



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 March 1990

Tuesday, 27 March 1990

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

QUESTIONS WITHOUT NOTICE

Ministerial Statements

MS FOLLETT: My question is to Mr Kaine. Is it true that there has been a minute circulated to all senior officers within the ACT public service asking for ideas for ministerial statements? Is this call for ministerial statements an attempt by the Government to cover up its inability to introduce any substantial business into the Assembly?

MR KAINE: Mr Speaker, I know of no such minute as described by the Leader of the Opposition.

Royal Canberra Hospital - Closure

MR MOORE: My question is to Mr Humphries, the Minister for Health, Education and the Arts. Since the Minister has publicly announced the intended closing of Royal Canberra Hospital in the immediate future, can he tell the Assembly if he intends ensuring that all staff from the Royal Canberra will be retained and relocated to appropriate positions at Woden Valley Hospital and whether the working conditions that are pertinent to those positions will also be retained?

MR HUMPHRIES: Mr Speaker, I can indicate to the member that a comprehensive statement on what the Government will be doing with respect to the hospitals will occur this afternoon when I make a ministerial statement on this subject. I have not, in fact, announced the closure of Royal Canberra. I have discussed, in the media, issues that would arise from that closure as one of the options the Government has considered. However, it would be wrong of me to canvass the issues now and effectively to make the announcement before that time. I am not required under standing orders to announce government policy in advance of an announcement; that will come after question time. I can assure you that all the members' questions will be answered at that time.

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Public Hospital Redevelopment

MR STEFANIAK: My question is also to the Minister for Health, Education and the Arts. I understand that the Minister is going to make a statement on public hospital redevelopment this afternoon. Does the Minister's statement indicate the end of the consultation process?

MR HUMPHRIES: No, Mr Speaker, it does not indicate the end of the consultation process. As I said, I will not be answering questions generally on what the Government proposes to do with that hospital redevelopment; that is appropriately left to that statement after question time. However, I can indicate that the Government is committed to ongoing community consultation about its decision, and indeed about all its decisions. We will be moving to establish a body to oversight, on the Government's behalf, the planning, design and construction of the project.

The Government intends to include community representation on this body to ensure that broad community interests are taken into account. The Government will also be inviting the Trades and Labour Council to secure representation on that body. In the planning of the redevelopment program and in the progressive introduction of change, trade unions and staff will be fully consulted before decisions are made about implementation.

Ageing - Committee Report

MR BERRY: My question is directed to the Chief Minister. Chief Minister, last Thursday in your ministerial statement responding to the Social Policy Committee report you said:

We will continue to make representations to the Commonwealth in relation to various income security matters affecting the ageing.

What representations has your Government made to date?

MR KAINE: The Government has not made any representations to date, Mr Speaker. We are only now considering the ramifications of the committee's report on the ageing. I tabled my response to it only last week. I talked about a five-year plan to implement the matters emerging from that. We will consult with the Commonwealth on all aspects of that report that require consultation and cooperation with the Commonwealth.

MR BERRY: I have a supplementary question, Mr Speaker. Will the Chief Minister acknowledge that he has falsely created the impression of action in this area and that he has actually done nothing?

MR KAINE: I acknowledge nothing of the kind, Mr Speaker. Nothing that I said implied that we had entered into negotiations with the Commonwealth.

MR BERRY: You said, "We will continue to make representations".

MR KAINE: Yes, and we will, too.

MR BERRY: Continue on what?

Overseas Students - Fees

MRS NOLAN: Mr Speaker, my question is to Mr Humphries as Minister for Education. Are overseas students diverting resources from ACT students under the full fee paying overseas student program?

MR HUMPHRIES: Mr Speaker, I thank Mrs Nolan for her question. In July last year the Commonwealth Government approved the introduction of full fee paying overseas students. As a result of this decision the ACT public education system has enrolled overseas students on a full fee paying basis for the first time this year. However, minimal administration resources have been allocated during the initial phase of the campaign. A ceiling of 100 students was set for 1990, although currently there are only 33 students enrolled in the ACT program. Fees for 1990 for attendance at ACT government schools have been set for those students at \$6,500 for years 11 and 12 and \$5,500 for years 7 to 10 and for primary school students. The fee structure has taken into account the additional services these students require in the areas of student welfare, English as a second language and counselling. Specific course levies, book fees and other school based costs will also be met by the students. Students are required to have a satisfactory command of English, of course, and improvement in English is effected either through a private ELICOS provider - that is, English language intensive courses for overseas students - or the department's introductory English centre, or the ESL classes available in secondary colleges.

The Government considers that the introduction of full fee paying students not only does not draw away resources from ACT students but actually promotes an interchange which will enhance the educational experiences of all ACT students.

Pine Forests

MRS GRASSBY: I will ask a question of Mr Kaine. What financial arrangements have been made with the Commonwealth over the transfer of ACT pine forests to the ACT?

MR KAINE: I have no knowledge of any specific financial arrangements that have been entered into, Mr Speaker, but I

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imagine that the asset inherent in the pine forests is being transferred to the ACT just as all the other assets in the ACT are being transferred, except those which the Commonwealth has earmarked for itself. One, of course, which is not transferring is the Gowrie Hostel which the Commonwealth seems to think it can make a great profit out of at our expense. But apart from that and one or two other particular pieces of real estate like it, the arrangements for the transfer of those assets are the same as those put in place by the previous Government.

Hospitals - Planning

MR WOOD: Mr Speaker, I direct a question to the Chief Minister on a planning matter. I draw his attention to Mr Humphries' purported proposal to move the Queen Elizabeth II hospital to the Acton Peninsula. What are the planning implications from the Canberra Times site decision that would impact on the redevelopment of that Queen Elizabeth II site?

MR KAINE: That is a rather hypothetical question, Mr Speaker, because Mr Humphries has not yet announced the policy in connection with the restructuring of the hospitals. When he does, he will inform the house whether or not the QEII home is involved and, if so, in which way and in what manner. Once a decision has been made on such a matter as that, then the question will arise of redevelopment of that block. We are going through a number of hypothetical points before we get to that question and we will take the matter up if and when it arises.

MR WOOD: I will ask you tomorrow.

Planning - Dickson

MS FOLLETT: I would ask a question, again, to Mr Kaine in relation to his responsibility for ACT planning. Can the Chief Minister advise what is delaying the decision on the proposed Dickson redevelopment by the Dickson Tradesmen's Club?

MR KAINE: I have no idea, Mr Speaker. I will take the question on notice.

MS FOLLETT: I place a supplementary question on notice, also, Mr Speaker, and that is, could Mr Kaine advise us what is preventing the redevelopment of the old Dickson Hotel site as well?

MR KAINE: I would hardly call that a supplementary question, Mr Speaker. The first one related to the Dickson Tradesmen's Club and the second to an entirely different matter. I think the Leader of the Opposition - - -

Mr Moore: It is just as logical - - -

Mr DUBY: They are both at Dickson.

MR SPEAKER: Order!

MR KAINE: She needs to get her act together if she wants to ask a question about it.

MR SPEAKER: Order, Chief Minister!

Driving Requirements

MR STEFANIAK: My question is to Mr DUBY, the Minister for Finance and Urban Services. Minister, I refer to a recent article in the "Voters' Voice" column of the Canberra Times which stated that ACT drivers are disadvantaged in comparison to New South Wales drivers because they are not able to drive trucks to move furniture. Would you, as Minister for Urban Services, clarify this, please?

MR DUBY: Yes, I am aware of the article in the Canberra Times that Mr Stefaniak refers to which contrasted ACT and New South Wales requirements. To be perfectly honest, Mr Stefaniak, a New South Wales class 1 licence allows vehicles to be driven up to 4.5 tonnes gross vehicle mass. This compares to ACT class 1 or 2 which allows vehicles to be driven up to 2 tonnes tare. Because New South Wales licence classes are based on gross vehicle mass-laden-weight whereas ACT licences are based on tare - unladen weight - the actual differences between New South Wales and the ACT are not very significant at all.

The differences between the licence classifications of the ACT and other States have been recognised and there are moves in place to alter the ACT classifications to align them with those agreed to at the ATAC meetings - the Australian Transport Advisory Council. These recommendations will be introduced in 1991 with the implementation of stage 2 of the drivers licence system and they will not impact significantly on current licence requirements. So that is the situation.

Hospitals - Consultations

MR BERRY: My question is directed to Mr Humphries. I note his reluctance to answer questions in relation to hospital matters as he announced today. No wonder nobody bothers to ask him any because he will not answer them anyway. In the absence of consultation with the wider community - particularly the trade union movement and the interim hospitals board - on the future of Canberra's hospitals, will the Minister inform the Assembly of the dates and, of

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course, the details of any consultations he has had with members of the medical profession, the AMA, the business sector and Calvary Hospital on these matters?

MR HUMPHRIES: This is quite a red-letter day in the ACT Alliance Government's history. We have had the first question from a member of the Labor Opposition to a member other than the Chief Minister. The long hibernation is over and I am very pleased, notwithstanding the rather tawdry nature of the question, that we have finally had a question from the Opposition on matters relating to education, health or matters other than those that are the responsibility of the Chief Minister.

Mr Moore: I hope you answer better than you answered mine.

MR HUMPHRIES: Mr Speaker, I have indicated, in answer to the member's question, that consultation has been a very important factor in the way in which the Government has reached a decision on the Royal Canberra Hospital site. Discussions have been of an informal nature with many sectors of the community. I have not formally asked any particular individual or organisation for a view on this matter because, for some time, proposals for the redevelopment of the hospital system have been public information through a series of reports. They begin with proposals going back before self-government then, most recently, we have had things such as the Kearney report and the steering committee report following on from that Kearney report. Now, the opportunities for public discussion of these proposals have been enormous, to put it mildly. As I indicated already in answer to an earlier question, the extent to which decisions the Government has made will impact on various sectors of the community is an issue about which there will be consultation. The Government will be discussing fully with people affected by these decisions, the way in which they are to be implemented and the consequences of the way in which they are to be implemented. I should indicate, Mr Speaker, that this decision that I am going to announce later on today is in the nature of a budget decision in the sense that it affects the budget of the ACT for some years to come. It is appropriate in these circumstances that - - -

Mr Berry: On a point of order, Mr Speaker; standing order 118(a):

shall be concise and confined to the subject matter of the question.

The subject matter of the question was: Will the Minister inform the Assembly of the dates and details of any consultation he has had with members of the medical profession, the AMA, the business sector and Calvary Hospital.

MR SPEAKER: Can you answer those questions raised?

MR HUMPHRIES: Mr Speaker, to the extent that there were any formal consultations with any of those people, I will take on notice the question of any dates or times or days that the member requires. My recollection is that there were not any formal discussions with any of those bodies on that proposal.

Food Services

MRS GRASSBY: Mr Speaker, my question is to the Chief Minister as Treasurer. The Follett Labor Government budget contains provision for food service review for which the then Chief Minister, Ms Follett, gained funding from the Federal Government as part of the \$7m advanced from the trust fund. My question is, how will the \$2.6m be spent?

MR KAINE: It is a very interesting question, Mr Speaker, because although the Prime Minister and the Leader of the Opposition made much of the fact that they were getting \$7m of the money which the Commonwealth had retained, in fact it has not yet been paid to us, and I have had no advice from the Prime Minister as to if or when he intends to make it available. Until he makes it available, the money cannot be spent and I will make no further comment on it.

MRS GRASSBY: I have a supplementary question, Mr Speaker, please. When will the Chief Minister find out about that money that the - - -

MR KAINE: When the Prime Minister - - -

MRS GRASSBY: I did not finish the question.

MR SPEAKER: Chief Minister, order! Please allow her to finish the question.

MR KAINE: I thought she had asked the question.

MR SPEAKER: No, she has not. Please proceed, Mrs Grassby.

MRS GRASSBY: As the promise had been given to the then Chief Minister, Ms Follett, when will the now Chief Minister and Treasurer find out where that money is, and how will it be spent?

MR KAINE: Well, I have asked the Prime Minister to make the money available but he has not responded, just as he did not respond to Ms Follett's request for \$295m, to which she never got a response. I have again asked the Prime Minister for it and I still have not received a response. In other words, the great claim that the previous Chief Minister made about the great relationship she had with the Commonwealth on financial matters - - -

Ms Follett: I made no such claim.

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Mrs Grassby: She made no such claim.

MR KAINE: She got no answer whatsoever - - -

Mr Berry: On a point of order, Mr Speaker; try standing order 118.

MR KAINE: We are still waiting for an answer, Mr Speaker.

MR SPEAKER: Thank you, Chief Minister. Thank you, Mr Berry, for your observation.

Heritage Property - Barton

MR MOORE: My question is directed to the Chief Minister. Chief Minister, I understand you were approached by the Barton Residents Association with reference to 37 Telopea Park, Barton, the heritage house that was bulldozed about the same time as the Assembly started sitting last year. Has the Government referred the matter of a replacement lamppost outside 37 Telopea Park to the heritage committee as is required for proposals affecting heritage sensitive areas?

MR KAINE: Mr Speaker, I have no knowledge of the subject to which Mr Moore refers. I have received no representations from the Barton Residents Association or from anybody else.

MR MOORE: Mr Speaker, I seek leave to table a letter to the Chief Minister, dated 20 March 1990, by the Barton Residents Association. It is about this matter.

MR KAINE: What date?

MR MOORE: It was 20 March 1990, this year.

MR KAINE: Well, if you have got a copy why have I not received it?

Leave granted.

MR MOORE: I present the following paper:

37 Telopea Park, Barton - Copy of letter from Joan Lipscombe, Barton Residents' Association to Mr T. Kaine, Chief Minister, dated 20 March 1990.

MR KAINE: I have not received it.

MR MOORE: Well, perhaps then you can come back with an answer.

MR KAINE: Well, perhaps when I get the letter from them I will respond to it. I will respond to the Barton Residents Association.

MR MOORE: It is a copy of the letter to you.

Legionnaire's Disease

MRS NOLAN: My question is to Mr Humphries, this time in his capacity as Minister for Health. Is the Minister aware of some three cases of legionnaire's disease occurring in Canberra residents since Christmas? If so, what action has been taken to determine the cause of these cases and what procedures exist to prevent outbreaks and to find the cause of any such outbreaks.

MR HUMPHRIES: I thank Mrs Nolan for her question. Yes, I am aware of the three cases of legionnaire's disease to which she refers. Officers from the public health area of my Department of Health have carried out extensive inquiries to determine a possible common cause. Although the three residents appear to have nothing in common in Canberra, it is the case that each visited Batemans Bay over the period in question, that is, the period since Christmas.

There has been extensive collaboration and cooperation between my Department of Health and the New South Wales Department of Health and samples have been taken from buildings in the area of Batemans Bay. We expect the results of those tests to be known fairly soon.

With regard to the prevention of legionnaire's disease in the ACT, operators of buildings with airconditioning units and cooling towers have been advised to adhere to the Australian standard AS 3666 and the National Health and Medical Research Council's publication entitled: "Legionnaire's Disease - A Guide for Building Owners". In addition, my department has in place an action plan for the control and investigation of any cases of legionnaire's disease that might occur.

Teachers - Wages

MR WOOD: Mr Speaker, I direct a question to the Chief Minister in his capacity of Treasurer and also Minister for the public service. In negotiations that have taken place so far, what is the ACT Government's position with respect to the wage increase case being argued by the ACT Teachers Federation.

MR KAINE: Mr Speaker, that question does not fall into my area of responsibility. We have a Minister for Health and a Minister for industrial relations and I think he should address the question to the appropriate Minister.

MR WOOD: I think it is a significant budget matter.

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MR KAINE: It is an industrial relations matter at this stage.

Community Facilities

MS FOLLETT: I direct a question to Mr Kaine in his capacity as Minister for planning. Mr Kaine, are you aware of concerns expressed by users that the community facilities in Childers Street and Kingsley Street are to be closed down and sold off for redevelopment? Can you give an unequivocal assurance that this will not occur.

MR KAINE: Well, first of all I am unaware of any such concern, Mr Speaker, and secondly - have a little chuckle. It is very funny.

MR SPEAKER: Order!

MR KAINE: This is what the Opposition is good at. Throw out a rumour; cause people to get concerned and then throw the question back on the Government. Nobody has expressed any concern to me on the matter. As far as I am aware, there is no proposal to redevelop it. So if you have got some information that would suggest that that rumour has any basis to it in fact, put it on the table and I will have a look at it. I would submit to you, Mr Speaker, that it is another one of the furrphies put out by the Opposition to cause people stress and concern. Then the Opposition will ask the Government to explain it. I am totally unimpressed by that performance on the Opposition's part. It is pathetic.

Ophthalmologists

MR BERRY: I think it is probably time, Mr Speaker, that the Chief Minister had a bit of a spell. I will ask another question of Mr Humphries. This is his second chance to give us an answer. After being flushed out by the Labor Party, Mr Humphries has come out - I would say they are rather anxious about being caught operating behind closed doors - in a blaze of light on at least four occasions, stating the - - -

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

MR SPEAKER: The question is being asked.

Mr Collaery: Is this a question or a statement?

MR SPEAKER: No, I believe that Mr Berry was launching into his question then. Thank you for your observation.

MR BERRY: Your belief is extremely correct and spot-on, Mr Speaker.

MR HUMPHRIES: He is getting his run up done.

MR BERRY: That is right; I am beginning the run up - stating the dispute with the Canberra - - -

Mr Jensen: Preamble is not necessary.

MR BERRY: This is a very important question, Mr Jensen, and I think if you had any concern for those people in the community, you would be listening quietly.

MR SPEAKER: Order! Please proceed with the question, Mr Berry.

MR BERRY: I am sorry, Mr Speaker. On four separate occasions, it was stated that the dispute with the Canberra ophthalmologists was nearly settled. I remember a handshaking ceremony out here with the President of the AMA. It was stated that it was nearly settled, and this therefore offered some hope to public patients on the long waiting list for surgery. How near is the dispute to settlement, so that the false hopes that the Minister's previous announcements created can be changed into reality and the funds provided by the Hawke and Follett Labor Governments can be put to the use intended?

MR HUMPHRIES: Mr Speaker, I appreciate the analogy made by Mr Berry between the Labor Opposition and flushing out the Government, or, as he puts it - flushing out the Minister for Health. I have always thought of the Opposition in very similar terms to a dose of salts and this is really confirming my impression.

I have indicated in the past in answer to media enquiries that I expect an imminent resolution to the dispute with ophthalmologists; a dispute which was inherited by Mr Berry when he was Minister for Health and which he was totally unable to resolve in the seven months that he was in Government - completely and utterly unable to resolve.

I have had fruitful discussions with the Australian Medical Association and with individual ophthalmologists. I have visited one of their surgeries. I have had discussions with a number of them privately in an attempt to persuade them to rejoin the ACT's public hospital system and I am confident that I will shortly be able to announce the conclusive resolution of that dispute.

It is my opinion that the ACT hospital system needs at least five such ophthalmologists within our hospital system to provide for a decent public roster. There are, I understand, already three ophthalmologists who have signed contracts to that effect and I fully expect to receive at least two more in the coming days. When I have fully resolved the dispute, the dispute which has hung over our

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heads for some time, and which, as I mentioned, Mr Berry passed on to me, I will be happy to announce to the Assembly or to the general public that it is resolved. I hope that Mr Berry gives more support to the resolution of serious industrial disputes than he has given to date.

Health Promotion Fund

MRS GRASSBY: Mr Speaker, I would like to ask a question of the Minister for Health, Education and the Arts. At last week's sitting the Minister mentioned the establishment of a Health Promotion Fund. Apparently the procedure whereby a grant from the fund can be secured is a highly guarded secret, except for those who have received money with the patronage of the Minister. When will the Minister inform the Assembly of the details of this grant process and the organisations who were invited to have an input into the development of these procedures?

MR HUMPHRIES: Mr Speaker, once again the Opposition seems to have some trouble understanding the processes of government. The fact is that to establish the procedures whereby grants are made from the Health Promotion Fund on a proper ongoing basis it is necessary for legislation to be passed. This legislation, which Mr Berry knows all about, is in the process of being developed. I have already announced its terms. I have also announced that the Government will be establishing an advisory committee which will be used to advise the Government on appropriate allocations from that Health Promotion Fund. That is going to come as soon as the Government can organise it. There are considerable demands on our drafting services at the present time as members opposite are reluctant to admit, but this is a fact. As soon as that legislation can be prepared and made available, it will be, and the Opposition will have every chance to discuss it and consider it. It will explain there fully the procedures whereby the fund is established and the processes whereby people may make applications for grants. I hope that will satisfy all Mrs Grassby's questions at that time.

MRS GRASSBY: I have a supplementary question, Mr Speaker. If this is true, is it not true that the Minister has already given away two grants? If so, how is it the procedure that he has just spoken about is at the point where he is able to give two grants away?

MR HUMPHRIES: Mr Speaker, Mrs Grassby is well aware that I have made two grants because I have announced both those grants in this place. I have announced a grant of \$30,000 to the 1990 National Sprint and \$20,000 to the 1990 Rock Eisteddfod. Mrs Grassby would be aware that the object of the fund is to buy our tobacco sponsorships in the ACT, amongst other things. Where a tobacco company has pulled out of a sponsorship deal with the Canberra Racing Club leaving that club unable to fill its obligations and in

need of the very sort of money that the fund was established to provide, it was responsible of this Government to provide that money on an interim basis and it did so. Mrs Grassby apparently would rather have me refusing the request by the Racing Club on the basis that the fund had not been established under legislation yet and it was impossible to use the money which was already set aside.

After all, Mr Speaker, that fund was established before legislation was put in place. The obvious implication of that was that the fund should be used for appropriate purposes before the full legislation should be in place. That was a decision of the previous Government.

Office Development - City

MR MOORE: My question is directed to the Chief Minister as Minister for planning. Can the Chief Minister please advise the Assembly if a proposal for office development has been submitted for section 2, block 4 in the city, that is, the green area next to the Canberra Club? If so, what is the attitude of the Government to such a proposal?

MR KAINE: Mr Speaker, I understand that the Canberra Club has made yet another bid - and it is not the first time. It has made a number of bids over the years to have its lease extended to cover the small strip of parkland adjacent to the Canberra Club. The response that it has received so far from the Government is that that land is designated for community purposes and it is not available.

Office of City Management

MRS NOLAN: My question is to Mr DUBY as Minister for Urban Services. Does the proposed Office of City Management, Civic shopfront, to be located in the former Grace Bros building, contravene planning and leasing provisions?

MR DUBY: Thank you, Mrs Nolan, for the question. This question obviously stems from newspaper reports which were in the paper today about this very matter. It is true that my department is in the final stage of negotiating a lease for the former Grace Bros building in East Row for a city shopfront. The proposal was agreed to by the Interim Territory Planning Authority as being consistent with planning provisions for that area. I believe that the types of services that are going to be provided at the shopfront are quite consistent with the lease and the provisions of the lease. I believe the matter has been raised as a concern by some local traders who apparently are concerned that there is going to be a government shopfront installed in the area.

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I frankly find that quite hard to imagine because the shopfront is expected to generate up to 2,000 clients a day through that area, who, of course, will naturally wish to use the services of various retail outlets near the shopfront. The aim of moving the shopfront to East Row is to provide an even more convenient location where members of the public can transact as broad a range of business as possible with government agencies. I think we are all agreed that shopfront activities have been extraordinarily successful since they were first introduced some years ago. A matter of need has been filled by the provision of shopfronts. In this regard, the new shopfront will provide an even broader range of services than the current shopfront in the North Building.

Downer Community Association

MS FOLLETT: My question is again to Mr Kaine in his capacity as Minister for planning. I refer Mr Kaine to a previous question that I asked him in the Assembly and which he undertook to take on board, concerning representations from the Downer Community Association in relation to both the community association premises at Downer and the leasing arrangements for the shopping centre at Downer.

My questions are: has the Chief Minister met yet with the community association, what arrangements are in place for the community association lease and what procedures and/or arrangements are being made for the lease on the shopping centre at Downer?

MR KAINE: Mr Speaker, I have not personally met with the Downer community group, but officers of the department have done so. I do not have the full details of what was discussed or what conclusions were reached. I understand, however, that the Downer association is quite happy with the outcome. If the Leader of the Opposition, as a resident of Downer and a member of that association, does not know the nature of the discussions, then I will provide the answer and I will take the question on notice.

Teachers - Wages

MR WOOD: Mr Speaker, it may be that the Minister for Health, Education and the Arts can answer the question I directed a little while ago to the Chief Minister. Will he provide the Assembly with the Government's position with respect to the wage increase case being argued by the ACT Teachers Federation?

MR HUMPHRIES: Mr Speaker, I cannot provide an answer to that question. I believe the matter is still under consideration, from the Government's point of view. I

cannot recall the full text of the question, but I believe he was asking about the Teachers Federation's wage case and I do not have the full details of that. That is a matter for negotiation at the present time between the department and the federation. I will happily supply further details to the member.

MR WOOD: I have a supplementary question, Mr Speaker. Is the Minister aware of recent Commonwealth initiatives in this area and of major educational publications that detail the importance of highly trained teachers? Can he assure the Assembly that he will give due recognition to the need for higher salaries for teachers?

MR HUMPHRIES: Mr Speaker, I can give that assurance. I do fully acknowledge the need for ACT teachers and teachers generally, I might say, to receive better pay and conditions. I administer two areas of the administration and I notice a very distinct difference between the positions of nurses and teachers.

I believe teachers are at a significant disadvantage with respect to their peers in the community and it is for that reason, among others, that the Government has been looking at a number of issues that will free up funds within the education system to meet needs of that kind. Details of those will be available, I understand, on Thursday, when the Chief Minister makes his statement.

Health Promotion Fund

MR BERRY: My question is to the Chief Minister. I draw attention to the answer given by Mr Humphries just a little while ago about the Health Promotion Fund and his reference to the requirement for legislation. Can the Chief Minister explain why no legislation of that order appears in the legislative program of the Government which was provided to the Opposition? In the absence of that legislation, can the Assembly expect that patronage and favouritism will continue to apply in respect of grants?

MR SPEAKER: Order. I ask you to withdraw that, Mr Berry. That is an imputation on behalf of the Government.

A member: Shame!

MR BERRY: I asked the question.

MR SPEAKER: No, it is an imputation. The wording of the question was an imputation.

Mr Jensen: Point of order, Mr Speaker.

MR SPEAKER: I would ask you to withdraw that, please, Mr Berry.

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MR BERRY: Well, I withdraw that and may I replace it with: Can the Assembly and the public expect that these grants will be made at the whim of the Minister for the future?

Mr Jensen: On a point of order, Mr Speaker; I still think that there is an inference there - standing order 117(b)(iii) - that current grants are not being made in accordance with - - -

MR SPEAKER: Yes, that is exactly what was just withdrawn, Mr Jensen.

Mr Jensen: Well, I believe Mr Berry, in fact, did not. He restated it, Mr Speaker, in a different way.

MR BERRY: Mr Speaker, if I can help you?

MR SPEAKER: Yes, thank you. I would believe that is not a valid point.

MR BERRY: What I was asked to withdraw were the words "patronage" and "favouritism". I have done that and I have replaced them with the word "whim". That is on the notion or on the judgment, if you like, of the Minister responsible.

Mr Jensen: I rise on a point of order, Mr Speaker. Surely under standing order 117(b)(iv) that is an imputation on the decision making process of the Minister involved.

MR SPEAKER: No, I believe not, Mr Jensen. Thank you for your observation.

MR KAINE: Mr Speaker, when I published the details of our legislative program I made the point that it is not a static list, it is a dynamic one. There are new requirements for legislation coming up all the time and that will require that the order of precedence in that listing be changed and that new items be inserted in it. Secondly, of course, the legislation in question falls within the ambit of the Minister for Health and I am sure that he, at the next update, will make sure that reference is made to that particular piece of legislation.

As to the final part of the question; again, the fund was set up by the previous Government. It was established by the previous Government. The fact that it neglected to set up the operating instructions by which it was to be handled has placed the onus on the new Minister for Health to deal with that matter.

I believe that he is dealing with it diligently and honestly and that he is making money available out of that fund established by your Government, Mr Berry, your Government, for the purposes for which the fund was established. If you are raising any questions about the integrity of the Minister in making these funds available, I think you should be quite clear that you are doing so and then we will deal with it in the proper fashion.

MR BERRY: I have a supplementary question. Is it true, therefore, that the Government at this stage has no such legislation in the pipeline and therefore the Minister has misled this Assembly.

MR KAINE: The answer, Mr Speaker, is no.

Neighbourhood Schools

MR WOOD: Mr Speaker, I direct a question to the Minister for Health, Education and the Arts concerning the schools. Is he committed to the neighbourhood school concept?

MR HUMPHRIES: Mr Speaker, it is no secret that the Government is examining a number of options in respect of the education budget, as it is examining options in respect of all aspects of the present ACT budget. Until that process has resolved itself and given us a final outcome which will allow the Government to address the budget problem - which the Chief Minister has alluded to on many occasions - I cannot pre-empt any particular line of attack on that problem. I cannot identify any particular way in which the Government might attack the problem of overfunding as identified by the Commonwealth Grants Commission. I therefore will not commit myself to any particular aspect of the system until that review is completed. I think that the members should wait until Thursday when the Chief Minister makes his announcement.

MR WOOD: I have a supplementary question, Mr Speaker. The Labor Government gave a commitment to close no schools in the term of this parliament. Are you saying you are not prepared to make that commitment?

