the Opposition, who has sought to worry unduly people working in the ACT Public Service, claiming that they will all be sacked unreservedly; that thousands of people will be sacked from the Public Service. What a lot of garbage! What incredible statements have been made by the Leader of the Opposition. We also saw her making some comments - - -

**Ms Follett:** On a point of order, Mr Speaker, what is the relevance of Mr Jensen's remarks?



**MR SPEAKER:** Mr Jensen is addressing the amendment and all members are entitled to speak to the amendment.

**MR JENSEN:** Mr Speaker, in another incident recently we saw once again the sort of misleading, mischievous statements made by members opposite. Ms Follett continued with the fiasco of implying that the Kaine Alliance Government would use \$30m out of the current budget - - -

**Mr Moore:** I raise a point of order, Mr Speaker, under standing order 140. I believe the amendment is not relevant to the question which it proposes to amend.

**MR SPEAKER:** I have ruled on that, Mr Moore. Please proceed, Mr Jensen.

**MR JENSEN:** Ms Follett implied clearly that the Kaine Alliance Government would spend \$30m on the VFT project out of the current budget. That was quite clearly a fabrication. I will let others address the comments made by Mr Whalan in relation to the Canberra Tourist Bureau. However, I will refer to some of the statements made by Mr Whalan in relation to the Tuggeranong swimming pool. At the time Mr Whalan was making statements that were clearly at odds - - -

**Mr Berry:** I rise on a point of order. I have to persist with standing order 140. This matter must be reconsidered on the basis of relevance.

**MR SPEAKER:** I take your point, Mr Berry. I will take advice on this and give you my ruling in a moment.

The situation is that this is a censure motion and the alternative is now a censure motion on different people. Therefore, we are still addressing a censure motion - - -

**Mr Whalan:** No. I take a point of order, Mr Speaker. It is a censure motion in relation to specific issues. The alternative proposition refers to the Legislative Assembly, the Northbourne Flats and the future employment of the staff of the Canberra Tourist Bureau. I cannot see anything about the Tuggeranong swimming pool in there anywhere. I would appreciate someone in the Government taking an interest in that pool, but it is certainly not mentioned in this motion.

**Mr Moore:** Mr Speaker, if you are to be seen to be independent you must reconsider this.

**MR SPEAKER:** Thank you for that advice, Mr Moore! Mr Jensen, please proceed.

**Mr Kaine:** You know what will happen if you keep this up!

**Mr Moore:** What kind of a physical threat is that? I am quite happy to go out and let you hit me if that is what you want, if you think that resolves it.

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**MR SPEAKER:** Order, Mr Moore! Would you please desist. I warn you, Mr Moore. You must not insist on talking over me. I would ask members of the Government to address their comments more closely to the original motion.

**Mr Moore:** Mr Speaker, may I seek a clarification of your ruling? Does that mean that this amendment of the motion is to be withdrawn?

**MR SPEAKER:** Certainly not, Mr Moore. Please proceed, Mr Jensen.

**MR JENSEN:** Mr Speaker, I apologise for getting a bit carried away and referring to Tuggeranong in relation to this matter. It was just one of the things that kept popping into my mind when I was talking about this sort of misrepresentation that had been made in the past by members opposite.

During her remarks Ms Follett made some comments about a media release from me relating to the Northbourne Flats. That media release was put out at the time to ensure that there was a clear indication out there in the community that any proposition whatsoever to make any changes to the Northbourne Flats or any other part of those areas would have to go through a very long and involved process.

It was almost as if Mrs Grassby were suggesting that the bulldozers were revving up outside the Northbourne Flats ready to roll tomorrow. That was the sort of implication. Clearly, it was appropriate at the time for me to produce a press release that shot that sort of argument down in flames. What I said was that the current land use policy for the site of the Northbourne Flats is residential and that any proposal to change that use to commercial must go through a long process of public consultation. (Extension of time granted)

I do not have much more to say so I will continue briefly. I said that the consultation procedures were set out in the ACT Planning and Land Management Act which can only be amended by Federal Parliament. As we know, there is a Federal election at the moment, so it will be some considerable time before any amendment is made to that. Certainly that is the case if the degree of interest shown by previous Federal parliaments in matters related to the ACT is any indication - particularly when we had five Ministers being advised by one of the members opposite. We soon saw the sort of interest that they took in the ACT affairs.

However, I digress slightly. I went on to say that since the ACT's own planning legislation, which already has been tabled, will also provide for the preparation and declaration of the Territory plan, which must not be inconsistent with the National Capital Plan, there are double hurdles facing any development proposal.

What I was clearly trying to indicate to the people of the Northbourne Flats was that any suggestion that the bulldozers were revving up ready to roll was a clear fabrication and a figment of the imagination of Mrs Grassby. My press release concluded with the statement that by continually making wild and unfounded claims on the sale, Mrs Grassby was indulging in political terrorism of the worst kind, with government tenants caught in the crossfire.

I pointed out that, after all, the only sales of government housing approved since self-government were by Mrs Grassby as former housing Minister. I wondered whether the Federal election had anything to do with such irresponsible silliness.

In my closing comments in relation to Mrs Grassby, let me just refer to a letter that was published in the Canberra Times on Saturday, 3 March 1990. The letter was signed by Janet J. Moore from Scullin. I will read it into the Hansard so that members can understand the sort of concern that has been caused by the kind of irrational statements being made by Mrs Grassby. The letter says:

Just what does Ellnor Grassby think she is about?

I was at a community group with other community workers, near Northbourne Flats, on Monday, February 26. I was approached by a number of extremely distressed residents, Ellnor's letter in hand.

The residents of the Northbourne Flats really have enough to deal with without the added stress caused by someone who appears to be trying to score political points at others' expense.

I feel a public apology, at least, is in order.

I hope that at some stage during the proceedings this afternoon Mrs Grassby will take the opportunity offered to her by the Assembly this afternoon to give a clear, unequivocal apology to the people of the Northbourne Flats for her reprehensible behaviour in this arena.

**MR WHALAN** (4.09): Mr Speaker, I address my remarks not to the amendment because I will seek to rise later to speak to that, but to the substantive motion.

**A member:** You cannot do that!

**MR WHALAN:** You are not in the chair yet. I do not know when you are going to throw the Speaker out, but it is not today. The question that is before this chamber has nothing whatsoever to do with Dorothy Dixers; it has nothing whatsoever to do with the personal insults which have been resorted to in his defence by the person who is

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the subject of this motion. The only defence that he has relied upon is personal insult. It has nothing whatsoever to do with the firm of Civil & Civic; it has nothing whatsoever to do with Mrs Grassby. It has nothing whatsoever to do with the Tuggeranong swimming pool even. What the nub of this motion has to do with is an allegation that the Attorney-General, the chief law officer of the ACT, has lied to this Assembly. That is the allegation and that is how serious this matter is.

The fact is that the issue before this Assembly has got nothing whatsoever to do with the red herrings that the people opposite have sought to pursue in an effort to divert attention from this serious allegation - a scandalous situation that the Attorney-General should lie to this Assembly. I might add that this has got nothing to do with ministerial responsibility. I took the trouble to read some of the debate which occurred the last time that a censure motion was moved in this Assembly in relation to myself. That motion was moved by Mr Jensen, and on that occasion the present Attorney-General and chief law officer of the ACT spoke at some length about ministerial responsibility. That was about the accountability of Ministers for the decisions or actions of the public servants who are responsible to them, and that is quite an important principle in the Westminster system, but this particular allegation, that Mr Collaery lied to this Assembly, has nothing to do with ministerial responsibility.

**MR SPEAKER:** Order, Mr Whalan. I bring to your attention standing order 275, which refers the Assembly to the House of Representatives Practice in a situation where standing orders do not cover issues before the house. I will read to you page 469 of the House of Representatives Practice:

When an amendment has been moved, and the question on the amendment proposed by the Chair, any Member speaking subsequently is considered to be speaking to both the original question and the amendment and cannot speak again to the original question after the amendment has been disposed of.

**MR WHALAN:** The question of ministerial responsibility is not at issue on this occasion. There are no words or actions on the part of a public servant that this Attorney, this chief law officer of the ACT, can hide behind. The words on which he hangs are the words which came from his own mouth in this chamber. That is the indictment of this man, the Attorney-General. That is the proof that he lied and misled this Assembly. I take you, Mr Speaker, to the Hansard of 20 March at page 16, when Mr Collaery was answering the question from Ms Maher about the issue of the Northbourne Flats. Quite clearly it is there in black in white.

**Mr Collaery:** What?

**MR WHALAN:** What Mr Collaery said is clearly there in black and white. Mr Speaker, you may have heard the interjection from Mr Collaery, but what Hansard will not report is the rather extraordinary grin that he continues to sport on his face on this occasion. This demonstrates his agitation. I will not resort to the insults of individuals that are the trade of this person. Mr Speaker, on page 16 you will see the reference there of a document that Mr Collaery indicates he will table. He also said he was going to table the document in the Assembly here today. To the best of my knowledge, it has not been tabled yet. Has it been tabled, yet, Mr Speaker?

**Mr Moore:** No, he is probably lying about that as well.

**Mr Collaery:** I raise a point of order, Mr Speaker. Mr Moore interjected and said that I was probably lying about that also. He constantly does that, Mr Speaker, and you do not seem to hear him. It is becoming quite offensive to the members on this side of the house. He is a disgrace to the Assembly and he continues to be so.

**MR SPEAKER:** Thank you, Mr Collaery. I would point out to members that I try to listen to the speakers and I wish that interjections and asides would cease. Mr Moore, if you did say that, which I did not hear, would you please withdraw it immediately? Withdraw it.

**Mr Moore:** Mr Speaker, I would be delighted to withdraw it if Mr Collaery, in turn, would be prepared to withdraw the statement that he just made to you that I am a disgrace to this Assembly. I think that is far more inappropriate, considering that the censure motion we are talking about relates to whether he is a liar. I just reinforced that idea.

**MR SPEAKER:** Thank you, Mr Moore. I will take that as an unequivocal withdrawal.

**Mr Kaine:** Oh, Mr Speaker! It was not unequivocal in any way.

**MR SPEAKER:** Mr Moore withdrew the statement he made to Mr Collaery as an aside. I do not accept that the statement made by Mr Collaery needs to be withdrawn because anybody making an unparliamentary statement obviously is as described by Mr Collaery.

**Mr Collaery:** On a point of order, Mr Speaker, I do point out, though, that his condition will get worse if he is allowed to continue.

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

**MR WHALAN:** I can understand Mr Moore's spontaneous sort of interjection, based on Mr Collaery's reputation, Mr Speaker. When we refer to page 16 of the Hansard we see the

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manner in which the Attorney-General deliberately and wilfully misled this Assembly in a vain effort to slander another member of this Assembly. Yesterday, by way of personal explanation, the actual terms of the letter were read into the Hansard and that was a very important insurance on the part of the Opposition. Previously it was tabled, but never incorporated into Hansard.

**A member:** It was tabled.

**MR WHALAN:** It was tabled but never incorporated in Hansard. It has now been read into Hansard and it will be there for posterity, which is where it belongs. It is in that letter, read in conjunction with the statements made in the Assembly on 20 March, that we see the condemnation of the Attorney-General and the evidence of the manner in which he wilfully and deliberately misled this Assembly.

This is an important motion because it is consistent with techniques which this person has used in the past to seek to destroy the character and reputation of people within this community. On this occasion he relied upon a letter, drew inferences and encouraged this Assembly to draw inferences from that letter. On any reading of that letter and on any reading of the words which Mr Collaery spoke, no fair person in our community could come to any conclusion other than that this man deliberately and wilfully set out - - -

**MR SPEAKER:** Order! Your time has expired Mr Whalan.

**Mr Berry:** I move that Mr Whalan be granted an extension of time.

Leave not granted.

#### **SUSPENSION OF STANDING AND TEMPORARY ORDERS**

**MR WHALAN (4.19):** I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Whalan from speaking for a further five minutes.

**Mr Kaine:** I move the motion be put, Mr Speaker.

**MR WHALAN:** No! This is the gag. We did not object to Norm Jensen's getting extra time because of the interjections. He was given extra time. This is how biased this whole place has become.

**MR SPEAKER:** Order, Mr Whalan!

**MR WHALAN:** You are manipulating this place to suit your own purposes. A lying Attorney.

**MR SPEAKER:** Please, Mr Whalan! Order!

**Mr Collaery:** On a point of order, Mr Speaker, that was not a comment addressed to the motion. That was a comment made in the house and I would ask that the member be reprimanded and that he withdraw it.

**MR SPEAKER:** Thank you, Mr Collaery. I ask you to withdraw that comment, Mr Whalan. It was not addressing the motion before the house. The motion is for you to extend time; therefore you are not addressing the motion. Would you please withdraw that comment?

**MR WHALAN:** Yes, I withdraw it. In speaking to my motion in support of suspending standing orders, could I draw to the attention of the chamber that the censure motion is the most important motion which has been before this Assembly this year? This motion is before the Assembly because of the reprehensible circumstances which gave rise to its being moved. In fairness, when Mr Jensen was subjected to a number of interjections and points of order, mainly from his own side, we agreed to an extension of time for him. I might add that time was also taken up when, halfway through his speech, Mr Jensen moved an amendment. The appropriate time for him to move it was at the beginning of his speech.

In view of those circumstances, we agreed that Mr Jensen should be given an extension of time so that he could continue his comments on this motion. I believe that this motion is so fundamentally important that that was a right that should have been given to Mr Jensen and we gave it generously, Mr Speaker. We gave it generously and then we were rewarded by this sort of behaviour. Not only are we denied an extension of time so that I can have a few moments to complete my comments on the motion and the amendment to the motion but also the Chief Minister - - -

**Mr Collaery:** On a point of order, I do not believe the member is addressing the issue, but I wish to inform the house that we do not object to this gentleman having five more minutes to address the motion.

**MR SPEAKER:** Mr Whalan, do you wish to withdraw your motion?

**MR WHALAN:** In that case, I seek leave to withdraw my motion for the suspension of standing and temporary orders.

Leave granted.

**MR WHALAN:** I thank all members of the Assembly; it is most gracious of them to give me the extra time. I think it is only fair and it does acknowledge the importance of this issue. What we have seen is an understandable defensive reaction of the pack around Mr Collaery. This is quite normal, and I am sure the psychologists would have an explanation for the type of protective behaviour that we have seen demonstrated by members on the other side.

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However, I know that they are embarrassed by Bernard's actions on many occasions and they are particularly - - -

**MR SPEAKER:** Order! Mr Collaery, not Bernard, please.

**MR WHALAN:** I am sorry - Mr Collaery. They have been embarrassed by the Attorney-General's behaviour in the past and no doubt they will be in the future. But on this occasion they have closed ranks around him in a protective manner and the pack will be loyal. But that does not get away from the fact that the community must understand the circumstances of the motion which is before us today.

There is no point in throwing up a smokescreen by saying that Rosemary Follett has claimed that \$250,000 will be spent on the Assembly; it is no good throwing up a smokescreen by saying that Ellnor Grassby has acted immorally or irresponsibly in properly alerting the people of the Northbourne Flats to the threat that they were exposed to. As for the future employment of the staff of the Canberra Tourist Bureau, I can tell members that the only reassurance that they have had about their jobs is one from Mr DUBY. What is that worth?

The conclusion that the people in the flats came to when they expressed their concerns to Ellnor Grassby was justified because of the statements which were made by the Alliance Government. I have here the Alliance Government policy - your policy, Mr Speaker, the one you signed - which says:

We will examine the gradual redevelopment or relocation and improvement of some older public housing, for example, Northbourne Avenue Flats.

**Mr Jensen:** On a point of order, Mr Speaker, Mr Whalan is saying that document is signed, when in fact it is not.

**MR WHALAN:** Are you saying that it has got no credibility?

**Mr Jensen:** Mr Whalan indicated that the document was signed by the Speaker - - -

**MR SPEAKER:** Order! You are debating the issue.

**MR WHALAN:** I withdraw the imputation. In his speech, which was an important point in his contribution here, Mr Jensen referred to his press release of 8 March when he spoke about the processes that would be involved in a change of lease purpose clause; in other words, a change of use. I would like members to contrast that with Bernard Collaery's statement in the Canberra Times of 27 February, because there is a contradiction, an important fundamental difference. Bernard said that it was possible that sections of the flats would be demolished and new flats built. That is the important difference. You would not need a change of land use to achieve that objective and he understands that. There would be no need for a change of



land use. You could build expensive, quarter of a million dollar flats that would appeal to wealthy people who like to live close to the city on a major thoroughfare. That was precisely what was possible; it was a reasonable interpretation of Alliance policy.

In conclusion, let me say one thing: the facts are there; Mr Collaery is damned by his own words; he must resign.

**MR KAINE** (Chief Minister) (4.27): This has been a fascinating debate, but we could have been doing something useful. It is interesting that the members opposite always talk about doing useful business in this house and when it is necessary for us not to meet on a Tuesday night they bring up all the useful things that we should be doing in that time. Yet today we are wasting half a day of the Assembly's time discussing this absolutely trivial, ridiculous motion from the Leader of the Opposition. Quite frankly, I thought she was more responsible than that.

I have been listening to words about reprehensible behaviour, about slurs, about the good name of this Assembly. The simple facts are that the Leader of the Opposition and her motley crew, who are still stinging from losing government three months ago, have deliberately set out on a campaign to misrepresent and distort the intentions of this Government.

**Mr Moore:** It is Collaery who has been misrepresented and distorting.

**MR KAINE:** Mr Speaker, do I have to speak over the top of this man? Can you not control him?

**MR SPEAKER:** Order, Mr Moore! Please desist.

**MR KAINE:** I have just been jotting down matters on which the Leader of the Opposition or members of her motley crew have deliberately misrepresented us over the last three months, and five of them have just come to mind, without any research whatsoever. The first time was when the Leader of the Opposition said that the Chief Minister was going to fire 3,000 public servants. I never said that: there is no evidence anywhere - written or oral - that I ever made any such statement, but the Leader of the Opposition - - -

**Ms Follett:** On a point of order, Mr Speaker, I do not believe that Mr Kaine's comments are relevant to either the motion or to the amendment.

**MR KAINE:** They are quite relevant.

**MR SPEAKER:** Order! Ms Follett, your objection is overruled. The Chief Minister is addressing the amendment.

**Ms Follett:** No, Mr Speaker. The amendment states that my "reprehensible behaviour" relates to the Legislative Assembly.

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**MR KAINE:** It talks about the reprehensible conduct of Ms Rosemary Follett and I am talking about the reprehensible conduct of Ms Rosemary Follett. She deliberately misrepresented the position in an attempt to destabilise the Public Service. That was the only intent behind what she had to say at the time.

Secondly, Ms Rosemary Follett talked about my giving \$30m to the consortium connected with the VFT project at the expense of the aged, the disabled, the frail and the sick in this community. That is not true and you know it to be not true. That is not what I said. That is not what the report from which I was quoting said and I have referred you to it several times. That is scaremongering, reprehensible behaviour - putting the fear of God into people that the money that is currently available for the poor, disabled and frail in this community is going to be thrown away by this Government for some other purpose. You know that not to be true, but you have misrepresented it as being true. It is reprehensible behaviour and you will be condemned for it when this debate is over.

Third point: that the Kaine Government is spending tens of thousands of dollars on upgrading the House of Assembly, according to Ms Follett. You know that not to be true. You know that in no way was I involved in any such proposal, but it does not prevent your saying it to your pet newspaper, the Public Eye. It gets you a headline. It does not matter that you misrepresent. It does not matter that you distort the truth. You will say anything, any time, to get a headline and then deny that you said it.

Point four: Collaery will virtually bulldoze Northbourne Flats - that is the intent. You only have to read from the series of letters to know that that is a total distortion of the truth. Mrs Grassby said on 22 February, "I have discovered moves by the Liberal-Residents Rally coalition to sell Housing Trust flats along Northbourne Avenue". She discovered no such thing. That was a lie - since we are on about lies.

On 26 February, Mr Collaery wrote and said unequivocally, as has been referred to before, "I assure you that the Government has absolutely no intention of selling any government flats, including those along Northbourne Avenue". Despite that, on 2 March Ellnor Grassby wrote again and said -  
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Debate interrupted.

## ADJOURNMENT

**MR SPEAKER:** Order, Mr Kaine. It being past 4.30 pm, I propose the question:

That the Assembly do now adjourn.