MR HUMPHRIES: Mr Speaker, I have indicated already that the Chief Minister is going to make an announcement on Thursday of this week concerning budgetary matters, and I think it would be inappropriate for me to make that announcement ahead of him. It is his prerogative and he will make that announcement. I suggest the member have patience until that time. I am not required by standing orders to announce government policy in advance of its formal announcement, and that will be the case in this situation.

NATIONAL EXHIBITION CENTRE TRUST Report 1988-89

MR COLLAERY (Deputy Chief Minister): Mr Speaker, I table for the information of members:

Audit Act - National Exhibition Centre Trust - Report 1988-89.

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REDEVELOPMENT OF THE PUBLIC HOSPITAL SYSTEM AND CORPORATISATION OF HOSPITAL SERVICES SUPPLY CENTRE

Ministerial Statement and Paper

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: The Alliance Government is intent on providing the highest quality health care system for the people of Canberra. I believe that our community must have access to a comprehensive range of high standard health services to provide for the needs of the very young, the increasing numbers of frail aged, and many other groups who have specialised needs.

The challenge for this Government has been to balance the ability to provide the best possible health system, with a cost the community can afford which does not adversely take resources away from areas of the budget important to preventing ill health. The public hospital system is an essential part of this system. Whatever progress is made on preventing illness, there will always be emergencies and the need for care of the complex or chronically ill. At these times of trouble and acute pain, we need to know that the best possible care is at hand.

In my view, Mr Speaker, the first place to look for the resources necessary for the highest quality health care is to target existing inefficiencies. When the Government took the reins on 5 December last year, it was faced with the prospect of a \$7m budget overrun in our public hospitals. This was the legacy of poor management on the part of the previous Labor Government in failing to address serious problems which were drawn to its attention by the Hospitals Board as early as August 1989.

To address this problem in a responsible way, I quickly announced a package of measures which were designed to improve the efficiency and effectiveness of the public hospital system in a way which would preserve quality while containing costs within budget. Many of these measures have already been fully implemented by the Hospitals Board, and the remainder are being vigorously pursued.

But these measures alone will not be enough. As the Chief Minister has reminded us on many occasions recently, and no doubt will do so again when he releases the Government's budget strategy statement later this week, the ACT is faced with a shortfall of around \$100m in the next financial year. This is a huge figure and decisive and radical steps are required now if we are to meet this challenge. I will now detail two of the more important initiatives in the Government's package of essential reforms. First, the redevelopment of the public hospital system, and second, the corporatisation of the Health Services Supply Centre at Mitchell.

The first national comparison of hospitals in 1988 identified ACT hospitals as the most expensive to operate in Australia, even though utilisation rates were the lowest. The Commonwealth Grants Commission recognised that running three major public hospitals contributed to this inefficiency.

Since 1985 there have also been a number of proposals and plans for hospital redevelopment. These initially focused on rationalising the services at Royal Canberra Hospital and Woden Valley Hospital, providing two different but complementary roles.

In December 1988 an independent review of ACT hospital services recommended adoption of the "one principal hospital" concept and the establishment of a steering committee to review the options for implementing the scheme. This steering committee was established by the Commonwealth Government in February 1989.

In August 1989, after having examined a broad range of options, the ACT Public Hospital Redevelopment Steering Committee unanimously concluded that: first, around 1,300 acute hospital beds would be required by the year 2000, with between 1,000 and 1,100 in public hospitals, depending on the number of private beds available. Secondly, the "one principal hospital" concept should be adopted to improve the quality of hospital services in the ACT. Thirdly, the Woden Valley Hospital should be developed as the principal hospital. Fourthly, the two main options for the development of associated community or general hospital facilities were: (a) an expansion of Calvary to its current capacity of 300 beds and closure of Royal Canberra Hospital, with the provision of alternative public health facilities on the site; or (b) maintenance of all existing hospital sites, with around 250 beds at Royal Canberra Hospital and about 150 beds at Calvary.

The previous Government released the steering committee's report for consultation and then announced its decision to proceed with the development of Woden Valley Hospital as the major focus for high level specialities with around 600 beds, retaining Royal Canberra with around 250 beds and Calvary with about 150 beds. This scheme involves a capital cost of around \$200m to \$210m.

This decision was extraordinary since it committed the people of Canberra to a capital cost well above what is sustainable. Even worse, it meant that presently excessive and unaffordable operating costs would be maintained into the foreseeable future. Also the Labor Government turned its back on the valuable contribution the private hospital sector could make in assisting governments to match public health expenditure with community needs.

The Alliance Government will not act in such an irresponsible way. We are determined to find a solution that provides a high quality outcome at a price the

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community can afford. I am sure the Assembly will agree that the Commonwealth Government has failed over many years to meet its responsibilities in the ACT. It has handed over to the people of Canberra a public hospital system which is run down and in need of substantial restructuring and upgrading.

The previous Government sought special funding from the Commonwealth to assist the ACT community to meet the cost of essential works. This Government has pressed the Commonwealth to provide \$150m to help us upgrade and modernise our public hospitals. So far, this request has brought no response.

In all of this, one thing is clear. If the Commonwealth does not now meet its responsibilities and compensate the ACT community for its failure to properly maintain our hospitals, then the people of Canberra will be faced with a cost burden which will be very heavy indeed.

Mr Speaker, I turn now to options for public hospital redevelopment. During this Government's consideration of the options for public hospital redevelopment, five clear factors have emerged. First, there are substantial benefits in bringing together all major acute services. This will lead to real improvements in the quality of services offered. I know that the medical community of Canberra is united in its request for that to happen.

Secondly, significant ongoing recurrent savings are needed on the part of the Government as we move to meet an imminent drop of around \$100m in Commonwealth funding to the ACT. Thirdly, major capital works are required now within the public hospital system. Fourthly, high class facilities are lying idle at Calvary Hospital and, fifthly, if a hospital is to close then it should be the Royal Canberra Hospital.

Maintaining the present arrangement of services rationalised across two sites - that is, a dual campus hospital service - would continue the existing problems of inadequate specialist cover across multiple sites and would not allow any of the advantages, in terms of quality, which flow from a single principal hospital development.

The essence of a principal hospital is to collocate all major specialties. This requires 600 to 700 beds in one place and not split across two or more sites. Such an arrangement would improve the quality of services by providing increased opportunities and encouragement for teaching, research, peer review and quality assurance processes. This proposition is strongly supported by a majority of the medical profession and most other interested groups. For these reasons the Government has committed itself to the development of a principal hospital.

The question of choosing the principal hospital was not an easy one. Royal Canberra is the oldest hospital in Canberra and the design of even the newest buildings is poor and inefficient. It is well behind Woden Valley and Calvary Hospitals and a long way short of contemporary standards.

Woden Valley Hospital could be developed as the principal hospital for a capital cost of around \$124m. To be developed for exactly the same role, Royal Canberra would involve an all up cost of around \$216m, which includes \$36m to relocate the central pathology laboratory to the site. This figure is around \$92m more than the Woden alternative. The extent of the difference makes any decision in favour of Royal Canberra Hospital an impossibility.

Although it is significantly cheaper to develop Woden Valley as the principal hospital, it has been suggested by some that Royal Canberra should be the principal hospital because of its location adjacent to the Australian National University. If the Australian National University does establish a clinical school for medical undergraduates, there would be some advantages in close location. However, there are many examples of major teaching hospitals which are not in close proximity to their university, such as Royal North Shore Hospital and Westmead Hospital with their relationship to the University of Sydney.

In any objective appraisal of the two options, it is clear that the substantially higher capital cost of developing Royal Canberra as the principal hospital on its present site - that is, \$216m compared with \$124m - is not in any way offset by potential service or location advantages arising out of such a development. The Government has therefore decided that the Woden Valley site will be developed as the location for the principal hospital in the ACT.

To meet the future public hospital requirements of the ACT, in addition to a 700-bed principal hospital a further 300 public beds are needed over the next 10 years. The choice we face is whether to provide these 300 general hospital beds on one site or two.

Planning for an oversupply of hospital beds "in case they might be needed" and keeping Royal Canberra and Calvary Hospitals open to achieve this would be economically unsound. This is demonstrated by the situation that confronts the Government where, as a direct result of irresponsible "over-planning" by the Commonwealth in the past, Woden Valley and Calvary Hospitals have both substantial ward areas that are lying idle.

In any case, if needs change in the future beyond what is expected, the capacity exists to quickly adjust the beds provided to meet any reasonable scenario. Both Calvary and Royal Canberra Hospitals serve a majority of clients from North Canberra. Either hospital operating at around 300

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beds would be able to provide the same comprehensive range of general hospital services.

However, there is a scarcity of highly specialised staff in Canberra - for example, in areas such as coronary care, intensive care, neonatal intensive care and renal services. Where specialists are required to see patients across three differing hospital sites the patient in a less frequently visited hospital will not have access to the same standard of care as those in the hospital where the specialist is based.

As I have already said, Mr Speaker, the development of the principal hospital will assist in collocating the specialists so that better treatment of patients with multiple symptoms can occur. However, providing care over a further two sites, as opposed to one, would lead to a lower quality of service, given the scarce resources available.

As hospitals clearly develop their own styles of operation, a further consideration is that of choice of style available between three hospitals or two hospitals. In my view, where a comprehensive range of services is available at two hospitals, retaining a third for a choice of philosophy or style alone would not be an overall deciding factor for maintaining all three hospitals.

If the Government were to decide that only one general hospital site would be developed, the lowest cost option by far is to transfer Royal Canberra Hospital to the Woden Valley site to create the principal hospital while developing Calvary as a 300-bed general hospital. This scheme would involve all up capital costs of \$154m and produce recurrent savings of about \$8.5m per annum at existing levels of service.

The Woden Valley-Calvary option would involve providing a comprehensive general hospital service at Calvary. This would ensure that most of the needs of the people in north Canberra would be met locally. There may be concern that Calvary Hospital will not provide particular services for medico-moral reasons. While this is true, in practice it involves only a very small number of procedures, such as abortion and tubal ligations. On the other hand, it is important to recognise that the philosophy and style of care offered by Calvary Hospital is highly valued by those who have experienced its services until now. In full operation, these services will be available to a much larger group of people.

Maintaining three hospitals, with Royal Canberra on its current site at around 250 beds and Calvary up to 150 beds, as was proposed by the previous Government, would have construction costs around \$50m to \$60m more than the Woden-Calvary proposal, and cost at least \$3.5m per annum more to operate. This huge additional cost considerably outweighs any possible service advantage and, more importantly, is well beyond what the ACT community can afford.

There is obviously no service quality advantage in persisting with the three hospital system that the Commonwealth has carelessly imposed upon us and, in the current economic climate, it is clearly out of the question to commit ourselves to the additional costs of maintaining Royal Canberra at Acton, along with Calvary, particularly since this is likely to prejudice rather than enhance quality of care.

The Government has therefore decided that a comprehensive general hospital of around 300 beds will be provided at Calvary and that Royal Canberra will be transferred to the Woden Valley site to create a principal hospital of around 700 beds. This will produce the best result in terms of a quality hospital service and it offers both lower capital and recurrent costs.

Mr Speaker, while this is the option that will maximise the quality of ACT public hospital services and offers the lowest cost of any of the various options that have been carefully evaluated over the past year, its estimated cost of \$154m will still have a massive impact on the ACT budget. In fact, financing such a program without substantial Commonwealth assistance will limit capital works in other areas. The Chief Minister will expand on this important issue when he delivers the Government's budget strategy statement later this week.

Today, I have outlined an extensive program to upgrade our public hospitals and improve the quality and efficiency of the services they offer. This program will produce real benefits for clients and the ACT community as a whole. The project itself will be among the largest and most exciting hospital redevelopment schemes ever seen in Australia and it will present a significant boost to employment in the building industry in the Territory.

However, as is the case with all such major developments, some people will be asked to confront greater change than others. This will be so for the staff of our public hospitals, particularly Royal Canberra. The Government will guarantee absolute preference of employment for all staff of our public hospitals as services are progressively moved to new locations. There will be an overall reduction in staff numbers as we move to a more efficient and better public hospital system. This reduction will largely be met by natural attrition and redeployment. Where necessary, the Government will offer appropriate voluntary redundancy arrangements. There will be no compulsory separations - that is, no one will be sacked.

In the planning of the redevelopment program and in the progressive introduction of change, trade unions and staff will be fully consulted before decisions are made about implementation. The Government will invite the ACT Trades and Labour Council, for example, to secure representation on the body soon to be appointed to oversight on the

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Government's behalf the planning, design and construction of this project. To ensure that broader community interests are also properly taken into account, the Government intends to include community representation on this body.

I want to speak now about the ratio of public to private hospital beds. I have concentrated so far on the ACT public hospitals, which will always be the major part of the hospital system providing the higher level services and always being ready to meet the needs of those not wishing to access private hospitals. However, private hospital beds are provided at no cost to the Territory budget. Present approvals are for 271 private beds - that is, 151 at John James and 120 at Calvary.

With an overall bed target of 1,300 acute hospital beds, this represents a proportion of 21 per cent. This proportion is below that in most other States. Expanding Calvary public hospital to its full capacity would result in the closure of the 50 private beds presently operating within the building. In order to achieve an appropriate public-private mix of services, approval will now be given for the development of a new private hospital of around 150 beds to be located in north Canberra. This means that the capacity of the private sector to provide services complementary to those of the public sector will be maximised and brought more into line with the level of private services available in other States.

Mr Speaker, members will be anxious to know what possible alternative uses of the Acton Peninsula site there might be. The transfer of Royal Canberra Hospital will provide the opportunity to revitalise the use of this beautiful peninsula through the parallel development of community recreational facilities and a range of public health related activities which, the Government has decided, will be located on the site.

The National Capital Plan provides for a large area of designated open space on the Royal Canberra Hospital site. This area was set aside and preserved for public recreational use. The Government will ensure that access to this is made easier for all the residents of Canberra and will improve its general amenity for the benefit of visitors, workers and residents.

The site has the capacity to accommodate new health facilities and is well suited to such uses. The Government has decided to relocate the Queen Elizabeth II Coronation Home for mothers and babies and the Jindalee Nursing Home to the Acton Peninsula site. The Government will proceed with these projects as part of the overall hospital redevelopment program. The Government will encourage the provision of child care facilities convenient to the Woden Valley and Calvary Hospitals and the Acton Peninsula site, on condition that funding is sought and provided through the Commonwealth's children's services program. In the

case of Woden Valley Hospital the facilities should operate for 24 hours a day.

Of the existing hospital buildings, only the main tower block and podium and Sylvia Curley House are likely to be worth retaining for alternative uses. These uses will include accommodation for other community and public health services and for students. Such a mix of existing and new facilities will provide a stimulating diversity of functions which will lead to a significant increase in the use of the peninsula by the people of Canberra.

Without infringing sensitive planning controls, this balanced development will produce a more normal and much improved environment for people using the area. It will justify good public transport links with the city, a key factor to the acceptability of any health and community service location on the site. These ideas must all be thoroughly explored and to accommodate this range of uses, the National Capital Plan may require amendment. If so, this would involve the National Capital Planning Authority, public consultation and finally, the approval of Federal Parliament. The Government has decided, therefore, that a planning study should be undertaken immediately by the Interim Territory Planning Authority to assess the appropriateness of the various proposals.

Let me now speak about new services. As part of its strategy to develop and improve health services in Canberra, the Government has decided to provide convalescent beds as proposed in the Social Policy Committee report on the needs of the ageing. This facility will be provided on the Acton Peninsula site and be constructed as part of the overall hospital redevelopment program.

Subject to an agreement with the Commonwealth Government on funding, this centre could also make provision for the special needs of veterans. A birthing centre and hospice facilities will also be provided. These facilities will be collocated with the major public hospitals and will also be developed as part of the overall hospital program. Whether the planning and design process results in refurbishment of existing buildings or the construction of new adjoining buildings, the intention is to ensure that these facilities are provided in keeping with the philosophy central to these particular services. This means such things as separate entrances, discreet identities and staff.

Mr Speaker, as part of the program to upgrade public hospital services, the Government will provide an effective 24-hour mental health crisis service to be based on the Woden Valley site. The various options are being carefully evaluated at the moment and I expect that, subject to budget constraints, this new and essential service will be in operation later this year.

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The steering committee report on public hospital redevelopment emphasised the need to act quickly to commence work on the redevelopment program to ensure that people in Canberra and surrounding regions have access to improved quality services at the earliest possible time.

The Government agrees with the committee's view, Mr Speaker. By quickly expanding Calvary to its full capacity and fast tracking planning and design for new facilities, we will attempt to complete this massive program of upgrading and improving our public hospitals in the shortest possible time frame.

Mr Speaker, this program of upgrading and redevelopment is the most significant in the history of Canberra's health system. It will lead to major improvements in both quality and efficiency. The ACT hospital system has been neglected by the Commonwealth and, accordingly, needs significant upgrading. We will face this challenge and deliver outcomes which are manageable in the overall budget context and which maximise the quality and value of hospital services for the people of the ACT.

Mr Speaker, I want to turn to a second important initiative the Government has decided on and which I will announce today. The Health Services Supply Centre at Mitchell is currently run by the interim Hospitals Board. It provides a linen service, mainly a laundry operation, sterile supply, incineration, transport, works and engineering services for the ACT public hospitals and the Department of Health. The centre occupies a 9.1 hectare site at Mitchell on prime industrial land valued at \$1.2m. The complex was constructed in the mid-1970s and is probably the best of its type in the whole of Australia. Plant and equipment valued at around \$4.5m is also of a very high standard. The centre represents a total written down value of about \$32m. Approximately 220 staff are employed by the Mitchell site.

Due to earlier population projections, which have proved to be overestimated, the centre was designed to service hospitals with a population twice the size of what we now expect for the ACT in the foreseeable future. This means that this very excellent ACT facility is grossly under-utilised and the community has not had the opportunity to derive the full benefits of its investment.

At present the centre is fully funded to provide services to the health portfolio. It only charges external clients and, therefore, its revenue of less than \$1m per annum is very small compared with its annual operating cost of more than \$13m per annum. Also the costs to the community of the services are higher than they need to be because of the inefficiencies resulting from under-utilisation and diseconomies of scale. The service can, however, be much more efficient and, consistent with the Alliance Government's principle that residents in Canberra should not pay more for ACT services than is paid elsewhere in Australia, we intend to rectify this situation.

The immediate challenge is to find ways to expand overall production at the centre to create an economy of scale which will enable productivity and efficiency to be improved. In order to do this, the centre will need to access private sector and other public sector markets, both inside and outside the ACT. The ACT community will benefit from this expansion in a number of ways. As the centre expands its activities over time to match the capacity and potential of the facility, new employment opportunities may become available.

The enhanced efficiency of an expanded operation will reduce costs for health budget of the services provided by the centre. It would not be possible for the centre to access the private sector markets which are essential for expanding production to economic levels while it operates within departmental frameworks. The centre must be able to develop commercially if it is to meet the efficiency levels which the ACT community has a right to expect. For this reason the Alliance Government has decided to corporatise the centre.

This means that a corporate business structure will be established separate from the department and the Hospitals Board. While the ACT Government will retain ownership of the centre, it will be independently managed. Many States have corporatised hospital supply functions. The South Australian Linen Service, for example, was corporatised in the early 1980s, resulting in a fivefold increase in production and a similarly impressive revenue increase.

After a period of consultation, business development and planning, the Government will consider whether the business at Mitchell will be incorporated as a company under companies legislation or as a statutory authority under new ACT legislation. This decision will be made by September 1990 and full independent commercial operation will be achieved by September 1991.

To assist the Government to make its final decision about the business model to be adopted for the Health Services Supply Centre, I will be appointing a suitably qualified person as project executive director, for an interim basis, to take full executive responsibility for establishing the business and meeting the Government's timetable. The project executive director will propose a comprehensive business plan to the Government to be put in place by 1 September 1990. In particular, Government will consider managing structures, financial and staffing arrangements, marketing strategies, business targets and implementation arrangements, including management of the transition process. To maximise opportunities, to establish commercial viability, existing ACT Government clients will continue to access these services, currently obtained from the centre until at least September of next year.

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Unions will be consulted before any decisions are made which will affect staff. I hope the unions will recognise the potential benefits of this initiative for the ACT and will cooperate with the Government in implementing new commercial arrangements.

Mr Speaker, our decision to establish the Health Services Supply Centre as a government-owned business, independently managed and operating commercially, confirms the Alliance Government's commitment to efficiencies in government operations, which will contribute to achieving a balanced budget. Consistent with Alliance policies on business, employment and finance, the commercial development of the centre represents a strategic step towards encouraging revenue expansion, beneficial growth and the broadening of the economic base of the ACT. I move:

That the Assembly takes note of the paper.

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

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report

MS MAHER, by leave: I present report No. 4 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. This report details the committee's comments on the Business Leases Review Bill and the Credit (Amendment) Bill. I commend the report to the Assembly.

MR WHALAN, by leave: Mr Speaker, the report from the title relates to the Business Leases Ordinance Act which was tabled in the Assembly last week. I am pleased to report to the Assembly that the Opposition has been able to achieve one of its objectives in presenting that legislation in the form in which it did in that, as I reported when introducing that legislation, we have been unable to get any cooperation at all from the Government in relation to the drafting of private members' legislation. We have met with a complete blank wall in relation to that and, as I stated in introducing that legislation, we were forced into a position of having to rely on minor amendments to an existing piece of legislation. It looks as if we will have to do that in relation to other pieces of legislation that we seek to introduce into this chamber because of that lack of cooperation.

However, I have been approached today by the legislative counsel who has now indicated a willingness to assist in the redrafting of that legislation and once we have that offer formalised, we will probably proceed to withdraw that legislation so that it can then form the drafting instructions for legislation to be introduced into this chamber.

MR COLLAERY (Attorney-General), by leave: I simply wish to put on the record that any difficulties to which Mr Whalan refers were not derived from any instruction, suggestion or inference given by this Government to either the Legislative Drafting Office, or to legislative counsel. If there were problems, they relate to the general settling down arrangements that this Assembly is still going through. I welcome Mr Whalan's statement. Clearly, prioritisation is occurring within the capacity of that office to perform the drafting work for the Opposition and other members.

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

Debate resumed from 22 March 1990, on motion by **Mr Prowse**:

That the report be noted.

MR JENSEN (3.48): Mr Speaker, this report provides the basis, or the commencement if you like, of an important review of the current committee system that has been in place and operated since 23 May 1989, when the initial proposals were moved by Mr Whalan, to establish the Administration and Procedures, Public Accounts, Planning, Development and Infrastructure and Social Policy, standing committees.

At that time, Mr Speaker, there was some concern on the part of the Opposition about the degree of consultation that took place before those committees were actually established. That concern was subsequently reflected in changes to the terms of reference for those committees, following pressure from the then Opposition.

It is important to realise that what we now have is a proposal resulting from all parties within the Assembly having an opportunity to put their case forward to the committee that has the responsibility for the operations of the house - that is, the Administration and Procedures Committee.

A number of select committees have been established since those early days and many have now completed their work. I will refer to some of those later in my remarks. Others, of course, still have to report. The work of the committees that were set up in the early days has been, I would suggest, an important part of our Assembly operations.

It is unfortunate at times that due publicity has not been given to the work of the members on various committees. At this stage I would like to pay due tribute to Mr Wood who, in his early days, was the Labor Party's only representative on committees within the Assembly. At

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numerous times I have enjoyed immensely working with Mr Wood on committees. I look forward to operating with him on committees in the future. I am sure that the similar sort of support and assistance that was provided to us as members of the committee by Mr Wood will be reciprocated to his colleagues in the Labor Party when they take their turn on committees in the future.

Mr Speaker, one of the early changes that was made to the structure of standing committees in those early days was the ability for those committees to initiate their own inquiries, provided that the Assembly was advised at the earliest opportunity. This was an important change and I suspect that it probably related to the nature of the Assembly at the time where you had a minority government facing a majority opposition series of groupings.

It is interesting to see that in the proposals in this recommendation and those that will come forward later this evening, there has been no proposal by the Government to change that very important aspect of the operation of the committee system - that is, standing committees initiating their own references. I think that that is a very important aspect of our committee operations and I am sure that it will continue in the future.

The committee of which I was a member took submissions from yourself, the Opposition and the Government and they were considered at the time at great length by the committee in its deliberations. These submissions included proposals for changes to the structure and areas of committee responsibilities and they are summarised in tables 1 and 2 that are attached to the report.

In particular let us look at the number and size. The various proposals that were put forward effectively decreased the number of proposed committees by one, but at the time committee members, of whom I was one, considered carefully the degree of workload on committees that already existed and the potential for increased workload in the future, once the new structure commenced.

For example, the Conservation, Heritage and Environment Committee has prepared two reports, one of which is a major report which was tabled in this Assembly last week. That committee took considerable evidence and travelled to various parts of Australia. The same committee also has two references still to report on to the Assembly. I understand that work is about to commence on those.

The Planning, Development and Infrastructure Committee, for example, has completed two reports. That committee has five references still outstanding. That, I would suggest, is indicative of the nature of the work of that committee in these changing times, particularly with regard to the legislation that has been put on the table in draft form by the current Government and also the proposals for the National Capital Plan and the Territory plan itself. At

that stage we considered that, despite the representations that have been put forward, the workload of those two committees would be such that the important work that was required might not be done in due time. For that reason, I certainly supported the proposal to retain the two committees as stated.

Also, Mr Speaker, one of the other recommendations of the committee related to the size of one of the committees. I think it is appropriate that we consider the nature of the Assembly and the number of members available to work on committees. In applying the normal practices for committees, it is appropriate for a member of each group to be represented on at least one standing committee. The recommendation of the standing committee on this matter provides for that to take place.

Let me continue on the subject of my discussions about the workload of the committees. The Public Accounts Committee has completed one report, and it has three references still outstanding. Some of those relate to matters that we have yet to receive information on. I look forward to participating in the work of that committee with the Leader of the Opposition when she takes her place on that committee, as I am sure she will.

The Social Policy Committee has completed two references with a major committee report being worked on at the moment - that relating to fluoride. I think that report will probably have ramifications for this issue throughout Australia. I think it is important that the committee continue with its good work in that area.

Since the commencement of this Assembly, six select committees have already reported. I guess that in a way those committees relate to the heady days of this fledgling Assembly with its minority government and its majority grouping opposite. The majority saw those select committees as a way by which they could influence the operation of the Assembly and I think it was important that that should have occurred in those early days.

One of the matters that we looked at - or I certainly looked at it during my deliberations - was the workload that we had put on the committee staff by this action of establishing a large number of select committees in conjunction with the series of standing committees. It represented a learning curve for us all, but it was a critical time because the large number of committees put an incredible workload on both the members involved and also the staff.

I now refer to table 3 of the report which picks up the recommended changes and restructuring of the committee system by clearly identifying the committees and their areas of responsibility. It was considered - and I certainly agree - that the Scrutiny of Bills and Subordinate Legislation Committee was an important

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committee, but one that operated in a different way to the legal affairs committee that had been proposed in the various submissions put forward.

It was a committee that operated specifically on legislation and the nature of that legislation, whereas the legal affairs committee, as we see by the recommended areas of responsibility in the report, covers a number of areas. I certainly agree with the proposal to retain the existing Scrutiny of Bills and Subordinate Legislation mainly because I think there will be many regulations and Bills brought up in the early days of this Assembly, plus those that have been a hangover from the past. Eventually I would expect that committee to look at some of those issues.

This new committee structure that we have recommended will provide the next stage for the continued implementation of the committee operations within this Assembly. I look forward to continuing my participation in that committee structure in the future. I have found that work interesting and a major part of my role as a member of this Assembly.

In closing, Mr Speaker, I would like to make one brief comment in relation to the staffing proposals recommended by the committee. I believe the committee is fully aware of the nature of the fiscal situation within the ACT and it knew full well that any proposal to increase the size of the staff supporting the committees would probably receive short shrift. That is not inappropriate, particularly as the sorts of areas that will now be covered by the various standing committees are clearly identified in the recommendations. It will be only on the very odd occasion that specialist references for select committees will probably be referred to the committee.

On that basis, the committee looked very carefully at its current staffing arrangements and took advice from those responsible for actually providing that support. I think that what we have put forward in this matter is a major way of providing support to the committees without increasing the numbers or the expense associated with the running of those committees.

I believe that that system of operation will be sufficient. Certainly, there are some compromises involved, but unfortunately, life is full of compromises and there are times in these economically hard days that we have to ensure that we do not overload our financial system too much and that we make the most of the resources and the facilities that we have. I believe that this provides an opportunity to do that.

However, I am sure that once the Assembly moves further down the track there may come a time when this issue can be reviewed, but I certainly would not see that happening in the very near future. With those closing remarks, I

commend the report to the Assembly and I look forward to seeing it implemented in the not too distant future.

MS FOLLETT (Leader of the Opposition) (4.03): I would like to exercise the quality of mercy and be very brief on this matter. It has been said before in this chamber that the committee system provides an opportunity for all Assembly members to participate in the detailed policy formulation and development, and on behalf of the Labor team in the Assembly I repeat what I have said many times before - that we stand ready to participate fully in the life and the work of Assembly committees. But committees must be an arm of the Assembly and not simply a rubber stamp for government decisions.

I know I have laboured that point previously, but I will make it again while we consider this very important report. It is extremely important that there is a clear separation of powers between the Executive Government and the Assembly and this separation must not only occur in fact but it must also be seen to occur - even by a casual observer, by people who are not informed on the full detail of how governments or assemblies operate.