**Mr Collaery:** Mr Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

**DEPUTY CHIEF MINISTER**  
**Motion of Censure**

Debate resumed.

**MR Kaine:** Despite that exchange of correspondence, on 2 March Mrs Grassby writes again and says that her letter has brought an amazing response from Mr Collaery and his answer is not good enough. How equivocal is equivocal and why is his letter amazing? This is a gross distortion because she then goes on and says, and continues to say, that the Government is selling these flats. This is reprehensible behaviour that deserves to be condemned.

Finally, we get down to the Tourist Bureau where Mr Whalan, the self-righteous Mr Whalan, writes to every employee of the Tourist Bureau and says, "The Kaine Government is going to fire you all". This is totally untrue, totally ill-founded and has absolutely no truth to it. It is an attempt to destabilise public servants who, of course, are now worried about their jobs.

What is the pattern behind all this, Mr Speaker? The pattern is that this motley lot across the road here have set about creating a scenario with no facts and a total distortion of the truth. They have caused people out there to become concerned about their jobs, about their livelihood, about their home; they have caused that discontent and concern then they have come back and said to the Government, "Justify yourself. And if you don't, you are reprehensible. You wilfully and deliberately mislead".

Now who is wilfully and deliberately misleading? The motley lot of cream puffs on that side of the house are the ones who are wilfully and deliberately misleading.

**Ms Follett:** On a point of order, Mr Speaker; I regard cream puffs as an unparliamentary expression.

**MR SPEAKER:** Objection overruled. Please proceed, Mr Kaine.

**MR Kaine:** They are very sensitive, are they not, Mr Speaker? Very sensitive indeed when they are on the receiving end of the attack. I withdraw it, but they really are anyway. So, Mr Speaker, we have this absolutely reprehensible behaviour for which members of the Assembly deserve to be condemned and they will be when this debate is over.

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The suggestion in this motion that the Attorney-General is unable to discharge his material obligations in a fitting manner is simply and utterly a lie. The Attorney-General performs his responsibilities as a Minister extremely well, better than any of the ex-Ministers on the other side, and that includes the former Chief Minister. He discharges his responsibilities totally to my satisfaction and beyond and there is no way that any request from the Opposition for me to remove him from office is likely even to get a hearing. It is utterly ridiculous and reprehensible to suggest it.

Finally, somebody on the other side of the house said, "This debate will reflect badly on this Assembly". No, it will not. This debate will reflect badly on those who brought it forward in the first place. Those who moved this reprehensible motion, they alone will bear the odium that comes from this debate.

The people out there in the electorate are not interested in this kind of personal denigration, whether it is on the floor of this house or anywhere else. If you people from the Opposition believe that you can throw this mud, carry on this smear, carry on this distortion of the truth, talk about wilful and deliberate misrepresentation when you yourselves are guilty of it, and that you can then walk away clean yourselves, have another think. You are not going to, and you will bear the odium of this debate.

**MR COLLAERY** (Attorney-General) (4.37): Mr Speaker, I am addressing the amended motion. I think the Chief Minister catalogued our response and that response, of course, points to the credibility of those opposite us. Credibility is an important issue here and clearly if this Opposition wanted to test me out, they would ask me some questions as to how I discharge my functions as Minister. I would again emphasise that not once have they asked me a question without notice. If, during question time, I ask Ms Maher, my colleague, to ask me a question so I can further elucidate an issue of public interest, they attack me for that short, framed dorothy dix. I believe that democracy is at a low ebb and their perception of it is very low, too.

The fact is that it is only a few weeks since the Leader of the Opposition asked my colleague the Chief Minister whether I was running "a luxurious law practice". I was not running that law practice. There was a young man in there, and in my view it was no coincidence that the plate glass window was broken a couple of days later. I do not suggest that anyone opposite me or present here is responsible. It was very sad that that happened and he has now moved from the premises.

I believe that those issues need to be approached a lot more carefully in future from the Opposition side. Clearly what you are saying to me and what you propose to write around the country is that I am a lying Attorney-General.

Whilst I am remaining in this office that does not help the ACT itself to discharge its functions interstate. Clearly there is political gamesmanship, although I would much rather have seen us put through the Clinical Waste Bill today.

Whilst we had in mind to move after those important matters had been dealt with - after, I stress - a motion deploring these reprehensible activities of the Opposition, it is unfortunate that this sham censure motion was advanced before good business. I suggest, Mr Speaker, you must consider the effect this has on others in the house, and in particular Mr Moore. I suggest that, though he has lot of angst, he should consider again whether a lot of his conduct does much for the image of this Assembly. The reprehensible conduct outlined by the Chief Minister really should include moving the motion today and a number of comments made during that motion suggesting that I have malice and that I have maliciously set out to discharge my functions in a manner that does not befit it.

Whilst all these matters were going on I have agreed on some paperwork - just to give an example of the workload that we Ministers have - that we not intervene in some High Court proceedings at the moment. The fact is that we are working very hard on this side of the house and the reprehensible conduct that is thrown at us, the diversions each morning when we have to respond through the media to the most bizarre and outrageous news grabs that they go for, are really troubling. For some of us it starts early in the morning when we have to talk down the issues that this bunch raise. What it means is that the people of the ACT will question what we are doing for them. Quite frankly, if I showed some excesses of forensic zeal in early days, I can assure the house - as I did some months ago when we took Government - that I regret some of that excess and that I am putting my mind to the task. I believe that the Opposition, particularly Mr Whalan, has not given me the credit for that statement.

When I say reprehensible, I believe it is that type of conduct which results in undue public alarm. For Mr Whalan during debate to raise again the spectre that we might redevelop Northbourne Flats was most regrettable, and I trust that the media will be responsible with that matter because they themselves have seen the developments going on at Northbourne Flats. True to our Alliance policy there have been conversions of the laundry areas to disabled ground floor flats. We are not likely to have spent the \$400,000 or \$500,000 involved in that task were we minded to sell the premises and otherwise demolish them. It was truly reprehensible for Mrs Grassby to run this issue. I note that she has not yet spoken in this debate and I believe that is extremely significant.

Mr Speaker, I invite her to speak to this debate. I believe that the public are entitled to hear Mrs Grassby and I believe the public are entitled to hear an apology

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from Mrs Grassby. I believe the staff of the Tourist Bureau are entitled to have an apology from Mr Whalan. I believe the Chief Minister is a man of integrity and is entitled to have an apology for the slur that the poor people out there have cast upon him, that he is seen to be feathering our nest here with \$250,000 worth of work in the Assembly. That article that the former Chief Minister put on us was a slur on us all, I believe. I truly believe that if it is at all possible we should start again in the next sitting with some sensible work in this Assembly.

**MR MOORE** (4.43): It is very ironic that Mr Collaery should sit up here holier-than-thou now and talk about undue public alarm - this coming from Mr "corruption" Collaery himself.

With reference to this amendment, because that is what I am speaking to, I find on reading the original motion that I must read the first sentence as a sentence:

That this Assembly censures the Deputy Chief Minister, Mr Collaery, for:

and after the colon are a series of qualifications. Then I look to the amendment and I see that all the words are omitted after "Assembly" and then we get in something that is totally irrelevant to censuring the Deputy Chief Minister, Mr Collaery.

When I go back to standing order 140, I read that every amendment must be relevant to the question which it is proposed to amend. So to be relevant to the question which it is proposed to amend, it must in some way deal with the censure of the Deputy Chief Minister, Mr Collaery. We do not read English by splitting up sentences. The whole notion of English is that we use punctuation to split up sentences. If you were to split the sentence at the comma after the Deputy Chief Minister there could be some argument, although there the double commas are used as a qualification. It would be far more logical to split the sentence at the colon. For that reason this particular amendment is totally unacceptable according to our standing orders. For those of you who would go to parliamentary practice, it is also irrelevant to look at that because standing order 275 provides:

Any question relating to procedure or the conduct of business of the Assembly not provided for in these standing orders or practices -

"Not provided for" - but this is provided for. Standing order 140 provides for it and provides clearly that this amendment is not acceptable, Mr Speaker. For you to rule any other way is unacceptable to me, to say the least. It is clearly from a point of logic, from a point of English - - -

**Mr Jensen:** On a point of order, Mr Speaker; standing order 55 - Mr Moore is clearly reflecting personally on your ruling. He is making a personal reflection on your ability, Mr Speaker.

**MR SPEAKER:** Thank you for that observation, Mr Jensen. Your objection is upheld. Please debate the issue before the house. I will ask you to give me lessons on English later, Mr Moore, thank you. Please proceed.

**MR MOORE:** Mr Speaker, it is critical to this censure motion that it is unacceptable as part of it. It is critical to the workings of this house that we work by the standing orders. It is critical to this house that you be seen to be independent. We saw a series of questions at question time, not coming from myself, I might add - - -

**MR SPEAKER:** Order, Mr Moore. Please get to the discussion before the house. You are now diverting into question time.

**MR MOORE:** Mr Speaker, this motion was to censure the Deputy Chief Minister. This amendment has nothing to do with the censure of the Deputy Chief Minister and I would ask you to reconsider the standing order. I will raise it now as a point of order in the middle of my speech. On my feet, I raise the point of order that this amendment has no relevance whatsoever, Mr Speaker. If you are to retain the respect of this house you must reconsider this particular matter. That is the point I am trying to raise as strongly as I possibly can without disrespect to the Chair. I am asking you to reconsider it because this is not relevant and it is not acceptable and it has nothing to do with parliamentary practice that may have been referred to before. That is why I am bringing that point, Mr Speaker.

I have made the points that I wish to make about the reasons for censuring the Deputy Chief Minister. The tactic used by this Government when they are cornered, when they realise something is wrong, has always been a tactic of Mr Collaery's and he has got his colleagues working on the same tactic - if you find that you have made a mistake and you are cornered, you attack. All we have got here is an attack on other people whereas what he should face is the fact that he tabled a document that was totally irrelevant.

It had nothing to do with it. It had nothing to do with the situation and he used that as a method to mislead the house to lie. That is what this is about. We have somebody here who is lying to the house and that is what the censure is about. It is about lying to the house, not lying to anywhere else, not misrepresenting - lying to the house. That is what we are speaking about.

**Mr Jensen:** I rise on a point of order, Mr Speaker. I am sorry to interrupt, but I would suggest that Mr Moore is not dealing with the amendment. He is dealing with the motion again.

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**MR SPEAKER:** Yes, thank you, Mr Jensen. You have spoken to the motion, Mr Moore. You are speaking to the amendment.

**MR MOORE:** No, I am speaking to the amendment, Mr Speaker, I said that the - - -

**Mr Kaine:** The amendment has got nothing to do with Mr Collaery.

**Mr Jensen:** It does not even mention Mr Collaery, Mr Moore.

**Ms Follett:** That is why it is irrelevant.

**MR MOORE:** That is why it is irrelevant. That is the whole point I am trying to make and - - -

**Mr Kaine:** You are being irrelevant. You are also being tedious and repetitious.

**MR SPEAKER:** Order!

**MR MOORE:** Mr Speaker, I believe the Chief Minister has raised a point of order.

**Mr Kaine:** Yes, I said you are being tedious.

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

**MR MOORE:** Are you going to control that man?

**MR SPEAKER:** Order, Mr Moore, for goodness' sake. You of all people - please proceed.

**MR MOORE:** For this cornered group to group as they are, what they have to do now is to make sure that at no stage they break their grouping. They have to hold together because if the thinnest little wedge appears on an outwardly basis - they have got so many divisions within them - that if there is an outward sign of it, the whole thing might crumble, so there is never any possibility for them to express their own opinion or to do any of those things. None of these things refer to me at all. I am not threatened by them. I do not feel worried by them at all because they do not refer to me in the slightest. What I have seen is a situation about Mr Collaery that is intolerable, and that is the particular situation that I wish to draw attention to and that is relevant. You must ensure that we retain the relevance, Mr Speaker, so that you retain the confidence of the opposition and so that you retain the confidence of the house.

**MR SPEAKER:** Mr Duby, would you just remain seated for a moment. I am trying to decide on some of the debate.

**Mr Duby:** Certainly.



**MR SPEAKER:** Again, I come back to my original statement, Mr Moore. It is quite common practice, within the House of Representatives, to put a proposed alternative to a censure motion. This is exactly what has happened here. Please proceed, Mr DUBY.

**Mr Moore:** I raise a point of order, Mr Speaker. Standing order 275 says that any question relating to the procedure or the conduct of the business of the Assembly not provided for in these standing orders goes to the House of Representatives. We do not want the House of Representatives; we are not interested in what is provided for there.

**MR SPEAKER:** Order, Mr Moore. I warn you. You are now on warning. If you come out with another outbreak like that, causing dissension with my ruling, which I have been voted by this Assembly to do, you will be asked to remove yourself. The point is that I have to take the decisions. If at times I make incorrect decisions, or I make decisions that do not appeal to you personally, you will please remain seated, see me in my chamber later, and I will discuss the matter at length with you. All of us are not infallible, as you appear to be. Please proceed, Mr DUBY. Do you have a point of order, Mr Berry?

**Mr Berry:** I was going to move a motion to adjourn the debate on this - - -

**MR SPEAKER:** Well, are you or are you not?

**Mr Berry:** Well, I will.

**Mr Kaine:** No, you are not.

**MR SPEAKER:** We will move on the motion, please.

**Mr Berry:** Well, the reason I - - -

**MR SPEAKER:** No. Will you move the motion? You do not have permission to speak unless you move a motion.

**Mr Berry:** I move that debate on this matter be deferred until such time as a legal opinion is sought in relation to the relevance of standing order 275, and the application of standing order - - -

**A member:** Point of order!

**MR SPEAKER:** No, I take one point of order at a time.

**Mr Berry:** It is a motion.

**Mr DUBY:** Well, it is not a point of order, Mr Speaker. Clearly, this motion is in direct contravention of your ruling.

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**MR SPEAKER:** No, he is moving a motion. Sorry, I apologise to that. That was an incorrect ruling on my behalf. A point of order can be made. Please proceed, Mr DUBY.

**Mr DUBY:** Clearly this motion is a direct contravention of your ruling. You have already ruled on this matter, Mr Speaker.

**MR SPEAKER:** Yes, thank you. Do not debate the issue. The motion is before the house. The question is that the motion be agreed to. All those of that opinion say Aye. The motion is from Mr Berry, that the debate be concluded.

**Mr Moore:** No, Mr Berry is still speaking to it. Mr Berry is now speaking to it.

**Mr Jensen:** No, that was not what he said. That is not what he said at all.

**MR SPEAKER:** This is a motion to adjourn the debate. That motion is not open to debate. Therefore, I put the question that the debate be adjourned.

Question resolved in the negative.

**Mr Berry:** Mr Speaker, with respect, that was not the motion that was before the house.

**Mr Kaine:** It was that you move the adjournment of the debate.

**Mr Berry:** Well, no, the motion that was before the house was that the debate on this matter be adjourned, so that a legal opinion - - -

**MR SPEAKER:** Thank you, Mr Berry. Please regain your seat.

**Mr Berry:** Well, just make sure that it is all on the record.

**MR SPEAKER:** That is exactly what you said, Mr Berry. Please return to your seat.

**MR DUBY (Minister for Finance and Urban Services) (4.54):** Mr Speaker, they are running scared. The debate this afternoon is a clear indication of the absolute ineptitude of the people on the other side of the house, and there is the absolute waste of public resources which we have seen today. There is business in the Assembly. We heard them bleat loud and long when, for various reasons, members of the house and key members of the Government were unable to attend the Assembly on Tuesday evening; we heard them bleat that there was work to be done. There were things to be done on behalf of the people of the ACT. What have we got today? We have got a clear and complete asinine waste of time.

The original motion that was moved by Ms Follett attempted to censure the Deputy Chief Minister, Mr Collaery, for the tabling of correspondence in this Assembly which wilfully and deliberately misled this Assembly in relation to the redevelopment of the Northbourne Flats. This stemmed, I believe, from the answer to a question which was asked of Mr Collaery on Tuesday, 20 March 1990. They have - - -

**MR SPEAKER:** Order. Mr Whalan, I draw your attention to standing order 40. You have been warned. I now name the member. You have been warned. I put you on warning before. You are named.

**Mr Moore:** I move the motion be put.

**MR SPEAKER:** There is no motion. A Minister may now move on my naming.

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

That Mr Whalan be suspended from the service of the Assembly.

**MR SPEAKER:** I put the question. There is no amendment possible.

**Mr Whalan:** Can I move an amendment that includes the words that you perceived that I failed to bow to you, that you have taken this action because - - -

**MR SPEAKER:** Order, Mr Whalan! You do not have leave to speak. The member has been named. The motion is before the house to remove him from the Assembly. The Speaker puts the question without amendment, and no debate is allowed.

Question put:

That Mr Whalan be suspended from the service of the Assembly.

A call of the Assembly having commenced -

**Mr Whalan:** I cannot make up my mind, but I think I will say that I will keep you in suspense. Oh, Mr Speaker - - -

**MR SPEAKER:** Order, Mr Whalan.

**Mr Whalan:** Mr Speaker, what standing order am I breaching at the moment?

**MR SPEAKER:** All of them; please proceed.

**Mr Whalan:** Is there a standing order that says I have to make up my mind quickly or slowly - - -

**MR SPEAKER:** You do not have the floor to debate, thank you.

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**Mr Whalan:** No.

The Assembly voted -

AYES, 9

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

NOES, 6

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

Question resolved in the affirmative.

**MR SPEAKER:** Mr Whalan is now suspended under standing order 204 for a period of three sitting hours.

**Mr Whalan:** May it be recorded in Hansard that as I left the chamber I bowed and grovelled to the Speaker.

**MR SPEAKER:** Thank you, Mr Whalan. I would suggest you do not try that one again or you will get a second term.

**Mr Whalan:** Would you look at me while I bow, Mr Speaker.

**MR SPEAKER:** Thank you, Mr Whalan.

Mr Whalan was, therefore, suspended at 5.03 pm for three sitting hours under standing order 204, and he accordingly withdrew from the chamber.

**MR DUBY:** Mr Speaker, I am most disappointed that my very illuminating and elucidating speech has been interrupted, but I shall adjourn at this stage to my leader.

**MR KAINE** (Chief Minister): I was going to move, Mr Speaker, that both the amendment and the motion be now put.

Question put and agreed to.

**MR SPEAKER:** The question is that the amendment be agreed to. The Ayes have it. The question now is that the motion - - -

**Mr Moore:** Mr Speaker, the Noes have it.

**Mr Kaine:** Call a division.

**Ms Maher:** You are a bit late there.

**MR SPEAKER:** Ring the bells.

**Ms Maher:** One No.

**Mr Duby:** Mr Speaker, on a point of order; surely he means the No has it.

**MR SPEAKER:** Order! On this occasion it is quite obvious that the Ayes have it.

**Mr Moore:** Mr Speaker, I have called a division.

**MR SPEAKER:** Order. That is my ruling, Mr Moore, thank you. The question now is that the motion, as amended, be agreed to.

**Mr Moore:** No!

**MR SPEAKER:** I think the Ayes have it.

**Mr Moore:** No, the Noes have it.

**Mr Duby:** You mean the No again.

**MR SPEAKER:** The Noes have it. Next order of business.

**Mr Duby:** Mr Speaker, what was the result?

**Mr Moore:** He said the Noes have it.

**A member:** Do the Ayes or the Noes have it?

**MR SPEAKER:** Sorry, I - - -

**Mr Moore:** No, you have said the Noes have it.

**Mr Jensen:** The Ayes have it, surely.

**MR SPEAKER:** Yes, correction there, the Ayes have it.

**Mr Moore:** Mr Speaker, I have called a division.

**MR SPEAKER:** All right, ring the bells.

I will put the question on the amendment because I believe I incorrectly ruled that the vote need not be called on one member calling the No vote. So we will go back to that original question, that the amendment be agreed to.

Question put:

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

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The Assembly voted -

AYES, 9

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

NOES, 5

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Moore  
Mr Wood

Question resolved in the affirmative.

**MR SPEAKER:** The question now is that the motion, as amended, be agreed to. I think the Ayes have it.

**Mrs Grassby:** The Noes have it.

**MR SPEAKER:** Call a vote. I believe the bell can be dispensed with.

**Mr Wood:** You cannot.

**Ms Follett:** No, I do not think you can. There are members missing.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 5

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Moore  
Mr Wood

Question resolved in the affirmative.

## PAPERS

**Ms Follett:** Mr Speaker, just before we proceed, in the course of that debate Mr Collaery mentioned tabling a number of papers.