The Labor Party will not be seen as part of a committee which appears to be an executive committee. I have said that before and I will say it again. The submission that we made to the committee clearly spells out what we see as the dividing line between executive and Assembly committees. We do want to participate fully in the Assembly committees, but I believe that it is appropriate that I say again at this stage that we will not serve on a committee which is chaired by an Executive Deputy who has portfolio responsibilities in that committee's area of responsibility. I have already made that point and I reiterate it.

With regard to the committee structure that has been proposed by the Standing Committee on Administration and Procedures, there are a couple of points which I would like to make. My party has found a couple of difficulties with the report which will not affect our participation but which I think are worth noting because they are rather strange.

Mr Speaker, I believe it is verging on the bizarre that all submissions to the committee which recommended the amalgamation of the Standing Committee on Conservation, Heritage and Environment and the Standing Committee on Planning, Development and Infrastructure were ignored. If you look at table 1 to which Mr Jensen has referred, you will see that the proposals by yourself, Mr Speaker, by the Opposition and by the Government all recommend that there be only one committee there. Yet the report that we have before us now recommends that there be two committees, that those two areas - planning, development and infrastructure and conservation, heritage and environment - remain separate. I find it rather strange that all the

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submissions put to the committee should recommend one thing, yet the committee members took it upon themselves to do something else. That is not a fatal flaw, but it is a very strange way of going about their business.

Conversely, on the Social Policy Committee where the Opposition's proposal, and indeed your own proposal, Mr Speaker, recommended that that committee be split into a social policy committee and an education and community affairs committee, the Administration and Procedures Committee has taken a different view and has recommended that there be only one committee. Once again, it appears to have flown in the face of the majority of submissions that it received and I cannot discern any very good reason for its having done that. As I said, it certainly will not affect our participation in the committees, but it does make you wonder sometimes how much notice is taken of submissions that we go to a great deal of trouble to prepare.

We are concerned also that a majority of members of the Standing Committee on Administration and Procedures did not support our proposals concerning the opening up of committees, both to the public and to the participation of all members of the Assembly. I do think it is very important that as a general rule the work of committees is open to scrutiny. We put a proposal that that be the case and if there was an occasion when a committee wished to hear a matter or discuss a matter in private then it was up to it to make that decision, but that as a general rule committee work would be open to the public. I stand by that and I think it is a matter that the Administration and Procedures Committee may wish to look at again. I think that it does give the unfortunate impression, an impression that has been borne out all too often in my view, that the Government is operating behind closed doors and is unwilling to open itself up to that kind of consultation and participation right across the committee system.

There is also the point that Assembly members should be free to attend any committee meeting and I do not think the Administration and Procedures Committee has said a great deal about that but I do think it is another important point. We are all members of the Legislative Assembly; we all have rights as members and I would consider the attendance by any member of the Assembly at committee meetings as being something that the Administration and Procedures Committee could well have endorsed in its report.

Mr Speaker, we do support the proposal that the membership of at least one committee is to be expanded and I understand that that expansion is to enable Mr Moore to participate in that committee. I reiterate the position that we have constantly put and that we have put in our submission as well, that we should adopt an inclusive approach to committee work, rather than seek to exclude particular members or groups. We should, in fact, seek to include as many people as possible.

I also note that the committee report does not actually deal with estimates. I have taken on board Mr Jensen's comments in his speech just now about estimates but I do not believe that the committee report has come to any conclusions about it. My party prefers Mr Speaker's proposal, that standing committees deal with estimates in the area over which they have responsibility. I think that that breaks up the enormous workload involved in estimates and puts it into committees where it is quite appropriately dealt with, rather than seeking to set up a special committee over a very short time where the expertise in particular subject areas may not be as great as it is in the committees themselves. I would just like to put on record that we do support that proposal. I notice that the Government favours a separate estimates committee; I think we could still debate that matter.

To conclude, Mr Speaker, the Labor members in the Assembly are more than willing to participate in the committees. We have had a number of discussions on who should be a representative on what committee. We have made decisions on that matter; we are ready to proceed and I am very pleased to see this report finally on the table. It has been a long time coming. I commend to the Assembly the committee system and especially the work done by our own member, Mr Wood, on the committees to date.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.11): Mr Speaker, I am pleased to see this report come down at last. It is a significant contribution to the running of our committee system in the Assembly, and I regret that I was not able to take part in that particular inquiry while I was a member of that committee. However, I do think it is helpful that we finally had some adjudication, if you like, on the issues that were raised by the various parties in that forum. I think we can certainly find worse ways of dealing with the problems than the ones we have addressed.

The report is significant for the development of this Assembly. Committees are an essential component of the democratic process, particularly of the development by us in our own idiosyncratic way, perhaps, of the Westminster tradition in Australia. I think it is worth pondering just briefly the very many benefits of the committee system overall.

First of all, of course, the committee system provides oversight and scrutiny of the Executive and contributes towards a better informed administration and government policy-making process. I hear the claims of Ms Follett about the weaknesses and dangers of too much integration of executive and Assembly committees. I am far from convinced that that occurs in any of the models put forward in this report or, indeed, by the final view of the committee itself. But it is worth noting those concerns, keeping an overview of them and ensuring that we do not unwittingly

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allow our decisions to intrude on that principle. It is a good principle, but it is not the same principle as saying that there is no connection, no overlap, no commonality between the Executive and the Assembly. Of course, that statement is nonsense.

The second great value in the committee system is that it provides direct contact between the Assembly and the ACT community, where issues of concern are aired, and debate is generated and particular issues are resolved by, hopefully, the development of a consensus on particular topics. I must say at one stage I debated with myself the idea of providing in the standing orders of this Assembly the opportunity for the Assembly to call witnesses before it as a whole in order to enable citizens of the Territory, to come and address the Assembly on issues - - -

Mr DUBY: Stand at the bar.

MR HUMPHRIES: Yes, stand at the bar and address the Assembly on issues of concern to them. That sort of thing has occurred in the past in another context. I understand that only late last year it was exercised in the Queensland Parliament. In that case, of course, it was by someone on a contempt charge.

Mr DUBY: It almost invariably has been, actually.

MR HUMPHRIES: Yes. Unfortunately, the people who come before assemblies and parliaments in those circumstances tend to be people in some degree of strife. I hope that would not be the only circumstance in which our provision would enable that to happen. Nonetheless, it is worth considering. It behoves us to think about innovative ways of enhancing government and democracy in the ACT. We might find that a useful kind of tool in allowing people to convey important views to the Government and to members of the Assembly generally.

The third advantage of the committee system is that it provides the Assembly with an opportunity to develop a bipartisan view because Assembly members are able to consider issues away from the adversarial atmosphere of the chamber. I think it is worth reflecting on the fact that the vast majority of business we do in this place is essentially non-contentious. The majority of legislation is passed either without amendment or with amendments of a fairly insubstantial and inconsequential nature. It would be a mistake for people to think - and I am sure that many people in the community do think - that politics and the life of a parliament is all about everyday conflict and constant, unmitigated adversarial contact between the Opposition and the Government. In reality that is not the case and we can enhance that reality by the work we do on committees. Very often we are able to bring forward a bipartisan view to the Assembly, and thank goodness for that is all I can say.

There was a reference earlier - I think by Ms Follett - to some of the problems in developing those bipartisan views and in particular to the nature of an Assembly committee structure where members who were Executive Deputies sat on and chaired committees. I hear what she says, I can understand some level of concern, but I think that concern is a little poorly placed. I think that she would do well to reflect on the position of other parliaments. In other parliaments, of course, members do represent government parties; they do, generally speaking, take the chair as members of the Government - - -

Mr Wood: But not members of the Executive.

MR HUMPHRIES: Well, Mr Wood, the Executive Deputies are not members of the Executive. I want to make that perfectly clear; they are backbenchers, they are members of the Assembly who do not have an executive role, but who do participate fully in the functioning of the Assembly and who, in this sense, are deserving of the same treatment as backbenchers of other parliaments.

I do not think it is unprecedented for non-government members to chair committees of the Assembly or a parliament, even where the Government holds a clear majority of the members of that Parliament. Members of the Conservation, Heritage and Environment Committee will recall that when we visited Melbourne and spoke to the chairman of the Victorian equivalent of our Conservation, Heritage and Environment Committee, he was a member of the Liberal Party - presumably chosen because of a particular interest and expertise in the area of conservation and environment matters. I would hope that the same principle permeates this Assembly, and that if a person is eminently suitable to chair a committee on the basis of his or her expertise in an area, that person should chair that committee, irrespective of the party to which he or she belongs. I think that is probably a good way of describing what has occurred in the case of the HIV, Illegal Drugs and Prostitution Committee which Mr Moore chairs. I am not sure that he would call himself an expert in those areas - and perhaps he would not like to be so described - but he is certainly a person familiar with them and better suited than many to chair a committee of that kind.

In the time left to me, I want to say briefly that it is certainly the case that the creation of a committee which specifically deals with legal matters is probably a good thing. I am, of course, one of three lawyers in this place; I see there being no coincidence whatsoever in the fact that lawyers dominate Australian parliaments. This may be the only Parliament that they do not dominate, I do not know.

Mr Wood: That is to their detriment though.

MR HUMPHRIES: Well, Mr Wood makes terrible slurs on the legal profession; he had better be careful! Although, as

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Ms Follett said, it is not impossible for non-lawyers to participate in and develop the law of the country, it is still the case that there are particular advantages in having lawyers. I am told that there are a number of instances where the unavailability of lawyers made for interesting scenarios. I seem to recall the story that an early Attorney-General of the Commonwealth did not have any legal qualifications. I think it was an early Labor government in which there were no lawyers - *deja vu* one might say - and Billy Hughes was selected as the only person who would serve as Attorney-General. Consequently, while he was Attorney-General he was persuaded to undertake a law degree in order to bone up on the requirements of the law.

I am also told - and Mr Wood might be able to verify this - that there was a time when the Queensland Attorney-General was a surveyor and the Minister for Lands was a lawyer! Well, we have not quite got into that fix as yet but the presence of legal - - -

Mr Collaery: The Attorney-General in Victoria is a layman now.

MR HUMPHRIES: Is he? Oh well, these things befall even the best of parliaments, Mr Collaery.

Mrs Nolan: I would not say there was anything very good about the Victorian Parliament.

MR HUMPHRIES: Perhaps not. Perhaps Mrs Nolan has a point, but we will not debate the Victorian Parliament; that is the other Cain Government which we will put to one side for the moment. The new Kaine Government is doing rather better than that.

I want to respond to a couple of comments made by Ms Follett. (Extension of time granted) She said that committees were places where members met in camera and there was no capacity for non-members to sit with committees - obviously not on them, but with them. My colleague, Mr Duby, refers me to standing order 234 which says, and I quote:

Members of the Assembly may be present when a committee is examining witnesses, but shall withdraw if requested by the Presiding Member or any member of the committee, and shall always withdraw when the Committee is deliberating.

That is not a terribly onerous burden in my view, Mr Speaker; it is one that we can all comply with fairly happily. I doubt that any member of this Assembly, much less a chairman of a committee, would be churlish enough to ask someone to leave a committee meeting. After all, generally speaking, the parties will have representation on those committees anyway.

I also note Ms Follett's comments about allowing all parties or persons in the Assembly the access to committee membership, and she mentioned that it was very pleasing to see the Government expanding the membership of the Conservation, Heritage and Environment Committee to accommodate Mr Moore. However, I have to cast my mind back to the occasion a few months ago, where Ms Follett's Government was adamant that Mr Stevenson would not sit on a committee of the Assembly, and I really wonder how those two positions stand with each other. You either have it or you do not have it; you cannot have it both ways. Nonetheless, we will let bygones be bygones.

This is a good report, Mr Speaker. I think it will help us develop quickly and efficiently the priorities of our committee system. I believe that a number of the committee recommendations will be adopted, although by no means all. It is an indication of the separateness of the Executive from the committee system that we are able to do that very thing.

MR MOORE (4.25): Mr Speaker, I must say at the outset that I share a number of the concerns of the Leader of the Opposition. The first of those concerns is about what seemed to me the obvious amalgamation of the Conservation, Heritage and Environment Committee and the Planning, Development and Infrastructure Committee. I think the Leader of the Opposition has dealt adequately with that.

Mrs Nolan: What about the references?

MR MOORE: I believe that the references could still be handled adequately in the event of an amalgamation.

If we look at the number of meetings held by those committees on their new references over the past two or three months, we would see quite clearly that it is possible to integrate the two. However, I was not privy to the discussions within those committees. One of the main reasons for that is that, contrary to the interjections of Mr Jensen earlier, standing order 234 currently states:

Members of the Assembly may be present when a committee is examining witnesses, but shall withdraw if requested by the Presiding Member or any member of the committee, and shall always withdraw when the committee is deliberating.

By and large, the Administration and Procedures Committee, by the nature of the committee, tends to spend most of its time in deliberations, I presume. Therefore, I consider that I have been excluded from that committee by that.

For that reason I would like to see change to that standing order 234 simply to remove that "shall always withdraw when the committee is deliberating". In that way, should the presiding member or any member of the committee decide that for a particular deliberation it was inappropriate - perhaps they might feel the committee was loaded or

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something to that effect - then they would be able to have that prerogative of excluding members. I think it is an important prerogative for them to have but, by and large, the onus should be the other way around - to exclude members who should have a right to attend unless the wish is otherwise.

That takes us to the other objection, which is the notion of the Executive Deputies. I have no concern about having Executive Deputies serving on either select or standing committees with me. The concern which Mr Humphries seemed to miss in his speech was in having an Executive Deputy with responsibilities for advising the Minister on a particular committee. That is the concern that I believe the Chief Minister was raising and that is a concern that I have because I can see a conflict of interests there. There could be a conflict of interest between the executive level of government and between the Assembly which, as Mr Humphries said, serves the purpose, amongst other things, of keeping an eye on executive government. It is totally inappropriate to have a member, in some cases an Executive Deputy, chairing the committee that they have responsibility for within the executive government. That is the concern.

Mr Kaine: They do not have responsibility, Michael. You do not understand executive government.

MR MOORE: I do. The Chief Minister interjects about not understanding executive government. What they have a responsibility for is to advise the Minister. I quite accept that. You have made that quite clear.

Mr Kaine: They have no executive responsibility.

MR MOORE: They do not wear the responsibility of decision making. I accept that. However, the closeness of their relationship on the particular issue when advising obviously has some concern for members of the Opposition. It obviously provides some concern.

Now, I am not being bloody-minded about this at all. I have no objection, for example, to having Dr Kinloch on the planning committee. I have no concern about Mr Jensen being on the Social Policy Committee or about them chairing those. That is not the problem. The problem arises when there is a direct relationship between the Executive Deputy and the Minister. That relationship is a very close one. They have access to information and access to documents and influence over those things. This is particularly a problem when on almost all those committees the Government also has the numbers. I am not even objecting to the notion of the Government having the numbers because parties and groups are represented in our standing orders and by tradition according to the size of their representation, but I am saying, in this particular instance, that the Government should really reconsider the notion of having their own representatives as Executive Deputies

representing that very same area. That is of particular concern. It is not just a concern of mine. It is a concern in the wider community because it is concerned about the committee system - how the committee system operates and how it is seen to operate. It must be seen to be totally above board and that is what this is about.

Mr Speaker, in concluding I ask you to take to the Administration and Procedures Committee a recommendation that standing order 234 should be amended by removing the last part of the sentence after the final comma, "and shall always withdraw when the committee is deliberating". Those words should be removed and the Government should seriously reconsider having the Executive Deputies in a particular area either chairing or on the committee for that particular area. It would require a minor reshuffle, but I think that it would be an appropriate reshuffle in order to ensure that the public in general perceived that everything about the committees was above board. I can think back to many occasions with Mr Humphries when we were on the Conservation, Heritage and Environment Committee, we had many long discussions, particularly when we were travelling, where we reached compromises. Often those compromises were reached on the most informal occasions, such as having dinner or breakfast as I remember on one occasion in Melbourne. That is where the compromises are made and that is where the discussion takes place so you understand what the other people are thinking and why they think the way they do, rather than through the rather formalised committee system, in debate or the formalised system on the Assembly floor.

MR STEFANIAK (4.31): I am pleased to see in this report and in the documents attached to it that there is a fair amount of agreement by all parties in this Assembly. I would like to take up a couple of points Mr Moore raised, one of which was also raised by the Leader of the Opposition. The first point is in relation to standing order 234 which indicates that:

Members of the Assembly may be present when a committee is examining witnesses, but shall withdraw if requested by the Presiding Member or any member of the committee, and shall always withdraw when the committee is deliberating.

I have served on about three or four committees of this Assembly and a couple of the select committees where a fair amount of evidence was taken. One thing about the committees of this Assembly, and indeed, parliamentary committees, especially when it comes to the taking of evidence, is that the members have a quasi-judicial role in that they are there asking questions and taking evidence. Then they have to sift through the evidence. I can see the logic behind standing order 234. I suppose it is like a court of law where persons give evidence and then it is up to the bench - be it a single magistrate or judge, or be it in superior courts a bench of maybe three judges, five or

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seven even in the High Court. Evidence is given and then the members of the bench deliberate, and often deliberate between themselves. They deliberate and, as is traditional, they deliberate in private without other persons necessarily being there.

I think that perhaps has something to do with the logic behind 234. It may not really be appropriate for other members of the Assembly who are not part of the committee to be there when that committee, which has been set up to sift through the volume of evidence placed before it and to look at other ancillary matters, is making its deliberation. Perhaps that standing order may not need to be amended as Mr Moore suggests.

Mr Moore and Ms Follett also mentioned the problems, as they perceive them, in relation to Executive Deputies. I can see the logic behind their argument, but I think perhaps they also miss the point, especially in relation to this particular Assembly. As the Chief Minister has said, and as we now probably all certainly realise - including the members opposite - Executive Deputies have no executive functions. As Mr Moore quite ably put it, they advise.

This is an Assembly of only some 17 people. Since its inception in May and since the inception of both standing committees and also select committees there have been a number of members who have sat on committees - and indeed on occasion sat as chairman or chairwoman of committees - who have certainly had particular areas of expertise. Indeed, it might be said that they had particular vested interests or certainly interests in relation to the matters under deliberation. On one of the current committees several members have made their views quite clearly known in relation to, for example, the question of fluoride. I chaired the committee on the Police Offences (Amendment) Bill which was a Bill initiated by myself, and I ended up as chairman of that committee.

These instances have occurred in the past, they will occur again because we are only 17 members. There is the committee of which Mr Moore is the chairman - he has expertise in a certain area; he was very keen to be chairman. I do not think that to date there have been any occasions in this Assembly where anyone could say that the members of the committees, including those as chairman and those members who did have particular interests, have not discharged their duties as members of the committees and as members of the Assembly otherwise than quite properly. They discharge their duties well. It is just a fact of life that in a small Assembly of 17 people there will always be instances where people with particular expertise or particular interests in subjects will be on particular committees. I think that is something that has to be taken into account when this Assembly considers the composition of these new committees.

Having said that, I would mirror some of the comments made by previous speakers. I look forward to sitting with members of the Labor Party other than just Mr Wood who I have had the pleasure of being on several committees with. I think it is highly unfortunate that to date the ALP has not participated in the committee structure since this Government came into power in November. I gather from the comments made opposite that that will change very soon. In fact, I have heard on the grapevine that we will be graced with the pleasure of Mrs Grassby's company on the Conservation, Heritage and Environment Committee, and I certainly look forward to working with her. Indeed, talking about some of the recommendations of the ALP in their report, I am delighted to say that some of the comments I am fully in agreement with. I agree with their comments and the comments made by the members opposite that an efficient committee system is essential to the smooth operation of this Assembly. I think we would all agree the committees provide an opportunity for a more detailed and less partisan and less formal consideration of issues than is likely to occur in the formalised chamber we are sitting in now.

As speakers have noted, I agree with the Opposition in their comment that one of the major roles of our Assembly committees is to provide the opportunity for members of the Assembly to participate in policy formulation and development. Debate on policy issues within the Assembly does tend to concentrate on proposals brought to the Assembly in a largely finalised form by the Executive. Members debate the appropriateness of the policy but they tend not to be involved in its development, and that is particularly the case with non-executive members. Parliamentary committees fill the gap there.

Members have spoken of the less formal nature of the Assembly committees and the greater flexibility in their operation which allows them to fill an important gap in the proceedings in the Assembly. They enable members to hear and question expert witnesses and persons and the general public can give evidence in a privileged forum. A broad range of community views on important issues of the day can therefore be canvassed.

I appreciate the comments made by all members so far in relation as to how issues can be resolved and sensible compromises reached, especially in an Assembly such as ours where we have state and also local government responsibilities. As my colleague Mr Humphries says, so many things we do are bipartisan, and I would put that figure at probably 80 per cent plus. Most of the functions we perform are bipartisan and committees help in developing a good, commonsense, workable approach to many issues of the day that should not get bogged down in petty party politics. Committees of this Assembly have, in the past, served a very relevant and useful role and will continue to do so.

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I think the set-up of future committees proposed by this report is very good. There is the Committee on Conservation, Heritage and Environment, the Committee on Planning, Development and Infrastructure and the Social Policy Committee. We are retaining the scrutiny of Bills committee and setting up a legal affairs committee. I think that is very important to separate the scrutiny of Bills from legal affairs. The comments made by the committee say that one of the major benefits of the scrutiny of Bills committee is that it acts in a bipartisan manner. Once you walk in the door of that committee you are there on a bipartisan matter and politics do not come into it. I am pleased to say that is how that committee is operated with Carmel Maher and myself, ably assisted by Professor Whalan and our committee secretary.

To include that committee's role in a general legal committee, which may travel down more controversial paths, would be seen to be compromising its impartiality. Looking at the issues, the legal committee will be dealing with administrative law, civil liberties and human rights censorship, company law, law and order, criminal law, law reform and consumer affairs. These are somewhat more controversial issues. Some politics will, of course, come into those; that is unavoidable. To separate those two committees is a most important recommendation and a very sensible one. It is made by the Standing Committee on Administration and Procedures in this report.

Finally, I would like to compliment that standing committee on producing this report; I think it is very timely. It needs to be debated and finalised as soon as possible, and it is good that we are doing that now so that we can finalise our new committee structure, welcome the Opposition back to the ranks of the committee structure of this Assembly and get on with the job.

DR KINLOCH (4.41): Mr Speaker, I would again endorse many of the comments already made on both sides of the house. I certainly agree with Mr Stefaniak's comment in that way and I think we are entitled, in this almost empty chamber, to recognise that we often do our best work in committee. This debate is rightly and properly being conducted in that same spirit in which our committees meet. I very much thank the committee that is producing this report and welcome this discussion.

It has been my happy experience to be on two standing committees and two select committees and everyone here can echo that kind of thing. I conclude, from those experiences, that some of the most constructive activities - bipartisan activities, corporate activities, in the best possible use of that word "activities" - are achieved in committees. There are problems, however.

Mr Stefaniak has mentioned that there are only 17 of us, but in a way there are only 13 of us, including yourself, Mr Speaker, and your role on this particular committee that

we are discussing. The 13 of us have to share many tasks. There are not enough hours in the day in two ways. There is the problem of getting members together in meetings whether during sitting or non-sitting weeks and we congratulate our secretaries on being able to do that, to some degree. But I am much more concerned about the problem of time to read and analyse the great bulk of material which appears before some of our committees. When people ask, "Are you enjoying being in the Legislative Assembly?" and so forth, often I think one should say, "Yes, indeed, but if there were an extra day in the week it would help".

Mr Doby: We will pass a law.

DR KINLOCH: Yes, we will pass a law! We will have a special committee on it. We should recognise and build into our timetables great chunks of time in which to read the immense amount of material that comes before us. I am not complaining about that; I am just saying that often people assume that just because we have not got the morning full of appointments that morning therefore is not being used. I think we should deliberately build in reading time and analysis time and judgment time.

We will not shirk our duties, although I must say I have been tempted to concentrate on two rather than three or four committees. But we must expect to keep the size of those committees at a minimum working number, and I reluctantly accept the number three. At least you have the possibility of a majority. It is a good working number, and when it comes to making decisions it is a really effective number from the point of view of actually coming to conclusions.

I recognise, however, that some committees will need more members, partly because some members have a particularly keen interest in some areas of government. So I am happy to support the amendment on enlarging one crucial committee from three to four, and I hope Mr Moore will again find his place on the Conservation, Heritage and Environment Committee.

I would like to make a general statement about our individual roles on committees. In this Assembly we all wear many hats. Our first hat is as an individual MLA. From the Chief Minister to all of us who are backbenchers we all wear that hat and we have all got responsibilities as a result of that. Secondly, we are all, I think even in the case of those who are one-member groups, members of a political grouping of some kind with constituents outside the Assembly. The third hat is as members either of a government or of an opposition; and fourthly, we are members of the corporate body of the Assembly. This creates all kinds of difficulties. I believe, however, that committee members on committees are, above all, individuals making use of their analytical skills and their skills in judging matters in relation to evidence. To be

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sure, some of us have other responsibilities and some of us may feel bound by principles and policies and programs which have been worked out elsewhere.

I well realise that in the case of the Labor Party, for example, often programs are deliberately set down in another place and have to be carried out here, but in our practical experience we find that on our committees here that has not been a great difficulty. One could give many examples. I do not believe that one's individual conscience should be subordinate to a corporate view taken elsewhere without reference to the evidence before a committee. I do agree, however, that if a grouping has a certain conclusion or a certain policy then an individual has a loyalty to that grouping. If, however, there is not a certain policy then I think the individual must, above all, listen to the evidence on the committee and he or she must, in cooperation with other individuals on that committee, come to a corporate view as a committee.

The work of committees would be made nonsensical if committee members arrived at a committee, all of them with their minds made up. I do recognise it is never easy to wear these multiple hats and have these multiple responsibilities, but it is surely a normal condition of life and we all have to find a happy way to do the best we can in the circumstances.

I come therefore, following on from that, to the question of members of the Alliance Government being on and chairing committees if they are also Executive Deputies. There are surely too few of us to call for exclusions or restrictions, whether on membership or on chairmanships. My own experience, echoed I am sure by others, is that chairmen do their very best to be fair-minded on both sides of the Assembly. I recognise there can be conflicts of interest. In the experience of the last year, as I perceive it, that has been at a minimum. I believe that someone who is the chairman of a committee has a very great responsibility to be a fair-minded, independent chairman on behalf of the whole committee. That sometimes means he or she has got to be very careful how he or she wears his or her hat.

I am very glad indeed, I re-echo this, to hear that members of the Labor Party will now be more widely involved on committees. I join with the Leader of the Opposition in acknowledging the work done so well by Mr Wood. They should be very grateful to him. I note that on some committees we have agreed on some issues and have disagreed on others, but such varied views have been put forward and recorded reasonably and responsibly. It is surely our general experience in this Assembly over the past year that that has been the case on committees - that we have not had great flaring rows or disagreements, even although there may be disagreements on particular matters. In that case, of course, dissenting reports may be given.

Briefly, on the question of conservation, heritage and environment, vis-a-vis planning, I would say that the Committee on Conservation, Heritage and Environment already has a huge area of concern. I am very aware, almost frightened to perceive, of the great number of things that have to be done there. To add yet another area I would find very difficult.

There is, however, a practical solution, a practical de facto relationship between some committees. The planning committee is meeting next week and members of the Conservation, Heritage and Environment Committee will join with its members in hearing the evidence being given. Together we can come to a request made by the Chief Minister to reflect on certain matters of planning and heritage. We can do that mutually and I think those practical arrangements will be very successful.

Furthermore, non-members of the committee can always make their views known to the committee, especially to the chairman of the committee. There are useful day-to-day practicalities of working out effective ways of putting this committee work together. I very much rejoice in this report, I hope we will follow through on the various amendments and I hope the committees will begin to meet again successfully from both sides of the house as soon as possible.

MRS NOLAN (4.50): Mr Speaker, as a member of the Administration and Procedures Committee I welcome this report. I would like to thank all those involved with its production - because it really did happen fairly quickly - and especially the committee's secretary, Karin Malmberg.

I believe that, as has been stated by previous speakers, this does represent what could be described as some sort of consensus view. I believe we have tried to give fair consideration to all submissions received from yourself, Mr Speaker, the opposition and the Government. As Mr Jensen and Dr Kinloch have already stated, the workload or the number of references before committees already was a significant factor in looking at any amalgamations. Certainly our concerns about amalgamating the standing committee of planning with Conservation, Heritage and Environment, given the references already before them was, I believe, a factor in recommending the option of them remaining two separate committees. I believe it would be totally improper to allow some of those important references to be left lying on the table for what could be up to two years. Currently we have several references before those two committees, and I would just like to make reference to some that appear on our notice paper today.

We have currently before the Planning, Development and Infrastructure Committee the national and territorial plans, planning legislation, potential development options for Kingston foreshore, small-scale residential development, alterations to current policy concerning

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fences and planning legislation; before the Conservation, Heritage and Environment Committee we have integrated energy resources, environment policy for the ACT and a tracking station - Namadgi National Park. By putting all those into one committee it would have taken the committee some considerable time before it could make recommendations on those references. I believe that this is one of the factors that was not taken into consideration by people putting forward submissions. They did not realise just what was already on the books.

I would like to refer to another point raised earlier by Mr Moore. I notice he is not here in the chamber, and for that matter, nor are most members of the opposition. We do have two.

Mr DUBY: Name them.

MRS NOLAN: Yes, I will name them - Mr Moore and Mrs Grassby.

A member: Who?

Mr WOOD: Mr Moore is not here.

MRS NOLAN: Mr Wood, sorry, did I say Mr Moore? My apologies - Mr Wood and Mrs Grassby. Considering that the Leader of the Opposition was the only one to speak on this particularly important subject today, I am surprised that she is not here to hear what we as members of the committee and other members have to say.

I would like to ask Mr Moore, or for that matter any other member, have they ever thought to attend a meeting of the Administration and Procedures Committee, or any other committee? I know that some members have actually come in and sat in on public hearings, but I personally was not aware of a request from any other member of the Assembly to attend a committee that they were not already a member of. I stand corrected, but that was certainly my understanding. I was not aware that Mr Moore had requested that he wanted to sit in on the Administration and Procedures Committee.

I would also like to make reference today to the fact that the Administration and Procedures Committee is reviewing the standing orders and I hope that all members will put a submission forward. Currently, we have not met with very much response on this particular subject. If, as Mr Moore made reference to earlier, he has a problem with one of the standing orders, perhaps he should put forward that submission so that we can look at it when we are actually reviewing the standing orders. That is to take place, I believe, in the next week or so.

Finally, Mr Speaker, I would like to look at the recommendations that have been put before us with this committee report. Those recommendations are that:

- . the existing structure of Standing Committees be retained;
- . the membership of the Standing Committee on Conservation, Heritage and Environment be increased from three to four;
- . a Standing Committee on Legal Affairs be established with the power to initiate its own inquiries and with a membership of three;
- . the responsibilities of the Standing Committees be as listed in Table 3 to this report; and
- . a fourth Committee Secretary position be created and the new position be funded by the abolition of a Research Officer position and an Administrative Support position within the Committee Office.

I think that the last is certainly important, as has already been mentioned by other speakers. We are not looking to create any additional funding positions; the position of committee secretary for the new committee would, in fact, be funded from within its own allocation.

MR DUBY (Minister for Finance and Urban Services) (4.55): I apologise to the Chief Minister if I have beaten him to the gun, but I think this is a very important report and something which requires participation by all members of the Assembly. This report is probably one of the most important reports that will be coming down in these early days of the operations of the Assembly. I think it is most important that we should all address the issues that have been raised in it, and also make some comments on the recommendations and the general issues raised in that report.

When discussing any matter in relation to anything to do with committees within the operations of this Assembly, I think it should be borne out as to what an important job committees do, given the size of our Assembly and the fact that there are only a limited number of hours in the day and the fact that we only have 17 members of the Assembly. There is also the fact that four of us are in the Executive. You, yourself, Mr Speaker, are only eligible to be a member of one committee, that of the Administration and Procedures Committee. That really means that there are only 12 members of this Assembly available to perform committee duties.

Given the wide range of issues that the Assembly addresses, I think this indicates the enormous workload that is placed on members of this Assembly in adequately performing their duties on committees. Time taken up in formal meetings of committees can be quite arduous. I know myself from the experiences that I had when I was a member of a number of committees in this Assembly last year prior to being a member of the Executive, the time factor that is involved

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in attending committee hearings and doing private research. Then, of course, members spend time going through reports, trying to get the ideal report; trying to come to a judicial feeling of consensus with other members of the committee can be very time consuming.

I notice in the debate that the only member of the Opposition to speak about the committee structure was the Leader of the Opposition - I am talking, of course, of Ms Follett. Ms Follett is great in theory on what should be done in committees and what the duties and responsibilities of the members are, et cetera, but Ms Follett, to my knowledge, has never sat on a House of Assembly committee meeting yet.

A member: Legislative Assembly.

Mr Moore: Well, in fact she did sit on House of Assembly committees.

MR DUBY: Yes, of course, this is the Legislative Assembly. She has never done any committee work whatsoever and yet she puts herself up as the expert on what needs to be done and what needs not to be done, and has various problems identified there.

One of the pleasing features I was happy to see come out in this report is the identification of a need for an additional committee - a legal affairs committee. This recognises, contrary to what Ms Follett raised, the significant difference between a scrutiny of Bills committee and a legal affairs committee. The scrutiny of Bills committee, as we know, needs to be absolutely totally impartial, not that I am suggesting that any other committee should not be totally impartial either, but almost invariably people go into matters to be looked at by committees with a preconceived view, with a general philosophical leaning or bent, and, of course, that is not what is required with a scrutiny of Bills. You simply have to be a very technical and, as I said, a very impartial operator. I think it is quite sensible of the committee to recognise that fact and to establish the fact that the matters that need to be addressed by the legal affairs committee cover a whole range of issues. It should be a separate standing committee of this Assembly.

The other thing I was pleased to recognise, also, was the fact that the committee has clearly identified that three members is the ideal size of a standing committee. Given the workload that I have already outlined and - - -

Mr Wood: The practical.

MR DUBY: It is the practical size. Yes, I suppose that is the way to address it. There was an interjection there by Mr Wood who, along with Mrs Grassby, is the only member of the Opposition here in this debate. I notice that the standing orders say that a committee may comprise up to

seven members. That might be the ideal working number if we had an Assembly which had perhaps five times the membership that it currently has but, of course, that is not the way of the world.

What does happen, as I said, is that in effect we only have 12 members of this Assembly who are eligible to become members of committees. Three is the ideal practical number because it recognises that there is a certain workload. If you increase the size of the committees to larger than three it means that some members have to be members of two or perhaps even three standing committees and select committees and, frankly, the workload I know is just far too much for anyone to be able to adequately perform their duties as required.

The committee report recognises the need for Mr Moore to be included on a standing committee, the Committee on Conservation, Heritage and Environment. I applaud that. It recognises the need for Mr Moore to be included on that committee, but does not at the same time exclude a member of the Labor Party, the formal official Opposition in this Assembly. I think that would be a travesty if the situation was that Mr Moore went on at the expense of a member of the formal Opposition, the Labor Party.

There is one thing I do wish to raise, though, Mr Speaker, and it is that having been involved with the committee structures and with the level of workload that we do have, I must admit that I have grave concerns that there have been no increases in resources recommended by this committee.

Dr Kinloch: Hear. Hear.

MR DUBY: I know we are living in stringent, hard times and it is very difficult to obtain funds for a number of issues, but sometimes I wonder whether this cutting back on resources to be provided to the committee system is really a false economy. For the record I think we should show that we currently only have one senior secretary of committees, three committee secretaries, three research officers and two administration staff to cater for, I believe, in the order of five current standing committees, plus, of course, the whole range of select committees. I am not too sure of the number, to be honest, because I have not been involved with them now for some months, but I do know that for a while there we had an absolute plethora of things being referred to committees and unusual and often unrealistic reporting dates were being asked for.

I am pleased to see that the committee has at least recognised that there is a definite need for a fourth committee secretary position but, of course, they have also recommended that that position be found by cutting back the research officers from three to two. I would need to be convinced, I think. Perhaps it is a false economy, given the undoubted workload that these committee staff do

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perform. I know that from personal experience, and I think anyone who has ever worked on a committee or on a range of committees knows the hours that these committee staff do put in. I have been in here at 8 o'clock on Sunday mornings and, lo and behold, who is happily working away? It is the committee staff. They are there long after I have left at 5 o'clock that afternoon, too. It must be remembered that they are not on overtime or anything like that either.

That brings me to the final point. I am concerned that people on the other side of the house seem to have this vendetta against Executive Deputies. They seem to have indicated in their speeches today that they have no real understanding of what the Executive Deputies do do. Somehow they are of the impression that the Executive and the committees are locked into an adversarial role where it is a constant struggle and tussle between those two positions and that someone who has expertise in an area and is providing assistance to a particular Minister should not be involved in that committee. I commend the report, and look forward to the introduction of the additional committee.

MR KAINE (Chief Minister) (5.05): Mr Speaker, I will be quite brief, but there are one or two things that I would like to say on this matter. The first thing that I would like to comment on is the concern that I have had for over three months now at the approach of the Opposition to this question of committees and their constant imputation of bad will, bad faith on the part of the Government.

Back in December when we took the Government it was necessary for the four members who are now Ministers to be removed from committees. We put forward an interim restructuring of the committees in order to achieve that. At no time since then has any Labor member of the Opposition, other than Mr Wood, agreed to serve on a committee. It seems to be based on some notion that somehow the new Government was imposing some undesirable form of committee on the Assembly. I submit that that was ill-founded and always has been, but to come to the new proposals that are now before us as a result of this committee, there is again this imputation that somehow the Government is imposing its will on these committees.

It is asserted that it is doing it in a number of ways. Mr Speaker, I made my submissions to you, which have found their way into the committee, and I proposed three things. I proposed an amalgamation of two committees. That has not been recommended by the procedures committee. I, personally, do not believe that we need both a legal affairs committee and a scrutiny of Bills committee, but the procedures committee has recommended both. I believe that three members would suffice on any committee. The procedures committee has recommended otherwise in relation to two out of the six committees. For anybody to assert that I have somehow implanted my imprint on the

recommendations put forward by this committee is patently absurd, and is itself a refutation of the imputation by the Leader of the Opposition that somehow or other I personally or the Government are imposing our will on these committees.

Although the report does not bring out the things that I would have desired, I have no intention of rejecting or opposing the recommendations if it is the wish of this Assembly that they be adopted. These are the Assembly's committees and I hope that the Assembly will see this proposal for what it is, and that is a genuine attempt to restructure our committees to meet the needs of this Assembly in a form appropriate to the present breakup between the Government and the Opposition.

In terms of the expressed concern of the Labor Opposition about this matter, I would put it on record that for the last hour and 15 minutes of this debate, Ms Follett, Mr Whalan and Mr Berry have been absent from the floor of the house. They are so concerned about this matter, that they could not be here during at least the hour and a quarter of the debate that has taken place on the matter. I really do have to raise the question of just how serious they are. Perhaps they are simply trying to justify their abstaining from doing any of the work that these committees have done, and to justify their leaving Mr Wood to continue to carry the burden.

This notion that somehow these committees are creatures of the Government has to be put to rest. They are committees of the Assembly. The fact that one of my Executive Deputies happens to sit on one or more of them is totally irrelevant, and it does not make it anything else but an Assembly committee. In fact, and I think Mr Stefaniak referred to this earlier, I would have thought that to have an Executive Deputy, who, because of the position occupied has got a special knowledge about the matter that the committee has considered, would have been considered by the committee to be an advantage rather than as something insidious and undesirable.

To go further, if the committee itself determines - and it is the committee itself that determines - that one of my Executive Deputies ought to be the chairman, or the chairperson, why should any member of the Opposition complain? It is not that the Government is imposing its will, the committee itself is making a determination about who its chairman will be. For the Leader of the Opposition to assert that they will not serve on any committee where the committee itself determines that an Executive Deputy will be chairman, says more about their intent in connection with these committees than the intent of the Government. I find it reprehensible.

In the few short moments that the Leader of the Opposition was here in this debate and spoke in connection with it, she implied somehow that the Government is operating behind

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closed doors. She completely ignores the prescriptions in our own standing orders, which, in turn, are derived directly from the procedure of the Commonwealth Parliament on this matter. Simply because the procedures committee did not accept some of her recommendations, she has therefore asserted that the Government is operating behind closed doors. Again this is regrettable and I think it is most unfortunate that she continues to impute this bad faith to members of the Government, when it is indeed her own actions that speak of bad faith.

I do not think that I need say any more on this matter. I think that it is time to get on with adopting the recommendations of this committee. If we do not individually and personally agree with all of them, but the Assembly determines that we will go ahead on that basis, so be it. That is the position that the Government adopts. That is the position that I adopt, and I only hope and trust that the Leader of the Opposition and her absent friends are prepared to accept the same basis and get on with it.

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

MR PROWSE (5.12): I will be brief. I would just like to thank all members of the Assembly, those present, I might add, for their thoughts and for participating in this, as one of the most significant debates before this fledgling Assembly. I am disappointed, and regard it as beyond the pale, that the three major members of the Labor Party are absent. I cannot understand their logic. This was an Assembly debate, where members who have participated willingly, and at length, in these committees, have laid their souls on the table. They have tried to present to the now Opposition the positions they found themselves in during committee debate and investigation. They did this for the education of the Labor members so that they could understand and participate fully in the workings of this Assembly on behalf of the people of Canberra and the ACT.

It is ridiculous to put partisan politics into a situation where we are serving the public and this is what the committee structure is on about. I will say no more, except once again to state my dismay at the lack of interest shown by the Labor members. To several questions raised on the submission that I made to the Assembly via the committee I would note that some of my recommendations were overturned by the committee, and that is as it should be.

As chairman of that committee it is open to me to produce the report of the findings of the committee members and so we find that with the social policy and education and community affairs committees I proposed the variation to bring them together as one community services committee. It was necessary simply because of the cost of running two committees. We have to recognise that there are funding limitations that we are all bound to recognise, and

unfortunately that is the case. I must say at this time that if we find that our committee staff are overworked beyond what is reasonably expected we must look to further funding, as suggested by Mr Duby. However, it is my aim, to the best of my ability, to ensure that we do not have to go along that path.

The other area was that of the separation of the legal affairs and scrutiny of Bills committees. They were not included in my original submission and I admit I was wrong. The committee members and others in this Assembly who put forward their ideas convinced me that they should be separated into two areas, and so be it as a result of committee deliberations. As far as a comment by Mr Moore that standing order 234 would prevent members from attending the Administration and Procedures Committee meetings, that is not a valid statement. Members can attend any committee meeting but are asked to leave during deliberations, and I believe that is as it should be. The Administration and Procedures Committee would welcome any members to attend the meetings and listen in on what is going on and would give permission to them to make a statement to the committee and ask questions thereof - they are allowed to do that under standing orders - but what I would suggest is that during deliberation of any committee the committee has the right - and I believe it is protective of those committee members - to deliberate in private. So, with that comment I again endorse the comments of my fellow travellers and submit the recommendations of the committee to the Assembly.

Question resolved in the affirmative.

COMMITTEES - AMENDMENTS TO RESOLUTIONS OF APPOINTMENT

MR JENSEN, by leave: Mr Speaker, I move:

That -

- (1) paragraph (2) of the resolution of appointment of the Standing Committee on Conservation, Heritage and Environment be amended by omitting "3" and substituting "4".
- (2) the resolution of appointment of the Standing Committee on Planning, Development and Infrastructure be amended by omitting paragraph (1) and substituting the following paragraph:
 - "(1) A standing committee on Planning, Development and Infrastructure be appointed to inquire into and report on matters:
 - (a) referred to it by the Assembly;
 - (b) considered by the Committee to be of concern to the community; and
 - (c) public works proposals that may be referred to it by the Assembly."

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- (3) the resolution of appointment of the Standing Committee on Social Policy be amended by omitting paragraph (1) and substituting the following paragraph:
- "(1) A standing committee on Social Policy be appointed to inquire into and report on matters:
- (a) referred to it by the Assembly; and
- (b) considered by the Committee to be of concern to the community."

I think the majority of what I have to say has already been said in debate, so I will not go over old ground. Suffice it to say that while some people may have some concerns about the changes to the references of the Standing Committee on Planning, Development and Infrastructure, I think the "Restructuring of the Committee System" report in its table 3 quite clearly identifies the types of areas that that particular committee should be looking at. I do not think it needs any comment on my part and I commend the motion to the Assembly.

Question resolved in the affirmative.

Sitting suspended from 5.20 to 8.00 pm

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Alteration of Terms of Reference

MS MAHER, by leave: I move:

- (1) After paragraph (4) insert the following new paragraph:
- "(5) If the Assembly is not sitting when the Committee is ready to report on Bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation."
- (2) Existing paragraphs (5), (6) and (7) be re-numbered (6), (7) and (8) respectively.

The purpose of this amendment is to allow the Standing Committee on the Scrutiny of Bills and Subordinate Legislation the power to present reports while the Assembly is not sitting. The main reason why the committee seeks to do this is to allow members more time to examine the findings and thus consider their attitudes to the Bills and delegate legislation presented to the Assembly.

Given that the normal procedure for consideration of Bills is to introduce them and then adjourn the debate for a week, there is scope for considerable delay in the

presentation of a report of the committee. For example, if some Bills were to be introduced on Thursday, 29 March 1990, the committee, under the current resolution of appointment, would be unable to report on the introduced Bills until the Assembly resumes sitting on 24 April 1990, some three-and-a-half weeks later, which I find unacceptable, especially if the report is completed and just sitting around awaiting authorisation before distribution.

If the proposed amendment that I have moved today is adopted, the committee would be able to present its findings during the non-sitting weeks, thus allowing members to utilise fully the time available to consider its findings and, if necessary, prepare amendments to correct any perceived flaws in the legislation. I am sure all members will agree that it is essential that the Assembly effectively fulfils its role as a legislation-making body. The proposed amendment will, it is hoped, enhance members' ability to carry out this task in a more timely and considered fashion. I commend my motion to the Assembly.

MR STEFANIAK (8.02): I rise to support my colleague on the committee, Carmel Maher, and commend this motion to the Assembly. As Carmel said, if a number of Bills are presented on Thursday, before we have a three-week break, this proposed amendment would enable the committee to distribute to the Speaker its reports next week, so members would have several weeks to peruse them and suggest any necessary amendments. I think it is a very sensible motion, and I commend it accordingly.

MR STEVENSON (8.03): The Standing Committee on the Scrutiny of Bills and Subordinate Legislation is important to this Assembly and of great value to all of us. The sooner the reports can get to us the better. I commend the motion.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE

MR JENSEN, by leave: I move:

That a standing committee on Legal Affairs be appointed to inquire into and report on matters:

- (1) (a) referred to it by the Assembly; and
- (b) considered by the Committee to be of concern to the community.
- (2) The Committee shall consist of 3 Members.
- (3) The Committee be provided with the necessary staff, facilities and resources.
- (4) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

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Before I refer directly to the matter at hand, I would like to welcome this evening in the chamber the representatives of the Majura Scout Group, who have come along to see democracy in action in the ACT. I particularly welcome the scout leader who has arranged the visit tonight. As one who has participated in that illustrious group, I think it appropriate that they come along to see democracy in action in the ACT, and I welcome them here.

I think most of the issues that have been raised in relation to the requirement for a legal affairs committee have been stated in debate this afternoon. I mention once again the difference between the Standing Committee on the Scrutiny of Bills and Subordinate Legislation and the legal affairs committee.

I recall that there was some discussion this afternoon about the splitting of the Standing Committee on Social Policy. When I look at the role or the areas of responsibility of the proposed legal affairs committee, a couple of aspects, I suggest, form part of the old terms of reference of the Social Policy Committee, particularly civil liberties, human rights, law reform and consumer affairs. All those sorts of things could be classified as being part of social policy.

I think it is appropriate that this committee be established so that it can play its role as a standing committee in looking at the types of situations and problems that face our community, rather than the detailed examination of Bills, which is the role of the other committee. On that basis, I commend the motion to the house. I am sure it will get its full support in view of the discussions that went on this afternoon.

MR STEFANIAK (8.06): I rise briefly to support my colleague Mr Jensen in relation to this motion. I will not say any more than I did this afternoon in relation to the setting up of this committee, but I think it is necessary that we have such a committee.

Question resolved in the affirmative.

CLINICAL WASTE BILL 1990

Debate resumed from 22 March 1990.

Detail Stage

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5 (Crown not liable to prosecution).

MRS GRASSBY (8.07): I rise to oppose this clause and to take the opportunity at the same time to set the record straight in regard to Mr "Cleary's" claim that - - -

Mr Collaery: Collaery.

MRS GRASSBY: Any fool can have any name he wants, mate. I am quite prepared to call you any name you want. He claims that the Labor Party is responsible for the delay in bringing on this important piece of legislation. Twice last week we tried to bring this legislation on - last Tuesday when we wished to sit but the Government would not sit, and again on Thursday when we said we would sit but again the Government would not sit to discuss this Bill.

Mr Kaine: After wasting four hours.

MRS GRASSBY: I would like it to go on record, Mr Chief Minister, that we were prepared to sit, but you were not.

Mr Kaine: Oh, rubbish!

MRS GRASSBY: It takes a very clever man to be a good listener, but obviously the Chief Minister is not either of those.

Mr Kaine: An empty vessel makes the loudest noise.

MRS GRASSBY: That is your opinion.

MR SPEAKER: Please proceed, Mrs Grassby.

MRS GRASSBY: The Labor Party opposes this clause because, although clause 4 binds the Crown, clause 5 provides that the Crown cannot be prosecuted for an offence against this legislation. As Professor Whalan rightly points out, the clause weakens the thrust of the legislation, given that the biggest producers of clinical waste are the local public hospitals. I realise, of course, that clause 4 binds the Crown and that it is unlikely that the Crown would take legal action against itself. Nevertheless, the Bill, as it stands, would allow local public hospitals to breach the legislation with impunity.

In addition, clause 5 prevents a private person taking action to prevent the Crown breaching the legislation. I realise that the Government will argue that, as the Bill binds the Crown, there is no need for the Crown to be liable to prosecution. However, I believe that in the interests of the civil rights of ACT residents it is appropriate that a member of the public be able to bring legal action against a government if it breaches its own legislation. Therefore, the Labor Party opposes this clause, and I call on other members to oppose this clause and vote against it.

MR COLLAERY (Attorney-General) (8.10): There is superficially some attraction to the theory that Mrs Grassby has advanced. Clause 5 says:

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Nothing in this Act renders the Crown liable to be prosecuted for an offence.

That kind of provision is quite familiar to some of us. Perhaps I should explain it in detail. That clause provides that nothing in the Act renders the Crown liable to be prosecuted for an offence.

As we are aware, the Standing Committee on the Scrutiny of Bills and Subordinate Legislation, in report No. 1 of 1990, commented on this clause. The committee implied, as Mrs Grassby has now stated, that the inclusion weakened the legislation. I reiterate the comment made in my response to the committee. It would seem that, while a statute may impose criminal liability on the Crown, a prosecution would present such procedural difficulties that to do so would be purposeless.

In the committee's report No. 3 it commented that it was aware of instances in which Crown instrumentalities had been prosecuted for an offence. I am not sure that this is the case, and I say that with respect to my colleague who is sitting behind me. I am advised by the Law Office that it is unaware of cases in which the Crown has been prosecuted for an offence, and I am also personally unaware of such cases.

The committee probably had in mind cases involving statutory authorities, such as Qantas, being prosecuted for a criminal offence. However, not all statutory authorities enjoy what is known as the shield of the Crown. Some do; some do not. For example, there is a strong presumption that government commercial enterprises, such as Telecom and ACTEW, do not enjoy the immunities of the Crown for many purposes.

Government authorities such as these, which purport to trade commercially, are therefore not exempted from the provisions of this Bill, including the criminal offences. I suggested that if ACTEW - and I am sure it never would - were to dump some transformers containing some polychlorinated biphenyls, particularly in any areas in relation to which Mrs Grassby is sensitive, that pollution act could be open to prosecution, and well it should be.

In theory, as was stated in my response to the committee's first report, a statute can impose criminal liability on the Crown. The difficulty with the Crown being criminally liable is procedural rather than substantive. My Law Office takes the view that it would be necessary, when bringing a prosecution against some legal entity, for the Crown, if it were to prosecute itself, to proceed against an agency of the Crown, which is an incorporated body. Not all Crown agencies are incorporated bodies - for example, government departments or, in the case of the ACT, administrative units. In these cases, it would be necessary to identify some person who could be held criminally responsible for the acts of the Crown. Thus, as

I stated in my written comments to the committee, a law which imposes criminal liability on the Crown would, for practical purposes, be unenforceable through the existing criminal justice system. This is a complex and confusing area of the law with almost no cases on which to rely.

It should not be thought, however, that the Crown can disregard the Bill with impunity. This is the nub of it. Clause 5, in effect, will not result in a prosecution by the Crown against itself, but it certainly will leave there, in the statute, a salutary lesson for the officials and the administrators of the Bill.

Clause 4 clearly binds the Crown. This means that a person aggrieved by some act or omission of the Crown may seek, through the Administrative Decisions (Judicial Review) Act 1989, to enforce the law on the Crown. In effect, someone can seek a declaration under that Act or seek some other injunctive remedy to insist that a government department, for example, not do or do some act.

In the ACT an equitable remedy, such as an injunction, may also be available against an officer of the Crown to enforce compliance of the Crown's obligations under the law. In the case of a servant or agent of the Crown - that is, a public servant employed by a Crown agency - any breach of the law by that person can be proceeded against under public service employment legislation, and disciplinary action can be taken. It is a fundamental principle of the rule of law that a servant cannot be authorised to breach the law.

I am also advised that, because the Crown is bound by this Bill, it is probable that individual public servants may be liable for criminal prosecution. I am further advised that deleting clause 5 will not necessarily impose a criminal liability on the Crown. The decision of the High Court of Australia in *Cain v. Doyle*, which was reported in 1946, supports this view. Clause 5, in reality, does no more than acknowledge the difficulties inherent in providing that the Crown may prosecute itself.

In conclusion, for these reasons, it would serve no useful or practical purpose to delete clause 5 from the Bill. If I can distil that, the fact is that in no way will the Crown prosecute itself. But that provision there, I can assure Mrs Grassby, would ensure that public officials, and particularly those who administer this legislation in future years, are well aware that criminal penalties will apply for breaches of the provision in circumstances in which the Crown might authorise a prosecution.

Indeed, there may well be very few situations in which the Crown would authorise a criminal prosecution against its own servants. I doubt very much whether we would ever see that. But these issues involving the protection of our precious environment are so important, in my view, as to mean that we should leave this provision in here as a

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salutary reminder to those who administer this legislation that they may be prosecuted for wilful, reckless indifference to this legislation. I commend the present clause 5 to the house.

MR BERRY (8.17): I think there needs to be a further distillation of what has been argued here this evening. First of all, it is clear from clause 4 that the legislation binds the Crown. But one of the things that Mr Collaery carefully avoided was the issue of a private person taking action against the Crown. That is really the issue that is addressed by the amendment which has been proposed by my colleague Mrs Grassby.

Clause 5 clearly prevents a private person, as was said by Mrs Grassby, taking action against the Crown in the case where the Crown breaches the legislation, or it would prevent a private person taking action to prevent the Crown breaching the legislation. As Mrs Grassby predicted, the Government argued that, as the Bill bound the Crown, there is no need for the Crown to be liable to prosecution.

I notice that Mr Collaery has disappeared from the scene. He does not seem to be very interested in this matter. I recall that in an earlier debate great weight was put behind the fact that certain members of this house were - - -

Mr Duby: Yourself included.

Mr Kaine: Including you.

MR BERRY: I hit the soft spot.

Mr Kaine: Yes, you are touching on the soft spot. You were not here for an hour and a half.

MR BERRY: All these people who are not here on the benches opposite had the gall this afternoon to accuse the Opposition of - - -

Mr Kaine: People who live in glasshouses should not throw rocks.

MR BERRY: Mr Speaker, call these clowns to order.

Mr Kaine: You started it.

Mrs Grassby: No, you started it today, remember?

Mr Jensen: On a point of order, Mr Speaker; it is a personal reflection under standing order 55. Mr Berry has referred to "the clowns opposite". I think we have been through this before. Let us not start this nonsense again.

MR BERRY: Mr Speaker, there was a reflection that this place was a circus, and I withdraw that.

MR SPEAKER: Thank you, Mr Berry.

Mr Collaery: Mr Speaker, I understand the record records my absence from the chamber at this time.

MR SPEAKER: Order! Please make a personal explanation.

Mr Collaery: I have been present here throughout.

MR SPEAKER: Order! You do not have leave to speak, Mr Collaery.

Mr Kaine: Misrepresentation; that is his point, as usual.

MR SPEAKER: Please proceed.

Mr Collaery: Petty point scoring.

MR BERRY: The real issue here, Mr Collaery, is that the great civil libertarian should have concerns about the civil liberties of the people of the ACT and the appropriateness of individual persons taking action against the Crown to prosecute them for an offence or to prevent them from committing an offence. In this matter the Government has listened to its bureaucrats to ensure that they would not be embarrassed by any action by an individual person in the ACT, should he or she decide to take action against the Crown in relation to an offence under this legislation.

It is scandalous that Mr Collaery should leave the chamber in the course of this debate. In the past he has expressed great concerns about issues such as this, but on those occasions he was not in a position to be called upon to deliver. Now that he has been called upon to deliver, he is being led along by the hand by his advisers and seems to have lost any concern that he may have had in the past in relation to the interests of individuals in the Territory.

This amendment proposed by Mrs Grassby deserves the support of the Government. It seems though that the course has been set in the party room. We can expect that the Government will vote against the rights of individuals in the ACT taking action to defend their environment where the Crown offends reasonable standards of environmental protection. That is all I have to say on the matter.

MR DUBY (Minister for Finance and Urban Services) (8.22): I rise to speak against this amendment. In doing so, I would like to quote from my tabling speech which pointed out that this piece of legislation has been a long time coming. It started in 1988 when a report was commissioned to determine the amount and type of clinical waste being generated in the ACT and to define a management strategy to deal with it. That study was undertaken in consultation with the ACT's city engineering section, the then ACT Community and Health Service and the Trades and Labour Council of the ACT Inc.