**Mr Collaery:** I am just standing up - - -

**MR SPEAKER:** Order! Are you seeking leave to speak?

**Ms Follett:** I request that he table the papers.

**Mr Collaery:** I was getting to my feet to table these. I do not believe that the pace should be set by this motley crowd. I will table them in due course now, and you can wait.

**Mrs Grassby:** We do not trust you.

**Mr Moore:** Nobody trusts you.

**Mrs Grassby:** Nobody trusts you, Bernard.

**Mr Collaery:** You have not chosen to speak to the motion, Mrs Grassby. You can wait for your documents.

**Ms Follett:** No, Mr Speaker - - -

**Mrs Grassby:** It is not the rules. You cannot do that, I am afraid.

**MR SPEAKER:** Order!

**Mr Moore:** On a point of order; he said he would table them.

**Mr Wood:** Standing orders, Bernard.

**Mr Moore:** The debate is now finished.

**MR SPEAKER:** Order!

**Mrs Grassby:** They have to be tabled; the debate is finished.

**Mr Moore:** He is not to be trusted. He will find a way to weasel out of it.

**Mr Kaine:** They can be tabled any time. Table them next week.

**Mr Moore:** That is right; weasel your way out of it.

**Mr Collaery:** No, I will table them.

**Ms Follett:** Mr Speaker, under standing order 213 - - -

**MR SPEAKER:** Thank you, Ms Follett. Yes, your objection is upheld.

**Mr Collaery:** Well, Mr Speaker, I will table them. I take that point.

**Ms Follett:** Thank you.

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**Mr Collaery:** Mr Speaker, I merely made those comments because of the disrespectful approach that was made to you as I was standing to table them - - -

**Mr Berry:** Point of order.

**Mrs Grassby:** Point of order.

**Mr Collaery:** - - - and members saw me getting to my feet.

**MR SPEAKER:** Thank you, Mr Collaery.

**Mr Berry:** Point of order.

**Mrs Grassby:** Point of order.

**MR SPEAKER:** Order! Mr Berry, point of order.

**Mr Berry:** It seems to be getting out of hand. It seems that it may be that a motion is necessary to move that the Minister table the documents because the Assembly - - -

**MR SPEAKER:** Order! On what leave are you speaking, Mr Berry?

**Mr Berry:** Well, standing order 213, was it?

**Mr Duby:** Standing order 212, "may" it says.

**Mr Collaery:** We are wasting our time again.

**Mr Berry:** It says "may be ordered by the Assembly". What I am trying to do is to order him. I move a motion - - -

Members interjected.

**MR SPEAKER:** Order, Mr Berry. You are out of order; he has tabled the documents.

**Mr Berry:** He has not yet.

**MR SPEAKER:** He has; he made those statements, I believe. Did you, in fact, table the documents before Mr Berry stood?

**Mr Collaery:** No, Mr Speaker, I would like to table them - - -

**MR SPEAKER:** Sorry, I apologise, Mr Berry; you are correct. Your position is upheld. Please table the documents, Mr Collaery.

**Mr Collaery:** I beg your pardon, Mr Speaker, you have upheld - - -

**Mr Moore:** That is right; he upheld his position. You table the documents.



**MR SPEAKER:** Order!

**Mr Collaery:** Mr Speaker, I object to the record showing that I have been ordered to table these documents. I was rising to table them and I ask respectfully - - -

**Mr Berry:** To help the Speaker and to draw a bit of order back into the house, I move that the Minister be required to table the documents and that is the end of the matter.

**Mr Moore:** He has just been ordered to.

**Members** interjected.

**MR SPEAKER:** I draw the members of the Assembly's attention to standing order 213 which states that on the conclusion of Mr Collaery's speech he was to table the documents. He has not been ordered to; it is just that he is in breach of standing order in the fact that he neglected to do so. Would you please table the documents, Mr Collaery.

**Mr Duby:** Mr Speaker, on a point of order; standing order 213 says no such thing. It says quite categorically that a document quoted from by a member "may be ordered by the Assembly to be presented".

**Mr Kaine:** The Assembly has not ordered it.

**Mr Duby:** It continues:

the order may be made without notice immediately upon the conclusion of the speech of the member who has quoted from the document.

Let us put it to the vote then. Move the motion and put it to the vote.

**Members** interjected.

**MR SPEAKER:** I will withdraw that ruling, Mr Collaery; you are absolutely correct. If the member had wished the documents to be produced on the conclusion of your speech, then that is the time that that question should have been put to the Assembly.

**MR COLLAERY (Attorney-General):** I am indebted to your ruling, Mr Speaker, thank you. I wish to table the following documents:

Government flats - Inner city - Copies of 8 letters between developers and the Housing Trust.

Mr Speaker, I have tabled the documents; now I wish to comment on some of them. I tabled a letter dated 9 November 1989 to Mr Alan Johnson from the Acting Commissioner for Housing, referring - so this is not confused with another letter - to a conversation confirming that the Trust would be interested in acquiring a proportion of new medium density dwellings on any inner

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city site on which, "your firm had carriage of redevelopment". That, of course, is a letter I should have tabled at the time as well. It would have been conclusive. I also tabled a letter dated 28 November 1989 from Civil & Civic to the Acting Commissioner for Housing. It starts off, for the purposes of clarity, "Thank you for your letter of 9 November 1989 regarding new medium density residential development on -" and I stress this, Mr Speaker - "on inner city sites".

**MR SPEAKER:** Ministers, are there any further papers?

**MR COLLAERY:** I table the following report for the information of members:

Fire Brigade (Administration) Act - Australian Capital Territory Fire Brigade - Report 1988-89.

### **AIDS Ministerial Statement and Paper**

**MR HUMPHRIES** (Minister for Health, Education and the Arts), by leave: Mr Speaker, AIDS is an issue which has not been far from the top of the public agenda for a number of years now, ever since the AIDS epidemic first came to public attention. The ACT has often been in the forefront of advances in the fight against AIDS. However, despite its high profile, many people in the community would be unaware of the more important developments that have occurred in the AIDS field in recent times, including a significant expansion in AIDs programs and services. I therefore feel that it is an appropriate time to address the Assembly on issues relating to AIDS in the ACT and the activities being undertaken to fight its further spread and to care for those already infected.

The Assembly has recognised the significance of the issues raised by HIV and AIDS. This is reflected in the establishment of a Select Committee on HIV, Illegal Drugs and Prostitution. The committee's terms of reference include examining the effectiveness of current legal and social controls enabling action to prevent the spread of AIDS; alternative social, medical and/or legal proposals which may assist in restricting the further spread of AIDS; and other matters relating to AIDS in the ACT. These inquiries by the select committee will touch on many sensitive areas of social policy and I wish it well in its investigations. The Government will, of course, provide support and advice to the select committee as necessary.

AIDS, or acquired immune deficiency syndrome as we all know it to stand for, is an epidemic of international and national concern. The latest World Health Organisation figures estimate that between five and 10 million of the world's population carry the AIDS virus known as human immunodeficiency virus, HIV, and over 200,000 people have

developed AIDS itself. This latter estimate is believed to be very conservative due to the under-reporting of AIDS worldwide. The true figure could be very much higher. AIDS has been detected in almost every country of the world. The impact of AIDS on health care systems, economies and whole nations is, and will be, tremendous; as well as the obvious impact it has for individuals who contract the disease and for their families and friends.

In Australia the figures are, in many ways, no less frightening. The National Health and Medical Research Council recorded in its January 1990 bulletin a total of 1,707 cumulative cases of AIDS and of these, 934 people have died. Between 15,000 and 25,000 Australians are believed to carry the virus. The ACT has not, of course, been untouched by the AIDS virus. While the epidemic is less advanced in Canberra than in some other parts of Australia - notably Sydney - the disease has affected the ACT community and will continue to affect it for many years to come unless a cure or a vaccine is found.

However, despite the fact that much more is now known about the virus, it is considered unlikely that a cure or vaccine will be found in the foreseeable future. In Canberra, 12 people have died from AIDS and six more ACT residents have been diagnosed as having AIDS. Over 105 cases of HIV infection have been notified within the ACT and estimates are that from 300 to 500 Canberrans may be carrying the virus. Each of these numbers represents a member of the community in Canberra who may be suffering emotionally and physically or, in the case of AIDS deaths, a tragic and distressing loss of life. Members of this Assembly may not be aware that full-blown AIDS can result in a long, debilitating, painful and eventually fatal course of infections, diseases, cancers and disabilities.

Perhaps before describing the activities and programs that are in place in the ACT to try to stem the tide of this disease and to care for those infected, I should briefly describe the course of the AIDS disease so that members of the Assembly might better understand the complexities of the issues that need to be considered in dealing with and preventing the spread of the disease.

The agent responsible for transmitting AIDS is a virus called HIV. The HIV virus can be transmitted through body fluids, most particularly blood and semen, but it is in many ways a delicate virus which does not survive for long outside the environment of the body. The transmission of the virus by blood and semen has meant that the activities that place people at highest risk of contracting the infection from an HIV infected person are those involving some transfer of fluids, such as unprotected sexual intercourse. The sharing of needles and syringes used for injecting drugs, usually intravenously, where a small amount of blood from one user of the syringe can remain in the injecting equipment and therefore pass into the bloodstream of a subsequent user, is a second major method

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of transfer. Accidents involving spillage of blood over an individual, particularly where it is over a cut or a sore, or needlestick injuries are other examples of situations where the virus may be spread. (Quorum formed) However - and this cannot be stressed enough - the virus cannot be spread by normal social contact - by shaking hands, sharing coffee cups, kissing and so on.

Blood transfusions were, as many would be aware, one way in which the virus was able to be spread rapidly as they involve an interchange of blood products. The risk of contracting HIV infection in this way was eliminated in 1985 thanks to the introduction of comprehensive testing procedures in the blood banks, including the blood transfusion service operated by the Red Cross in the ACT. However, before these safeguards were in place, in fact, before it was known that they were needed, a large number of people requiring blood transfusions received contaminated blood and have since become HIV antibody positive, and in some cases have gone on to develop full-blown AIDS and die.

One group particularly affected by the transmission of AIDS through blood transfusions are people who suffer from haemophilia. Their need for frequent injections of clotting factors place them at strong risk of contracting the virus. Each injection is made from the concentrated clotting factor taken from thousands of blood donors. In the ACT, six of those who have been identified as HIV positive and one of the 12 who have died from AIDS, were people with haemophilia.

A second area in which action has been taken to reduce the risk of spreading the AIDS virus is the area of occupational health and safety within the hospital and health sector where needlestick and bloodspill accidents are more likely to occur. In addition to the introduction of new waste disposal systems and procedures within the public hospital system, an AIDS resource clinician is employed at Woden Valley Hospital to develop and deliver AIDS education programs to all ACT public hospital staff. These programs are designed to increase staff knowledge of HIV infection and AIDS and to reduce the risk of occupationally acquired HIV infection.

Other groups in the community who are regarded as being at high risk of catching the virus are those undertaking high risk behavioural activities, namely unprotected sexual activity and unsafe sharing of needles and syringes. At the outset of the spread of the AIDS virus within Australia the virus was mainly restricted to homosexual men, people with haemophilia and intravenous drug users. However, the virus is now more widespread, having begun to permeate the broader community through bisexual and heterosexual transfer and through needle sharing. Prevention activities must therefore be more and more directed at changing particular behaviour patterns rather than at particular sectoral groups within the community.

As I mentioned earlier, the AIDS epidemic is fortunately less advanced in the ACT than in some other States, enabling more of the resources available to fight the epidemic to be directed towards prevention and education programs rather than treatment and care. In fact, the ACT has led the way in developing innovative and effective prevention and education programs. For example, the ACT needle exchange program, established in and operated by the Drug Referral and Information Centre was a national demonstration project. The program, which involves both the exchange and distribution of clean needles and syringes to drug users - - - (Quorum formed) The program, which involves both the change and distribution of clean needles and syringes to drug users, operates through a mobile bus - I am sure we have all seen the bus - five health centres, two private pharmacies, the AIDS Action Council of the ACT and the needle exchange program's own premises in Braddon.

The program distributes over 10,500 needles every three months, together with condoms and information. It has an average return rate of 42 per cent. The return rate is a more positive indicator of the success of the program than may appear at first glance because of the availability of special disposal units throughout Canberra, and because of education programs targeted at drug users advising them of safe disposal methods. Indeed, I recall seeing on television in the last 24 hours that further safe disposal methods will be introduced into hospitals in due course.

The comparatively low number of used syringes found during January's Clean Up Australia Day campaign, only 39 in all, is an indication that this advice is being heeded. Compared to other metropolitan areas of Australia which are believed to have similar levels of drug use, this figure is remarkably low. I am aware that people in the community were concerned by the number of needles found but I can assure members it was only a tiny fraction of the total number of needles actually in circulation in the community at this time.

The Drug Referral and Information Centre - DRIC - has also developed a pioneering AIDS education kit for alcohol and drug workers which has been demonstrated and used throughout Australia. DRIC's programs and staff are highly regarded within the AIDS sector.

The AIDS Action Council of the ACT, another non-government organisation, has also played a major role in developing and implementing AIDS education and prevention programs in the ACT. The council has had a high profile in initiating innovative AIDS programs addressing interests across the community, including the development of a model program for peer education which is now being used nationally, and involvement in one of the first public bus advertising campaigns, in 1986. The council was also responsible for creating, in conjunction with local drug agencies, one of the first pamphlets about the dangers of HIV infection through intravenous drug use.

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Another major agency involved in the AIDS field within the ACT is my Department of Health which is responsible for a variety of AIDS-related programs and services. These include AIDS testing and counselling services through the AIDS Reference Centre at Woden Valley Hospital and the pathology laboratories, and education programs for the broader community and school children through the health advancement service.

The department is also responsible for AIDS policy development, coordination and financial management of the AIDS grants programs. Other groups, such as the Haemophilia Support Group, ACT IV League - that is, ACT Intravenous Drug Users League - and Workers in Sex Employment, or WISE, are also active in the field.

One of the major features of the way in which the ACT has responded to the AIDS epidemic has been the extraordinarily high level of cooperation, coordination and consultation between the agencies involved in the field, both government and non-government.

The AIDS Management Group was established in July 1985, and provides advice to the Secretary to the Department of Health on issues relating to the control of AIDS in the ACT, as well as coordinating the development and implementation of an agreed strategy for AIDS control in the ACT. The AIDS Management Group has also provided a forum for exchange of information on issues relating to AIDS in the ACT. However, the effectiveness of the group appears to have declined over time for a variety of reasons, as is often the case with advisory and consultative mechanisms, and this decline is acknowledged by all members of the group.

My department, in consultation with agencies involved in the field and members of the group, is currently examining options to restructure and revitalise it, in order to reflect the changing nature of the epidemic and to be able to respond more effectively to issues as they arise. This will be particularly important over the next 12 months, as AIDS programs are undergoing a period of change and expansion following the release of the national white paper on AIDS in the second half of last year.

A very useful discussion of some of the issues arising out of that Department of Community Services and Health paper appears in the Law Reform Commission publication *Reform*, in the January edition of this year, No. 57. That contains a very useful discussion of the relationship between AIDS initiatives, either present or forthcoming, and human rights issues in Australia at present. I believe that paper would be worth reading by members of the Assembly who have an interest in this area.

This "National HIV/AIDS Strategy" was produced following extensive consultations between the Commonwealth, States

and territories and the community, and provides a framework for the development of AIDS programs and policies over the next several years. The paper identifies many of the major issues which must be confronted. It discusses the respective roles of governments, both Commonwealth and State, and the community in addressing AIDS issues, and suggests strategies for action.

The white paper also outlined the financing of AIDS programs over the next three years from the Commonwealth's perspective, and put forward proposals for significant increases in the AIDS matched funding program which is cost shared between the Commonwealth and the States on a dollar for dollar basis. Significant increases in the direct funding of research, treatment, education and prevention programs of national significance were also put forward in the paper.

In the case of the ACT, an increase of 66 per cent in the Commonwealth's funding offer, from \$304,000 per annum in 1988-89 to \$506,000 per annum for the 1989-90 financial year, has been matched by the Government. We have also agreed to match an offer of \$30,000 from the Commonwealth for the HIV study grant program in 1989-90. The program will provide opportunities for health professionals and trained care givers to travel interstate to undertake formal study or to examine AIDS programs and services with a view to improving their knowledge and understanding of the disease and how ACT programs might be improved. (Quorum formed) Grants may also be used to bring people with AIDS expertise to the ACT to share their experiences and knowledge with local care givers. I am sure Mr Moore would agree that there are many other useful ways in which the AIDS funds might be used, and I am sure he has at least one in mind.

This significant increase in funding will enable current programs to be enhanced and new programs to be developed. I have recently announced several grants to non-government and government agencies using these new funds. Notable among these were a significant increase in the grants to the AIDS Action Council of the ACT, which will enable an increase of work hours and duties for both the council's volunteer coordinator and education staff and for the employment of an office manager. I have also recently announced a grant to the Drug Referral and Information Centre to fund an antibody positive support counsellor.

These improvements and additions to AIDS programs and services in the ACT will go some way towards addressing identified gaps in programs and enhancing and building on the excellent work that has been undertaken by AIDS agencies in the ACT over the past five years. However, as the epidemic continues to spread, despite the best efforts of those involved, and as the disease progresses, many of those people who are currently infected with the HIV will develop full-blown AIDS, and a different balance of services between treatment and care on the one hand and

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prevention and education on the other will need to develop in the ACT. Demands for specialised treatment and care programs for those with HIV or AIDS can be expected to increase.

In particular, demands for drug treatment, such as AZT, and other forms of therapy designed to prevent or delay the onset of AIDS or AIDS-related symptoms will increase. As AZT treatment costs \$10,000 per patient per year, an increasing demand for its use could have significant budgetary implications both for the Commonwealth, which subsidises AIDS treatment through the Medicare agreement, and for the ACT.

These issues will need to be addressed very carefully. Demand for the use of AZT in a prophylactic capacity - in other words, for providing AZT to people who have been exposed to a potential risk of AIDS infection through needlestick injury or blood spill - is also expected to increase, placing further strain on funding programs. There is some suggestion that provision of AZT in such situations may inhibit progression through the disease should the infection risk prove real.

It will be important not to lose sight of the need to continue, and wherever possible increase, efforts in the education and prevention area, if the disease is not to overwhelm us.

Many other issues in the AIDS field will need to be addressed in the near future, both by way of response to the white paper and because they are issues which clearly warrant greater attention. For instance, particular groups within the community have received insufficient attention in the past but are, in one way or another, particularly at risk to the threat of AIDS. These include women.

The biology of the transfer of the virus means that in any heterosexual sexual encounter the woman is at a considerably greater risk of becoming infected if the male partner is already infected with the virus than if the reverse situation applies. AIDS prevention and education programs to date have tended to concentrate on the gay community and drug users - the two groups that are regarded as most at risk. Recognition that women are also a major risk group has led to the establishment of a women and AIDS forum, comprising representatives of relevant women's and AIDS groups. This forum as well as other agencies and the Department of Health are examining priorities and programs in the AIDS area and their relevance to women's needs.

Another group which has received less attention to date than would appear appropriate is people with disabilities, particularly intellectual disabilities, who may be in situations in which they are at risk of becoming infected with the virus but, because of the lack of specific programs in this area, may lack the knowledge or understanding of ways in which to minimise the risk to



themselves. My department, in conjunction with relevant community groups, is currently examining the issues raised by this situation.

Many other areas and issues require attention, at both a government and a community level - too many for me to detail today. No doubt, some of these will be addressed by the Select Committee on HIV, Illegal Drugs and Prostitution in its inquiries. However, one final area which I would like to raise before this Assembly and in which the Assembly will have a significant role is the question of legislation relating to HIV and AIDS.

I recently announced that the Government would be initiating a review of all HIV and AIDS related legislation in the ACT. The need for such a review has been occasioned by several factors. One of these is the issue of knowingly running the risk of infecting others. Members of this Assembly may recall the "Charlene" case in Sydney, not very long ago, where a woman working as a prostitute continued to do so despite the fact that she knew that she was infected with the AIDS virus.

The case of Charlene was extremely complicated, as several other personal factors relating to her lifestyle and health impacted upon the situation but received little attention in the media. Such complications are thought unlikely to occur again, or at least to be extremely rare. Nevertheless, the case of Charlene raised many issues concerning the ability of governments to act in situations in which somebody is knowingly running the risk of infecting others by continuing high-risk behaviour when they know themselves to be infected. The Government has an obligation to protect not only the community but also the civil rights of the person alleged to be carrying out the activity.