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The final report was circulated for comment to concerned union, private sector and departmental agencies at the end of 1988. Once again, I should point out that there was a Labor government controlling these actions at that time. This Bill is based on that report and the need for legislation in the ACT. I should point out that this legislation is the culmination of work that was initiated prior to self-government - - -

Ms Follett: On a point of order, Mr Speaker; I draw your attention to standing order 62. I believe that Mr DUBY is debating largely irrelevant material. We are debating a particular proposed amendment to the Bill, not the history and background to the entire legislation.

MR SPEAKER: Thank you, Ms Follett. Your objection is upheld. Please get to the point, Mr DUBY.

MR DUBY: When the dart strikes home, it hurts. This legislation was the culmination of work that was initiated prior to self-government, under a Federal Labor government, and carried on by the previous Labor Government under Mrs Grassby.

Mr Moore: On a point of order, Mr Speaker; he is failing to obey your directions, 202(d).

MR SPEAKER: Thank you, Mr Moore. Your objection is upheld. Mr DUBY, please get to the discussion.

MR DUBY: Certainly, Mr Speaker. In no way was I recapitulating what happened from 1987 onwards. I was simply pointing out that this legislation, strangely enough, had the full endorsement of the previous Minister, Mrs Grassby, and, I would assume, the previous Government. The point that I am trying to make is that I am almost certain that this supposed amendment is nothing more than a bit of petty point scoring to try to link once again - - -

Mr Kaine: Grandstanding.

MR DUBY: "Grandstanding", I suppose was the word - to try to get the former Government back on side with the Trades and Labour Council in the ACT.

Ms Follett: On a point of order, Mr Speaker; I point out to you again, under standing order 62, that Mr DUBY has continually defied your direction, and it is open to you to direct him to cease speaking.

MR SPEAKER: I thank you for your observation and your direction, Ms Follett. However, I will overrule your objection. Please proceed, Mr DUBY.

MR DUBY: As we are all aware, if there is one thing for which the previous Labor Government is well known, it is getting the Trades and Labour Council people offside in relation to its actions in government.

MR SPEAKER: Mr Duby, please get to the point.

Mrs Grassby: We are debating the amendment, Mr Duby.

MR DUBY: We certainly are, and we are trying to set the stage for this theatrical amendment, something which is clearly - - -

Ms Follett: On a point of order, Mr Speaker; I notice that the clock is not on, as he has run out of time.

MR SPEAKER: There is no time laid down for the member in charge of the Bill, Ms Follett.

MR DUBY: As the Deputy Leader of the Opposition likes to point out to us time and time again, learn your standing orders.

Mr Berry: That is not relevant either.

Mr Moore: 62.

MR DUBY: Is that a point of order?

MR SPEAKER: Keep going, Mr Duby.

MR DUBY: Come in, spinner. Do I have one? I think we have finally worked out where this proposed amendment is coming from, and I think we have put paid to that. This proposed amendment is to remove clause 5 from this Bill. Clause 5 states simply that the Crown is not liable to prosecution. The statement in question is:

Nothing in this Bill renders the Crown liable to be prosecuted for an offence.

This is an extraordinarily common provision in legislation. There is nothing untoward about it; it is nothing out of the ordinary. You will find it throughout all pieces of reasonable legislation which have been passed in many - - -

Mr Collaery: By Labor governments.

MR DUBY: By Labor governments, Liberal governments and National Party governments throughout the length and breadth of this Commonwealth. There is nothing particularly strange about this. It is an extraordinarily common provision in legislation, that the Crown should be bound. There is no problem because it follows on from clause 4 - this Act binds the Crown, but nothing in the Act renders the Crown liable to prosecution. Frankly, it would be absolutely absurd for the Crown to attempt to prosecute itself in relation to any particular breaches of this provision.

I think the point was made in the erudite speech of the Attorney-General that the Crown must be bound so that

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public organisations pursue policies and actions consistent with the legislation. That implies clearly that the Crown or the Government could in no way prosecute itself. That is the purpose of this point. If the people on the other side of the chamber do not understand what these simple provisions in the legislation mean, what are they doing here? We should reject this amendment.

MRS GRASSBY (8.29): I do not think the Government understands. Professor Whalan has pointed out that - - -

Members interjected.

Mr Berry: She is closing debate.

MRS GRASSBY: Yes, I have the right to speak twice.

Mr Kaine: Why do you not stand up.

MR SPEAKER: Order! Please proceed, Mrs Grassby.

MRS GRASSBY: Would you like me to stand on the chair, Chief Minister? Can you not see me?

MR SPEAKER: Order! Please proceed.

MRS GRASSBY: You can hear me, though; that is all that matters. Professor Whalan suggested that this be taken out. As for Mr Duby talking about the TLC, he did not know it was in Cabinet documents; if he had known, he would have known also that we wanted this clause taken out of the Bill. As for the fact that the Labor Party did not act on it, this Bill was about ready to go into the house before we were thrown out. Let us get that straight now. We wanted to debate it last Tuesday night, but you were all too busy going off to parties and drinking, and on Thursday night you were all too busy when we wanted to debate the Bill.

Mr Jensen: Five times, Ellnor; five times, remember?

MR SPEAKER: Order! Order, Mr Jensen!

MRS GRASSBY: Just get it straight. The people on the other side of the house do not give a damn about the ordinary people of Canberra; they are not interested in them.

Ms Maher: I beg your pardon.

MRS GRASSBY: They could not care less about the ordinary people. We have the Deputy Chief Minister telling us of his great social conscience. This is exactly what we are talking about. We are talking about the rights of the ordinary person in Canberra - - -

Mr Collaery: You would not know.

MRS GRASSBY: Would you not? Mr Collaery, you would not know what it was about. We took note of what Professor Whalan said. It came from the TLC that it was not happy with this clause because the greatest offenders are the hospitals in Canberra, and there is no offence to be committed by a single person against that.

Mr Jensen: So Mr Duby was right.

MR SPEAKER: Order, Mr Jensen!

MRS GRASSBY: No, Mr Duby was not right. Mr Duby does not know what goes on in the Cabinet, nor does he know what goes on in the TLC because the TLC would not have him. The TLC does not have people who change their minds as they change their clothes.

Mr Jensen: On a point of order, Mr Speaker - - -

Mr Collaery: He never changes his clothes.

MRS GRASSBY: Really? He has changed his party two or three times.

Mr Jensen: I refer to standing order 62, irrelevance. I did not think we were talking about this in this debate. I did not think it was about the TLC.

MRS GRASSBY: You would not know, Mr Jensen.

MR SPEAKER: Thank you. The objection is overruled because Mr Duby introduced the topic.

Mr Duby: A bit late, Norm.

MRS GRASSBY: That is normal. Norm is always late.

MR SPEAKER: Order! Mrs Grassby, have you concluded your speech?

MRS GRASSBY: Yes.

MR COLLAERY (Attorney-General) (8.31): I think there is much ado about nothing. After all, this Bill was brought forward in its present form by the former Government. I think we owe it to the record to correct the unexplained suggestion, which dropped off a cliff somewhere, from Mr Berry that some private person could bring a prosecution. I do not know whether the AMA, for example, contacted Mr Berry today and asked him to do this to protect doctors from this claim. I do not know what the motivation is, but clearly, as I said before, on the advice of the Government Law Office, on which the Opposition was prepared to rely previously, this provision should remain in, as has been the practice of other governments in this country.

To answer the question specifically, if a person were to commence a private prosecution - and a person may - against

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the Crown, the Director of Public Prosecutions Act gives the Director powers to take over a prosecution, among other things. In those circumstances, if a private person were to take a vexatious action against someone, particularly a public servant, it would be proper for the Director to exercise his or her powers under section 9 of the Director of Public Prosecutions Act 1983 to take on board that prosecution and, in effect, nullify it or proceed with it. That is a provision in the Director of Public Prosecutions Act, and that should answer the matter raised by Mr Berry.

As I said before, this Opposition needs some legal advice. There is eminent authority - I do not wish to detain the house with that authority - as I said, as far back as 1946, accepted by a very strong High Court bench, that this provision is consistent with, and acceptable to, our statutory regime. There is an eminent text on the subject of liability of the Crown by Mr Hogg who, at page 180 of his text, says in part:

It is hardly necessary to point out that a Crown servant may commit a criminal offence in the course of his employment -

this was written when sexist language was used; they are not my words -

and be personally liable for it, just as he may commit a tort and be personally liable for it. If, however, a Crown servant "commits" a crime for which the Crown itself could not be liable, the question will arise whether the servant shares his master's immunity. The answer to this question will depend upon whether the Crown is immune from the statute as a whole or merely from the penal provisions. If the Crown is immune from the statute as a whole, then a Crown servant acting in the course of his employment will generally be immune also; in that case he will not have broken any statutory duty and will therefore not have committed any offence. If on the other hand the Crown is immune only from the penal provisions of the statute and is bound by the rest of the statute, then a Crown servant would be obliged to comply with the statutory duties. If he does not do so, and if the penal provisions are so drawn that ... they are apt to include a servant, then the servant will have committed an offence and will be criminally liable.

Clearly, there has to be a proper rule in society when we are speaking of the environment. If we are to have wilful acts performed by a Crown servant, that Crown servant should be as liable to prosecution as the rest of us in our private wilful acts were we to commit any - some of us in this chamber have been tempted, and I am sure Mr DUBY agrees.

We are saying that we want to save clause 5 of the Bill, and that is what the draftsman is saying. We cannot have ridiculous prosecutions by the Crown against itself, but we are holding out to those who administer this law that they should abide by this law. I think Mrs Grassby has given strength to this argument by acknowledging that much of the clinical waste in this Territory will be disposed of essentially under public service direction.

I think it is fair to keep this enjoinder because at its highest it is only an enjoinder. It does not affect civil liberties. A crowd opposite me thinks it knows something about it, but this provision has been brought in by Labor governments elsewhere in Australia, and it has no ideological basis; I cannot find an ideological point to this. I note that neither Ms Follett nor Mr Whalan is in the house to hear this discussion.

Ms Maher: Again?

MR COLLAERY: Again.

MR MOORE (8.37): I have listened to the arguments put forward by Mrs Grassby and the gobbledegook put forward by Deputy Chief Minister and Attorney-General Bernard Collaery. By and large, his arguments have not convinced me. Even if his referring to Hogg had helped, I am in the unfortunate position that when he referred to another document the other day and then tabled it I found, on reading it at that time, that it was not anything to which he had referred. Because of that, I doubt anything that he presents. How can I trust that he is presenting Hogg or - - -

Mr Jensen: On a point of order, Mr Speaker - - -

Mr Duby: What is the number?

Mr Jensen: No. 55, personal reflection, Mr Speaker. Mr Moore is reflecting on the character of Mr Collaery.

MR SPEAKER: Thank you for your observation, Mr Jensen. I ask you to withdraw that, Mr Moore. I believe an imputation was involved.

MR MOORE: Certainly not, Mr Speaker. I was just explaining why it was - - -

MR SPEAKER: Order! I ask you to withdraw the statement.

MR MOORE: Mr Speaker, if I may clarify the situation, I referred to a particular document which he tabled and which was not what he said it was. He now refers to another document, but how can I trust that document?

MR SPEAKER: Order! An imputation is involved. Please withdraw it. The imputation is that the member cannot be trusted to produce documents of worth in the Assembly. An imputation is involved.

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MR MOORE: It is not an imputation; it is a fact, Mr Speaker.

MR SPEAKER: Order! You have just implied it again, Mr Moore. Please withdraw it. If it is something of substance, you may use the standing orders to move a pertinent motion against the member. If you do not wish to do it in the correct way, please withdraw it.

MR MOORE: Mr Speaker, if I move a pertinent motion against the member, it will just be transferred and overrun by the Government.

MR SPEAKER: That is another irrelevant point. Please withdraw the imputation.

MR MOORE: I withdraw anything that is an imputation.

MR SPEAKER: Thank you. The imputation is now withdrawn. Please proceed.

MR MOORE: I am certainly not convinced that a private person would not have a reason. For example, the Australian Environment Council or some body along those lines could find a public servant - probably none of our current public servants for whom I have the utmost regard, but a future irresponsible public servant - doing something inappropriate, and therefore the appropriate action would be to attempt a prosecution. I feel that they ought not be excluded from this and that it should be very clear in the Bill that it is available. Therefore, I support the amendment proposed by Mrs Grassby.

I will go further; I am also entirely unconvinced by Mr Collaery's argument that, because the legal section provided advice, he has to take that advice. It is advice; that is exactly what it is. If it were more than advice, if you want to take it as gospel, why come here at all? These are your decisions, and you take what your public servants offer you as advice. Sometimes it is very strong advice, but it still is advice.

MR BERRY (8.41): The only issue that I raise again is the one that the Attorney has failed to address again, even though he quite quickly responded to what had been said when I rose earlier to discuss the rights of private individuals and how they will be excluded from taking on the Crown as a result of the Government's action. Unless the Government agrees to this proposed amendment, they will be forever prohibited from taking action against the Crown. In all of the previous mutterings of this Attorney, we have heard his cry that he is a great supporter of civil liberties, but here he is making sure that the rights of individuals to pursue action against the Crown are prohibited.

I am no lawyer, and I must say that I have not been able to study the document that Mr Collaery put forward, but it seemed to me that what he was on about was absolving the Crown of vicarious liability when its employees take some sort of action which might be liable under the Bill. I think the Government needs to consider its position in relation to this. If it wishes to present itself in a reasonable light, that it is a defender of civil liberties, it should ensure that the Crown will be bound to defend this piece of legislation when, because of its own fear, if you like, it may well be prosecuted by a member of the public where it fails to do so. I think the Government needs to rethink its position on this matter.

Mr Whalan: The Speaker might call them to order.

MR SPEAKER: Do you wish to make a point of order, Mr Whalan?

Mr Whalan: Could you call these people to order, please, Mr Speaker.

MR SPEAKER: I think the volume was quite acceptable, Mr Whalan. Please proceed, Mr Berry.

Mr Whalan: Is there a sort of a criteria that you apply?

MR SPEAKER: Certainly there is, Mr Whalan. While you are on your feet, I will refer you again to standing order 40, by which once again you did not abide. I will record it every time you do that, and we will have you out again if you persist.

Mr Whalan: I suggest that you get your eyes checked.

MR SPEAKER: Order! A wink of the eye does not satisfy standing order 40. Do not talk over me or I will have you out again. Please proceed, Mr Berry.

Mr Whalan: Get your eyes checked because my colleagues clearly saw me acknowledge you.

MR SPEAKER: Thank you, Mr Whalan. Please proceed, Mr Berry.

Mr Whalan: My colleagues clearly saw me acknowledge you.

MR SPEAKER: You do not have the floor. Please proceed, Mr Berry.

Mr Whalan: My colleagues clearly saw me acknowledge you. Did you not?

MR BERRY: Indeed. The acknowledgement was required under standing orders. I know I am out of order now because it is not really relevant, but it is clearly required and was given.

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MR SPEAKER: Do you wish to debate it, too, Mr Berry?

MR BERRY: I am lost after this interruption. The issue really is that Mr Collaery has to deliver the goods for the people of Canberra. He has not done so, and he is arguing that they will be prohibited from pursuing the Crown where the Crown offends its own legislation.

MR DUBY (Minister for Finance and Urban Services) (8.45): Mr Speaker, I have heard debate from the other side of the house tonight in relation to this clause about binding of the Crown. Frankly, I think the statements made by the members opposite are nothing more than mischievous.

Mr Berry: Mr Speaker, there is the imputation that one has set out to cause mischief.

MR SPEAKER: Please withdraw that, Mr DUBY.

MR DUBY: Mr Speaker, I do not think it is required to be withdrawn. I think Mr Berry has hit the nail on the head.

Mrs Grassby: Mr Speaker, on a point of order; I think it does make out that we are trying to be mischievous in the parliament and not - - -

Mr DUBY: I said you were mischievous?

Mrs Grassby: You did; you said it was mischievous. I am sorry, Mr Speaker, but I ask that he withdraw it.

MR SPEAKER: Please withdraw it, Mr DUBY.

MR DUBY: I must insist that it is perfectly parliamentary language. For example, tonight on television I was able to watch the esteemed Premier of New South Wales, Mr Greiner, refer to the Opposition as mongrels. The point I am making is that it was not ruled unparliamentary.

Mr Whalan: Dingo DUBY - - -

MR DUBY: That is unparliamentary language.

MR SPEAKER: I certainly agree that it is, and I believe it was a frivolous point of order. In order to stop the debate, would you please withdraw it?

Mr Berry: On a point of order; with respect, Mr Speaker, it was not a frivolous point of order; it was a serious one. It was imputed that members of the Labor Opposition come to this place only to cause mischief. That is not what this Labor Opposition is here about.

MR SPEAKER: Thank you.

Mr Berry: And this is a very serious matter.

MR SPEAKER: Do not debate the issue, thank you, Mr Berry.

Mr Berry: Can I rise on a point of order, Mr Speaker?

MR SPEAKER: Yes, I accept your point of order. I have asked Mr - - -

Mr Berry: This is another one.

Mr Jensen: Which number, Wayne?

Mr Berry: No. 202(e).

MR SPEAKER: I take your point; you do not have to speak to it. Mr DUBY, I misinterpreted the thrust of the objection from the member; otherwise I would not have ruled that you withdraw it because I do not believe that it is unparliamentary. But under the circumstances would you please withdraw it to stop this ridiculous debate?

MR DUBY: Mr Speaker, I gladly withdraw in the interests of correct and parliamentary debate. There is no question about the fact that the matters raised by the Opposition tonight have definitely been impish.

Mr Kaine: "Wimpish" would be better.

MR DUBY: No, impish. The comments made by Mr Whalan are undoubtedly recidivist. I would like to show just how ludicrous this proposed amendment is, and I would like to address my remarks to the comments made by Mr Moore. I think he is in an unfortunate position here. He is undoubtedly a captive of this runaway party machine on the other side of the chamber.

Mr Moore: On a point of order, Mr Speaker; I consider that to be an imputation against my reputation. I am an independent; I remain independent; I remain on the crossbenches.

MR SPEAKER: Objection overruled, Mr Moore. Please proceed, Mr DUBY.

MR DUBY: It is about time, Mr Speaker. We all know that the first Bill presented before this Assembly was the Occupational Health and Safety Bill, which is a very important piece of legislation. The second Bill was presented by the darling of the Labor Party, Mr Whalan.

Mr Whalan: Come on, Dingo. Let's hear you.

MR DUBY: That is certainly mischievous. Bill No. 2 of 1989, the Vocational Training Bill, was presented by this Opposition when it was in government. I will bring to your attention the position of the Crown. The clauses of the Vocational Training Bill refer to the fact that this legislation binds the Crown and that nothing in this legislation renders the Crown liable to be prosecuted for an offence. It is a most important piece of legislation.

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The Opposition has been hoisted with its own petard. That was very important legislation, just as the Clinical Waste Bill is. It was very important legislation, with the same provisions, word for word, that the Opposition, in government, put through the Assembly. I will draw the house's attention - - -

Mr Whalan: On a point of order, Mr Speaker; it should be on the record that the legislation was substantially amended - - -

MR SPEAKER: Order! Please do not debate a point of order, Mr Whalan.

Mr Whalan: By people of the likes of Mr Duby who - - -

MR SPEAKER: Order! Do not debate a point of order. Order! Mr Whalan, do not speak over me. I warn you. You do not debate a point of order.

MR DUBY: I am extraordinarily pleased that Mr Whalan raised that point of order because I will attempt to show the house just how ludicrous that point of order is. I have here the Weekly Hansard of 27, 28 and 29 June 1989, which shows that clauses 1 to 15 were taken together - ayes 17, noes nil. Once again, we have seen absolutely joking attempts at frustrating the business of this Assembly. "Frustrating" is the only possible word for it.

We have pointed out in debate that this legislation was precisely that which was proposed to be put up by those folk when they were in government. Now that they are in opposition, somehow they feel that they can suck up to the TLC and the civil libertarians and pretend that we are somehow an authoritarian group. That is not the case, and I think the debate tonight will show that quite categorically. If they were on a murder charge, they would swing.

MR COLLAERY (Attorney-General) (8.52): I rise hopefully to conclude the debate on clause 5. I thought that was the most comprehensive - - -

MR SPEAKER: Order, Mr Collaery! You have had your two turns.

Question put.

The Assembly voted -

AYES, 11

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

NOES, 6

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

Question resolved in the affirmative.

Clause agreed to.

Clauses 6 to 25, by leave, taken together, and agreed to.

Clause 26 (Return of licence)

MR COLLAERY (Attorney-General) (8.56): I move:

Subclause 26(1), page 9, line 13, omit the penalty.

MRS GRASSBY (8.57): The Opposition supports this proposed amendment, which is only a tidying up of the clause to provide for another amendment.

Amendment agreed to.

MR COLLAERY (Attorney-General) (8.57): I move:

Proposed subclause 26(1A), page 9, line 13: After subclause 26(1) insert the following subclause:

"(1A) A person shall not, without reasonable excuse, fail to comply with subsection (1). Penalty: \$1,000.

MRS GRASSBY (8.58): Although members of the Government do not know the difference between the environment and training, the Labor Party supports this proposed amendment. As Professor Whalan pointed out, it is unreasonable for a licensee to be subjected to a \$1,000 fine for failure to return a licence if the person keeping the document is on holiday or sick, which could easily happen, or for some unknown reason is not able to do it at the particular time.

The amendment inserts a "without reasonable excuse" defence into the clause, and is supported by the Opposition in every way. A \$1,000 fine, as a result of somebody not being able to hand in a licence in a certain time, would be rather unfair. We definitely support this amendment.

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Amendment agreed to.

Clause, as amended, agreed to.

Clauses 27 to 34, by leave, taken together, and agreed to.

Clause 35 (Taking samples)

MR COLLAERY (Attorney-General) (8.59): I move:

Page 12, lines 4 - 19, omit the clause, substitute the following clause:

"Taking Samples

35. An inspector who takes a sample under paragraph 34(c) shall -
- (a) ensure that the sample is such as to permit paragraph (c) to be complied with;
 - (b) give a receipt for the sample to the occupier of the premises from which the sample was taken;
 - (c) divide the sample into 2 parts as nearly as practicable identical in size and composition to each other and each suitable for the purpose of analysis;
 - (d) place each of those parts in a separate container and seal each container;
 - (e) attach to each container a label bearing the signature of the inspector and particulars of the date and time when, and the place at which, the sample was taken; and
 - (f) give one container to the occupier of the premises."

A supplementary explanatory memorandum has been circulated in regard to this proposed amendment. I draw it to the attention of members and, unless the members require debate thereon, I will defer to the house.

MRS GRASSBY (9.01): The Opposition supports this proposed amendment. As I pointed out in a speech that was made earlier, which seems months ago, trying to get this Bill into the house to get the opposition to work - - -

Mr Doby: Hear, hear!

MRS GRASSBY: The Government, I am sorry. The Pesticides Act 1989, which was introduced by the Follett Government, provides that the splitting and labelling of samples from occupiers of premises occurs automatically. Professor Whalan recommended a similar provision for the Clinical Waste Bill. I am pleased that the Government has adopted these recommendations, although it would not adopt his recommendation in relation to clause 5.

I sometimes wonder why we bother putting Bills to the committee and asking Professor Whalan when we get advice like that but are not prepared to take it. The Opposition agree to this proposed amendment.

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

SCHOOLS AUTHORITY - 1988-89 REPORT
Statement and Paper

Debate resumed from 22 March 1990, on motion by **Mr Humphries**:

That the Assembly takes note of the paper.

MS MAHER (9.03): I wish to address the Assembly on the tabling of the 1988-89 ACT Schools Authority annual report.

The basic premise in the Alliance policy on the status of women is that women must have freedom of choice to pursue their chosen lifestyles and realise their full potential. The inequality in participation in certain areas of training and employment stems from influences such as subject choices in schools. On reading the annual report of the ACT Schools Authority, I am pleased to see that the new Department of Education is addressing this issue.

A major survey on school leavers in the ACT, launched recently by the Minister for Health, Education and the Arts, my colleague Mr Gary Humphries, outlines with particular clarity the problems that we are facing in this area. The survey, undertaken in 1988 by the Office of Industry and Development in collaboration with the then ACT Schools Authority, showed that in their year 12 packages a much higher proportion of males - 12 per cent more - was choosing science subjects and that 20 per cent more females than males were likely to choose social education subjects. This pattern was again echoed in the choices that students were making in further education, with males dominating the sciences and females dominating the arts.

In 1989 the Schools Authority began a number of new projects to strengthen the teaching of science and technology, with particular focus on stimulating girls' interest in careers in these areas. The Alliance Government perceives science and technology as one of the most important areas for further industrial and commercial development in the ACT, making the success of the endeavours of the Department of Education of even greater importance.

A hindrance to involving females in maths and the sciences is that often girls fail to see the relevance of maths and

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science or, even when they do see the relevance, they are turned off by the traditional male-centred content and teaching styles. Addressing this was the establishment of gender equity perspectives as an integral part of all curriculum frameworks, covering the content and process of all course work. In addition, in 1989 the ACT Schools Accrediting Agency endorsed the need for the evaluation of gender participation in its course accreditation guidelines.

Another project undertaken by the department was the start of a longitudinal study on enrolment trends by gender in selected subjects at college level. This is to find ways in which to encourage girls to undertake higher science and technology courses.

It is recognised that the social pressures which lead to these choices affect students from early childhood. These influences are being addressed in curriculum development from as early as primary school through participation in the CSIRO Double Helix Science Club and, in collaboration with the University of Canberra and the ACT Institute of TAFE, the development of science in-service programs for primary teachers.

On tonight's news during the break there was an article showing the ACT Chief Education Officer and the Dean of the Faculty of Education of Canberra University signing an agreement called PECSTEP which is the primary and early childhood science and technology education project, an in-service program for primary and early childhood teachers in science and technology. It is concerned with increasing the participation and achievement in science and technology of girls and boys by increasing the number of early childhood and primary school teachers who are effective science teachers, which I consider to be a very good step forward.

The department also supports school participation in the family maths project, Australia. Under this project schools organise family maths nights which use hands-on techniques to make maths fun and appealing.

At high school level schools participate in career conferences for girls, at which students are able to attend workshops introducing them to non-traditional employment areas with professional women as tutors. As a result of computerising the department's work experience database, it has been able to identify an increase in the number of girls participating in the work experience program and a growing tendency for girls to choose work experience in non-traditional areas. The results of the "Leaving School in the ACT" report showed that for over 30 per cent of female students work experience played an important part in their subject decisions for further education.

The Department of Education has also shown its commitment to the equal participation of women in society and the

school environment with the development during 1988-89 of a policy on the elimination of sexual harassment of and among students in ACT government schools. The policy is now nearing completion and should be released later this year. Sexual harassment can and does affect the academic performance of individuals, and is inimical to the philosophy of equal opportunity in education and the commitment to equality of outcome in education.

In addition to the development of this policy, the department requires schools to nominate a sexual harassment contact officer for students and has established guidelines for handling complaints. The continued employment of a full-time gender equity consultant for schools is helping many schools develop strategies and the dissemination of research information, ideas and resources between teachers.

I would like to commend the work of the department and the many schools involved, especially with regard to their work in promoting the status of women. I am particularly pleased that the department is constructively reviewing its programs, policies and their outcomes.

MR SPEAKER: Order! Members, you are standing between me and the speaking member. I cannot see Ms Maher. Please proceed, Ms Maher.

MS MAHER: It is through such research into the effectiveness of gender equity strategies and the application of its results that the education system will be able to play an effective role in the establishment of a more equitable society.

MR STEFANIAK (9.11): I wish to address the Assembly on the 1988-89 annual report of the ACT Department of Education. I am pleased to note reference in it to the commitment of the ACT Department of Education to the idea of a culture of service. This is a commendable attitude by the department, and reflects the thinking and management of all sections of the ACT administration sector. In an educational context this has a clear focus on service to students and parents.

The promulgation of the concept to ACT teachers began with a series of regional meetings early in 1989. Staff members from cluster schools in the regions heard members of the senior executive - Secretary, Dr Eric Willmot, and deputy secretaries Mr Max Sawatzki and Mr Phil Sadler - introduce the concept, and they led discussion about its implications for the ACT Department of Education.

Later, a working party was established to oversee the project, aiming to set the climate for achievement, determine the implications of quality, release the creativity and energy of staff, furnish resources, solve problems and remove obstacles.

The working party works on the basis that the department will need to develop a strong vision; actively and

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effectively promote service; develop customer-friendly systems; recruit, hire, train and promote for service; market service to customers and employers; measure service; give feedback; reward good performance, and link staff development to performance.

The working party is developing a plan by involving all parents, students, schools and sections in discussions about ways of providing the best possible service. This has already begun with a series of activities, including breakfasts conducted under the leadership of the Director of Operations, Mrs Anne Murray, at which departmental officers met with principals to decide how the department could provide a more effective service at schools. There have been regional gatherings for principals with students, staff and school board members. There have also been evening meetings with teachers, ancillary staff, school board and P and C members, for both primary and secondary schools.

Other culture of service initiatives have included the presentation of awards for outstanding service to ACT education, for both teachers and administrators who have made outstanding contributions to both the development of projects and administration in schools. A "Spotlight" column for the Schools Bulletin is being developed as a showcase to display and celebrate examples of the service culture in operation.

So what is this culture of service? According to one of its strongest advocates, deputy secretary for schools within the department, Mr Max Sawatzki, the concept is a way in which the department's good report card can be noted by its clients - that is, the parents and public.

Mr Sawatzki said in an article for the Schools Bulletin of 27 April 1989 that, although the ACT education system is, generally speaking, of a very high standard, there is still the need to "put up" or to demonstrate outcomes and to show more clearly the successes, to prove to the parents and community in general that the system is working well.

He said that the department is optimising the educational experiences of students and keeping the best public education system in Australia at a time of decreasing resources and increasing criticism of the public education sector in general. The department can do this by working to provide the best possible service to its clients and by learning from the service movement - from the worldwide preoccupation of highly successful organisations with the quality of service that they provide, their increasing commitment to the notion of the customer-driven organisation and the realisation, even in businesses which have not previously - - -

Mrs Grassby: They all have prepared speeches.

MR STEFANIAK: Shut up, Ellnor.

Mrs Grassby: Did you ask me to shut up, Bill?

MR STEFANIAK: No, I would not do that.

Mrs Grassby: I would do it for you, Bill.

MR STEFANIAK: Thank you. I should start that again.

Mrs Grassby: He is much nicer than anybody else. You are cuddlier, are you not, Bill? You are much cuddlier.

MR STEFANIAK: That is right, Ellnor. I had better go back. The department can do this by working to provide the best possible service to its clients and by learning for the service movement - from the worldwide preoccupation of highly successful organisations with the quality of service that they provide, their increasing commitment to the notion of customer-driven organisation and the realisation, even in businesses which have not previously thought of themselves as service organisations, that success is no longer determined simply by product.

In the case of the Department of Education, the "customers" are the students, parents, employers and the public in general. Parents and students are also active partners in the educative process. For the department, "service" is the provision of tangible products in general, about delivery, responsiveness, empathy and relationships. "Product", for the department, means the education program that is delivered to students. The term "culture of service" is important. It has to do with a culture which has a clear focus on serving students and parents, and is a guiding force which says, in the department's case, that students and their parents come first and that every aspect of the organisation is arranged in ways that will serve them best. The whole idea of a service culture, a customer-driven education system, has enormous ramifications for all concerned with public education. It does not just begin and end in the schools. Its implications reach into every part of the total education system - from preschools, schools and colleges to all the divisions, branches and sections of the office of the department and to every level of the organisation.

MR MOORE (9.17): I am so delighted that I stayed seated and allowed Mr Stefaniak to speak about culture of service because it is the page that I have tagged in the annual report and the only part of the annual report to which I was intending to refer. I could not disagree more strongly with almost everything that Mr Stefaniak had to say. "What is culture of service?" is a question that he asked, rhetorically, and he proceeded to answer it in terms of clients, the public in general, parents and students being customers.

This culture of service represents a strong move away from a system of educationalists and parents in partnership. A

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term that was used by the ACT Schools Authority for some years was "parents as partners". That is how they were working. But now we have a culture of service which is dealing with the others as clients. The whole change in tone is, "We decide what is good for you, and we look after you as our clients". That is a very major shift from the excellent system of community consultation, working with the community and all the sorts of motherhood statements that members provided to the public as part of their election campaigns.

Yet the Minister for Health, Education and the Arts particularly must look very carefully at this whole culture of service notion because it is taking away from the ACT that combination of educationalists and parents working together for the best system for students. Let me give you a clear example of it. The members of the culture of service working party are Max Sawatzki, chairperson from the Schools Authority; Phil Sadler, Schools Authority; David Southern, Schools Authority, Elizabeth McKenzie, Schools Authority; Kalle Peljo, principal - I wonder how my pronunciation went.

Mr Stefaniak: It probably was not too crash hot.

MR MOORE: Exactly. The other members are Bettye Pearce, Schools Authority, and Gwen McNeill, Schools Authority. They are all from the Schools Authority. This working party is to provide to parents an indication of what the Schools Authority decides it will do with the schools.

That is a major shift; it is a major problem. It is something against which each one of us in this Assembly and the Assembly as a whole should work. It is not positive in the way that Bill Stefaniak presented it. It is a very negative change. It is a step backwards. It is a step back to the New South Wales system that preceded the ACT system. In South Australia in the late 1960s - - -

Mr Humphries: Can you tell us why?

MR MOORE: Because it is not working with parents, which is the sort of thing on which you went to the polls.

Mr Humphries: I cannot see why.

MR MOORE: Because the departmental officers are deciding what is going to happen and then telling parents and teachers. There is no attempt at community participation; it is moving it away from it. I am explaining this to the Minister for Education particularly, who has interjected and said, "I do not see why". With a culture of service, when we talk about people as clients we have an entirely different relationship with them. That is what language is about. Instead of the old term, which was "parents as partners" - - -

Mr Humphries: It is not a substitution for that.

MR MOORE: It certainly is a substitution. It is certainly presented as a substitution, and the action is following that as well. Having made that point, I hope the Minister will take some note of it and perhaps look into it further if I am not convincing enough in this short speech.

Mr Humphries: You are certainly not.

MR MOORE: He interjects, "Certainly not". He prefers to remain closed-minded, and that is a typical, arrogant Liberal approach and is the typical approach of Greiner and the greinerised Kaine Government here.

Mr Humphries: You did not put this when it was brought forward by Labor last year, Michael.

A member: This report covers the administration of our member from Melbourne Ports.

Mr Humphries: That is right.

MR SPEAKER: Order! Please proceed, Mr Moore.

MR MOORE: Before those interjections I mentioned the comment of Mr Humphries that he would remain with a closed mind, because he knows best, the same as the public servants know best; they do not want to consult. I also draw attention to page 77 and public education, free education. We are now talking about possible cuts to education of between \$6m and \$9m. Voluntary contributions, which is the fifth item in the receipts column, show that almost \$2m was contributed by parents in that way. That is a significant sum.

Mr Duby: Not for preschools.

MR MOORE: I hear the interjection, "Not for preschools". What absolute rot! Parents of preschoolers - allow me to declare my interest in this aspect as a parent of a preschooler - make tremendous contributions to the preschools, both financially - and you ought to know that, Minister - and by providing nearly all the consumables within the preschool, for which the department takes almost no responsibility. That sort of interjection reflects, in relation to preschools, ignorance on the part of two of the Ministers of the Government. It is absolutely horrific!

Mr Collaery: Who are they?

MR MOORE: I am glad, Mr Collaery, that you have given me the opportunity to name them. It does not include you in this instance. It is Mr Duby and the Minister for Education, Mr Humphries. I am sure you know better about contributions in preschools.

Mr Collaery: I know better than Mr Duby.

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MR MOORE: Exactly. When we read annual reports we ought not necessarily see them as glossy reports to be considered as being wonderful. But we should look at them with a critical eye and try to work out some of the undertones that are carried within them. In this instance the undertone is about moving away from a positive relationship between the department and parents to breaking that down so that the department is telling parents, their clients, what they should have and what is best for them.

DR KINLOCH (9.25): In a minute I will go back to a text that I have, but I would immediately like to pick up this matter of the culture of service project, which was referred to by Mr Stefaniak and Mr Moore. It is one page only, at page 37 of the report, and I commend it to members. I notice, for example, that the working party is very concerned about developing customer-friendly systems. It will develop a plan by involving all parents, students, schools and sections in discussions about ways of providing the best possible service. I believe there is very good intent behind the culture of service project, but I will say to both Mr Stefaniak and Mr Moore that the Minister for Health, Education and the Arts and I will be looking with great care at this area of the Department of Education.

Mr Moore has mentioned a number of people who are referred to on that page. I have known some of them for a very long time indeed. One of them is a former student, others I have met only this year, and I do not know one at all; I have not met that person yet. Of the seven, I can speak with only the highest regard of the six whom I know, including one person who is a principal of a high school and who is doing a doctorate on the history of the ACT Education Authority. Others are principals with whom I have worked; one person who was a chairperson of one of the accreditation committees. I can speak only highly of them. If we can measure the excellence in the education system by the kinds of people who lead it, I am happy with the people mentioned there.

That does not mean that, as Mr Moore says, there are not legitimate criticisms of it as a glossy report. Of course, one should look for those. My reactions to the ACT Schools Authority annual report are both personal and, I hope it may be fairly said, professional. Over many years I had direct and steady involvement with the then authority, not only as a parent of three children who went through the system from preschool to year 12 but also, more to the point, as someone who had a professional relationship with several branches of the authority, especially the accreditation division and other divisions which maintained a liaison with tertiary institutions. I have long admired the system whose work is so well represented in this report.

The report is both intriguing and historical because it reflects the ACT Schools Authority's functions, first under the Commonwealth Government and then, for a few months in

1989, under self-government. We should congratulate the professional leadership of the new Department of Education for managing that considerable shift with equanimity and constructive continuity.

I especially note the section on pages 6 to 7, which reflects briefly on the transition from one governmental system to another. Dr Willmot's open letter is worth stressing, and I would like to read it very quickly into Hansard because it relates to us. It states:

We can all consider the new conditions in which our schools and their communities will work under self-government. Schools will be more than ever under the notice of not only the immediate communities which they serve but also of the general ACT constituency and its legislature.

Of course, we are bearing this out here today. It continues:

The ACT will be responsible for the effectiveness, the viability, and the standards of its way of life as never before. All who provide its services, including public education, will have a direct incentive to meet the highest possible standards of accountability for performance.

Of course they are accountable to us, as we are accountable to the citizens of the ACT.

Further in his letter, Dr Willmot rightly points out our continuing national and even international role as Australia's unique city State, and therefore the special functions of our Department of Education.

Further in that section, I would like to note and applaud several points, some of which I select for comment; there are three. He points out the special task of guiding our students to an understanding of the special nature of Canberra in relation to both the Commonwealth and the States, and I hope the schools have a good understanding of what we try to do here. Secondly, the report states:

... internationally, ACT schools can develop a positive approach to the continued study of certain European languages ...

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

SCHOOLS AUTHORITY - 1988-89 REPORT Statement and Paper

Debate resumed.

DR KINLOCH: The second point is the role of languages in the ACT. There is concern about the decline of languages. It is good to see in the report this commitment to not only European languages but also Asian languages, history and culture. One hopes that that will be on the increase in all our schools.

The third, but less obvious, point - I think most of us could easily miss it - is very intriguing. Yes, we are a city State, but we also are in a rural environment. In that opening section, Dr Willmot rightly points out the importance of enhanced rural studies. One hopes that the students of the ACT learn to be involved with our local environment, not just in rhetorical terms but also in direct terms.

Over the past year, especially during the past three months, I have had the very welcome opportunity to see ACT schools at first hand. So far I have visited schools in all sectors, except for preschools which are on the agenda for future visits; I am going to Waramanga preschool this Friday. What the report tells us so positively is certainly borne out in my observation of the schools that I have visited, and I select some examples.

I went to Koomarri, the area of special education, and there is a section in the report, at pages 44 to 45, on special education. I was very impressed by the high standard of the staff, the sense of devotion and the sense of loving care in that school. I have not visited the other special schools, but I am well aware of that particularly important area in the Department of Education, through which we serve people across the community, who might otherwise be in a non-government situation. But the non-government schools do not offer special education; we do.

The second area reflected in the report, and of which I have direct knowledge, is remedial English for students from non-English speaking backgrounds, and that is also very impressive. At Ainslie Primary, Turner Primary and Higgins Primary, for example, there are these special programs for students, to help bring their English up to the standard of all the other students. I subsequently saw some of the graduates of this supportive program in regular

schools. Time is an enemy to me, so I will not go on too much about all these schools, such as Narrabundah Primary, Richardson Primary and the disadvantage program, Lyneham High School with its special LEAP program, and the college sectors. I am very impressed by the ones that I have seen. They really bear out what is said, perhaps rather glossily, in the report.

However, I want to turn from congratulations to mention some worries which arise from reading this report, and in particular - I have time for only one area - I want to concentrate on teachers. Most of what is written at pages 48 to 49 is positive - study awards, a new promotion structure, an early retirement scheme, et cetera - but the reflection on good industrial relations in the 1988-89 report is followed this year by new problems which were raised at question time today.

There is the problem of the recruitment and payment of teachers, and I think we should start worrying about possible future problems in that area. Salary arrangements initiated in 1988-89 are again under investigation in 1989-90. There are problems ahead. There are implicit obligations on this Assembly and the Alliance Government to carry through plans to improve the lot of underpaid teachers. We may be looking at flow-on requests of up to 10 per cent, and these are really deserved. You have only to look at Victoria, New South Wales and the rest of the country to see that at a time when we are required to make cuts we are required to improve the salaries of teachers. We have a great problem here. (Extension of time granted)

It is a question of not just raising the salaries of teachers, which is a very considerable matter, but also the overall quality of teachers. We do not just want to have a nice, easy relationship and hope that by paying them more money they will be better; it is not that simple. You do not do that by salaries alone, although you certainly need to start there.

Teaching is a profession to which people need to be dedicated. That extraordinary teacher in Dead Poets Society was not motivated by money, and the best teachers are not, but they have spouses and children who have to be looked after, too. I believe you have to create certain levels of master teachers who will be as revered in our society as professional sports people, surgeons, captains of industry and the best of politicians. Part of that is to do with salary, to be sure.

I was listening to the Science Show last Saturday afternoon. A British educator from the university system was asked how he would begin to improve the education system, especially the teaching of science in schools. He said, "We have to be very drastic indeed; we must double teachers' salaries". Who is to say how realistic that is? The real way of raising the status of teachers is by making that profession one of the most honoured in our society. I do not see

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enough reflection of that kind of problem in this report. I would like to raise that problem with the Legislative Assembly and ask that we address it in the years to come.

MR KAINE (Chief Minister) (9.37): Mr Speaker, I will be very brief. I will ask you to invite Mrs Grassby to leave, and then we will have no Opposition whatsoever. That should be in the record.

MR JENSEN (9.37): I was going to make a similar comment, but the Chief Minister has already indicated that.

Mr Duby: That there is only one member of the Opposition there?

MR JENSEN: Only one member of the Opposition is present at the moment to hear this debate, whereas the Government benches are full.

Mr Duby: And her name is Ellnor Grassby.

MR JENSEN: Mrs Grassby, Mr Duby. I will be appropriately discreet. Before I speak in this very important debate today, I will let Mrs Grassby know that my speech will contain comments that I have prepared and that I will be speaking from notes that I have made, in case she has any worries about it.

Mrs Grassby: You are still going to waste time on a report that you did not even write as a government. What a waste of time.

MR JENSEN: It is interesting that Mrs Grassby is so concerned about the education of our children in the ACT that she is not prepared to have the matter discussed in the Assembly tonight. It is a shame.

I am just about to refer to some comments that Mr Moore made in relation to the culture of service project. During his talk to the Assembly this evening Mr Moore made some comments about the lack of community involvement in the culture of service project that is mentioned at page 37. I want to read some of it into the Hansard record. It is all very well to make these comments, but you have to be very careful that you are not selective in the way that you make them. For example, the third paragraph says:

It will develop a plan by involving all parents, students, schools and sections in discussions about ways of providing the best possible service.

It goes on in the next paragraph to state:

Forming a service strategy, teachers, boards, unions, and parents will be involved in regional and school or section workshops over about 12 to 18 months.

What we have is a working party within the Schools Authority, which will prepare for discussions, I suggest, at the meetings that I have just mentioned over that 12-to-18-month period. So much for the lack of parent consultation and participation which Mr Moore mentioned.

That brings me to a comment about parent participation in schools. I want to comment on some of the issues raised by Mr Wood. I am sure no-one in this Assembly doubts Mr Wood's qualifications to speak on this important subject. As a teacher and a parent, his thoughtful comments are appreciated by all, and we all respect his views on this issue.

Specifically, I propose to talk tonight about parent participation. As a parent of two teenage children - one is just about to leave that stage - I think it is an important aspect of the education system, and the quality of this part is very important.

As a parent I have participated in the operation of school systems within three States in Australia - initially in Queensland, then in Canberra, Western Australia and back in Canberra. I have been involved, as a parent, in the running and operation of schools, from preschools through to college. In Canberra I have been involved in P and C associations and boards.

As Mr Wood well knows, Queensland has a centralised system of education. The P and C associations there played a different role in the schools from those in the ACT. Here it is the school-based boards that have the major role in directing and running the curriculum and the development of the school and its policy. On those boards, as we all know, there are teacher representatives, parent representatives, a representative nominated by the Schools Authority, and in high schools and colleges we have students represented on those boards as well.

Very early in the piece, after an initial stint on a P and C association, I quickly realised that it was necessary, if I were to have some involvement as a parent in the operation and running of the school, that I participate by being on the board. I moved briefly to Western Australia, but when I returned I sought election as a parent representative on the school board.

Mr Wood: In Western Australia?

MR JENSEN: No, in the ACT. In the ACT, after a stint in the P and C association, I moved on to the school board. Not only in schools but also in other organisations that relate to you, we find a number of willing horses, sometimes very few, who participate and get themselves involved in the operation of schools, as I am sure Mr Wood and others would agree.

Mr Wood: That is one of the points that I made.

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MR JENSEN: That is right.

Ms Follett: It has been made six times.

Mr Berry: Is this irrelevant?

MR JENSEN: Am I allowed to continue, Mr Speaker?

MR SPEAKER: Please proceed.

MR JENSEN: Am I not allowed to have my say? It is incredible, is it not? Many of these willing horses operate on P and C associations and the boards; it is most unfortunate. I have also noted that there is a degree of apathy - let us be happy with the system, but let us not get involved - which is unfortunate.

Mr Wood: How do you get them involved? It is very hard.

MR JENSEN: That is a very good question. I note Mr Wood's comments about some of the principal-controlled boards with which he was involved. I have been involved with four schools in the ACT, and I was fortunate not to run into the sort of principal-controlled board to which Mr Wood was referring. Maybe I was lucky, but I hope that the principal-controlled boards, as such, are few and far between. They certainly have not been part of my experience.

As I progressed with my children through their education, I noticed that we had reduced interest from parents. During the preschool stage, just about every parent was involved with the P and C operation. This was particularly the case in Queensland in the new State preschools that were starting up in those days when I was involved. But as we move through the lives of our children parent participation drops off quite markedly. In some respect, there is probably a degree of truth in what Mr Wood said in relation to our children's role in this. Some of us have heard, "Oh, Mum" or "Oh, Dad, what are you doing at the school? It's embarrassing". These sorts of issues often come forward, and I think that is something that we also have to look at.

Ms Follett: I can understand that.

MR JENSEN: Clearly, Ms Follett, you have never had children at school. It is unfortunate - something that you may appreciate in the future. I get back to the concern about willing horses. As we say, if you want something done, give it to a busy person. I am sure many of us are familiar with the story of somebody else, nobody, anybody and everybody, which ends with everybody believing that somebody else will do something that anybody could do. I think it is unfortunate and, in some respects, it is an indictment on our society. I take this opportunity to thank those parents who participate in schools for their involvement.

One of the points on which I think it is important to comment - it was unfortunate that when I looked through this report there was no mention of it - is religious education programs that may be run in State schools. No-one is suggesting that we go back to the days of religious education being compulsory. When I went to school it was; you literally split up into two groups - - -

Mrs Nolan: There is nothing wrong with that.

MR JENSEN: Let me finish, Ms Follett - I am sorry, Mrs Nolan. I think, there are programs in relation to which committed parents are prepared to make themselves available to take into the schools on a voluntary basis a degree of religious training and instruction, giving the children an opportunity to experience the Christian religion as well as, I hope, other religions, such as Muslim and Buddhism.

MR SPEAKER: Time, Mr Jensen.

Mr Berry: On a point of order, Mr Speaker; I refer to standing order 62 in relation to irrelevance or tedious repetition, with the emphasis on "tedious". The reason I raise that standing order is that a number of speeches made tonight would fall into that category and, Mr Speaker, you have been very flexible.

MR SPEAKER: Thank you, Mr Berry, for your observation. That is all that is required. You do not have leave to speak on a standing order. If you want to seek leave to speak, please do that.

Mr Berry: I was just about to seek leave, Mr Speaker.

MR SPEAKER: You have gone about it in a long way. Is leave granted?

Members: No.

Mr Berry: I have not sought it yet. You want to find out what leave I am seeking. I seek leave for that written speech to be incorporated in Hansard so we can read it at our leisure.

MR SPEAKER: Order! Objection overruled, Mr Berry. Please proceed, Mrs Nolan.

MRS NOLAN (9.48): I also would like to speak, but only briefly, on matters arising from the ACT Schools Authority 1988-89 annual report. Over the past couple of years, it has become more apparent that Canberra businesses are becoming aware of the need to promote themselves to tourists, a proportion of whom are from our close neighbours in Asia. We now see signs in Asian languages inviting prospective customers to enter, but signs are not enough. Staff in those businesses need at least a basic knowledge of the languages.

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Ms Follett: What does this have to do with the report? Does she have the right speech?

Mr Jensen: Yes, of course she has. They do teach languages in schools, Rosemary.

MRS NOLAN: I was talking in relation to tourism and the emphasis of the learning process involved in the Asian language. Tourism is regarded as one of the cornerstones of the ACT economy, but Canberra is not listed on the itinerary of people from Asia, who visit Australia. We are in a prime position to market ourselves to this group. To begin with, most Asian tourists visit Sydney, and we have close proximity to this city in our favour. In addition, we are the nation's capital and many of the country's natural treasures, such as the Australian National Gallery and the Australian War Memorial are here. As well, there is the natural beauty and open space of the city.

We must continue to give prominence to the good work of the ACT Department of Education in its emphasis on the teaching of Asian languages in schools. In 1987, the Asian Studies Council surveyed 2,500 key Australian decision makers, including politicians, business leaders and tourism representatives, on the importance of a basic knowledge of Asian languages for the Australian economy. Over 50 per cent of all respondents thought that, to expand business interests with Asia, a medium to high priority should be given to having a basic knowledge of Asian languages, and over 70 per cent of respondents were of the opinion that counter staff who have direct contact with Asians should have Asian knowledge and skills. What is true for Australia in general is surely also true for the ACT. The education system, I am pleased to see, is working at providing the young people with skills in Asian languages that we need in our businesses.

The section on staff relations and development in the 1988-90 annual report of the ACT Schools Authority mentions several initiatives in teacher training to boost the teaching of Asian languages in ACT public schools. One of these initiatives involves language teaching methodology for teachers who are already fluent in a major Asian language under a special program devised by the authority and the then Canberra College of Advanced Education, with funding by the Asian Studies Council. The aim of this program is to allow teachers the opportunity of moving into what is, quite rightly, a specialist area of the profession. A second initiative ensured that teachers of Asian languages maintain fluency in their language, and weekly tutor groups were run in four Asian languages - Mandarin Chinese, Thai, Japanese and Indonesian. In addition to these teacher training initiatives, the department has been developing curriculum materials for two national language programs - Thai and Korean.

Despite Thailand's proximity to Australia, its popularity as a tourist destination and the rapid socioeconomic development of the country, Australians are largely unfamiliar with the culture and language of the Thai people. Thailand is the only member of the Association of South East Asian Nations which does not have at least one of its languages taught in Australian schools. Korea is now Australia's fourth largest trading partner, with a rapidly expanding two-way trade that totalled \$2.5 billion in 1988. Like Thai, however, the language is taught in no Australian schools.

These projects undertaken by the Department of Education can only strengthen the position of the ACT as a tourist destination and as host to the many ambassadors and business representatives who visit our city each year. In this respect our growing number of students graduating with Asian languages will not only be of direct economic benefit to the ACT but also benefit the nation.

MR SPEAKER: I call Mr Collaery.

Mrs Grassby: Oh, God, not another boring one!

MR COLLAERY (Attorney-General) (9.54): I have just been reading a psychiatrist's report in relation to another matter, and it says that the state of excessive sleep is often induced by a fit of depression. I understand that the Opposition members are still getting over their loss, but they are waking up from their doze occasionally and making these odd noises.

This is an extremely important topic; it is worth a full comment in this Assembly, and I believe that the public of Canberra who read the Hansard will appreciate the interest shown by the members of the Alliance Government and others, and will view with appropriate disapprobation the views advanced by way of interjection by those who want to go home and leave this important topic alone.

I will address one aspect of the report only and I will not be long, I assure Mrs Grassby, so that she can get away. At page 33 the report refers to school performance review and development. A thorough approach, it suggests, requires a collection of information relating to, among other things, long-term outcomes, for example, as in post-school careers. My department has viewed with interest a report called "Leaving School in the ACT", a summary report that the Minister for Health Education and the Arts, my colleague Mr Humphries, released on Friday, 16 March 1990, at Dickson College.

I commend that report to educators and others who would be interested in the outcomes of education. In saying that, I do not suggest at all that the value of an education is gauged by what a young person secures by way of a job afterwards; it is much deeper than that. But I bring to the attention of members that that interesting survey

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revealed a number of things. It showed that three-quarters of those youngsters surveyed, who had completed year 12 in all Canberra colleges in 1988, gained a tertiary entrance score or their Higher School Certificate. That says something for the ACT. It also finds that a third of the youngsters were employed full time in April 1989 - that is within five months of leaving school - 30 per cent were employed part time, a quarter were not looking for work and 10 per cent were unemployed. Over half the youngsters were studying full time and 10 per cent were studying part time. Eighty per cent of the former students polled were still living at home in April 1989.

A third of those with jobs were working in the wholesale-retail industry, and 20 per cent were working in restaurants, fast food and other tourist-related activities. I believe that my colleague Mrs Nolan would be aware of that. Over 80 per cent of those studying were attending educational establishments in Canberra, the corollary being that 20 per cent of our youngsters are leaving this city. The fields of study differed markedly between males and females, with males dominating the sciences while females dominated the arts.

Most of the youngsters had neither heard of - and this is the important aspect I am coming to - nor used any of the range of government employment programs. That is a very significant point to be made. Young people's knowledge of government programs is poor, and I believe that is brought out at page 22 of the "Leaving School in the ACT" report which is a good addendum to the annual report that we are debating. It stated that a recent report from the national youth affairs research scheme indicates that a variety of strategies is required to ensure that young people have access to adequate information. The results of the survey indicate that an ACT youth information strategy should be developed as a matter of urgency.

When I was in Perth a week ago I noted that there was a definite tie-up between the youth initiatives being taken, partly out of Burdekin report and partly out of all of the other issues in society, and the employment and job search activities of the Government, and that is a hook-up that we have not made sufficiently in this Territory. It is a matter at which I am looking now, to give some added breadth to our youth affairs portfolio.

The major problem facing young people in obtaining employment is perceived to be lack of experience, and that is reported at page 23 of the report that Mr Humphries released. However, comparing the percentage of young people perceiving lack of experience as the problem - that is, 81 per cent of them - with the percentage of young persons perceiving lack of skills as a problem - that is, just on 40 per cent - you come up with a serious disparity between young persons' and employers' expectations. We must tackle that disparity in perception and expectation if we are to see our youngsters settled in what they seek in society.

Employers may be confusing lack of experience with lack of skills. This may be viewed as a discriminatory practice if experience is not a bona fide qualification for the job. On the other hand, students surveyed perceived that school did not prepare them well - and I stress this, Mr Wood - for the world of work and, consequently, may have underestimated the importance of experience in the workplace. This survey produced a range of valuable information.

I believe that if the Education Department is committed to long-term outcomes there must be an appropriate balance between what we seek out of education in intellectual and sensitising terms, in terms of the individual, and in terms of the short-term achievements that our youngsters are seeking and, in the measure outlined in this survey report, in which they are being disappointed. Any of us who has had a youngster at home looking for a job in these troubled times, and being depressed as a result, could well understand the vital urgency about the need to ensure that our youth affairs portfolio, our employment functions and the income support of the Federal Government are fully linked, to ensure that that percentage of youngsters for whom the outcome has not been happy is improved.

Ms Follett: On a point of order, Mr Speaker; standing order 213. Mr Collaery quoted a psychiatrist's report at the beginning of his comments. I ask that the Assembly order that that paper be presented.

MR SPEAKER: He did not quote from it.

Mr Collaery: Mr Speaker, I was not holding a psychiatrist's report. I referred - - -

MR SPEAKER: Order! You do not have leave to speak, Mr Collaery. That objection is overruled.

Mr Moore: That is the Assembly's decision.

MR SPEAKER: Sorry, I withdraw that. It is the Assembly's decision. Is that 213, Ms Follett?

Mr Humphries: Mr Speaker, on that point of order raised by Ms Follett, standing order 213 says "A document - - -

Mr Whalan: Gee, you are lucky to have such advice, Mr Speaker.

Ms Follett: Does he have leave to speak?

Mr Humphries: I am entitled to speak to the point of order, Mr Speaker, before you make a ruling, and that is what I am doing.

Mr Whalan: You are very lucky, Mr Speaker, to have such advice here.

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MR SPEAKER: Order! Mr Whalan, please desist. Mr Humphries, you do not have leave to speak unless you are making a point of order.

Mr Humphries: Mr Speaker, I am addressing you on the point of order.

MR SPEAKER: Yes, but you are debating the point of order.

Mr Humphries: No, Mr Speaker, I am raising with you the point of order, and making a submission to you on the basis of the point of order made by Ms Follett.

MR SPEAKER: All I request is the standing order number.

Mr Humphries: No. 213, Mr Speaker.

MR SPEAKER: And a few words drawn from that statement.

Mr Humphries: I am about to do that, Mr Speaker, if you let me speak. It says:

A document quoted from by a Member, may be ordered by the Assembly to be presented
...

Mr Collaery quoted from no document; he referred to a document.