A law enforcement response should be only a last resort. There is a range of actions, such as intensive counselling, which could resolve the situation without constraining a person's freedom of movement or liberty. In this respect the response to AIDS does, and should, differ from the legislative response to other infectious diseases, as no cure for AIDS exists and the infection, and therefore the type of response adopted, may be for life.

In looking at amendments to ACT public health legislation relating to this issue, it became clear that many other areas could be regarded as being out of date or inappropriate in the light of the AIDS epidemic. The Government has therefore decided to initiate a broad-ranging review of legislation relating to HIV and AIDS matters, in relation not only to the "knowingly infecting" issue but also to other issues of relevance, such as occupational health and safety, discrimination and confidentiality.

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In recognition of the need to be able to act quickly, should a situation of "knowingly infecting" arise before this review can be completed, my department, in conjunction with AIDS agencies, is examining possible short-term legislative changes which will enable the Government to act but which would also protect the rights of the person under suspicion. The Government has no intention, as has been suggested, of introducing draconian or unenlightened legislation in this area, but it will continue to work closely with the community in addressing this issue with the sensitivity that it deserves. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **HUMAN RIGHTS** **Discussion of Matter of Public Importance**

**MR DEPUTY SPEAKER** (Mr Stefaniak): I have received a letter from Ms Follett proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The failure of the Kaine-Collaery Alliance to protect the human rights of the residents of Canberra.

**MS FOLLETT** (Leader of the Opposition) (5.52): On the third day of the life of this Government, Mr Collaery issued a press release claiming that after seven months of self-government he and Mr Kaine had a full and detailed program of proposed legislation. As we saw yesterday, in debating the achievements of this Government so far, actions speak louder than words. Mr Collaery, the self-styled great reformer, the man with, by his own words, a great harvest of legislation just waiting for him to bring in, has done nothing. He has signed a couple of agreements, tabled some papers at long last, been to some openings and attended a function at Bruce Stadium which is probably a suitable forum to recognise his achievements. I think he got a suitable response there, too.

The field of human rights is an extremely important one. It is an area in relation to which I want to pressure this Government to take some action, and I will continue to pressure it. Mr Collaery has said:

I have undertaken that we will pursue a balanced anti-discrimination, equal opportunity and affirmative action program in this Territory.

That is great, but where is it? We have yet to see the results of any of those words. Even yesterday, Mr Collaery said again that he will introduce such legislation. When? We are still waiting. On 25 January 1990 Mr Collaery said:

It is truly regrettable that Rosemary Follett and ... Senator McMullan could not give me a few weeks to finalise this important package of laws. I am in Sydney today with legal colleagues from the human rights areas finetuning some of the more complex issues surrounding identified weaknesses in the Federal and State laws.

So we had is more talk - and that was over two months ago - but still no action. I also bring to the Assembly's attention the fact that the Human Rights and Equal Opportunities Commission is extremely intrigued to know from whom Mr Collaery was seeking advice on that date.

Human rights, as we all know, extend to fair and equal treatment in all spheres of activity, including areas that are sometimes termed protection of consumers or consumers rights. I ask Mr Collaery and the Government: where is the rental bond board legislation? Where is the landlord and tenant legislation? Where are the credit laws? Where are any of those 100-odd laws that Mr Collaery has promised us?

The ACT Government has signed an agreement on uniform trade measurement laws, but where is the legislation? We have yet to see that. On 28 February 1990 Mr Collaery said that the Alliance Government is actively participating in negotiations to achieve uniformity of credit legislation. This uniformity that Mr Collaery has touted is considered by the Australian Consumers Association as meeting only the lowest common denominator formula which is demanded by the Greiner Liberal Government. So, even if we get legislation on credit, it will be the weakest possible, and it will do a lot more to serve the needs of credit providers than the rights of credit users.

We would like to turn to housing and people's rights in the housing area. It is a fundamental right of our citizens. Again Mr Collaery has demonstrated his confusion. He started off saying that his Government would sell off some public housing - - -

**Mr Kaine:** When?

**Mr Collaery:** Give the date.

**MS FOLLETT:** And then provide public housing to only those in genuine need. That is a quote from his policy. That is, I believe, a disgustingly derisory catchcry of the conservatives - "those in genuine need".

After Mr Collaery made that statement, somebody showed him the Commonwealth-State Housing Agreement, to which the Minister has now put his signature, but it demonstrated that Mr Collaery's objective might need to be reconsidered. So much for human rights in housing!

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I would like to turn particularly to the issue of a human rights office for the people of the ACT, and I ask Mr Collaery in particular: what action, if any, is he taking about the establishment of an ACT office of human rights? I offer no defence whatsoever for a Federal Labor government which closed down the ACT office of the human rights commission. My party and I opposed this move, as did all my Federal Labor colleagues. It was a wrong move. We fought it at the time, and we have been fighting it ever since. I support the re-establishment of an office in the ACT, and that is a matter of public record. It is the reason that I provided funding for it in the budget last year. That budget was passed by this Assembly. That budget was voted for by Mr Collaery. Why does Mr Collaery not support the establishment of a human rights commission office in the ACT? Why does he not get on with it, now that it is his job to do so?

I do not seriously expect Mr Collaery to support me and my party on human rights. There is, after all, a huge ideological gulf between Mr Collaery and me on this issue. The Labor Party has traditionally supported the weak, the disadvantaged and the underprivileged in our community. On the other hand, the Liberal Party and its conservative cohorts are the supporters of the privileged in our society.

Mr Collaery now is in a Liberal government. As is often said, if you waddle like duck, talk like a duck and hang around with other ducks it is pretty likely that you are a duck. I think we would all agree that Mr Collaery is a duck. It is the duck season, even as we speak.

We know the position of the Liberal Party and, by the closest possible association, Mr Collaery's position on the human rights commission. Part of the Federal platform of the Liberal Party is the abolition of the human rights commission. Is this because it has a better vehicle for the protection of human rights? No, of course it does not.

The Liberal Party would have as a substitute for action another advisory committee - just another set of words, another set of talking heads. Why do the Liberals attack and call for the abolition of the human rights commission? The commission seeks to defend and strengthen one of the nation's most cherished ideals - namely, that every one of us should get a fair go.

I would like to remind the Assembly of some of the details regarding the Human Rights and Equal Opportunity Commission. Under section 11 of the Human Rights and Equal Opportunity Commission Act, the commission has the power:

... to inquire into any act or practice that may be inconsistent with or contrary to any human right; and -

- (i) where the Commission considers it appropriate to do so - to endeavour, by

conciliation, to effect a settlement of the matters that gave rise to the inquiry; and

- (ii) where the Commission is of the opinion that the act or practice is inconsistent with or contrary to any human right, and the Commission has not considered it appropriate to endeavour to effect a settlement of the matters that gave rise to the inquiry or has endeavoured without success to effect such a settlement - to report to the Minister in relation to the inquiry;

Further, section 12 states:

In the performance of its functions the Commission shall have regard to the principle that every person is free and equal in dignity and rights.

This is the body that the Liberals would seek to abolish. This is the body that Mr Collaery has denigrated. I believe that we need such an office in the ACT. We need an office to ensure that the Federal Act operates as it is intended - to protect human rights.

The ACT has its own share of human rights concerns, and the people affected are disadvantaged by the lack of access to the commission's office in Sydney or to some alternative office in the ACT. There are particular problems at the moment in the ACT when people whom we were elected to represent are forced to go to Sydney to raise their concerns.

I would like to spend a couple of minutes on some of those matters. The level of discrimination against children with physical and intellectual disadvantages in our mainstream public education system is a matter of great concern to a number of my constituents. They have come to see me about it. It has been put to me that our education system has one of the poorest records in this country on the mainstream treatment of children so affected. An office of human rights in the ACT could work to address more effectively that problem, in full consultation with the local community.

Discrimination against women is still an area of major denial of human rights in the ACT. One public example has been the appalling treatment of the ACT's first, and so far only, female firefighter. That is an indictment of human rights in the ACT, and it proves that discrimination against women in the ACT is still a fundamental part of the system. I have a further case of an elderly woman constituent - - -

**Mr Duby:** That is a load of codswallop. It is a load of rubbish that that woman was discriminated against.

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**MS FOLLETT:** - - - who has been recently widowed. Mr Deputy Speaker, are you going to control them?

**MR DEPUTY SPEAKER:** Order! You can have your turn.

**Mr Berry:** You have covered it up, Craig.

**MR DEPUTY SPEAKER:** Continue, Ms Follett.

**Mr DUBY:** Wayne, come on! The only people who are in strife are the FFU.

**MS FOLLETT:** An elderly woman, who has been recently widowed - - -

**MR DEPUTY SPEAKER:** Order, Mr DUBY!

**Mr Moore:** Are you going to name him?

**MR DEPUTY SPEAKER:** Order to you, too, Mr Moore! Continue, Ms Follett.

**MS FOLLETT:** I will start again. Mr Deputy Speaker, thank you. I have a case in my electorate of a very elderly woman who has been recently widowed and who has family living with her. She is now, I believe, being grossly discriminated against in the housing area. She has been insulted by such comments that, as her husband has died, she no longer has a family. She is being treated differently for that reason, and I think that her human rights are being denied her.

Mr Collaery, as the coalition Attorney-General, has jeopardised the human rights of the citizens of Canberra. Mr Collaery's rejection of a joint Commonwealth-ACT antidiscrimination office in Canberra flies in the face of the practice across Australia. He has given no indication of how he intends to enable ACT citizens to make a complaint about discrimination matters. Nor has he, or the Government, outlined how they intend to increase the current level of protection against discrimination.

I do not seriously expect Mr Collaery to do what I would have done. As I have said, he is, after all, a junior partner in a Liberal Party coalition. He is in coalition with the party which has promised to abolish the human rights commission, so I expect him to follow a course of action in keeping with those Liberal masters. But I expect him to follow a course of action. What we have seen so far is just not good enough. The ACT people deserve, expect and need the protection of their human rights. If the Government cannot or will not support the establishment of a human rights commission office it is not fit to hold that or any other responsibility unless it comes up with an alternative proposition and puts that into action quickly.

I believe that on its record so far the Government stands condemned for its failure to take any action whatsoever on

the question of human rights in the ACT. As we have seen before, its members are never short of words; they have been known to make statements on this matter, which I believe indicate at heart some goodwill in the area, but we have yet to see the product of any of the work that they claim to be doing on human rights. I believe that is an outrageous position, particularly given Mr Collaery's statement about the great harvest of legislation and his espousal of human rights causes in public. I call upon the Government to act immediately on the issue of human rights and to establish, as was provided in the budget, a human rights office in the ACT.

**MR COLLAERY** (Attorney-General) (6.05): I thank the Leader of the Opposition for most of her comments. I believe they pushed the debate along. I am very pleased to see that the Opposition is willing to debate these concerns. I am looking forward to the time, after an imminent Cabinet decision is resolved on a number of issues, when we can look at these issues on a consultative basis.

One of the most fundamental issues in this area is that these critical matters should not be used as grounds for taking exclusive, high moral tones or political points. There is a childlike giggle somewhere, Mr Deputy Speaker. The outcomes in this Territory should be peaceful and humanitarian. They should not be the outcome of conflict itself. I deplore any attempt to lower the human rights issues to a divisive game in this Assembly. It is probably just bad luck, given the pressure of work on the Government, that I am not able to trump this debate. I can assure, with great regret, that, given a couple more days and if the Leader of the Opposition had not been so sharp with her MPI, you might have heard a very interesting announcement.

The Leader of the Opposition referred to comments that I made about a harvest of legislation. I was referring to eight years of it - a great harvest of legislation that is awaiting this Territory. I gave a keynote address in this Assembly this week on a Cabinet-approved initiative to form a law reform commission in this Territory. We are going to come of age in that regard. For probably the first time in this Assembly, because I am fairly cynical now, I was personally depressed that the Leader of the Opposition did not even rise to note the paper or call for any discussion on it. I think that is the measure - and I am not arguing this - of the lack of her depth on these issues.

I will refer to the Human Rights and Equal Opportunity Commission by an acronym, HREOC. It is easier and will help the Hansard later. HREOC was here in another guise until recent years. It was withdrawn. The initiative has lain for years on the Federal Government to replace that needed apparatus in the Territory. A provision of \$100,000 which the former Chief Minister says she made in the budget did not go, on my advice, to the full costs beyond about six months' operation for that function, and in any event I

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am advised that there was a legislative impediment to forming an agency agreement with the Territory. Under the definitional section 3 of the HREOC legislation there was no provision for a territory to make an agency arrangement; only a State can do so.

No-one has a monopoly on the protection of human rights. You can be assured that the Alliance Government is committed to the preservation of high standards that exist in Australia in the area of human rights. Recently I attended a meeting of the Standing Committee of Attorneys-General, at which the matter of human rights was on the agenda. The Commonwealth Government has requested confirmation from the States and territories that they support Australia's accession to the draft Convention on the Rights of the Child and the second optional protocol to the International Covenant on Civil and Political Rights. That protocol calls for the abolition of capital punishment. The Alliance Government, along with the States and the Northern Territory, will be providing formal responses to those issues in consultation with relevant parties, and naturally we will be interested in the views of the Assembly.

Far from failing to consider such matters, my officers are at present analysing these important instruments to ensure that existing laws in the ACT are not inconsistent with articles in the convention and the protocol. It is highly unlikely that ACT laws will be inconsistent, except for minor matters which may arise in interpretation.

In addition, my officers are examining the first optional protocol to the International Covenant on Civil and Political Rights. That protocol calls for the establishment of an international forum which will examine and report to the United Nations on alleged abuses of civil and political rights in circumstances in which a complainant has no avenue of appeal or, alternatively, has exhausted appeal rights in his or her country.

These instruments were under consideration before the Alliance Government took office. It is interesting to note that the Alliance Government has not taken advantage of the fact that the Follett Government could have settled some formal responses on behalf of the ACT in some of these matters to Lionel Bowen earlier than the date on which it was put out of office.

In relation to domestic human rights the Alliance Government has already announced its policy on the status of women. You heard my colleague the Chief Minister put forward his "Blueprint on the Ageing", in which profound human rights issues are addressed - in particular, the reference to age discrimination.

We have undertaken to introduce antidiscrimination legislation to combat sexist stereotyping and to ensure that ACT Government publications reflect the gender



composition of the community. As far as antidiscrimination legislation is concerned, those who are informed on the subject realise that it is a very complex and difficult area of law. Due regard must be paid to the fact that there is already a system of Commonwealth laws which operates in the ACT in human rights matters. I refer to the Sex Discrimination Act, the Racial Discrimination Act and the HREOC Act, to name only some.

These Commonwealth laws are commendable, but they do not provide a complete coverage of human rights matters. That brings me to the first point about bringing a HREOC office back here. They do not deal with a complete coverage. For example, certain acts of discrimination may provide HREOC with grounds for reporting on such activities, but there are no avenues of redress, such as a determination. Proposals on a suggested system of laws to complement the Commonwealth scheme in the ACT were well advanced when the Alliance Government came to power on 5 December 1989. The former Follett Government announced these initiatives in its policy discussion paper after, I believe, the motion of no confidence was moved in it.

I have reviewed a set of proposals on antidiscrimination laws put to me by officers of the Government Law Office. I was impressed with the proposals, but I believe they did not go far enough. For example, I believe that the issue of age discrimination is critical and of immediate concern but was not addressed in the papers that had been advanced by the former Government. I instructed my officers to analyse that issue and ensure that it is included in the overall proposal for legislation.

I also draw attention to the need to examine the problem of discrimination surrounding HIV patients and those who provide care for such persons. In that context I went to Sydney, with my principal private secretary; we drove just about all night and got there at 1.00 am. In the morning we met with Professor Patricia Hyndman at the University of New South Wales and her colleagues. I had a brief discussion with Professor Ivan Shearer who is known to me in these contexts.

Two issues arose out of that. The first is that we had a pretty good package of laws, partly needing development, particularly in the age discrimination area and in one or two other areas. Specifically, I proposed to Professor Hyndman that we move to have a seminar in the ACT at an early date, at arm's length from my office, at arm's length from political issues, so that we can get this debate on a non-political basis where humanitarian concerns belong. In due course, I trust that I can bring the excellent academics from the Human Rights Centre at the University of New South Wales to Canberra to fill in a gap here on these issues and to hold a seminar - a public seminar, hopefully - on the issues. That is in answer to a comment made by the Leader of the Opposition about that trip.

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For similar reasons, I am really dedicated to first-class legislation on this issue. I do not believe I should have to compromise for the political expediency of having half the issues partly addressed and bring in an inadequate piece of legislation. I realise that it can be said, and will be said, no doubt by some on the benches opposite, that this is an excuse for delay. I simply assure the Assembly that hardly a day goes past when I do not talk to my law officers and ask them how certain issues are going, most of which relate to this package.

I do not raise some of these concerns out of any attempt to take a shot at the Leader of the Opposition. I point out that the review of landlord and tenant legislation was addressed in the paper on the law reform program of the ACT. The rental bond board legislation is being developed and has a great deal of complexities to it, as the former Minister for housing well knows. We have made definite pronouncements by the Alliance Government that we are going that way; we are not resiling from it. Both Mr Kaine and I have put our words to that one.

The Leader of the Opposition mentioned uniform trade measurement legislation, and said that a consumer group is mocking that because a move towards uniformity is really a move to some temporised middle ground. It is an established convention now in the country that we try to look for uniformity within our Federation first and then, if we cannot achieve that, move towards our own one-off legislation.

I do not think my comments would be complete without mentioning the need to examine the problem of discrimination surrounding HIV patients. They were referred to today in a detailed statement on the AIDS issue by my colleague Mr Humphries. We did not know you were putting on this MPI. That detailed statement had been prepared well in advance of today, and is proof that we had those human rights concerns to mind long before you put us on our feet on this issue. I want first-class legislation in this area, too. The HIV virus issue has some great, complex issues associated with it.

I am advised that the issues relating to merit and equal opportunity are being addressed in a number of areas. I am pleased to say and note that my colleague Mr Duby and officers of his department are moving towards a final stage of some delicate, competent and effective negotiations with the fire brigade and its officers and staff, to ensure that a provision in the fire brigade legislation refers to promotion by seniority, which will become inconsistent with the merit provisions of our equal opportunity legislation which will be amended, hopefully, by consent and negotiation. I wait to hear Mr Berry put his support to the removal of the seniority discrimination in that legislation, and I challenge him to do that in this debate. I believe the people of the ACT are entitled to hear him state whether he believes that the Fire Brigade

Administration Act 1974 - in particular section 29 of that - will no longer be insisted upon as it is an instrument of a non-meritocracy.

I am very pleased to say that in the Legal Aid Office 78 per cent of the staff are women and 64 per cent of the staff are solicitors. That gives a good idea of how the Government and particularly those who are professionally based are moving in this area. I believe we will get substantive support within the administration of this Territory for our package of laws. I believe it will bring credit hopefully on this Assembly as well as the Alliance Government.

I will give you an example of the complexities and issues that the Commonwealth legislation does not embrace. New South Wales legislation, for example, deals with discrimination on the basis of sexuality and mental and physical impairment. It brought in racial vilification provisions last year to counter the incitement of racial hatred. These are all issues which are not addressed in Commonwealth legislation and on which we need to do more work.

The Victorian legislation extends to discrimination on the basis of parenthood, physical and mental impairment, religious belief and political affiliation, while South Australian legislation covers discrimination on the basis of sexuality and mental and physical impairment.

Western Australia also addresses discrimination on the basis of religious beliefs, political affiliation and physical and mental impairment. In all these States discrimination on the basis of age is being addressed and it is being addressed here. We may well, with South Australia, be the first to bring in legislation, if we can work through some difficulties in the superannuation and other areas.

Other States are looking at the HIV virus issue in this context and I believe that again, we may be able to make exemplary progress. I assure the people of the ACT that this issue is at the forefront and I tabled a letter yesterday that should establish my personal commitment to these concerns.

**MR BERRY (6.20):** This has become a political issue because of the lack of action by the Attorney-General, Mr Collaery, and it has exposed the lack of dedication by that Minister to the issue of developing human rights facilities in the ACT. It never ceases to amaze me and other members of the Opposition that there is always an imminent Cabinet decision, or the press has just been cranked up, or a piece of legislation is just about to roll off the press, when the Government gets flushed out by the Opposition.