MR SPEAKER: Thank you.

Ms Follett: Why is he speaking?

Mr Moore: He just spoke to it.

Mr Whalan: It is all right, he is on the Government side; he is allowed to do that. Don't you realise, Rosemary, that there are different rules that apply?

MR SPEAKER: Order, Mr Whalan! I have warned you tonight; I now name you again. You are named under standing order 202. At 8.40 pm tonight a warning was given to you to desist from speaking over me when I call you to order. You are now named.

MR COLLAERY (Attorney-General) (10.03): Pursuant to standing order 203, I move:

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

Ms Follett: On a point of order, Mr Speaker, I thought we had a motion on - - -

MR SPEAKER: The Speaker shall forthwith put the question, with no amendment. No debate is allowed. Mr Whalan, you are now named.

Question put.

A call of the Assembly having commenced -

Mr Humphries: Mr Speaker, there is a standing order about leaving your place during these things.

MR SPEAKER: Yes, I realise that. Mr Whalan does not abide by any of our standing orders. Please proceed.

The Assembly voted -

AYES, 10

NOES, 7

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

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

Question resolved in the affirmative.

MR SPEAKER: Mr Whalan, you are suspended for two sitting days, not including today.

Mr Moore: On a point of order, Mr Speaker; standing order 55, all imputations of improper motives. Will you please withdraw the statement that you made about Mr Whalan not abiding by any standing orders?

MR SPEAKER: Yes, I withdraw. Please proceed, Mr Whalan.

Mr Whalan: You will be judged by your reprehensible behaviour.

MR SPEAKER: Mr Whalan, please!

Mr Whalan was, therefore, suspended at 10.07 pm for two sitting days under standing order 204.

An incident having occurred -

Mr Kaine: Mr Speaker, I draw your attention to the behaviour of a member in the gallery, and I require that he be removed.

MR SPEAKER: Order! Please remove yourself immediately, Mr Whalan. Thank you.

Mr Kaine: Mr Speaker, I want to draw attention to the fact that a member in the gallery, who has done this before, just made threats and gestures to a member.

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MR SPEAKER: Order! I just heard that comment made by Mr Whalan, and we will bring that before the Privileges Committee. Mr Whalan said to the guard that this man speaking is the greatest scum in the Assembly. If he would choose to deny that, we will ask the guard to present himself.

Dr Kinloch: I heard it.

Ms Maher: I heard it, too.

Mrs Grassby: Oh, for God's sake!

MR SPEAKER: Thank you. That is not something about which you should say, "Oh, for God's sake" or "This is ridiculous". Mr Whalan has been warned on a number of occasions. I warned him at 8.40 tonight on this particular issue. So please proceed.

Mr Duby: On a point of order, Mr Speaker; the comment made by - - -

Mr Moore: Mr Speaker, give the number of the point of order.

MR SPEAKER: Yes.

Mr Duby: It is in relation to standing order 202, Mr Standing Order.

Mr Moore: "Mr Standing Order"? Did we have a drink too many, Craig?

Mrs Grassby: "Mr Standing Order"? Did you have too many drinks tonight?

MR SPEAKER: Order! That is an imputation. Please withdraw it.

Mr Moore: I withdraw it, thank you, Mr Speaker.

MR SPEAKER: Also, Mrs Grassby, please withdraw it.

Mrs Grassby: I withdraw it, Mr Speaker.

MR SPEAKER: Thank you.

Mr Duby: The comment made by Mr Whalan was not to the guard at the door; it was to the wife of a member of this Assembly, when he pointed out to that lady in the gallery that she is married to the man who, as Mr Whalan said, "is the greatest piece of scum on earth". That member, by the way, is the Attorney-General.

MR SPEAKER: Thank you for that observation. I believe this should come before the Privileges Committee.

Mr Kaine: Mr Speaker, I refer to standing order 209. I draw your attention to a member of the gallery who is sitting there. He has done this in the past, and was banned from the house because of it. He has just made threatening gestures to me. Mr Speaker, under standing order 209 I want him removed from the house.

Mr Moore: Mr Speaker, you will have to define what is meant by "the house"?

Mr Kaine: This house that I am sitting in.

MR SPEAKER: The chamber.

Mr Kaine: I do not know what you mean by "the house". His conduct is disorderly in accordance with standing order 209, and I want him out. There is another one, Mr Speaker. Did you see his actions?

MR SPEAKER: Order, Chief Minister!

Mrs Grassby: Oh, good God. What is going on?

Mr Kaine: I will tell you what is going on.

Mrs Grassby: You have gone mad. They have to pull themselves together, for God's sake.

Mr Kaine: The behaviour is appalling.

Mrs Grassby: Oh, for God's sake, pull yourselves together. This is unbelievable.

MR SPEAKER: Order! Chief Minister, please!

Mrs Grassby: I would like to know what they had for dinner, Mr Speaker.

MR SPEAKER: Order, Mrs Grassby! I ask the Leader of the Opposition to bring this to the attention of her staff and deal with it at a later date.

Ms Follett: Mr Speaker, may I ask what it is that you wish me to draw to the attention of my staff?

MR SPEAKER: The threatening motions from your staff in the public gallery.

Ms Follett: I have not observed any such motions, Mr Speaker.

Mr Moore: On a point of order, Mr Speaker - - -

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MR SPEAKER: Order, Mr Moore! The Chief Minister did observe it, and he has brought it to our attention. So would you please look to the matter.

Mr Moore: On a point of order, Mr Speaker - - -

MR SPEAKER: Just a moment, Mr Moore, please. I will take the matter on notice.

Mr Moore: On a point of order, Mr Speaker - 209; I saw a member dressed with a bluish purple top - a member of Mr Kaine's staff - saying that this Assembly is a disgrace, or words to that effect. I am not saying that they were those exact words, but words to that effect. I ask that the same direction be applied in that direction.

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.12), in reply: It falls to me to sum up this debate on the 1988-89 Schools - - -

Ms Follett: On a point of order, Mr Speaker; I do not believe we have dealt with my motion under standing order 213 for the tabling of Mr Collaery's psychiatrist's report.

MR SPEAKER: Thank you for that reminder, Ms Follett. I believe your point of order is out of order. Please proceed, Mr Humphries.

Mr Moore: On a point of order, Mr Speaker; it is a question for the Assembly to decide.

MR SPEAKER: Order, Mr Moore! If you read the standing orders you will get it right.

Mr Collaery: I did not quote from anything.

MR SPEAKER: The article was not quoted from.

Mr Moore: He claims he did not quote.

MR SPEAKER: It was not quoted from.

Mrs Grassby: I thought that might have been a mistake in the paper.

MR SPEAKER: Order, Mrs Grassby! If he had quoted from the document the Assembly would rule on it, but as he did not quote from it I rule that Ms Follett's objection is out of order; it is not applicable.

Ms Follett: It is outrageous.

MR SPEAKER: It is not outrageous.

Mrs Grassby: It is outrageous.

MR SPEAKER: Order! Please read the standing order. I call Mr Humphries.

MR HUMPHRIES: It falls to me to sum up this debate on the 1988-89 Schools Authority annual report. It is regrettable that important issues raised in the debate in connection with that report have been obscured by some of the antics going

on in the Assembly this evening. Nonetheless, I will try to restore some semblance of order to that debate and raise some of the important issues that emerge from the report.

I do consider that the issues raised by members, at least on this side of the house, were significant and important, and that it is valuable for us to have had that debate. In a moment I will mention some of the important differences that have emerged between the arrangements for education in the Territory at this time under self-government, and those that existed in connection with the report that we have been discussing, and how different those two sets of arrangements are.

Ms Maher referred to issues concerning gender in education, particularly to issues such as the prevalence of boys in mathematics and science subjects, and the offsetting preponderance of girls in arts, cultural and non-scientific courses, which they traditionally favour in schools.

These are issues that are uppermost in my mind at the moment, Mr Speaker, because last night I had the good fortune to attend the annual dinner and annual general meeting of the Canberra Mathematics Association, where issues of that very kind have been long discussed and debated. I discussed with some members of that association issues that subsequently emerged. There is a conference coming up fairly soon called GASAT - that is, Gender and Science and Technology - which examines the issues of gender and the preferences displayed by particular genders in their attitudes towards science and technology in subject choices.

I think it is true to say that a whole range of issues emerge there that in reality have not been fully explored. I, for one, do not exclude the possibility that there may be some genetic indicators there. It may be that girls have preferences that are genetic, if you like, that cause them to make particular choices. But, at the same time, I am convinced that if there is a genetic factor there, it is certainly reinforced by societal attitudes.

We have to ask ourselves whether those sorts of attitudes ought not be modified and changed in order to account for the real expectations of members of a twentieth century society that women should be able to participate fully in the activities of society and that their choices should not be prejudiced by decisions made at school - indeed, before school.

As I said, these issues are yet to be fully understood and I think that the work being done by the Department of Education at the present time in addressing these issues and attempting to offset the societal influences that cause girls to choose particular subjects and boys to choose other subjects, is very valuable. I support that and hope that more understanding will flow from it.

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I was very distressed to hear Mr Moore criticise the philosophical underpinnings of the culture of service working party. I think that is extremely regrettable. The fact is that the culture of service working party is dominated by people from the department, but I have never before heard him criticise the idea of public servants employed by the Territory being involved in the process of policy formulation and development and acting as stimulants to better understanding in debate of these important issues. That is, in part, their job and I think that any suggestion that they should not be doing that, or that the issue should be left entirely to debate at the schools level is very unhelpful and unfortunate.

I think we should encourage development of issues of this kind; I fully support the concept of the culture of service. I think that it reinforces very much the idea - and this is not an idea just developed by this Government; it was under the carriage of the previous Government and the Commonwealth Government before it - that culture of service develops the concept that students and parents within the system are beneficiaries of that system. They deserve consideration as clients or beneficiaries of that system, but people within the system have not only rights but also responsibilities. I am talking here particularly of servants of the education system such as administrators, teachers and bureaucrats. That kind of attitude towards education is not unhelpful. It is, I think, a valuable development and I support it.

I also note that Mr Moore's criticisms strangely seem to have emerged after the change of government in the ACT and that when this was an issue under the Commonwealth Government and later under the Follett Government there seemed to be no criticism on Mr Moore's part. This is the first time I have ever heard Mr Moore criticise.

Mr Moore: Rubbish! I criticised them on several occasions.

MR HUMPHRIES: Well, this is the first time I have heard him criticise.

Mr Moore: On a point of order, Mr Speaker, that is an imputation. It implies that I never make these criticisms of a Labor government. In fact that is not the case. I did criticise this very point, as you will find if you read Hansard.

MR SPEAKER: Objection overruled. Please proceed, Mr Humphries.

MR HUMPHRIES: I have no recollection of any criticism by Mr Moore and I would be grateful if he drew my attention to the particular part of Hansard where he made that criticism. The fact is that culture of service is a very valuable contribution to the overall scene in education in the ACT and I support it.

I want to refer briefly to the comments made by Mrs Nolan with reference to the teaching of languages, in particular Asian languages. The Alliance policy on education emphasises the need for stronger teaching of languages in our schools and although, as the report indicates, much valuable work has been done in that regard I think that more can and should be done. I went to school in a system in Britain where the teaching of French was compulsory until the end of year 10 and I thought that was extremely appropriate. If I had my way, without any reference to anybody else, I would make the teaching of at least one language compulsory to year 10 as well. However, that is not the case in ACT schools. Perhaps it should be a target to which we work over a number of years and I hope that we go forward in that respect every year, rather than backwards.

I want finally to refer to the new environment that is typified by the situation following the issuing of that report. I want particularly to refer to the new environment under which education operates. We have a very different scene in education today from the one which was reflected in the report that we have been debating tonight. The ACT now has self-government and the implications of that are that there is a new responsiveness which every part of our society and every part of our policy needs to understand.

Our education system particularly needs to understand and respond to this because the kinds of participation that have been the hallmark of our education system for quite a long time are now, more than ever, an important feature of our system. I am referring particularly to curriculum development and the enhanced role of parents, students and teachers on school boards. This means that today we have responsibilities as general citizens which have to be discharged within the framework of an education system and I think that we have to build that structure very quickly. We cannot wait for the participants in the system to build their own structures. We must provide avenues and forums for those levels of participation to occur.

I have mentioned already that the Alliance Government is exploring the creation of a schools council, which will repatriate education decision-making back into the hands of people whom it affects - parents, teachers and students - and that is very important. It follows, in my view, ineluctably from the advent of self-government.

It is a process which will evolve over many years, but I, for one, support it and I hope that as it evolves it will be supported by other members of this Assembly.

Question resolved in the affirmative.

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ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly - Conduct

MR MOORE (10.24): Mr Speaker, I would like to take this opportunity to talk about the conduct of the house and to refer to an editorial in the weekend paper on the previous suspension of Mr Whalan. It occurs to me that there are some in this chamber who seem to believe that it should be run as a military establishment and many of us, myself included, have some form of military background. However, there is a major difference between how things are run in a military establishment and how they are run here. I am being very careful not to reflect on you, Mr Speaker. At the same time, I saw the glee in Mr Collaery's eyes as he moved to ensure that the suspension of Mr Whalan took place.

Mr Collaery: I raise a point of order, Mr Speaker. That is an imputation; I was not - - -

MR MOORE: I withdraw it, Mr Speaker.

A member: Well, do not say it. Then you will not have to withdraw it.

MR MOORE: Mr Speaker, if these people keep interjecting, will you stop them and stop the clock at the same time?

MR SPEAKER: Come on, Mr Moore, it is very quiet. Please proceed.

MR MOORE: I have noticed that on many occasions the Chief Minister has also talked over others in exactly the same way as has Mr Whalan, except invariably the Chief Minister is significantly louder. Therefore, I can empathise with some of the feelings of the Labor Opposition as they watched Mr Whalan being ejected from the chamber - not by you, Mr Speaker, because it is the Assembly that decides that. Interestingly enough, in the editorial in the Canberra Times - - -

Mr Duby: He was abusing innocent parties in the gallery.

MR MOORE: Mr Speaker, will you control this man or name him?

Ms Follett: On a point of order, Mr Speaker, I ask that Mr Duby withdraw that remark.

Mr Duby: Mr Speaker, I shall not withdraw. It was a statement of fact.

MR SPEAKER: Order! Order!

Ms Follett: Mr Speaker, you have already ruled that that matter be dealt with by the Privileges Committee.

MR SPEAKER: I will take advice. Members, I find myself between a rock and a hard place at this stage. The matter would be moved before the Privileges Committee. Therefore, we really should not comment further on that aspect. I do take the point that Ms Follett raises that there was an interjection. If we are going to really run this place like the Gestapo camp to which Mr Moore is alluding, we should all recognise that every interjection is improper. Therefore, I would suggest to all members that the interjection made by Mr Duby is not of such a horrendous nature compared with others that have been made, and I overrule the objection raised by Ms Follett. Please proceed, Mr Moore.

MR MOORE: Thank you, Mr Speaker. (Extension of time granted) Each individual member here had to make his or her own decision as to whether he or she would support the suspension of Mr Whalan. One of the most interesting speeches we heard earlier today was from Dr Kinloch, who talked about committees and how it is that we have many hats. He talked about wearing four different hats - as an individual, which he gave highest priority, as a member of a party, as a member of a government and as a member of a committee.

It seems to me that the members of the Government, particularly Dr Kinloch, seem to have forgotten that they also have those same responsibilities - it is no good just talking about them, saying one thing and doing another. It is like writing a letter to the editor, saying, "I am a member of a civil liberties council; therefore, I am a civil libertarian". What absolute nonsense. People do not judge whether you are a civil libertarian by the fact that you happen to have been a member of a civil liberties council. They judge it on whether you allow people civil liberties when you are in a position of power to provide those liberties.

The truth of the matter is that Dr Kinloch does not do that; he does not want to give people civil liberties at all. He does not want people to be able to gamble, he does not want people to be able to watch any movies that they wish to watch when they do no harm to others, and so on. I am pleased to see that Mr Collaery is over there to hold Dr Kinloch's hand.

This particular issue is about people being prepared to exercise their own judgment, but of course this Government, made up as it is of such disparate groups, cannot possibly allow its members to exercise their own judgment. No individual can exercise his or her own judgment, because if members do not work as a block, the chinks will appear and as soon as that happens - - -

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Mr Jensen: I raise a point of order, Mr Speaker. I have listened for a while, but I think standing order 52 probably applies, reflection on past vote in relation to members voting.

MR SPEAKER: Order! I do not believe that Mr Moore was reflecting on a past vote. Please proceed, Mr Moore.

MR MOORE: Of course I was not. I am reflecting on the whole Government, Mr Speaker, I am not reflecting on an individual past vote. If anything, I am reflecting on all past votes.

Mr Jensen: I raise a point of order. I am sorry, Mr Speaker, but Mr Moore has already said "Dr Kinloch's vote". So he is reflecting on a past vote of a member of this Assembly.

MR MOORE: I withdraw any imputation, Mr Speaker. The point about the Government is that it is so flimsy, and one thing that it does have, of course, is a great fear of something breaking up. It cannot allow that because nearly every member of the Government, with the exception of the Liberal members, realises that his or her chance of getting re-elected is very slim. The chances of the Liberals ever getting back into power here are even slimmer still over the next decade or so because they will use this two-year period as best they can to take away the rights of the common people.

We will see them slash away at education, health and all these other areas, supposedly on the grounds of making tough, responsible decisions. Instead, of course, they will make stupid decisions which will be recognised by the people of Canberra who will eject them because they did not vote for this coalition in the first place. The people either voted for no self-government, which they did not get - although tonight's effort is moving us towards it; so, perhaps, you are making your contribution that way - or they voted for the Residents Rally. Look what they got - just a litany of broken promises.

MR KAINE (Chief Minister) (10.35): I do not think I have heard quite as incredible a speech as Mr Moore's for a long time. Mr Moore takes issue with the fact that members on this side of the house actually exercise their right to vote and if we do not vote the way that he would like us to vote, he finds something wrong with that. The fact is - - -

Mr Moore: On a point of order, Mr Speaker, standing order 52, reflecting on a vote.

MR SPEAKER: Objection overruled. Please proceed, Chief Minister.

Mr Moore: Further to that point of order, Mr Speaker, you made me withdraw on exactly the same point of order. Now I am asking you to deal with this side of the house and that side of the house in the same way.

MR SPEAKER: Order, Mr Moore! May I make an observation as I understand it. You were reflecting on the vote of a particular member on a particular vote. The Chief Minister is, I believe, making a general statement on voting in general. That is why I overruled your objection.

MR Kaine: Your ruling is absolutely correct, Mr Speaker, I am talking in very general terms. The fact is that Mr Moore is quite correct - members of the Government will stick together because we are dealing with a motley collection of people in opposition who have no sense of responsibility whatsoever. They will play any game to disrupt the proceedings of this house. With the exception for the moment of Mr Moore, members of the Labor Opposition carry on with this hypocrisy about the Assembly not meeting on Tuesday night. Yet through most of the debate the previous four Ministers in this failed Government have not even been on the floor.

Mrs Grassby: Excuse me! On a point of order, Mr Speaker, I have been here all night. Ask him to withdraw that.

MR Kaine: I have no intention of withdrawing, Mr Speaker. I am stating facts. I commented at one stage today that not one of the four ex-Ministers was on the floor of the house - not one. The record is in the Hansard; that was a fact.

MR SPEAKER: Yes, it was a fact.

Mr Moore: I raise another point of order. Standing order 202, Mr Speaker. You have called the Chief Minister to order on three or four occasions. Will you now name him?

MR SPEAKER: Thank you, Mr Moore. The answer is no. Again I will put it to the Assembly: it is recorded in Hansard that there were no members of the Opposition present. That observation was again made by Mr Kaine. I believe he is correct. I believe your objection is overruled.

Mr Moore: I raise a point of order under standing order 62, Mr Speaker. We have been subjected to irrelevant and tedious repetition all day to tell us how many members are or are not in the chamber. It is irrelevant and tedious repetition.

MR SPEAKER: No, you are wrong, Mr Moore. Please proceed, Chief Minister.

MR Kaine: What we are hearing from the Opposition now is typical of what has been happening all day. Not only all day - it has been happening for weeks. Opposition members carry on in this peculiar fashion and when you, Mr Speaker,

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object to this behaviour, and a member of the Government moves that the person concerned be ejected, they take umbrage. In matters like this, Mr Moore is equally vocal - in fact, more vocal than the former members of the Government, because most of them go to water when the pressure is on. They even leave the chamber when there is a likelihood of any criticism whatsoever of their performance. In fact, they act somewhat like vipers: they dash into the house, they make their five-minute speech and then because somebody on this side of the house might attack them, they leave.

They seem to believe that it is perfectly acceptable for them to sit in their offices listening to the debate instead of being down here where the debate is going on. If that were an appropriate attitude, we might as well all go and sit in our offices and leave just one person here to speak. Then we could all get on with other things which we think are more important than sitting on the floor of the house. Because the behaviour of the members of the Opposition is so appalling and so reprehensible, their staff members take the cue. I seek a five-minute extension, Mr Speaker.

Leave not granted.

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

That the Chief Minister be allowed five minutes to complete his speech.

MR KAINE: I do not intend to take much longer, but the fact is that the behaviour of the members opposite is so appalling and they set such a bad example that their staff think that they can act in the same way. The staff sit in the members' gallery and make threatening gestures to members on the floor. You, Mr Speaker, had occasion to have one of those members removed from the chamber for a period once before. I submit that on the basis of tonight's performance, not only that individual but also his mate should both be ousted under standing order 209. The only reason they do things like that is that the behaviour of the members opposite is so appalling the staff think it is normal.

Mr Berry: I raise a point of order. There is an imputation here about somebody's mate, and we would like to know who he is and who the mate is.

MR KAINE: I am quite happy to name both of them, if you like. One is Mr Webb and the other is Mr Hehir. Mr Webb is the person that I mentioned first; his mate is Mr Hehir. It is on the record, and I do not mind putting it there because their behaviour is just as appalling as yours and Mr Whalan's. Where is Mr Whalan? Mr Whalan is out for two days' suspension. Two days because of his repeated bad behaviour on the floor of this house. I think this has gone far enough. The Leader of the Opposition ought to get

her troops under control. She obviously has no control whatsoever over them or over the behaviour of her staff and it is about time she did. Then this Assembly could get on with its business.

MS FOLLETT (Leader of the Opposition) (10.42): Mr Kaine has raised the question of reprehensible behaviour. That is something that I am very pleased indeed to comment upon tonight. All we have seen from this Government opposite is nothing short of reprehensible behaviour, and if we look at the pattern of so-called activity that it has bestowed upon this house, bestowed by the sheer weight of numbers, I think that any reasonable person would agree that it has behaved reprehensibly.

We have seen the spectacle this afternoon of every member of the Government debating the Schools Authority Annual Report 1988-89, which is not a report produced by this Government and which has already been the subject of a lengthy ministerial statement by Mr Humphries and a debate. We have had hours and hours of the time of this house wasted in a debate that has nothing to do with the report that has been tabled - a report that was not prepared by this Government and has nothing to do with the business of this Government. It is just a reflection of the absolute paucity of business that the Government is able to bring before this Assembly.

Mr Speaker, I refer you to the previous debate on the report of the Administration and Procedures Committee where I had indicated, in a couple of minutes, that we had no objection to that report and we would be happy to accept it. Again, we saw practically every member of the Government, including the Chief Minister himself, and you, Mr Speaker, debating that matter. What a waste of time.

Mr Kaine: It needed to be debated because you will not participate in the committees. That is reprehensible behaviour - you will not participate.

MR SPEAKER: Order, Mr Kaine!

Mr Moore: I raise a point of order, Mr Speaker, under standing order 202. The Chief Minister has persistently and wilfully disregarded the authority of the Chair again.

MR SPEAKER: Objection overruled, Mr Moore. Please proceed, Ms Follett.

MS FOLLETT: Mr Speaker, I also wish to mention the personal behaviour of the Chief Minister in this Assembly. He has, by his own total lack of control, his bullying, his shouting and his personal abuse, brought the entire Assembly into disrepute; his behaviour is reprehensible. He has now had the temerity to complain about my staff members, Mr Hehir and Mr Webb. Mr Hehir and Mr Webb have in no way disrupted the proceedings of this Assembly. I will tell you what the behaviour that Mr Kaine - - -

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Mr Kaine: You want to watch - - -

MR SPEAKER: Order, Mr Kaine!

MS FOLLETT: I will detail the behaviour that Mr Kaine has gone totally off his brain about. Mr Webb nodded his head in agreement with the Chief Minister. Mr Hehir shook his head in disagreement. What a threat, how appalling! Mr Kaine has overreacted; he is totally out of control. His behaviour has been out of all proportion to what has been going on in this Assembly. He has referred to discipline on this side of the house; Mr Kaine is totally unable to maintain his own self-discipline. His behaviour has been that of a bully and it is totally out of keeping with the dignity of this house. He has consistently spoken over your rulings, Mr Speaker; he has consistently interjected on every speaker on this side of the Assembly. He has not been pulled up for that. But I and other members on this side of the house believe that for their total lack of government business and for their appalling personal behaviour in this Assembly, the behaviour of members opposite is reprehensible.

Federal Election

DR KINLOCH (10.47): Mr Speaker, in view of the events of last weekend, and in harmony with our colleagues, I would like this Assembly to recognise the election of Senator McMullan, Senator Reid, Mrs Kelly and Mr Langmore and send them fraternal greetings from our body to their body.

Assembly - Conduct

MR WOOD (10.47): Mr Speaker, the Government claims to want to run an orderly house, a house that gets on with its business, but I have to say that it is quite unable to do that. It further claims that much of that disorder is due to the Opposition. From where I sit I can observe where the majority of the interjections come from. I can see where most of the angst comes from and I note that tempers and predetermined attitudes make some people seemingly unable to cope with events that arise in the chamber.

Parliaments are notoriously - and I would believe properly - places of considerable contest and disputation. We are here to resolve differences. I do not believe it is helpful, for example, when it seems to be a clear Government tactic - as I witnessed tonight - to bring the axe down on Mr Whalan's head with very little provocation. It seemed clear to me that at some party meeting it had been determined that Mr Whalan would quickly in a day's proceedings get a warning and then very precipitously - - -

Mr Collaery: That is simply not true, and it does you no credit.

MR WOOD: Will you stand up and deny that?

Mr Collaery: I will.

MR WOOD: All right. I will accept that. But Mr Collaery got to his feet very quickly in this case. In the Federal Parliament very often the Minister in charge of the House - and the same is the case in State Parliaments across the country - would stand up and make a statement along the lines of, "Well, I am sure that was done in haste. Let us think about that, Mr Speaker. Will you reconsider?" In other places that is the style of doing things. Mr Whalan rose to his feet and was warned at 8.40 pm - and I am quite concerned about the implications of the very clear time of 8.40 pm. Then, about an hour and 20 minutes later, he is very precipitously and rapidly dispensed with.

I am reassured that Mr Collaery says that this is not a plan of the Government and I think it would be appropriate for some greater consideration to be given. It has been a very steady day and I do not think anybody in this chamber should be at the end of his or her tether yet. It has been a reasonable day's proceedings, so I am at a loss to explain how or why this happened.

Mr Kaine: So are we.

MR WOOD: You are very capable of looking over and seeing what you see on this side of the house, but I suggest that you get up on the wall like a fly one day and see what happens on your side of the house. I went through the Hansard for Thursday, the day on which Mr Whalan was last removed, and I tried to trace the events of the day to see how it was that we got into such turmoil. I know the strategy, if you like, of the Labor Party and it certainly was not one of disruption or anything of that nature. Yet by the end of the day we had turmoil.

I suggest that you all read that Hansard and see where the interjections started. They started the moment Rosemary Follett got to her feet on a censure motion and they did not come from me or anybody on this side of the house. I think it was Mr Collaery who spoke next. There were no interjections from this side of the house.

Mr Humphries: There often are.

MR WOOD: I am speaking about this occasion when there was no interjection from this side of the house. Then I started to mark the interjections in different colours, Government versus Opposition, to see where the greatest anger was coming from. I suggest that Government members do the same so that they do not assume automatically that the fault lies with this side of the house.

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There is no one here, I have no doubt, who is blameless, but members should not make assumptions. (Extension of time granted) They should not assume that the fault is on this side of the house. Government members should examine themselves and see what their aims are. If Mr Kaine claims to be Chief Minister, he should have the stature of a Chief Minister, as I know our Opposition Leader has. He should watch his own behaviour and ensure that we do not develop into this turmoil.

Mr Speaker, it is dangerous to comment on what Speakers do, just as in courts it is dangerous to comment on what judges do, but even though it is the end of the day, you should show the same patience that you might show at the beginning of the day. I think that we would all profit from that. Mr Whalan did not deserve to be sent out tonight. I think the conduct of the house in that action was quite reprehensible and unnecessary.

MR STEVENSON (10.53): Last Saturday many hundreds - or rather, many thousands - of people stood for election throughout the country. Most were unsuccessful. A few were elected by the citizens of Australia to represent them in the same way that we, in this Assembly, were elected last March. It is a very valuable and rare opportunity that people have to serve in this capacity. Many people try to gain such a role throughout their lives and do not succeed. Why do - - -

MR SPEAKER: Order, Mr Stevenson! The time for this debate has expired.

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

That so much of the standing and temporary orders be suspended as would prevent the adjournment debate continuing until 11.24 pm.

MR STEVENSON: Why do people elect the members? In some cases they elect them because they have to. But in most cases they do it because they want to. They want people who will serve them. They pay us quite well, and they want us to sort out a lot of problems for them. In many cases they do not accept the responsibility they should; they expect us to accept it on their behalf. I can understand - and all of us in this house are responsible - that at times we have done and said things which, in retrospect, we do not feel good about. I think it is obvious tonight that the atmosphere is not such that it makes us feel good. We will not leap out of here in 20 minutes or so and think, "Boy, wasn't that a nice night's work?"

A member: Do you reckon?

MR STEVENSON: Yes, I do reckon. I think we need to look at the many important issues that confront Canberrans and Australians. When we feel goaded by a remark that someone makes, it is very simple to take the easy route and reply.

It is far harder to do nothing or to show, if you like, statesmanlike behaviour. That is something that perhaps we do not see often in Australia.

I think perhaps the Federal Houses have given us an encouragement to carry on the way we do at times, and I do not think that is fortunate. Many people come along to this Assembly and they look at us as an example of how the leading lights, if you like, operate in Canberra. We have the opportunity to set an example second to none. We need to look at what we do and why we do it. We are all going to be working together for as long as we are here, so it will be far better if we get on well together. We will do a far better job and we will feel better about it.

I try not to get involved in these things, but I know it affects our general tone when we have this atmosphere. When some of us feel unable to remain out of it, let the rest of us at that time not get involved and maintain the standard. We should set a standard for people in Canberra. We had some scouts here earlier. I am very thankful that they left before this time. Fancy having them hear us calling each other names! How can we expect them to adopt the principles and be the sort of people we would expect of scouts if we do not do it ourselves.

In sport there have been many people who have set wonderful examples - the likes of Ken Rosewall in lawn tennis, and Don Bradman and other cricketers. We have also seen some terrible examples - John McEnroe and others at times that have set a terrible example that unfortunately is followed by others within the sport and others in their lives.

We have a senior responsibility. It is difficult to accept when someone is pushing your buttons, if you like, or when someone is saying things that you might disagree with, that you might even know are wrong. It is hard not to retaliate. Sometimes the retaliation is quite humorous, and that can be fine. But if we all try and help each other and maintain a standard that would make this house stand out among all others in Australia, I think it would benefit not only us but also our system and the people of Canberra.

MR DUBY (Minister for Finance and Urban Services) (10.59): Mr Speaker, I am rising for no other reason than to respond to the impassioned plea from Mr Wood for someone to deny quite categorically that tonight's scenario was orchestrated or that there had been a game plan to somehow refuse Mr Whalan access to this Assembly. I, for one, am only too pleased to rise and deny that accusation. I state categorically that there was no such plan of action, there was no conspiracy. Indeed, let the record show that when the call was taken, when Mr Whalan was named, I was out of the house and had no idea that such a situation would arise in so short a time.

Mr Jensen: So was I.

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MR DUBY: Mr Jensen says he was too, and so be it.

Mr Wood: Well, why did you vote that way?

MR DUBY: I was asked why I voted the way I did. I had heard the debate - if that is the word for it - on the intercom in my room and, as I said, had there been a conspiracy I would have been here for the whole thing; I would not have missed any of the fun, would I?

Having heard the comments from Mr Stevenson, I tend to agree with him. I think it is a sad state when Mr Wood goes through the Hansard and compares the interjections. I will agree there is nothing wrong with the cut and thrust of debate, nothing wrong with it at all.

People who watch this Assembly in action know that there are certain members on either side of the floor who can interject, often with witty, clever comments. Never, though, do they degenerate to insults and interjections of a personal nature. Frankly, I am sick and tired of being called "Dingo Duby" by Mr Whalan. I am absolutely sick of it. There is no need for it. I have a complete zip on my lip; I do not call him insulting names; I do not call anyone on the other side of the floor insulting names. Frankly, I am sick and tired of hearing the Attorney-General referred to as "a scum bag". There is no need for it. If you go through the Hansard, as Mr Wood suggested, you will find that there is no-one on this side of the house calling people on the other side obnoxious - - -

Mr Moore: Oh, what lies!

MR SPEAKER: Order! Please withdraw that, Mr Moore.

Mr Moore: I withdraw it.

MR DUBY: Mr Speaker, there is no-one here continually calling out obnoxious epithets. It simply does not occur, Mr Moore. And I defy you to bring to my office a copy of Hansard which shows the same. I defy you to. And if you can - - -

Mr Moore: With your name on it tonight, Mr Duby, I shall do it.

MR DUBY: Where I have called you an obnoxious name? No way; it is not on.

Mr Moore: It can be done simply by inference just the same as anything else.

MR SPEAKER: Order!

MR DUBY: That is simply not the case. I have noticed also, Mr Speaker, that whenever these attacks of a personal nature appear, particularly from the member we are

discussing this evening, they always seem to appear following a loss of a debating point. Undoubtedly, we have good days, we have bad days. Sometimes the debate goes the way of the Opposition. I know that. Sometimes it does not. I also know that. But it appears to me that the personal name calling, the slur, the slang, the innuendoes always seem to arise from the loss of a debating point.

Mr Moore: From Mr Collaery.

MR SPEAKER: Order! I would ask you to withdraw that, Mr Moore.

Mr Moore: Withdraw what, Mr Speaker?

MR SPEAKER: You named Mr Collaery as being the perpetrator of these slurs and innuendoes.

Mr Moore: Well, Mr Speaker, are you going to ask Mr DUBY to withdraw his references to Mr Whalan? I said, "Mr Collaery" at the same time as he said, "Mr Whalan". You now ask me to withdraw but you do not ask Mr DUBY. Is that even-handed, Mr Speaker?

MR SPEAKER: Just withdraw, Mr Moore, please.

MR DUBY: If people care to read the Hansard, as we have been enjoined to tonight by Mr Wood, I think they will clearly see the point. I think the member does himself and the Assembly a disservice. (Extension of time granted) Earlier tonight in the adjournment debate we heard the Leader of the Opposition claim that we had wasted hours and hours discussing education. What a sham.

We also heard her say that the report by the Administration and Procedures Committee on matters that will affect the very workings of this Assembly for at least the next two years, were "a waste of time". The Leader of the Opposition said at the time that she accepted completely the recommendations of the report, but to date we do not have one additional Labor member on the committees, not one. The Labor members will "look into it", they will determine when they will join in the full and proper operations of this Assembly. With seven seconds to go, I would like to take this opportunity to wish the Leader of the Opposition a happy birthday.

MR JENSEN (11.06): Mr Speaker, I will be brief. In relation to what we have heard tonight, it is very easy when you are on your feet to make a statement knowing full well that what you are making as a statement is disorderly and you will have to withdraw it. It is very easy to do that and, in fact, this happens quite a lot. I think it is about time that all of us in this Assembly think very carefully before we throw in interjections or statements in our speeches knowing full well that a point of order will be called and the member will be asked to withdraw it. This in some respects is almost bordering on deliberate

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disorderly conduct. I would suggest that every one of us should look very carefully at ourselves and consider very carefully before we adopt that practice in the future.

MS MAHER (11.07): Mr Speaker, I rise to state categorically that I had no part of any game plan of tonight's proceedings with relation to Mr Whalan having to leave this Assembly.

Mr Berry: They protesteth too much.

Mrs Grassby: Yes, I think they protesteth too much.

Mr Moore: There are informal and formal game plans.

MR SPEAKER: Order! I would ask you to withdraw that, Mr Berry. There is an imputation there of disbelief.

Mr Collaery: It was Moore.

Mr Moore: Mr Speaker, it was my interjection and I withdraw it.

Mrs Grassby: You had better get it right, Mr Speaker.

MR SPEAKER: Thank you, I apologise, Mr Berry. It was Mr Moore who withdrew. You are a ventriloquist obviously.

MS MAHER: Mr Speaker, I would just like to have it on record that I personally am rather disappointed with this Assembly and some of the comments that are coming from the other side of this room. I think that the untruths that are flying across not only in this house but also out in the media are degrading this Assembly. I do not know what their game plan is, but I just hope it stops.

Pesticides Act 1989

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.08): Mr Speaker, I want to change the subject slightly.

Mr Berry: To the Pesticides Act.

MR HUMPHRIES: Yes, indeed, to the Pesticides Act, Mr Berry. Mr Moore referred earlier on this evening in the adjournment debate to what he implied was the hypocrisy of members on this side and I would like to turn the tables slightly. In the course of debating the Clinical Waste Bill earlier this evening it was suggested by Opposition members that it was wrong to include a provision that - - -

Mr Moore: On a point of order, Mr Speaker; it cannot reflect on the previous debate.

MR SPEAKER: Yes, you are reflecting on a vote before the - - -

MR HUMPHRIES: I am not reflecting on a vote before the Assembly at all, Mr Speaker; I am reflecting on arguments used in the course of the day.

Mr Berry: But that is the vote.

Mr Moore: That is the vote.

MR HUMPHRIES: I am not reflecting on any vote taken by members of the Assembly reflecting on the debate.

MR SPEAKER: Order. Please be careful on that point then, Mr Humphries.

MR HUMPHRIES: A point in debate made by Opposition members was that we should not exempt or make immune the Crown from prosecution. When it was pointed out - - -

Mr Moore: On a point of order, Mr Speaker; this is clearly reflecting on - - -

Mr Doby: He has ruled already.

MR SPEAKER: Point of order.

MR HUMPHRIES: When it was pointed out to members of the Opposition that they had provided in the Vocational Training Act - - -

Mr Moore: Rules for one side; other rules for the other.

MR SPEAKER: Order, Mr Moore! That was a reflection on my impartiality. I am trying to do the right thing by both sides, and if you persist with your comments it will do you no good. These are your rules; they are your standing orders. I am trying to do it impartially. You make that almost impossible.

MR HUMPHRIES: When it was pointed out that members opposite when in government included just such a provision in the Vocational Training Act, they retorted - and Mr Moore, I believe, made the same retort - that that was an environment Act, and was different. I invite interjections from the other side. Was the Pesticides Act 1989 - the Labor Party Pesticides Act, Mrs Grassby, an environment Act? Was it an environment Act, Mr Moore?

Mr Moore: Well, maybe we might have learnt something since then.

MR HUMPHRIES: Stony silence - - -

Mr Moore: There is not stony silence. What are you talking about? Stony silence - of course, there is not.

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MR HUMPHRIES: Well, was it an environment Act or was it not? I can answer that question, Mr Speaker - - -

Mr Moore: Standing order 51, Mr Speaker, states that:

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.

It is simply not relevant.

Mr Collaery: It has already been ruled.

Mr Moore: It is a different standing order. I did it under a different one.

MR SPEAKER: Order. Mr Humphries, please resume your seat. Once again, Mr Moore is giving me lessons on the standing orders. Once again, Mr Moore is in error, and I will refer you, Mr Moore, to the House of Representatives Practice, second edition, page 483.

Mr Moore: Mr Speaker, on a point of order; standing order 275 states that we only refer to House of Representatives Practice when there is no standing order provided in the standing orders. What I am saying is that there is a standing order provided and that is standing order 51 - or 52.

MR SPEAKER: Thank you, Mr Moore. Please understand that we use House of Representatives Practice to interpret the standing orders, which are very brief.

Mr Moore: No, Mr Speaker, that is not allowed by standing order 275.

MR SPEAKER: Thank you, Mr Moore, for your observation. Please do not reflect on debate previously brought before the house tonight, Mr Humphries.

Mr Moore: Thank you, Mr Speaker.

MR HUMPHRIES: Mr Speaker, if that were the case that ends my speech on this matter. I am sorry; I dispute the ruling. It clearly is the case that adjournment debates have no requirement to relevance. Every speech in the house tonight has been about debate earlier this evening. Why am I not allowed to reflect on that earlier debate?

MR SPEAKER: No, it was not on relevance, Mr Humphries; it was on earlier debate. You are bringing up points - - -

MR HUMPHRIES: Mr Speaker, every speaker in the house this evening who has spoken on the adjournment has spoken about earlier debate. Why am I not allowed to speak about earlier debate?

Mr Moore: I will withdraw my objection, Mr Speaker, and allow him to go ahead.

MR HUMPHRIES: With respect, Mr Speaker, that is not a valid ruling on your part.

MR SPEAKER: Your point is valid. I again bring members' attention to page 483 and I believe that in the circumstances Mr Humphries should proceed with his debate.

MR HUMPHRIES: Thank you, Mr Speaker. The fact is that the Pesticides Act 1989 is an environment measure. It is environment legislation. It was presented by the Labor Government - by Mrs Grassby and her colleagues. I refer to section 6(2) of that Act:

Section 51, subsection 52(2) and sections 54, 55 and 56 do not apply to the Registrar, or a person under the supervision of the Registrar, in relation to the performance - - -

Mr Moore: On a point of order, Mr Speaker; standing order 62 - we have had this once already today.

MR HUMPHRIES: It continues:

in relation to the performance or purported performance by that person - - -

MR SPEAKER: Order, Mr Humphries. Please do not continue while there is a point of order before the house. You are being repetitious. I believe that has been - - -

MR HUMPHRIES: Mr Speaker, firstly I seek an extension of time because my time has been taken up entirely by irrelevant interjections from members opposite. Secondly, I have not made these points at all before; this is the first time I have quoted from these sections of this Act.

Mr Moore: It is repetition of members' own arguments or arguments used by other members in debate - standing order 62.

MR HUMPHRIES: There has been no repetition. This is the first time this Act has been mentioned tonight, Mr Speaker.

MR SPEAKER: If that is the case, your objection is overruled, Mr Moore.

MR HUMPHRIES: The fact is, Mr Speaker, (Extension of time granted) that this is a Labor Act, a Labor environment Act, put forward by Mrs Grassby - - -

Mrs Grassby: This is unbelievable. We need a new Speaker.

MR SPEAKER: Order! Mrs Grassby, please withdraw that imputation. The decision I took was based on the Minister's direction that that particular Act has not been

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debated in this house tonight. If he has misled the house he will be severely dealt with. Therefore, you will please withdraw that imputation.

Mrs Grassby: We have debated it. It was debated, Mr Speaker - it was used in the speech.

MR SPEAKER: It was a different Act, Mrs Grassby. That is what the Minister said.

Mrs Grassby: But it was used in the Bill, Mr Speaker. It was quoted by Mr Collaery in the Bill.

Mr Duby: On a point of order, Mr Speaker, I quoted it - vocational training.

Mrs Grassby: All right - Mr Duby.

MR HUMPHRIES: He quoted from vocational training, not pesticides.

MR SPEAKER: I request you withdraw that statement that was heard.

Mrs Grassby: I withdraw it, Mr Speaker.

MR SPEAKER: It was recorded in Hansard. I believe you are out of order.

MR HUMPHRIES: Mr Speaker, members opposite are obviously very testy about this, but the fact is they have been caught out again; they have been flushed out. They have done exactly in respect of this - - -

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

MR SPEAKER: Point of order, Mr Berry.

MR HUMPHRIES: They are embarrassed and flushed out.

MR SPEAKER: Order, Mr Humphries. Give your point of order, Mr Berry.

Mr Berry: What Mr Humphries is trying to draw attention to in a very unclear way - and it might be helpful in the debate if I can clarify the issue - is that there is some likeness between section 5 of the Clinical Waste Act and - - -

MR HUMPHRIES: What is the point of order, Mr Speaker?

MR SPEAKER: Yes, what is the point? You are debating - - -

Mrs Grassby: He has misled the house.

MR HUMPHRIES: I have not misled the house at all.

Mrs Grassby: He has misled the house.

MR SPEAKER: Order. Do you have a point of order, Mr Berry?

Mr Berry: I really do not have a chance to say anything, but I think Mr Humphries invited interjections on this matter.

MR HUMPHRIES: You are trying to cover up the fact that you have been caught out.

Mr Berry: What he is trying to draw attention to is that - - -

MR SPEAKER: No, please, Mr Berry, you do not have leave to debate the issue.

Mrs Grassby: He has misled the house; that is a point of order.

Mr Berry: I think what you said, Mr Speaker, was that if he misleads the house he will be taken to task.

MR SPEAKER: Certainly. Well, there is a time - you have to move a motion to that.

MR HUMPHRIES: He has not misled the house.

Mr Berry: I am just trying to draw that to your attention.

MR SPEAKER: No, no, you have to move a motion to that effect - a substantive motion.

Mr Berry: We would have some difficulty in getting that through here, would we not?

Mrs Grassby: Yes, we would not get it through.

MR SPEAKER: Thank you once again. The point is you have the opportunity to move that motion.

MR HUMPHRIES: Mr Speaker, I have four seconds left of a speech that should have taken 10 minutes to make.

Mr Berry: Three, two, it has gone.

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

That so much of the standing orders be suspended as would prevent him from concluding his speech.

MR HUMPHRIES: Mr Speaker, the fact is that there is no reason whatever to refer to this Act. This is the first time tonight that the Pesticides Act has been referred to.

Mrs Grassby: We are going over and over again.

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MR HUMPHRIES: Mr Duby referred to the Vocational Training Act in his comments, for Mrs Grassby's information. The fact is the Labor Government - - -

Mr Moore: On a point of order, Mr Speaker; standing order 62, this is repetitious. You have said this a dozen times.

Mr Duby: The fact is this is another nail in the coffin.

MR SPEAKER: Overruled. The member is trying to regather his thoughts on what he said before.

Mrs Grassby: Oh, God, talk about fish of one and flesh of another. It is unbelievable.

MR HUMPHRIES: Mr Speaker, the Opposition claimed that I was being - - -

MR SPEAKER: Once again, Mrs Grassby, I ask you to withdraw that comment. It is being recorded in Hansard. It is an imputation against the Speaker.

Mrs Grassby: Mr Speaker, you stop everybody on repetition on this side, and yet you allow him to go on and on and on about it.

MR SPEAKER: The reason is obvious to any reasonable person - he is repeating himself because he has lost track of where he was at. That is quite understandable under the circumstances.

MR HUMPHRIES: Mr Speaker, I will come to a conclusion quickly, if members opposite will permit me. The fact is that in respect of the earlier debate tonight members opposite claimed that it was not appropriate to have clauses in Bills which provided an immunity from prosecution by the Crown. Then they modify that position to say that it is not appropriate to have such clauses in environment Bills. The fact is, Mr Speaker, they have been caught out. In the Labor Party's own environment Bill, to which Mr Moore made no objection when it was put to the Assembly - - -

Mr Duby: Just like vocational training.

MR HUMPHRIES: Just like vocational training it contained an exclusion, an immunity from prosecution for the Crown, and there was no objection, no whisper of objection from members opposite, including Mr Moore.

Mr Moore: Nobody had pointed it out to me then, but now I agree.

MR HUMPHRIES: They are hoist on their own petard. Let the record show that that is the case.

Mr Duby: If it was murder?

MR HUMPHRIES: Mr Speaker, if there was a murder trial, they would be convicted. They would swing, whatever the expression is.

Lithuania

MR STEFANIAK (11.19): Mr Speaker and members, I think it is probably appropriate that we leave this rather petty debate and go 12,000 miles away and think about a situation that is probably far graver than what we have been discussing this evening.

Some historic events have happened in recent years in eastern Europe. One of the most historic events has occurred in the last 12 months when the people of Lithuania declared their independence from the Soviet Union and went towards a true democracy. Restraint has been shown to an extent by the Soviet Union under Mikhail Gorbachev, but some disquieting events have occurred over the last few days. I had the misfortune to see one of the news reports tonight. As members may no doubt be aware, the Red Army moved back into Lithuania in a show of force, but there seemed to be some hope that violence would not eventuate and that consultation would occur between the Soviet authorities and the Lithuanian independence Government.

I was saddened to hear today on the news that members of the Red Army stormed a Lithuanian hospital and shot six people. I would hope that members of this Assembly would join with me in hoping and praying that the situation there does not revert to the totalitarian form of repression that was exercised by the Soviet Union over that unfortunate country from 1940 until very recently. I hope all members of this Assembly will monitor the situation and hope that democracy does return to Lithuania and to all the former subject peoples of eastern Europe.

Assembly - Conduct

MR BERRY (11.21): Mr Speaker, I would like to refer to some reprehensible activity in this Assembly this evening which will cause eyebrows to rise in other places. Tonight we saw examples of interjections from the other side of the house and I must say that the Chief Minister was responsible for a good part of those, even to the stage where he completely ignored the Speaker's rulings. Some other members opposite took a similar stand in relation to the Speaker's rulings and they were, in essence, ignored as far as warnings were concerned.

Mr Speaker, I formed the view that that represents reprehensible behaviour from members opposite because of the events which followed. I should say, and I repeat the words of Mr Wood, that it can be dangerous to criticise the

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Speaker, but in the circumstances this evening matters must be raised in the course of my comments on the matter.

My view was that warning Mr Whalan was the result of a hair-trigger. I must say that in my view - and I was listening to the debate very closely - his subsequent suspension too, without arguing the relevant positions on the matter, was the result of a hair-trigger. This is worthwhile reflecting on and I think would draw anybody outside this place to the conclusion that there was some reprehensible behaviour in the Assembly.

One other matter which I wish to refer to, if I can do it without interjection, was the matter where Mr Whalan was accused of one thing and another outside the Assembly. My understanding of the matter is that what was alleged to have been said by Mr Whalan when he was standing in the gallery has now resulted in a matter being referred to the Privileges Committee. I have a statement that has been given to me. The statement refers to a witness to the events there, and I will read ... This person entered the public gallery at the completion of the vote to suspend Mr Whalan and took a seat next to a woman. As Mr Whalan left the Assembly this person reports that the woman beside her said twice, clearly and audibly, "Scum".

Mr Whalan passed and this woman - according to the statement that has been given to me - stated loudly, "He is scum". Clearly, Mr Whalan was provoked. I think that again the hair-trigger came into play and members opposite provoked the Speaker into a position which led to matters being referred to the Privileges Committee. This will be embarrassing for the Assembly as issues come to light. I think that at the end of the day reprehensible behaviour by the Government opposite will be proven in the light of events which have taken place in this Assembly, both when Mr Whalan was suspended from this Assembly the first time, and in relation to the events where he was suspended on the second.

MR SPEAKER: Before the Assembly adjourns I believe I should make a statement clearing the matter.

Mr Collaery: Mr Speaker, I wish, under standing order 213, that this house order Mr Berry to table those statements he has just read from.

Mr Berry: I was not reading from the statement. I was referring to the statement.

Mr Collaery: You had it in your hands, Mr Berry.

Mr Berry: No, I did not.

Mr Kaine: Yes, you did, and you just put it in that folder in front of you.

Mr Moore: On a point of order, Mr Speaker, standing order 213 - - -

MR SPEAKER: Just a minute. One point of order at a time, thank you, Mr Moore.

Mrs Grassby: He was referring to a statement.

Mr Collaery: There is one Speaker here.

MR SPEAKER: Just a moment, Mr Collaery, I am trying to recall what was - - -

Mrs Grassby: He was referring to a statement, Mr Kaine.

Mr Collaery: He was holding a statement. He put the piece of paper down, Mr Speaker, and picked up another one, as he said it.

Mr Berry: I did not say I was referring to a statement. I have a statement.

MR SPEAKER: Order, Mr Berry. Did you quote from the paper you had in your hand? Please stand up.

Mr Berry: Mr Speaker, I did not quote from it, word for word.

Mr Kaine: Mr Speaker.

MR SPEAKER: Order. Did you quote - - -

Mr Berry: Mr Speaker, I cannot say that I did not use words which were used in a statement that was given to me.

Mr Collaery: Come on, you have done this to me. Table it.

MR SPEAKER: Order, Mr Berry. Did you quote from that document?

Mr Berry: No, I did not quote from the document, but the document holds the information which I reported to this Assembly.

MR SPEAKER: All right. If you did not quote from it, then standing order 213 is not applicable. Your objection is overruled, Mr Collaery.

Mr Collaery: Thank you.

MR SPEAKER: No, I am sorry. I was saying your objection is overruled, Mr Collaery. There was an accusation levelled at the members of the Government and myself by Mr Wood, and followed up by Mr Berry. I believe I should clear the air on this matter.

There was no collusion between myself and members of the Government. The point is that at 8.40 I wrote down here,

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"Mr Whalan, standing order 40, big wink". Mr Whalan was suspended from this Assembly and on his first return to it he did not abide by standing order 40. I did not raise the issue then. He then came back in tonight at 8.40, walked in, spoke to other members and sat with his back to the Chair, knowing full well that my eyes were upon him. Eventually, after about two minutes, he turned to the Chair and gave me a big, smart wink. I did not raise the issue then, but it was my intention from that time on to record every time that Mr Whalan does so misbehave in effect over and above the standing orders.

The reason I decided to do that was the misreporting that was carried out in the editorial of the Canberra Times relating to Mr Whalan never being warned before and that I had a hair-trigger. This is what I am referring to with Mr Berry. Now, I will read to the Assembly the words used by me to Mr Berry on Wednesday, 21 March. Mr Berry asked the question and I will quote from Hansard - Mr Berry, I would request that you remain, if possible. It reads as follows:

MR BERRY: Mr Speaker, you have taken the opportunity to draw my attention to standing order 40 of the standing and temporary orders about the acknowledgement of the Chair. I would be quite happy to do that if you would indicate how you would like that acknowledgement presented.

MR SPEAKER: Thank you for that opportunity. It is common knowledge that in all parliaments and in the judiciary a nod of the head towards the Chair is the accepted method.

MR BERRY: So would you like me to bow?

MR SPEAKER: No, a nod of the head would do, thank you.

MR BERRY: What about a raise of the eyebrows?

MR SPEAKER: Certainly not.

The point is that I believe that there is a deliberate action on behalf of Messrs Berry and Whalan to openly flout this standing order.

Mr Berry: Point of order, Mr Speaker.

MR SPEAKER: Point of order nothing, Mr Berry. Please be seated. You have had your turn. You levelled your accusations at me.

Mr Moore: He has raised a point of order. Mr Speaker, you are using the Chair. He has a point of order.

MR SPEAKER: Yes, point of order, Mr Berry.

Mr Berry: I think that whilst it is your right to make statements, it seems to me to be an unacceptable use of your position to be making statements which are not open to debate.

MR SPEAKER: Thank you, Mr Berry. I will take your point of order. I withdraw the comment that you were purposely doing this. However, I will give my opinion and let others judge. The point is that then Mr Whalan was not pulled up on his disregard to the rules of this Assembly, which are your rules. If you do not want to abide by them, please change them.

Mr Berry: Again it is an issue of debate.

MR SPEAKER: That is right. They are not my rules. I am trying to enforce them for the order of the house. It is very difficult. At 10 o'clock Mr Whalan then also gave a wink.

Mr Moore: On a point of order, Mr Speaker; standing order 52 says that a member, and I presume that includes yourself, "may not reflect upon any vote of the Assembly, except upon a motion that such a vote be rescinded." Therefore I presume that this is, in effect, moving a rescinding of that motion.

MR SPEAKER: Thank you, Mr Moore, for your observation. All members in this chamber tonight were allowed to comment on the events tonight. I presume that I am entitled to do so. If the Assembly so rules that I am not, please advise me now.

Mr Berry states that warnings were not given to anyone other than Mr Whalan and that I had a hair-trigger; that, in fact, no warnings were given. Warnings were given. I called the Leader of the Opposition's attention to the fact that Mr Whalan was once again not abiding by standing order 40. The Leader of the Opposition should bring her members to order.

The other thing that I would bring to members' attention was the "wanker" comment the other day. Mr Whalan was clearly out of order. He did not withdraw the comments he made. Once again Mr Whalan is pushing the whole of this Assembly to the point where the Assembly is reacting against him.

Mr Moore: Mr Speaker, would you please now do the same sort of thing about the conduct of the Chief Minister as you have done about the conduct of Mr Whalan, because his conduct has been reprehensible in the same way? I have heard him override you on many occasions. In the interests of a balanced view - - -

MR SPEAKER: Order! Yes, I attempt to do that. I believe that I should conclude my statement now, but please all think on the matters before us. The Assembly is coming into disrepute. I am trying now to bring down a firmer hand on the behaviour and some members are objecting to that. I would ask you all to talk to one another and come to the decision that we all need to get on with the business before the house and not play these silly games.

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MR COLLAERY (Attorney-General) (11.33): I rise to conclude this debate. Mr Speaker, I wish the record to show that in the - - -

Mr Berry: Point of order, Mr Speaker; the time for the debate has well expired.

MR SPEAKER: The time for the debate has expired; your point is accepted, Mr Berry. You can move for an extension if you want it.

Mr Kaine : Mr Speaker, I move an extension of 10 minutes in the adjournment debate.

MR SPEAKER: You will have to move a motion. You will have to suspend standing orders and move a motion.

Mr Berry: Mr Speaker, with the greatest respect, there is a limit to which you can stretch the standing orders. The time has long expired. My understanding of these sorts of things is that one has to move for a suspension of standing orders whilst time continues for the debate. I think it is well out of order, and I think it would not be in the best interests of yourself or this Assembly if you accept these sorts of motions outside of the time.

Mr Kaine: Mr Speaker, I seek we move the suspension of so much of standing orders as would prevent Mr Collaery making his final statement in this debate.

Members interjected.

MR SPEAKER: I will take advice on this matter.

Members interjected.

MR SPEAKER: Order! I take the position that the time for debate has expired.

Question resolved in the affirmative.

Assembly adjourned at 11.36 pm