We heard the whinges from Mr Collaery about the Northbourne Flats and how Mrs Grassby clubbed him around the ears on that issue.

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**Mr Collaery:** On a point of order, Mr Deputy Speaker, that has nothing to do with this debate. It is irrelevant.

**MR DEPUTY SPEAKER:** Yes. Please stick to the point, Mr Berry.

**MR BERRY:** I think it is relevant because it illustrates the lack of action that I am talking about. It is just another example of this Government's general lack of action.

**MR DEPUTY SPEAKER:** I accept your point about lack of action, Mr Berry, but I think the previous matter has been well and truly canvassed.

**MR BERRY:** Thank you, Mr Deputy Speaker, for your acceptance of the point about the lack of action by the Government.

**MR DEPUTY SPEAKER:** I accept its relevance, Mr Berry. Please continue.

**MR BERRY:** May I say, Mr Deputy Speaker, that you will not keep the chair too long if you keep that up.

**MR DEPUTY SPEAKER:** I think you are playing with words, Mr Berry. Just continue with your speech, please.

**MR BERRY:** Mr Collaery's lack of action has been demonstrated again today. Of course, there is an urgent need to have an office of the Human Rights and Equal Opportunity Commission in the ACT, despite the bleating by Minister Collaery. The failure to provide one leaves all ACT citizens as second-class citizens in this country.

**A member:** You had seven months.

**MR BERRY:** Well, we will get back to that in a moment. The need is greatest for those less privileged in society, but in its philosophy, the Government opposite has not demonstrated that it has much concern about those who are less privileged.

One of the most intriguing things about Mr Collaery's speech is his selective amnesia on what he said on previous days about the issue of human rights in the ACT. In a press release on 25 January, two months ago, he whined again that he had been found out by the Leader of the Opposition. He said:

I pressed the Follett Government for months from the outset to bring forward equal opportunity, privacy, anti-discrimination including sex discrimination legislation, the models for which already exist in the Commonwealth and other States.

What has he done? In two months?

**Ms Follett:** Not a lot.

**MR BERRY:** Not a lot in two months. No wonder it has become a political issue. We have to give him a little bit of a prod with a pointed stick to get him moving on these issues. That is exactly what we have done, so no wonder the Government is squirming a little bit on the issue because it has done virtually nothing, although we have been warned that there is an imminent Cabinet decision, the Government has oiled up the press and will pretty soon turn it on. Pretty soon we will have some legislation rolling off the presses to bring into the Assembly. Well, I will believe it when I see it.

Anyone with a social conscience - and Mr Collaery claims to have one - would accept the urgency to ensure that the human rights of Canberra residents are protected. It is all right for the privileged who can afford lawyers or, indeed, those who are lawyers - they can do without the protection of human rights facilities in the ACT because they do not need that sort of protection; they can look after themselves. But the people who suffer discrimination, which the Government does not seem to have any concern about, are those who are less well off in our society, less able to protect themselves.

Mr Collaery should put his head down; he should be holding it down in shame. Ms Follett has already outlined cases, such as discrimination against children, the physically and intellectually disadvantaged and the appalling treatment of Canberra's first woman firefighter. Despite the protestations from Mr Duby about this last matter, no doubt there will be some effort by the management people to cover up what has happened in that respect.

**Mr Duby:** The only discrimination she has received is from the FFU.

**MR BERRY:** Of course, the FFU would be a bit of worry for you; they found you out too, loser. The Liberals' lack of support for - - -

**Mr Collaery:** What is your answer on seniority, Wayne?

**MR BERRY:** I will get to that in a minute. The Liberals' lack of support for the human rights is well known and it is shown by its policy to abolish the human rights commission. Of course, it has no interest in the less well off as has been demonstrated by its very history, and those people in society will not be protected from breaches of their human rights. It is also well known that despite the bleating of Mr Collaery on this issue, nothing is being done. All the promises about the imminent Cabinet decisions mean nothing.

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The people of his party and those who supported him in the ACT election might well ask where Mr Collaery's social conscience went. We all heard about it before the election. Was it all pious words? I suggest that it probably was; there was certainly no obvious intention to carry through with any of the positive action after the election, although before it he presented himself as a man of action who represented certain residents in the Territory. He was the great lawyer - he described himself as that - who was interested in civil liberties. All that knowledge, all that training, all that experience, but no commitment, no dedication and no action. That is the most important part - no action to redress the lack of protection of human rights for the residents of Canberra. This was all in spite of the fact that the Labor Government made this matter easy for him: the money was in the budget. Yet we heard him whingeing a moment ago that the Labor Government had done nothing.

Mr Collaery has a pretty short memory, again selective amnesia, because the no confidence motion in the Labor Government, moved by that very person over there - Mr Collaery - happened the day after the budget came down. What has the Alliance Government done about the money since? It has not done anything about spending it.

**Mr Collaery:** It is only good for six months. What do we do after six months?

**MR BERRY:** Well, you are in government now, it is up to you. You just cannot live off that which was prepared for you forever; you have to get up and do something.

It was very interesting that Mr Collaery raised the issue of merit in the ACT Fire Brigade. He ought to have a closer look at the legislation, and he will find that there is - - -

**Mr Collaery:** I applauded those developments. What is your view?

**MR BERRY:** You should go back and have a close look at that legislation and the history behind it. You should have a little bit of discussion with those people who are aware of the struggle against patronage and favouritism in that organisation. You can rest assured that when management in that fire service comes up with a solution to the sort of patronage and favouritism that has been attempted in the past - - -

**MR SPEAKER:** Order, Mr Berry. I believe this is not the point being discussed.

**MR BERRY:** It is about human rights.

**MR SPEAKER:** I am sorry; if it is about human rights please continue.

**MR BERRY:** I am absolutely certain that the Federal Firefighters Union will keep management honest, as it has in the past. Indeed, it has found this little fellow out too - I am referring to Mr Duby. The union has a bit of a history of finding people out.

The fact is that this Government has done nothing. You might tell us what you are on about. If you do not want to give us a snippet now, perhaps you will tell us what it is all about later on. Where are the people in this Government who will protect those whose human rights are threatened, those who are discriminated against? They are not over there; they have all disappeared, they are invisible. It is becoming obvious that the greatest threat to the human rights of the residents of Canberra is the Minister himself, Bernard Collaery, and that threat arises from his lack of action, and his whingeing about being found out.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (6.30): It is obvious that when it comes to matters of public importance, we are scraping the bottom of the barrel a bit at the moment. I know that we were criticised by the former Government for not using MPIs enough, that somehow we did not employ that particular device sufficiently, but I can see that had we had to scrape the bottom of this sort of barrel we would certainly have been desperate, I can assure you. I would like to think that when we were in opposition we raised matters of real public importance, not phoney matters like - - -

**Mrs Grassby:** Human rights is not important, Mr Humphries? Is that what you are saying?

**MR HUMPHRIES:** No, Mrs Grassby, but the failure of the Kaine-Collaery Government to protect human rights for the ACT residents is really just a little bit overblown.

**Mrs Grassby:** Exactly! That is a typical tory attitude.

**MR HUMPHRIES:** I can see what is going to happen next week, Mr Speaker. We will have matters like "the child molesting activities of the Kaine-Collaery Government" or "the grave robbing activities of the Kaine-Collaery Government", and so on. That is what we will get to if we keep going down this path.

I have to say something about the Opposition speeches because these have been fairly hilarious for the most part, and I think they deserve some comment. First of all, I refer to a comment made by Ms Follett about Mr Collaery and the Residents Rally being the junior partners in the Liberal Government. That is rather an extraordinary sort of statement, because out of the 10-member Government the Liberal Party has four members. How a party with a minority of members in a government can be the senior partner really escapes me.

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**Ms Follett:** On quality alone, Gary, quality alone.

**MR HUMPHRIES:** Well, quality may be a factor, Ms Follett, but I have to say that I have been pleasantly surprised by the quality of my colleagues. This is a partnership, and as much as I would like to rise in this place and say that this is a Liberal Government, the fact is that it is not. It is an alliance of three quite different parties which cannot be easily characterised in terms of ideological position. I think that as the history of this Government proceeds, and I think it will be a long history, we will see that there is quite strong evidence of the diversity of the people who comprise it.

Previous speakers in this debate pointed out that the Federal coalition has indicated its intention to abolish the human rights commission and I do not deny that, that is quite true. I want to indicate my own understanding of why the Federal coalition does not see the need for a human rights commission.

The first of those reasons is that, despite what members opposite might say, a human rights commission is not the only way in which the rights of citizens of this country or this Territory might be addressed. In fact, we have a common law in this country which has been developed over centuries, the object of which principally is to establish and entrench the rights of citizens of this Territory and of Australia as a whole. Those rights date back to Magna Carta and the Bill of Rights of 1689 and a whole series of important common law and legislative measures designed to protect the rights of citizens, originally in Britain but now in this country.

To pretend that we need a human rights commission to save human rights from a kind of vacuum is quite a reprehensible idea. It is a slap in the face for the long developed, highly cherished values and rights which we today in this country and in this Territory hold dear. I, for one, certainly do.

Mr Collaery referred to legislation on the part of this Government to guard against discrimination - an antidiscrimination Bill. That, I would argue, is the appropriate way for the ACT to address deficiencies in our law to do with human rights. That is the appropriate forum. I believe, Mr Speaker, that we can see in an appropriately drafted antidiscrimination Act the proper vehicle for picking up gaps or omissions in our existing laws and providing for better protection of the citizens of this Territory. For that reason I will support that Bill when it comes forward.

The other advantage, of course, of common law and legislative rights over rights that might be protected by international covenants is that the human rights commission has to report to a Minister. It does not have any executive or judicial powers, as I understand it. It



reports to a Minister on what it perceives to be abuses of human rights. That is hardly a powerful guardian of the human rights of Territorians. I would rather see properly appointed courts of the land guarding the rights of the citizens of this Territory.

I also have to say that there has been some confusion about the way in which rights designated or delineated in international covenants might be applied with respect to the existing rights or laws or privileges of the people in this Territory or, indeed, in the whole of Australia.

Ms Follett said that she has seen examples of human rights being abused. She quoted the example of the woman in the ACT Fire Brigade. I have some passing familiarity with the facts in that case and I do not think it is anything like as clear-cut as Ms Follett makes out. Nonetheless, people will argue about what rights are in the first place and about whether they are being protected in particular instances. I would have to say that you need a much stronger and better definition of how those rights interact with the existing rights, much stronger rights, of people in this country before you can say clearly that we need a particular forum to enforce them.

Just as one example - I recall some years ago seeing a pamphlet put out when the Federal Government was introducing its antidiscrimination legislation. This pamphlet was meant to elucidate or describe, among other things, instances of where discrimination might occur. It cited one example of an employer deciding that when he has to retrench an employee he will retrench a single woman without dependants rather than a married man with children as dependants. This was cited as a case of discrimination. I would have to say, Mr Speaker, that examples like that which cut across existing legal frameworks, do add to confusion. We have to ask ourselves whether confused examples of that kind, confused instances of applications of so-called antidiscrimination rights, are really helpful in advancing the rights and privileges of Australians generally?

I am also confused about the reason for an attack on this less than four-month-old Government for its failure to bring about a human rights commission office in the ACT. By Ms Follett's own admission, this office was not removed from the ACT by this Government or, for that matter, by her Government; it was removed from the ACT by the Federal Labor Government some time ago.

**Mr Collaery:** And the other States have not had to pay any money.

**MR HUMPHRIES:** Indeed, the other States have not had to pay any money to get theirs back or to retain theirs. Why is it that we are excoriated for not having brought back something which the Federal Labor Government, the Government of Ms Follett's party, removed from the ACT in the

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first place? It is very hard to understand. What is more, as Mr Collaery pointed out, the Follett Government sat here for seven months and did not achieve any restoration of the human rights commission. It sat here for seven months and she was not able to persuade her Federal colleagues to bring back the human rights commission to the ACT. I really wonder whether, in the view of her Federal colleagues, there is a case for having a human rights commission office in the ACT.

I wonder what the volume of cases dealt with by such an office in the ACT really is. I know that my department has had a few instances where it has dealt with the commission, mainly because people within the education system, for example, have taken matters to it. To my knowledge there have been only four cases in the last 12 or more months - hardly a huge volume of matters.

Mr Speaker, I will finish by saying that I think that we ought to look more carefully at the issues of human rights in this Territory. I believe that the appropriate forum is the antidiscrimination Bill, to which Mr Collaery has referred. I will support that Bill when it comes forward. That will be the way in which I will make my statement in support of human rights in this Territory and I will not do it through rather stupid matters of public importance of this kind.

**MR MOORE (6.40):** It is interesting that the way in which the lawyers see human rights is through the law. What they do not comprehend is that people who are most disadvantaged do not understand the law, do not have access to the law and do not have access to the money to seek redress by the law. That is one of the major problems and a critical matter for us here.

I shall start my speech by talking about Mr Collaery and human rights. Since I have known Mr Collaery, he has described himself as a human rights lawyer and the vast majority of cases that he worked on were concerned with immigration. My understanding, gained from the people to whom I spoke in his office, was that he genuinely had a great empathy for those people who were discriminated against by the Federal Labor Government on matters of human rights to do with immigration. I do not think it is fair for anybody to take away from him that empathy and the effort that he has put into that particular aspect of human rights and I certainly would not be one to do that.

I will say, though, that human rights are much broader than immigration and I know that Mr Collaery understands that, but as part of this Government, he must accept that it is appropriate for members of the Opposition to do just what he is criticising them for, and that is to attempt to set the pace, to attempt to "push the Government along". It is appropriate for Opposition members to do that when they perceive that the Government is not looking to a particular issue as quickly as they believe it ought to be addressed.

I believe that Mr Collaery genuinely has empathy with human rights matters, but that does not mean that he does not, at some stage or another, because of his great workload, forget some aspect of those human rights or that his own particular emphasis on human rights should actually affect his view of how the whole human rights area should operate in the ACT.

This is particularly important in relation to the concept of legislation. Legislation is very important and it is important that very good legislation should be brought in. I believe that, by and large, Mr Collaery will bring in very good legislation in due time - - -

**Mr Collaery:** Thanks mate, I will shake hands on that!

**MR MOORE:** Oh yes - I give credit where it is due! This will not last long, I am coming to the other part soon! It is most important to understand that to the people who are disadvantaged the courts are not the answer. The legislation is important, but generally it gets to the courts too late.

Sometimes it is impossible for the courts to be able to deal with situations and I will use the example of people who are currently sentenced to spend time in gaol. In many cases there is a great fear that prison sentences are not what they were a few years ago before the advent of HIV and AIDS. A prison sentence for somebody these days can be a sentence - at least to be put at risk of contracting AIDS. There are issues like that which the courts are wrestling with and which they will have to deal with.

Equality and human rights are about dignity and self concept - a person's ability to be able to look on himself or herself as worthwhile, to be able to be seen to be equal. If we look back at the sort of discrimination that we have seen in Australia in the past, particularly with the Aborigines and a whole range of migrants, we should look to the way that we act, not just in terms of legislation, although that plays its role, but also in terms of having an accessible facility for people who are disadvantaged and basically do not know where to go.

Hence we need, if you like, a shopfront version. I am not telling the Government how to come up with its version. There has been a suggestion about the human rights commission. We need something like that and we need it quickly. I guess that is the point that comes out of this rather strong statement that the Labor Party has made. Let me urge this Alliance Government to move quickly - much more quickly than it has over the last 100 or so days; and I grant it that takes - - -

**Mr Kaine:** Much more quickly than Labor did in seven months.

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**MR MOORE:** Well, that is right, but Labor is not in government so I am not in the business of criticising it just now. I did that last time.

**Mr Jensen:** You have got to remember, Michael, Labor members had their opportunity.

**MR MOORE:** Yes; I think that is a good point and quite right of you to raise it.

**Mrs Grassby:** Just get on with the job.

**MR MOORE:** But let us remember that Mr Collaery in particular, who has put himself up as a champion of human rights in a particular area of migration, must work on this matter and be seen to be doing so.

I would also urge the Attorney-General to ensure that in his own dealings with the people around him - and I hope he understands what I am referring to - he deals with them in a way that is empathetic and recognises their human rights - particularly the people whom he employs.

The issue of human rights particularly affects women and it also affects an area of interest to me - education. If government policies in education encourage people to use the private school system more and more, the state school system will become second rate. Then people will tend to be separated, in terms of those who have more access to mobility in our society and those who have less access. That is a denial of a basic human right.

I urge Mr Humphries, in his capacity as Minister for Education to ensure that he does not set up a situation - by funding in particular and other government actions - in which parents feel that the only way their children will get a reasonable education is through the private school system. That, by its very nature, disadvantages those who are left in the state school system. As Minister for Education, you must take that factor into consideration. I have no doubt that you will consider it very seriously as an important part of your portfolio.

**MR SPEAKER:** Chief Minister, I advise you that unless a suspension of standing orders is intended, this debate concludes at 6.52 pm.

**MR KAINE** (Chief Minister) (6.49): I will just about make it, Mr Speaker. Somehow there seems to be a popular misconception that the term human rights is synonymous with antidiscrimination, and much of the debate this afternoon was focused on that. The two, of course, are related in the sense that discrimination frequently involves the curtailing of basic human rights. But when we think of human rights, we should be thinking of things like the protection of civil liberties, freedom of speech, freedom of association, freedom of religion, freedom of movement, freedom for the ageing to live in serenity and freedom for the disabled to enjoy their lives to the full.

In addition to that, we should also think about safety and security - safety to walk through the streets of Canberra free from the fear of assault, robbery and harassment; safety and security for women, particularly, to be free from the fear of rape and other forms of sexual assault; safety and security in the home for women and children, to be free from violence or sexual abuse and to have somewhere safe to go to escape such situations.

The approach of this Government to these problems is detailed in our numerous and various policy statements. We have issued 17 comprehensive policy statements. If only members of the Labor Party would read them. I would like to see their policy because theirs was a tatty bunch of documents put together 17 or 18 months ago. Those documents were tatty then and have not been updated since. I would like to see Labor Party policies on these issues on which its members criticise us.

What have we done? We have the antidiscrimination Bill almost on the table; we have issued our papers on the status of women; we have issued our blueprint for the ageing; we have issued our response to the Burdekin report on homeless children; have given a commitment to the disabled.

In its seven months in office, the Labor Government never addressed any of those issues. So it hardly behoves Labor members to come here today and be critical of what this Government is doing. Our record is there. But what we do not do is govern by media release. Because they do not read about it in the local papers, because we are not trumpeting it from the roof tops, as they always did, they assume that nothing has been done. They should do their homework, look around to see what we are actually doing.

Earlier, Mrs Grassby interjected, "Get on with the job". Well, Mr Speaker, this Government is getting on with the job. This hour of debate that we have just engaged in has contributed nothing but that, of course, is a typical Labor initiative on an issue like this. It is typical Labor initiative to talk about it and do nothing.

**MR SPEAKER:** Order! Time for this discussion has now expired.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

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### **Deputy Chief Minister - Behaviour**

**MR BERRY** (6.52): For Mr Kaine's information, he is just about to stick both fingers up his nose because of the way that - - -

**Mr Kaine:** I will stick them up your nose if you keep that up.

**MR SPEAKER:** Order!

**MR BERRY:** Well, I have got back at you - that was for threatening to strike me the other day. Today has been a good day for the Labor Opposition because we have again needled this group of hypocrites opposite.

**Mr Kaine:** You lost on every point, political cream puffs.

**MR BERRY:** Government members seem to think that passing a motion when you have the numbers is a win.

**Mr Kaine:** The Opposition members are not even here to debate the issue.

**MR BERRY:** Mr Speaker, how about pulling them up?

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

**MR BERRY:** No, they have to quieten down first.

**MR SPEAKER:** They have, Mr Berry; please proceed.

**MR BERRY:** The most important disclosure of today occurred during the censure motion that was moved against Mr Collaery when his incompetence was exposed in this Assembly. One of the most interesting parts of the debate was the tactic which the Government used to try to prevent the motion from being debated, or even being voted upon. Of course one would expect that in their current mood, next time Government members might even get a little bit sharper on their feet and prevent the matter coming before the House at all. That will demonstrate the concerns that the mob opposite have about democracy - they are probably the same as those that they have about human rights. They were so nervous about the exposure of Mr Collaery on this issue, and the fact that he had been clubbed around the head by Mrs Grassby and done over publicly, that it was surprising they even allowed us to speak.

Mr Speaker, it has been a good day for the Labor Party. However, it has been shameful in respect of matters in this Assembly because of the outrageous decision to unload the Deputy Leader of the Opposition in circumstances in which such action was irresponsible. But that is typical of the actions of the Deputy Chief Minister because he wanted to obliterate anybody who would be likely to expose his inadequacies.

The fact that Mr Whalan forgot to nod as he walked to his table here, apologised and then nodded, gave Mr Collaery the opportunity to vent his spleen further in relation to Mr Whalan's exposure of his inadequacies. I think that the Deputy Chief Minister, Mr Collaery, should have a bit of difficulty sleeping tonight, because of his conscience. Certainly the preparation of important Bills like those relating to human rights would not cause him to lose any sleep. The outrageous decision of this Assembly to throw out Mr Whalan could have been prevented if Mr Collaery had had some good sense and grace and had not been driven by anger and retribution. That is typical of the person opposite, and typical of his whole approach to dealing with matters in this Assembly.

**MR KAINÉ** (Chief Minister) (6.57): Mr Speaker, I rarely speak on the adjournment motion because I believe - - -

**Mr Berry:** Well, why break the habit?

**MR KAINÉ:** That is a typical flip remark from Mr Berry. He does not want to engage in any real debate, he just wants to be - well, I will not use the word because it is pretty unpleasant. I do not usually speak on the adjournment motion because at the end of a long hard day, I always take the view that people are pretty tired. They sometimes say things that they later regret and they sometimes make foolish statements like that which Mr Berry just made. We would all be better off going home and relaxing for an hour or two instead of engaging in further prolongation of sometimes pointless debate.

However, Mr Berry has caused me to get to my feet because his spurious claim for the laurels of victory in the debate today simply cannot be left on the record. Obviously, he has not been taking any notice of what went on at all and I would just recapitulate. The motion put forward, which was supposed to put Mr Collaery on the defensive, in fact ended up with three members of the Labor Party - three former Labor Ministers - being condemned by this Assembly. Is that a victory? Not in my book. They were shown up to be guilty of reprehensible behaviour - absolutely reprehensible behaviour. If they call that a victory, they have a funny scorebook.

The Opposition's matter of public importance was really intended to take another blow at the Attorney-General. The whole purpose of today's work on the part of Labor Party members was to get Mr Collaery. Well, they did not succeed; they did not make a point worth a darn. As I have been saying all week, they are a bunch of political cream puffs. The Leader of the Opposition, who is never here when the real debate is on, is, of course, not here again and I would suspect that if somebody actually noted down the amount of time that she spent in this house, that person would come to an unpleasant conclusion, because she is here very rarely.

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**Mr Moore:** But you want Whalan out!

**MR Kaine:** I am talking about the Leader of the Opposition. Don't you listen? You want to clean out your ears.

On the two matters that have taken up well over half the debating time of this Assembly today, Labor Party members got done like the bunch of cream puffs that they are. They got done like a dinner. They did not get one single point on the board. Let us get the record really on the books. Of course, the final point concerns the Deputy Leader of the Labor Party, who thought he was going to take the Attorney-General down today. Look what happened to him, because of his absolute and total disrespect for this house and for its Speaker. He is out. He belongs in the sin bin and I hope he stays there for his full three hours. That is the measure of the success of the Labor Party today. I think the record speaks for itself and for Mr Berry to get up and assert that somehow the Labor Party has won the day was as laughable as the debate in which its members engaged in all day.

**MR MOORE (7.01):** When I read through the documents that were tabled by Mr Collaery at the end of his speech I realised that those documents have simply verified what the censure motion was all about. Once again, he has tabled a set of documents that are totally irrelevant. Most of them are from 1988, before any of us were here, and none of them had to do with Northbourne Flats or Mrs Grassby. It should remain on the paper and in Hansard that that is the case. The very thing for which the Opposition attempted to censure him and on which the Government just used its numbers to block the attempt, has once again been clarified. That is the calibre of the man; that is what we are talking about; that is why - - -

**Mr Collaery:** On a point of order, Mr Speaker, standing order 51. This gentleman is seeking to renew the debate. Standing order 51 says:

A member may not allude to any debate or proceedings of the same calendar year unless such allusion is relevant to the matter under discussion.

This is the adjournment debate, Mr Speaker.

**MR SPEAKER:** Order! Thank you, Mr Collaery, do not debate the issue. Mr Moore, you are sailing close to the wind on your discussions; you are alluding to previous debate this day and therefore that is out of order.

**MR MOORE:** The censure motion that we were talking about concerned the tabling of papers by Mr Collaery. Then Mr Kaine stood up and talked about there being no victory for Labor. Well, as an observer from the outside who has nothing gain or lose either way, I - - -



**Mr Kaine:** You mean as a member of the Opposition.

**MR MOORE:** As a member of the crossbenches, if you like, I find the issue that is of most concern is the damage that has been done to the Assembly, this group of 17 people. Because of the way the debate went, the logical thing would have been for Mr Collaery to accept that he had tabled a totally irrelevant document and we could have dealt with the issue quickly and relatively quietly, without having to go into the sort of play that he used.

What is likely to happen is that this will bring the Assembly into further disrepute and that is a major problem. But even more of a problem is the difficulty that I perceive with standing order 140, which deals with the relevance of an amendment to the particular motion that it seeks to amend. I hope that we will look at that standing order and recognise the unsatisfactory way in which those people opposite have used their majority. To simply take a motion and turn it around - that is what the amendment did; it turned the motion around - is certainly contrary to the meaning of the standing order in my opinion.

**Mr Jensen:** On a point of order, Mr Speaker, I draw your attention to page 554 of House of Representatives Practice, which says:

Through the application of the general rules of debate, a Member may not - - -

**MR SPEAKER:** Order, Mr Jensen! You have drawn my attention to that page. While we are looking at the House of Representatives Practice, I also draw members' attention to half-way down page 554, which indicates that we can allude to previous debates at times, but still remain relevant.

**MR MOORE:** In the few seconds that I have now left - thanks to Mr Jensen's long dissertation on that matter - I would say that that particular amendment needs to be looked at, and point out that the House of Representatives Practice should only be used when we do not have something to cover an issue. That is the critical factor.

### **Government Business**

**MS FOLLETT** (Leader of the Opposition) (7.06): Mr Speaker, I wish to place on the record the fact that it is the wish of members of the Opposition to proceed with the business before the Assembly this evening - namely, the Clinical Waste Bill. Mr Moore assures me that I speak for the crossbenchers as well.

I think it is extremely regrettable that we find ourselves in the position here where I have been doing some work on the Bill, the public servants involved are in the chamber, my staff are in the chamber, and everybody ready to proceed

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with that Bill is here, yet the Government is once again using its numbers to deny the Assembly the opportunity to proceed with this important item of business.

I wish to place it on the record, Mr Speaker, that we are prepared to go on with that business this evening and that I think it is extremely regrettable that the Government is not prepared to do so. It is just symptomatic of the attitude of this Government that it will use its numbers - and only its numbers, not its wits - to dominate the proceedings in this Assembly. That is exactly what the Government did during the censure motion this afternoon. It did not attempt to defend Mr Collaery; it simply used its numbers in order to deal with the debate in a way that addressed none of the issues whatsoever. It did not even attempt to do so, it just used its numbers like the bully boys that its members are to get rid of the debate and get rid of one of my members. That is exactly what they are doing with the business that is before the Assembly this evening.

I think that their behaviour is absolutely atrocious. As I have said before, this is a lazy inactive Government, more concerned with getting on with its own business, just as it was on Tuesday when two of its members took the night off. The Government used its numbers on that occasion to deny us a sitting of the Assembly. There was no attempt at consultation, no attempt at reaching agreement on that matter. The same has been done this evening. We are ready to go on with the business; it is quite clear that the Government is not.

#### **Australian Medical Association - Presidency**

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (7.09): Mr Speaker, I will resist the temptation to get involved in this particular argument and speak about something entirely different. I wanted to say a few words to mark the retirement of Dr John Donovan from the presidency of the ACT branch of the Australian Medical Association today. Dr Donovan has served for the last 12 months in that position. He has been an active member of a large number of professional organisations in Australia and has held senior posts in the Federal Department of Health and the Australian Institute of Health.

I think that he is worthy of some attention at this time because in the past year a spirit of cooperation has developed very much between his association and officers of the Department of Health, and I think I probably speak in those terms not only for myself but also for my predecessor. He is not listening, so I do not know whether I do. Anyway, Dr Donovan has been active in the process of developing that spirit of cooperation; he has been the linchpin in some negotiations that have been conducted between my department and areas of the medical profession;

and I want to put on record the value that that cooperation has had for the smooth delivery of health services - in some cases the restoration of health services - in the ACT.

Particularly important was his role in resolving the dispute concerning ophthalmologists in the ACT. That dispute is not quite settled as yet, but I am confident of being able to announce its resolution in the next few days. Certainly, I expect his effort to have been very important in establishing the conclusion of that dispute.

He has also been active in discussing with members of the medical profession the coordination of accrued days off in our hospitals and the resolving of problems to do with the supply of orthopaedic services in our hospital system. Of course, the AMA has always been a strong supporter, through Dr Donovan in particular, of the Government's tobacco legislation, and I pay tribute to him for that.

He will be succeeded by Dr Graeme Bates and I am confident that Dr Bates will be able to follow in the footsteps of Dr Donovan in establishing smooth working relationships. It is a very healthy sign. I wish that all interest groups within the community were able to work as closely with the Government, as the AMA has worked with the Department of Health and me. I hope that is a good sign for the future of health services in the ACT.

#### **Deputy Chief Minister - Behaviour**

**MR DUBY** (Minister for Finance and Urban Services) (7.11): Mr Speaker, I had not intended to participate in this adjournment debate until I heard the comments by the Leader of the Opposition - comments which need to be answered. Today is a very sad and sorry day in the history of this Assembly because it indicates the sort of work that Opposition members will do for the rest of the life of this Assembly. Today, clearly, they were not the slightest bit interested in doing anything constructive - - -

**Mr Moore:** On a point of order, Mr Speaker, I draw your attention to standing order 55 which says:

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

**MR DUBY:** Mr Speaker, it is not in any way an imputation; it is a bald statement of fact.

**MR SPEAKER:** Order! I reject the point of order; it is inaccurate and not applicable. Please proceed, Mr DUBY.

**MR DUBY:** It certainly was inaccurate because it was not in any way an imputation. It was a bald statement of fact. The standard of debate that we have heard today from these people - - -

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**Mr Moore:** On a point of order, Mr Speaker, can I seek clarification of standing order 55. It was an imputation of improper motives to say that each member - - -

**MR SPEAKER:** Order! Mr Moore, it is not an imputation, as I understand it. Mr DUBY has made a declaration to that effect. There is no doubt, there is no imputation. He is directly stating something.

**MR DUBY:** I am not implying anything, you nincompoop.

**Mrs Grassby:** On a point of order, Mr Speaker. Mr DUBY should not refer to the member as a nincompoop. I ask him to withdraw it.

**MR SPEAKER:** I am afraid I did not hear that comment. Mr DUBY, please proceed.

**Mr Moore:** I rise on a point of order, Mr Speaker. Standing order 56 refers to offensive or disorderly words. That word is offensive to us. It is not an imputation, it is a direct offence.

**MR DUBY:** Mr Speaker, this is a clear waste of time and I shall be seeking an extension if I run out of time.

Today we have seen frivolous actions on the part of the Opposition in this Assembly which are nothing more than an attempt to bring this place into disrepute. We have seen a whole afternoon of debate of a most personal and snide nature directed towards the Attorney-General. I feel that these allegations certainly have not been proved by fact and no evidence of any kind has been produced on the matters that were raised. Clearly it was a personal, snide attack on a member of the Government. As a matter of fact the comments made by - - -

**Mr Berry:** On a point of order, Mr Speaker he is reflecting on the vote.

**MR SPEAKER:** Order! As usual, I am not quite sure what Mr Berry's point of order is.

**Mr Berry:** He is reflecting on the propriety of a decision - - -

**MR SPEAKER:** We have had that comment before, Mr Berry. Earlier, I referred you to the page number of this book, House of Representatives Practice. Obviously you did not understand my words; I will show you the book. Please proceed, Mr DUBY.

**MR DUBY:** The statements made by the Leader of the Opposition in her vain attempt to get some record of whatever it was she maintained should be in Hansard were nothing but a litany of lies. The simple situation - - -

**Ms Follett:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Order! Please withdraw that statement, Mr Duby.

**MR DUBY:** Of course. It was not a litany of lies, it was a collection of untruths. But the fact remains - - -

**Mrs Grassby:** That is not a withdrawal.

**MR SPEAKER:** Order, Mr Duby, please withdraw those words.

**MR DUBY:** Untruths? That is not an unparliamentary word.

**Mr Moore:** I raise a point of order, Mr Speaker, on standing order 202(e), which deals with persistently and wilfully disregarding the authority of the Chair.

**MR DUBY:** I withdraw the words. However, it was pointed out that the Leader of the Opposition herself was caught out in five clear untruths, which she has not denied - - -

**MR SPEAKER:** Order, Mr Duby! Your time has expired.

**MR HUMPHRIES:** I move:

That Mr Duby be granted an extension of time.

**Mrs Grassby:** No!

Question put.

A call of the Assembly having commenced -

**MR HUMPHRIES:** Mr Speaker, I seek leave to withdraw my motion.

Leave granted.

**MR MOORE:** I move:

That the question be now put.

Question resolved in the affirmative.

Question - That the Assembly do now adjourn - put.

22 March 1990

The Assembly voted -

AYES, 9

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

NOES, 5

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Moore  
Mr Wood

Question resolved in the affirmative.

**Assembly adjourned at 7.26 pm until Tuesday, 27 March 1990, at 2.30 pm**

**ANSWERS TO QUESTIONS**

**QUESTION ON NOTICE - 5 DECEMBER 1989 - NO 74**

**Gungahlin Work Force**

On Tuesday, 5 December 1989, MR WOOD asked the then Minister for Industry, Employment and Education, MR WHALAN

- (1) WHAT WORKFORCE IS PROPOSED FOR GUNGAHLIN WHEN THE CENTRE IS FULLY DEVELOPED
- (2) WILL THIS WORKFORCE BE PREDOMINANTLY OFFICE BASED
- (3) WHAT PERCENTAGE OF THE WORKFORCE IS EXPECTED TO LIVE IN GUNGAHLIN
- (4) AS THE WORKFORCE GROWS, HOW WILL PROVISION OF OFFICE ACCOMMODATION BE STAGED
- (5) UNDER EXISTING PLANS, WHAT WORKFORCE IN (A) OFFICE ACCOMMODATION AND (B) TOTAL, IS PROPOSED FOR THE TOWN CENTRES OF TUGGERANONG AND BELCONNEN.

RESPONSE:

Mr Kaine:

AS THE MINISTER NOW RESPONSIBLE FOR LAND AND DEVELOPMENT, I HAVE UNDERTAKEN TO RESPOND TO MR WOODS QUESTIONS.

- (1) IT IS LIKELY THAT THE TOTAL WORKFORCE FOR GUNGAHLIN AND RELATED AREAS WILL BE IN THE ORDER OF 16,000 TO 21,000, MADE UP AS FOLLOWS -

THE METROPOLITAN POLICY PLAN OF 1984 INDICATED AN INTENDED EMPLOYMENT LEVEL FOR THE TOWN CENTRE OF BETWEEN 7,000 AND 12,000.

THE RECENT GUNGAHLIN EXTERNAL TRAVEL STUDY NARROWED THIS ESTIMATE TO A MEDIUM-SIZED TOWN CENTRE EMPLOYING 8,000 TO 9,000 PEOPLE.

EMPLOYMENT GENERATED FROM PERIPHERAL AREAS, SUCH AS GROUP AND LOCAL CENTRES, SCHOOLS, COMMUNITY FACILITIES AND HOME OFFICES IS ESTIMATED TO GENERATE ANOTHER 5,000 JOBS BASED ON A PROJECTED LONG-TERM GUNGAHLIN POPULATION OF 85,000.

MITCHELL WILL PROVIDE THE SINGLE MOST SIGNIFICANT AREA OF EMPLOYMENT OUTSIDE THE TOWN CENTRE, WITH AN ULTIMATE ESTIMATED EMPLOYMENT BASE OF BETWEEN 3,000 AND 4,000 PEOPLE.

22 March 1990

- (2) THE EMPLOYMENT STRUCTURE OF THE GUNGAHLIN TOWN CENTRE IS LIKELY TO RESEMBLE THAT EXISTING AT WODEN AND BELCONNEN TOWN CENTRES, WHERE OVER HALF THE TOWN CENTRE EMPLOYMENT IS OFFICE-BASED.
- (3) IT IS ESTIMATED THAT ABOUT 22 PER CENT OF THE WORKFORCE IN GUNGAHLIN AND RELATED EMPLOYMENT AREAS WILL LIVE IN GUNGAHLIN.

THIS FIGURE IS BASED ON A TOTAL POPULATION OF 85,000 PEOPLE AND A MEDIUM-SIZED TOWN CENTRE OF ABOUT 8,000 EMPLOYEES.

- (4) THE STAGED PROVISION OF OFFICE ACCOMMODATION IS BASED NOT ONLY ON THE GROWTH OF THE WORKFORCE, BUT ALSO ON THE ADDITIONAL GOVERNMENT AND PRIVATE OFFICE SPACE NEEDS, AND ON THE REPLACEMENT OF THE EXISTING OFFICE ACCOMMODATION.

STAGING OF THE PROVISION OF OFFICE ACCOMMODATION IN THE LONG TERM DEPENDS ON THE TIMING OF PRIVATE INVESTMENTS AND REPLACEMENTS, BOTH OF WHICH DEPEND ON THE DECISIONS OF INDIVIDUAL GOVERNMENT DEPARTMENTS AND PRIVATE ENTERPRISE OCCUPATIONS OF OFFICE SPACE.

- (5) UNDER EXISTING PLANS, INTENDED TOTAL EMPLOYMENT IN BELCONNEN TOWN CENTRE BY 2003 IS BETWEEN 13,000 AND 15,000, WITH OFFICE EMPLOYMENT BETWEEN 7,000 AND 8,000. IN TUGGERANONG TOWN CENTRE BY 2003, INTENDED TOTAL EMPLOYMENT IS BETWEEN 12,000 AND 17,000 WITH OFFICE EMPLOYMENT BEING BETWEEN 6,000 AND 7,000.

THESE FIGURES ARE BASED ON WORK ASSOCIATED WITH THE METROPOLITAN POLICY PLAN AND THE PROPOSED NATIONAL CAPITAL PLAN.

IF THE NATURE OF DEVELOPMENT IN GUNGAHLIN CHANGES, MY GOVERNMENT WILL RESERVE ITS RIGHT TO PROPOSE A DIFFERENT TOWN CENTRE REGIME.

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**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Ministerial Consultants  
QUESTION NO. 80**

(5 December 1989)

Ms Follett - asked the Minister for Finance and Urban Services

- (1) In the period from 5 December 1989 to the date of answering this question, what consultants were employed by (a) the Minister and (b) each agency in the Ministers portfolio.
- (2) For each consultant employed, what was (a) the purpose, (b) the duration and (c) the cost of the consultancy.

Mr Duby - the answer to the Members question is as follows:

- (1) In the period from 5 December 1989 to end February 1990
  - (a) Nil
  - (b) See attached list
- (2) See attached list for details

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<u>AGENCY</u>	<u>CONSULTANT</u>	<u>PURPOSE</u>	<u>DURATION</u>	<u>COST</u>
ACT PARKS AND CONSERVATION SERVICE	CD Communication	Assist with Floriade Garden Competition promotion	9 months	\$2500
	R Whittington	Examine impact of freshwater fish and organisms in Carberra Aquarium	6 weeks	\$7000
	T Fearnside	Develop Stromlo Forest Management Plan	12 months	\$12000
	ANUTECH	Determine ACT Forests transfer price from C'wealth to ACT Govt	5 days	\$2500
	P Boot & D Bulbeck	Archaeological survey for Stromlo Forest	2 months	\$4000
	Communication Concepts	Management Information Seminar	3 days	\$4750
	Computer Training and Consultancy	Computer training	7 days	\$4200
	Management and Technology Consulting	Management Workshop	3 days	\$4200
	Maunsell Pty Ltd	Professional advice in the preparation of capital design briefs	6 months	up to \$10000
	Ove Arup Transportation	" " "	" "	up to \$10000
TRANSPORT AND ENGINEERING	Dwyer Leslie Pty Ltd	Professional advice in the preparation of design and study briefs	" "	up to \$10000

**CANBERRA TOURISM  
DEVELOPMENT BUREAU**

Professional Conference  
Organiser

12 months \$20000

Assist with planning and  
organisation of the 7th World  
Council of Churches Congress

**CORPORATE SECRETARIAT**

P Boas

Middle Management Development

4 days \$4800

(Information Technology Branch) Parity People

Development of Register of  
Encumbered Vehicles

6 to 12  
weeks  
to  
\$20000

**ACT PUBLIC WORKS**  
(attached)

**CONSULTANT**

**PURPOSE**

**DURATION**

**COST**

CONSULTANT	PURPOSE	DURATION	COST
BILL GUY & PARTNERS PTY L	AHLSLIE PUBLIC HOUSING ADVICE ON DRAINAGE	06/12/89	2,500.00
ANN PEHDER	AHLSLIE S 20 BL 6 & 7 WOMENS REFUGE (BERYL)	06/12/89	8,700.00
LAWRENCE HIELD & PARTNERS	KALENIE SECT 28 BLOCK 56 TWO OPTIONS TO PSP'S.	13/12/89	30,020.00
ACT BUILDING CONTROLLER	BUILDING APPROVAL FEES FOR VARIOUS PROJECTS ON LEASED		10,000.00
MURNS SLY & PARTNERS	THEODORE 9/659 8 APUS 15 TOWNHOUSES 11 HOUSES	01/06/90	386,000.00
BILLY JESSUP ROBINSON PTY	RED HILL FLATS FEASIBILITY STUDY	14/12/89	8,412.00
MURNS SLY & PARTNERS	BELCONHEH 13/184 APPRAISAL OF FLATS	19/12/89	6,000.00
HUGHES PROJECT MANAGEMENT	WODEN VALLEY HIGH SCHOOL ASBESTOS SURVEY	19/12/89	7,000.00
ADDISON ASSOCIATES PTY LT	TUGGERAHONG COMMUNITY CENTRE - CONCEPT SKETCH DESIGN	14/12/89	13,965.00
W P BROWN & PARTNERS PTY	CITY S 19 RELOCATION OF SERVICES	11/12/89	26,500.00
SCOTT AND FURPHY	CITY SECT 19 SEWER AUGMENTATION	13/12/89	50,000.00
A D BLOXWICH & PARTNERS	CITY CIVIC SQUARE DEVELOPMENT ENGINEERING SERVICES	19/12/89	3,993.50
OVE ARUP & PARTNERS	CITY CIVIC SQUARE DEVEL. CARPARKING COST STUDY	01/02/89	6,945.00
R.A. YOUNG & ASSOCIATES	McKELLAR - WILLIAM SLIIE DRIVE - INTERSECTION IMPROVEM	19/12/89	18,000.00
W P BROWN & PARTNERS PTY	DEAKIN SECTION 37 - PAY PARKING CONTROLS	06/12/89	35,652.00
WILLING AND PARTNERS	VARIOUS AREAS - FOOTPATH CONTRACT NO 30	06/12/89	25,000.00
W P BROWN & PARTNERS PTY	BICYCLE PATH NETWORK LITEMARKING	07/12/89	9,000.00
W P BROWN & PARTNERS PTY	ISABELLA PLAINS S887 FINDON/TUMBLETON-PREDESIGN REPORT	13/12/89	1,600.00
HUGHES TRUFMAN LUDLOW	O'MALLEY SECTION 52 BLOCKS 2,3,4,5&6-PREDESIGN REPORT	14/12/89	1,200.00
R D GOSSIP PTY LTD	CITY BICYCLE ACCESS & FACILITIES	14/12/89	9,000.00
R D GOSSIP PTY LTD	CITY BICYCLE ACCESS AND FACILITIES STUDY	14/12/89	7,307.00
WILLING AND PARTNERS	GORDON STAGE 2 INTERIM WATER SUPPLY	14/12/89	5,600.00
R.A. YOUNG & ASSOCIATES	BRUCE TO KALEEN CYCLEPATH	19/12/89	62,000.00
MAHSELL AND PARTNERS	WOMEN INTERCHANGE PLATFORM PAVEMENT IMPROVEMENTS	19/12/89	16,000.00
SCOTT AND FURPHY	BAHKS RETARDATION BASIN	06/12/89	60,000.00
R J HAIRH & PARTNERS PTY L	TUGGERAHONG PARKWAY - EMERGENCY TELEPHONES	06/12/89	25,000.00
R D GOSSIP PTY LTD	TUGGERAHONG PARKWAY MEDIAN BARRIER-FINAL CLAIM	07/12/89	952.20
R J HAIRH & PARTNERS PTY L	NORTHBOURNE AVENUE/ MACARTHUR AVE/VAKEFIELD-INTERSECT	11/12/89	18,700.00
R J HAIRH & PARTNERS PTY L	GINNHDERRA DRIVE/ HAYDOH DRIVE- INTERSECTION IMPROVEN	27/07/90	7,000.00
KIRKILL ENGINEERS PTY LTD	TUGGERAHONG - MONARO HWY/ISABELLA DR. INTERSECTION IM	01/09/90	200,000.00
R D GOSSIP PTY LTD	FORREST NATIONAL CIRCUIT/CAMBERRA AVE- INTERSECTION I'	22/12/89	35,000.00
STIRLIE DESIGN	CALWELL PRIMARY SCHOOL LANDSCAPE MODIFICATION	22/12/89	31,200.00
DORROUGH BRITZ & ASSOCIAT	PLAYGROUND EQUIPMENT REFURBISHMENT	11/12/89	29,000.00
W P BROWN & PARTNERS PTY	BTC S54 DESIGN/DOCS-REPAIRS TO FLUGELMAN SCULPTURE	13/12/89	5,175.00
DIRT DESIGN LANDSCAPE	11 HOUSE CONTRACT SUPPORT STAFF - LANDSCAPE	15/12/89	5,000.00
ROBB GOURGAUD & ASSOCIATE	BRADDON BLD MOD.FOR SPEC PLAYGROUND RELOCATION	01/06/90	850.00
SF LANDSCAPE CONSULTANTS	LATHAM,MACQUARIE AND HAWKER-NEIGHBOURHOOD LANDSCAPING	20/12/89	17,000.00
DEWTON CORKER MARSHALL	PINE ISLAND LANDSCAPING STAGE 4	22/12/89	28,100.00
CAPRICORN SOLUTIONS	11 HOUSE CONTRACT SUPPORT STAFF - CONTRACT CELL	06/12/89	32,643.75
J M STILL & ASSOCIATES	DOWHER PART BLOCK 73 APU'S-FSP'S	04/01/90	8,000.00
COLLINS CADDAYE & HUMPHRI	DOWHER PART BLOCK 73 APU'S-FSP'S	01/06/91	2,100.00
HUGHES TRUFMAN LUDLOW	DOWHER PART BLOCK 73 APU'S -FSP'S	04/01/90	20,000.00
PETER FREEMAN & PARTNERS	O'CONNOR TOORA WOMEN'S REFUGE-SITE SPECIFICATION ADVICE	01/06/91	
		11/11/90	

CONSULTANT

PURPOSE

DURATION

COST

MANTEENA PTY LTD	HOUSE UPGRADING PACKAGE 7 60 HOUSES	30/01/90	132,368.00
WHITEHOLME (A.C.T.) PTY L	HOME UPGRADE NO 8 60 HOUSES	30/01/90	132,368.00
MAFSCOH PTY LTD	QUALITY ASSURANCE STUDY STUDY	08/01/90	51,150.00
ROSS-LINDQUIST CONSULTANT	CCAE-BUILDING 10 INVESTAGE SITE FOR ACTA COMPUTER IHS	08/01/90	800.00
ERIC TAYLOR ACOUSTICS	KAMBAH HIGH SCHOOL TRANSPORTABLE CLASSROOMS-ACOUSTICS	22/01/90	630.00
PHILIP TAYLOR ARCHITECTS	REVIEW BUILDING STANDARDS REVIEW	30/01/90	45,000.00
DEPARTMENT OF ADMINISTRAT	BRADDON MISC. MICROFILM PRINTS	10/01/90	266.50
COLLINS CADDAYE & HUMPHRI	FYSHWICK FYSHWICK WORKS DEPOT - MODEL	29/01/90	2,750.00
ELRIC CRAFTS	MAJURA MAJURA COMMUNITY CENTRE - MODEL	29/01/90	4,350.00
W P BROWN & PARTNERS PTY	BRADDON - GORMAN HOUSE/CURRONG STREET - PAY PARKING C	05/01/90	6,220.00
W P BROWN & PARTNERS PTY	CITY SECT 19 BLK 11 CARPARK OPTIONS STUDY	30/01/90	1,470.00
W P BROWN & PARTNERS PTY	CIVIC PEDESTRIAN AREA UPGRADE	04/01/90	80,000.00
R D GOSSIP PTY LTD	BELCONNEN CAMERON AVE/CHANDLER ST-INTERSECTION IMPROV	04/01/90	20,000.00
HUGHES TRUEEMAN LUDLOW	TUGGERAHONG TOWN CENTRE EAST-PLAYGROUNDS & LANDSCAPIN	09/01/90	1,071.00
OFFICE OF CITY MANAGEMENT	RESIDENTIAL ENTRANCE DRIVEWAYS CONTRACT NO.36-VARIOUS	18/01/90	20,000.00
W P BROWN & PARTNERS PTY	VARIOUS ACT INFRASTRUCTURE STANDARDS - REVIEW	29/01/90	1,135.00
HUGHES TRUEEMAN LUDLOW	GOMRIE & MAWSON ENGINEERING INVESTIGATION ADVICE-	29/01/90	1,400.00
BILL GUY & PARTNERS PTY L	BELCONNEN S6 BL9 ENGINEERING ADVICE	29/01/90	2,000.00
BILL GUY & PARTNERS PTY L	KALEEN S87 BL1 SITE SERVICING	30/01/90	10,500.00
RJ NAIRN & PARTNERS PTY L	MACQUARIE-CARB HIGH PEDESTRIAN SAFTEY IMPTS BINDUBI S	30/01/90	1,980.00
HARRIS VAN NEEGEN	BRADDON CONSULTANT SUPPORT FOR INTERVIEWS	08/01/90	2,247.50
MAUNSELL AND PARTNERS	ATHLON DRIVE EXTENSION DRAKEFORD - LEARMOUTH-LANDSCA	04/01/90	11,350.00
HUGHES TRUEEMAN LUDLOW	BARRY DR NORTH ROAD MCCAUGHEY ST INTERSECTION IMPROVE	04/01/90	30,000.00
BROKANS LANDSCAPE DESIGN	IN HOUSE PROFESSIONAL ASSISTANCE LANDSCAPE BRANCH	08/01/90	18,245.00
STRINE DESIGN	KALEEN & GIRALANG MISCELLANEOUS LANDSCAPING	09/01/90	2,016.00
EBOND (AUSTRALASIA)	VARIOUS PHOTOGRAPHIC MATERIAL RECORD OF DISPLAY & BRI	29/01/90	18,800.00
MARGULES AND PARTNERS PTY	VARIOUS AREAS - NEIGHBOURHOOD LANDSCAPING	30/01/90	35,000.00
RADMILL PTY LTD	BRADDON IP3000 Wayne Davey	08/01/90	48,357.50
BLIGH ROBINSON	HARRABUNDAH S73 BLOCKS 2,3 & 4-DUAL OCCUPANCY	07/02/90	9,500.00
THE EXPERT CLIENT	MELBA FLATS REDEVELOPMENT-FENCING & DEMOLITION STAGE	15/02/90	17,640.00
ALAN MARTIN PROJECT	IN-HOUSE CONTRACT SUPPORT - ARCHITECTURE	28/02/90	18,900.00
SUE HOWARD DESIGN	IN-HOUSE CONTRACT SUPPORT - ARCHITECTURE	28/02/90	36,000.00
A O BLOXWICH & PARTNERS	KAMBAH HIGH SCHOOL VENTILATION & ACOUSTIC IMPROVEMENTS	07/02/90	15,000.00
DARYL JACKSON PTY LTD	BONYTHON PRIMARY SCHOOL INVESTIGATE OPTIONS IN DESIGN	08/02/90	500.00
DENTON CORKER MARSHALL	TUGGERAHONG COLLEGE VERGE PAVEMENT RECTIFICATION	21/02/90	10,000.00
HUGHES TRUEEMAN LUDLOW	CITY-MODIFICATION OF AINSLIE AVENUE/BALLUMBI R ST INTE	05/02/90	2,500.00
BILL GUY & PARTNERS PTY L	BELCONNEN S187 BL 3 ENGINEERING ADVICE	06/02/90	38,000.00
HUGHES TRUEEMAN LUDLOW	YARRALUMLA NURSERY UPGRADE WATER SUPPLY STAGE 2-SUPER	08/02/90	2,600.00
WILLING AND PARTNERS	HOLT S49 BL 55 ENGINEERING INVESTIGATION & GEOTECHNIC	12/02/90	
R D GOSSIP PTY LTD	LYHEHAM SHOPS UPGRADING PEDESTRIAN AREAS	15/10/90	
WILLING AND PARTNERS	PEARCE FLOOD STUDY PEARCE SECT 49 BL 4	13/02/90	

<u>CONSULTANT</u>	<u>PURPOSE</u>	<u>DURATION</u>	<u>COST</u>
R.A. YOUNG & ASSOCIATES	TUGGERAHONG HILL PAVEMENT AMENDMENTS	14/02/90	2,650.00
BILL GUY & PARTNERS PTY L	HUME S22 BL3 ENGINEERING INVESTIGATION	14/02/90	1,500.00
BILL GUY & PARTNERS PTY L	WARAHANGA S46 PT BL4 SITE SERVICING	14/02/90	600.00
R D GOSSIP PTY LTD	FYSHWICK-REVIEW OF TRAFFIC CONTROL DEVICES & PARKING	14/02/90	18,000.00
W P BROWN & PARTNERS PTY	WATSON S64 PT BLOCK 3 SITE SERVICING	19/02/90	718.75
GUTTERIDGE HASKINS AND DA	BELCONNEN S20 BL 2 CARPARK	01/02/90	10,000.00
MURRAY NORTROP CONSULTAN	DICKSON SHOPS UPGRADE PEDESTRIAN AREAS	20/02/90	82,000.00
WILLING AND PARTNERS	HACKETT S28 BLK34 STORMWATER UPGRADE	23/02/90	20,000.00
W P BROWN & PARTNERS PTY	SHINGER HILL RECONSTRUCT HORNBURY MANSFIELD ALSOP PLAC	23/02/90	15,000.00
DEHS MCLOED	IN-HOUSE CONTRACT SUPPORT STAFF - ENGINEERING	27/02/90	3,400.00
OVE ARUP & PARTNERS	DEAKIN-YARRA GLEN SOUTHBOUND CARRIAGEWAY IMPROVEMENTS	27/02/90	43,249.00
ART GRAPHIC PTY LTD	ASSISTANCE PHOTOGRAPHIC ASSISTANCE	07/02/90	130.00
FUTURISTIC DEVELOPMENTS P	LEGAL LEGAL COST RE ARBITRATION	28/02/90	183.60
		01/02/90	

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No: 84**

**Deputy Chief Minister - Ministerial Suite**

Ms Follett - Asked the Chief Minister upon notice on 13 February 1990:

- (1) What was the cost of sweeping Mr Collaerys ministerial suite for electronic surveillance devices following his appointment as a Minister.
- (2) By whom was the work performed.
- (3) Has any other Minister either requested or received similar sweeping of their office.
- (4) Is there any plan for future electronic sweeping of ministerial suites, and if so, what is the expected frequency and cost of the work.

Mr Kaine - The answer to the members question is:

The Commonwealth Government has adopted the policy of not commenting directly on electronic security measures, if any, taken in relation to ministerial work areas.

For obvious security reasons I propose to adopt the same approach.

Should the Leader of the Opposition wish to discuss privately any aspects in relation to security, I would be quite prepared to do so.

22 March 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION N0.86**

**Waste Management**

Ms Follett - asked the Minister for Finance and Urban Services -on 13 February 1990:

- (1) What types and quantities of hazardous and intractable wastes are produced in the ACT.
- (2) Who are the major producers of waste referred to in (1) above.
- (3) What proportion of such waste is produced by (a) the private sector, (b) the Commonwealth sector and (c) the ACT public sector.
- (4) How much would it cost to (a) stockpile and (b) dispose of this waste.
- (5) What procedures exist for householders to dispose of hazardous and intractable waste.
- (6) What steps has the ACT Government Service taken to study overseas procedures for the disposal of hazardous and intractable waste.

Mr DUBY: The answer to the Members question is as follows:

- (1) The last survey relating to hazardous and intractable wastes which are produced in the ACT was conducted in 1983, and the results of this survey were documented in a public discussion paper on the, "Disposal of Environmentally Hazardous Wastes".

The types and quantities of hazardous and intractable wastes produced in the ACT, that were identified by this survey are outlined in Attachment A.

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- (2) Recent information is unavailable, but the major producers of the waste referred to in (1) above, as identified by the 1983 survey are outlined in Attachment B. The Chemicals Control unit of Environment Protection Section conducts assessment for and oversees a regular disposal of industrial chemicals. Generally producers are similar to those previously identified but new industries or changes in process have meant that there are new potential sources of wastes eg Royal Australian Mint and the new Revlon cosmetics factory.
- (3) Although some information on relative proportions between private, Commonwealth and ACT Government sectors can be extracted from Attachments A and B, the lack of adequate legislative control over these wastes in the ACT has resulted in little or no "cradle to grave" tracking, and hence these figures are not readily available.

It is Alliance Government policy to introduce legislation for Hazardous Chemicals and Waste Control and for Waste Disposal. This legislation will be dealt with as a matter of high priority. The legislation will ensure that the administrative procedures are set in place to control and track wastes, so that such information is readily available.

- (4) Once the proposed Hazardous Chemicals and Waste Control legislation and the Waste Disposal legislation are in place, the cost of stockpiling and disposing of wastes collected in ACT can be assessed. Under this legislation fees will be charged on a user pays principle for storage and disposal.
- (5) Householders are advised of banned substances, hazardous and intractable wastes which require disposal and disposal procedures through:
  - public notices,
  - exhibits at the Canberra Show,
  - guidelines issued by the Environment Protection Section (EPS); and
  - direct contact with the EPS.

Disposal of wastes occurs on the third Wednesday of every month at the Hazardous Waste Disposal Facility at West Belconnen which is operated by the Engineering and Building Services Branch. Assessment, prior approval, and control of wastes to be disposed of, including oversight of disposal procedures is carried out by the Chemicals Control unit of EPS.

22 March 1990

Disposals are carried out on a goodwill basis, with disposers transporting the wastes to the disposal site at West Belconnen in most cases. This transport should be in accordance with the Dangerous Goods Act 1984 and the provisions of the proposed Hazardous Chemicals and Waste Control legislation. Small quantities of waste are collected by the ERB, but this service is limited due to staff resources. This service will be expanded when the proposed legislation comes into force.

(6) Although no ACT Government Service representative has been overseas to investigate their procedures for the disposal of hazardous and intractable wastes, information is gained through the following sources:

- representation and exchange of information through the Australian and New Zealand Environment Council, especially participation in the Advisory Committee on Chemicals in the Environment (ACRE).
- representation on working parties for the Joint Task Force on Intractable Waste being conducted by the Commonwealth, New South Wales and Victoria Governments.
- monitoring of journals, articles and publications by the departmental library through the Selective Dissemination of Information System,
- attendance of meetings, conferences and seminars at which international speakers present papers,  
and
- attendance of courses.

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TYPES AND QUANTITIES OF HAZARDOUS AND  
INTRACTABLE WASTES IN THE A.C.T.

TABLE 2: HAZARDOUS WASTE QUANTITIES IDENTIFIED IN  
DTLG INITIAL SURVEY

Includes hazardous waste not re-used, or disposed of via sewer

Category	Source, type and quantity	Disposal method
Persistent organics	Various institutions: PCBs (see Table 3)	Stored on user's premises
Acutely toxic, mutagenic etc.	Research: water contaminated with diquat, 200 L. Old stocks of pesticides and herbicides	Disposed of on own premises by landfill. Stored on user's premises
Flammable	Printer and a research institution: solvents, 1 500 L (with inks) and 4 800 L p.a. respectively	Stored on user's premises (printer). Landfill (institution)
Ordorous	Plywood manufacturer: 900 000 L p.a. of waste water contaminated with resin, acids, phenolics and glue washings	Stored in evaporation ponds. Sludge ultimately mixed with sawdust and disposed of by landfill
Explosive, reactive, and oxidising	-	-
Toxic metals and organometallics	-	-
Toxic inorganics	-	-
Strongly acidic and caustic	Radiator service: caustic residue, one drum every three years	Landfill
Dusts	Brake service: asbestos dust	Sealed in containers and disposed of by landfill
Gas generating	-	-
Water reactive	-	-
Cylinders	-	-
Miscellaneous	-	-

TABLE 3: POLYCHLORINATED BIPHENYLS (PCBs) STORED IN THE A.C.T.

Location & form	Description & type	Volume	Number of units	Total volume/mass
Naval Communication Transmitting Station, Belconnen: (contained in electrical equipment)	Duconal A Capacitor 14N80	2.8 gal	13	36.4 gal
	Ducon Paper Capacitor 16T20	0.75 "	40	30.0 "
	Ducon Paper Capacitor 14T50	2.5 "	28	70.0 "
	Total		81	136.4 gal 620 L
Tidbinbilla Tracking Station: transformers	Transformer 500kVA	240 US gal*	1	240 US gal
	Transformer 225kVA	100 US gal*	1	100 " "
	Westinghouse SQC-050	105 US gal*	1	105 " "
	Transformer 1 000kVA	200 US gal*	1	200 " "
Total		4	645 US gal or 2 441 L	
Orroral Tracking Station: transformer	Transformer	105 US gal	1	105 US gal or 400 L
Research School of Physical Sciences, ANU	Sealed drum of Aroclor 1254	5 gal	1	5 gal or 23 L
Royal Australian Mint	Liquids 6 furnaces, each 6 L with 11 capacitors PCB/kerosene mix		11	396 L
			3	162 L**
	Total		14	558 L**
	Solids PCB contaminated materials - Activated charcoal Water based sludge Rags, filters etc.		23 9 19	440 kg** 350 kg** 400 kg**
Total			61	1 390 kg**
Department of Aviation	3 Regulator Sets at Canberra Airport for lighting, each with 9 capacitors	100 ml	9	2.7 L
Department of Foreign Affairs	Electrical capacitors, Department's Communication Centre	NK	NK	NK
Department of Housing and Construction	Capacitors at LMWQCC for power factor correction		9	230 L*
	Capacitors at Googong for power factor correction		12	270 L*
Total			21	500 L*

\* Contains Askarel (chlorinated benzenes and PCBs)  
 \*\* Estimated quantities

TABLE 4 : HAZARDOUS WASTE QUANTITIES IDENTIFIED IN THE SCREENING PROCESS  
FOR LANDFILL DISPOSAL (1 OCTOBER 1981 - 21 MARCH 1984)

Category	Liquid		Solid	
	Approved	Not approved	Approved	Not approved
1. Persistent organics	4.36 L	15 L + a quantity not specified	4.64 kg	-
2. Acutely toxic, mutagenic etc.	7.3 L	30 L	3.94 kg	25.25 kg 1 930 kg Phos-chek 259 1 984 kg Phos-chek 202
3. Flammable (solvents)	9 093 L 155 L	5 L Residue	-	-
4. Odorous	0.4 L	-	4.8 kg	-
5. Explosive, reactive and oxidising	1.24 L		16.71 kg	700 g
6. Toxic metals and organometallics	69.5 L + 20 L per month as sludge	5 784.8 L	13.98 kg 65 kg Arsenic acid	15.53 kg
7. Toxic inorganics	11.07 L	-	7.72 kg	3.15 kg
8. Strongly acidic and caustic	145.4 L	-		
9. Dusts	-	-	2.58 kg 10 cartons numerous sheets	155 kg
10. Gas generating	-	-	-	-
11. Water reactive	122 L + 1 000 L in 5 x 200 L drums		12.97 kg	-
12. Cylinders	-	-	3 empty cylinders	2 full cylinders
13. Miscellaneous	990 L	2 125 L	0.175 g 220 tonnes sludge	-

TABLE 6: HAZARDOUS CHEMICAL WASTES IDENTIFIED IN THE DTLG 1983 SURVEY\*

Category	Liquids in litres			Solid in kilograms		
	Landfill disposal	Other method of disposal	Not approved	Landfill disposal	Other disposal	Not approved
1. Persistent organics	-	-	44.65 (7 items)	-	-	14.534 (5 items)
2. Acutely toxic mutagenic	13.82 (8 items)	-	-	8.40 (4 items)	-	-
3. Flammable						
(i) Solvents	964	200 incinerated on the range Duntroon  884 (to CTHC Mitchell)	-	-	-	-
(ii) Oils	-	735 COD Pialligo	-	-	-	-
4. Odorous	-	-	-	-	-	-
5. Explosive reactive oxidising	3.7 (5 items)	-	-	1.05 (3 items)	-	-
6. Toxic metals and organometallics	3.56 (8 items)	1.10 stored on premises (2 items)	-	1.0 (1 item)	-	-
7. Toxic inorganics	3.00 (2 items)	-	-	4.90 (20 items)	1.5 to Mugga Way	-
8. Strongly acidic and caustic (20%+)	2.5	-	-	-	-	-
9. Dusts	-	-	-	-	-	-
10. Gas generating	-	-	-	-	-	-
11. Water reactive	-	-	-	-	-	-
12. Cylinders	500-600 gas in cylinders stored on premises	-	-	-	-	-
13. Miscellaneous	-	-	-	-	-	-

\* These do not include quantities re-used or disposed of via the sewer

MAJOR PRODUCERS OF HAZARDOUS AND  
INTRACTABLE WASTES IN THE A.C.T.

TABLE 1: ASSESSMENT OF POTENTIAL WASTE GENERATING INDUSTRIES  
Includes hazardous waste for which there is no disposal problem

Industry	Waste materials	Method of disposal
AUTOMOTIVE		
Mechanical repairs	Solvents - thinners degreasers, oils	Recycled with oil waste at the tips
Electrical (batteries)	Battery acids, metals	Transported interstate for treatment
Panel beating Spray painting	Thinners	Re-used for rust proofing
PRINTING		
Offset/ photocopying	Solvents, developer fixers. Mostly dry waste with materials in rags	Solvents re-used, developers and fixers disposed of via sewer. Rags disposed of by landfill
Screen	Photographic solutions, inks. Solvents in rags	Waste photographic solutions go into the sewerage system. Rags disposed of by landfill
PHOTOGRAPHIC/ FILM PROCESSING	Developers, fixers	Disposed of via sewer.
DRY CLEANING	Solvents	Mostly re-used. Losses incurred only in drying stages (discharge to air). Waste material usually is solid sludge disposed of by landfill
ELECTROPLATING	Metal solutions	Material re-used
CONCRETE BATCHING	Concrete solutions of high pH	Operations to comply with Water Pollution Ordinance which will require that materials be re-used or disposed of via the sewer
CARPET CLEANING	Detergents	Disposed via sewer
SIGNWRITING	Paint cans (no hazardous waste)	Disposed via landfill
ABATTOIR	Animal wastes	Provisions being made for pre-treatment facilities. Waste then to go to sewer
PEST CONTROL	Pesticides	Materials completely used. Drums returned to the manufacturer or disposed of by landfill
TANNERY	Metal (mainly chromiun solutions)	Re-used. Waste goes into the sewerage system

TABLE 5: ESTABLISHMENTS AND THEIR METHODS OF DISPOSAL OF HAZARDOUS CHEMICAL WASTES DTLG SURVEY MARCH 1983 \*

Establishment	West Belconnen landfill disposal	Other methods of disposal	Not approved for landfill	Comments
<b>CSIRO DIVISIONS</b>				
Plant Industry	16.4 L (8 items) 8.4 kg(4 items)	-	5.00 L (2 items) 250 g (1 item)	Consists of pesticides and DDTs which were not approved
Forest Research	-	-	44.4 L (6 items) 9.5 kg(3 items)	"
Entomology	1.12 L (2 items) 12.0 L solvents 8.76 g (4 items)	-	-	-
Soils	-	sewerage	-	Kerosenes, dilute acids, minute amount of heavy metal washed into sewerage
Wildlife Research	-	-	-	-
Water and Land Resources	-	10 g mercury and cadmium stored	-	-
<b>ANU RESEARCH SCHOOLS</b>				
Physical Sciences	-	(i) 495 L oil COD Pialligo (ii) 500 - 600 L toxic gases stored	-	. Uses RSBS for small quantities of waste . Gases are hydrogen sulphide, hydrogen flouride, hydrogen cyanide, hydrogen chloride
Earth Sciences	-	240 L oil COD Pialligo	-	-
<b>ANU SCHOOLS OF GENERAL STUDIES</b>				
Biochemistry	-	884 toluene for scintillation counting to CTHC Mitchell Incinerator	-	-
Zoology	100 L solvent	-	-	-
Physics	-	-	-	-
Geology	-	-	-	Dispose through Chemistry Dept.
Forestry	-	-	-	Dispose through JCSMR
<b>CANBERRA COLLEGE OF ADVANCED EDUCATION</b>				
<b>COLLEGE OF TECHNICAL AND FURTHER EDUCATION</b>				
Bruce	(i) 672 L solvent (ii) 5.8 L (6 items)	-	-	(ii) phenylethanol, benzylchloride, chlorobenzaldehyde, acteylcholine, chloride, phenylmethyl ketone, ammonium acetate.
	(iii) 4.44 kg(6 items)	-	-	(ii) Catechol, hydroxyammonium chloride, resorcinol, methyl ammonium chloride, p-aminophenol, m-aminophenol
Canberra	12.5 L solvent 5 L oil	-	-	-



TABLE 5: CONTINUED

Establishment	West Belconnen landfill disposal	Other methods of disposal	Not approved for landfill	Comments
Woden	-	-	-	
GOVERNMENT SCHOOLS				
Narrabundah College	-	Sewerage	-	
Hawker College	-	(i) Sewerage (ii) 1 kg white phosphorus	-	Will not transport the phosphorus to the landfill area
Lynham High	-	Sewerage	-	
Canberra High	-	Sewerage	-	
NON-GOVERNMENT SCHOOLS				
Canberra Grammar School		1.5 L lead & Mercuric salts to Mugga landfill area otherwise sewerage	-	
CCEGGS	-	Storage of old unlabelled chemicals otherwise sewerage	-	-
St Edmunds	-	Sewerage	-	-
Marist Brothers	-	Sewerage	-	-
Braddon Merici	-	Sewerage	-	-
Padua High	-	Sewerage	-	-
Australian War Memorial	80 L solvent	-	-	-
ACTEA	-	-	-	-
TELECOM	-	(i) Recycling by sale to scrap metal agency (ii) Battery acids sent to Telecom Sydney	-	-
NAVY: HMAS Harman	-	Oil to contractor	-	-
ARMY: Duntroon	-	(i) Oil to contractor	-	-
ARMY: Duntroon	-	(i) 200 L organic solvent wastes incinerated on army range (iii) Any solid wastes encapsulated disposed via Navy (burial at sea) or army (landfill)	-	-

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

ACT Electricity and Water Authority

QUESTION NO. 101

Ms Follett - asked the Minister for Finance and Urban Services -  
on 14 February 1990:

- (1) What was the total cost of producing the 1988-89 Annual Report for the ACT Electricity and Water Authority
- (2) How many copies of the report were printed
- (3) What editorial, production or design work for the report was performed on contract, by whom and at what cost.

Mr Duby - the answer to the Member's question is as follows:

(1) The total cost of producing the ACTEW 1988-89 Annual Report was \$35795.00.

(2) The number of reports printed was 2200.

(3) Design, layout, some photography, printing and colour separations were carried out on contract, as follows:

Design & Layout	Citygraphics	\$12950
Printing/Separations	Inprint Limited	\$22845

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION WITHOUT NOTICE**

**Asbestos Removal**

Asked on 22 February 1990: MR MOORE: IS THE CHIEF MINISTER AWARE THAT BIRDS., THE GOVERNMENT CONTRACTORS EMPLOYED TO REMOVE ASBESTOS FROM PREMISES IN THE ACT, ARE IN CONTRAVENTION OF A SECTION 4 SUBSECTION (C) OF THEIR LEASE, WHICH CLEARLY STATES, "THAT TO USE THE PREMISES ONLY FOR THE PURPOSE OF A SERIES OF THINGS, WHICH EXCLUDES OTHER THAN OFFENSIVE, HAZARDOUS OR NOXIOUS INDUSTRIES, ETC-. SINCE ASBESTOS IS BEING STORED ON A PREMISES IN HAZELS STREET - OAKS ESTATE, COULD THE MINISTER PLEASE ADVISE THE ASSEMBLY OF HOW HE INTENDS TO RECTIFY THAT BREACH?

MY ANSWER IS:

OFFICERS OF THE OFFICE OF INDUSTRY AND DEVELOPMENT HAVE INVESTIGATED THE ALLEGATION THAT THE COMPANY WITH THE REGISTERED NAME "BOR.S. INDUSTRIES PTY LTD" IS ILLEGALLY STORING DRUMS OF ASBESTOS AT ITS WAREHOUSE IN OAKS ESTATE.

THE PURPOSE CLAUSE OF THE CROWN LEASE OF THE PREMISES ALLOWS, AMONGST OTHER THINGS, STORAGE AND WAREHOUSING, BUT DOES NOT ALLOW MANUFACTURING ACTIVITIES WHICH ARE OFFENSIVE, HAZARDOUS OR NOXIOUS.

IN THIS CASE, BIRDS. IS USING THE PREMISES AS AN INTERIM STORAGE DEPOT FOR CONTAINERS OF ASBESTOS WHICH IS HAS REMOVED FROM BUILDINGS IN THE A.C.T. THE CONTAINERS ARE SEALED IN A METHOD APPROVED BY THE ASBESTOS BRANCH, AND STORED IN A SECURED AREA PENDING THEIR REMOVAL FOR BURIAL AT AN APPROVED ASBESTOS DISPOSAL FACILITY AT GUNGAHLIN.

THE ASBESTOS UNIT CARRIES OUT REGULAR SAMPLING AT THE PREMISES AS A PRECAUTIONARY MEASURE, AND IS SATISFIED WITH THE STANDARDS MAINTAINED.

LEGAL ADVICE FROM THE A.C.T. SOLICITOR INDICATES THAT THE ACTIVITY COULD BE INTERPRETED AS BEING IN BREACH OF THE PURPOSE CLAUSE. THE LESSEE ALLEGES THAT THE CURRENT USE IS AUTHORISED IN THE TERMS OF THE PURPOSE CLAUSE. I HAVE ASKED THE ENVIRONMENT PROTECTION SECTION TO MONITOR THE SITUATION.

THE LESSEE HAS BEEN ADVISED THAT THE CURRENT USE IS CONTRARY TO THE PURPOSE CLAUSE AND HAS BEEN REQUESTED TO CEASE ALL ACTION WHICH WOULD BE IN BREACH OF HIS LEASE. IN THE EVENT OF THE UNAUTHORISED USES PERSISTING, I WILL ENSURE THAT LEGAL ACTION IS TAKEN TO PREVENT THE CONTINUING BREACH.

22 March 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION WITHOUT NOTICE**

**Industrial Leases**

Asked on 20 March 1990

MR MOORE: COULD THE CHIEF MINISTER INFORM THE ASSEMBLY IF THE ACT ADMINISTRATION GRANTED A LEASE IN AN INDUSTRIAL AREA TO THE ROAD BUILDING COMPANY - DOWSE WITH LITTLE OR NO PREMIUMS OR EVEN IF A PREMIUM WAS EVER PAID TO THE SITE. HOW MUCH WAS THE PREMIUM AND HOW WAS THE VALUE DETERMINED. CAN THE CHIEF MINISTER ALSO ADVISE IF THE ACT ADMINISTRATION IS AWARE OF THE SUBSEQUENT SALE OF THE SITE TWO YEARS LATER FOR AN AMOUNT OF \$200,000 CONTRARY TO THE LEASE PROVISIONS RELATING TO THE PERFORMANCE, NO IMPROVEMENTS WERE OR HAVE BEEN UNDERTAKEN ON THAT SITE?

MY ANSWER IS:

(LEASE AND PREMIUMS)

DOWSE PTY LIMITED APPLIED FOR THE DIRECT GRANT OF A PARCEL OF INDUSTRIAL LAND IN AUGUST 1982.

ON 26 OCTOBER 1984 THE COMMONWEALTH, THROUGH ITS DEPARTMENT OF TERRITORIES AND LOCAL GOVERNMENT, GRANTED A RIGHT TO THE LEASE OF A BLOCK IN THE INDUSTRIAL ARTS OF MITCHELL TO DOWSE PTY LIMITED.

THIS IS A MATTER OF PUBLIC RECORD AND A SEARCH OF VOLUME 1027 FOLIO 88 AT THE LAND TITLES REGISTRY WILL REVEAL THAT BLOCK 8 SECTION 18 MITCHELL WAS LEASED SUBJECT TO AN ANNUAL LAND RENT OF FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$4,800).

THE GRANT OF THE LEASE OF BLOCK 8 SECTION 18 MITCHELL WAS IS ACCORDANCE WITH THE POLICY EXISTING AT THAT TIME. NO PREMIUM WAS PAYABLE FOR THE LEASE BUT LAND RENT WAS SET, IN ACCORDANCE WITH POLICY, AT 10\$ OF THE 1984 SITE VALUE AS ASSESSED BY THE CHIEF VALUER OF THE AUSTRALIAN TAXATION OFFICE.

(SUBSEQUENT SALE FOR \$200,000)

THE SALE OF THE PROPERTY IS A MATTER OF PUBLIC RECORD AND A SEARCH OF THE SAME DOCUMENT AT THE LAND TITLES REGISTRY WILL REVEAL THAT TRANSFER DOCUMENT NUMBER 626923 RECORDS THE TRANSFER OF THE CROWN LEASE ON 19 AUGUST 1988 FROM DOWSE PTY LIMITED TO JOHN HASKINS AND STAFF LIMITED FOR THE CONSIDERATION OF TWO HUNDRED AND TWENTY THOUSAND DOLLARS (\$220,000).

THE TRANSFER DOCUMENT SHOWS THAT THE CONSENT OF A DELEGATE OF THE MINISTER PURSUANT TO SECTION 28(3) OF THE CITY AREA LEASES ORDINANCE 1936 WAS GIVEN TO THE TRANSFER. SUCH A CONSENT IS NECESSARY WHERE COMPLIANCE WITH A BUILDING AND DEVELOPMENT COVENANT OF A CROWN LEASE HAS NOT BEEN ACHIEVED.

IN FACT THERE HAS BEEN SOME DEVELOPMENT WORK UNDERTAKEN ON THE SITE INCLUDING THE CONSTRUCTION OF TWO SMALL OFFICE BUILDINGS, THE ERECTION OF A LARGE METAL SHED AND A METAL GARAGE, AND THE PROVISION OF HARDSTANDING CARPARKING. THE EXTENT OF THIS WORK DOES NOT SATISFY THE BUILDING AND DEVELOPMENT COVENANTS OF THE CROWN LEASE.

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22 March 1990

**DEPUTY CHIEF MINISTER**

**LEGISLATIVE ASSEMBLY QUESTION**

**Therapeutic Goods Administration**

Mr Moore - asked the Chief Minister - on 21 March 1990:

- (1) Are you aware that the Therapeutic Goods Administration (TAG) which was formerly known as the National Biological Standards Laboratory, has a sterility testing unit within the precincts of, and next to, Block B, Currong Flats in Braddon.
- (2) If you are aware of that, well now you are aware because I have just told you, can you inform the Assembly if you consider that an appropriate activity under the lease purpose clause there - specifically it being a residential area.

Mr Collaery - The answer to the Members question is as follows

This question was incorrectly directed to the Chief Minister last Wednesday. I will respond as this falls within my portfolio responsibilities.

- (1) The Commonwealth Government is constructing purposes built accommodation for the TAG in Symonston to replace the current facility which has been located at Currong Flats for well over a decade. Construction is not expected to be completed until 1992.
- (2) While the current location of the TAG is not appropriate, due to the unavailability of suitable alternative accommodation relocation of the Sterility subsection is not possible at this time.

The TAG is cooperating with the ACT Housing Trust in its use of the building and is paying an appropriate level of rent.

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