



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

24 April 1990

**Tuesday, 24 April 1990**

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

### **QUESTIONS WITHOUT NOTICE**

#### **School Enrolments**

**MS FOLLETT:** My question is for Mr Kaine as Chief Minister. I draw the Chief Minister's attention to the advice of his colleague Dr Kinloch both today and on 19 April, that the Chief Minister got his numbers wrong when he said in his budget strategy statement that there were 13,000 so-called vacant school places in the ACT. Did the Chief Minister intentionally mislead the Assembly in stating that figure or was it simply incompetence?

**MR KAINE:** I find it rather curious that the Leader of the Opposition chooses to question my integrity on the floor of this house. I do not think that I have done anything on any occasion to warrant that, and the answer to the question is obviously no. The figures that I quoted were provided to me by the ACT Education Department. They were contained in a series of documents. I am sure that those documents could be provided and tabled if the Leader of the Opposition still questions my integrity on that matter.

#### **Griffin Centre**

**MR MOORE:** Mr Speaker, my question is to Mr DUBY as Minister for Finance and Urban Services. Considering that the Griffin Centre is situated on unleased crown land as a public facility and therefore is not currently available for any potential commercial use, can the Minister inform the Assembly what consideration the Office of Industry and Development is giving to a development proposal by Concrete Constructions Ltd to commercially link the old Canberra Times site with the Griffin Centre? Can the Minister also inform the Assembly what was the nature and substance of discussions held between the Office of Industry and Development and Concrete Constructions prior to the Supreme Court hearing in December 1988 and relating in particular to the future of the Canberra Times site?

**MR DUBY:** Mr Speaker, I thank Mr Moore for the question. I am not familiar with the discussions that Mr Moore has alluded to but I will be only too glad to obtain the information to answer that question and get back to him. While I am on my feet I think I should use the time to put

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the picture straight on the Griffin Centre. I believe that on Friday a meeting is being held by a number of people to form an organisation called "Friends of the Griffin Centre". I believe it stems from a meeting that was held with me by the Council of Cultural Societies, who actually lease the Griffin Centre. Members of it came and saw me about a month ago and asked whether I would be prepared to grant a 10-year lease on the Griffin Centre in its current state. I advised no. They asked why, and I said it was because I could not give any guarantee that the Griffin Centre - the bricks and mortar that were on that site - would be there in 10 years' time. As a result of that there has apparently been some speculation that there are proposals afoot within the Government to sell off that Griffin Centre area.

I want to make the record quite clear. The Government is committed to community involvement within Civic, and at this stage the community involvement of various organisations would naturally be located at that site - the Griffin Centre site. With regard to the technical aspects of Mr Moore's question, I shall find out the details.

**Mr Moore:** On a point of order, Mr Speaker; the question really was: what consideration is the Office of Industry and Development giving to a proposal involving that site and the Canberra Times site?

**MR DUBY:** As I have said, Mr Speaker, I am unaware of any proposal by Concrete Constructions concerning that site. I shall make inquiries and get back to the member with the relevant information.

#### **DISTINGUISHED VISITOR**

**MR SPEAKER:** I draw members' attention to the presence in the gallery of the Honourable Alex Bartlett, MP, a member of the national parliament of the Solomon Islands. On behalf of all members of the Assembly, I extend to Mr Bartlett a very warm welcome.

#### **QUESTIONS WITHOUT NOTICE**

##### **Influenza Vaccine**

**MR STEFANIAK:** My question is to the Minister for Health, Education and the Arts. Is the Minister aware of reports in the media - for example, the Canberra Times of 7 and 10 April this year - in regard to the shortage of influenza vaccine in the ACT and is he aware of the demand for influenza vaccine in the ACT? If so, what action is being taken in this Territory to ensure that adequate supplies of vaccine are available for those at risk of infection this winter?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Stefaniak for his question. I am aware of media reports in regard to a shortage of influenza vaccine in the ACT and indeed throughout Australia at the present time. There has been a high demand for the vaccine following rather intense media publicity, but the Commonwealth Serum Laboratories is constantly preparing and distributing the serum and has stated that there is no need to be concerned at this time. Limited supplies of the vaccine are currently available at community pharmacies in the ACT on prescription.

I have been told that further supplies will be available from the Commonwealth Serum Laboratories this week to wholesalers and that over 600 doses were distributed to ACT pharmacies from one wholesaler in the ACT only last Friday, 20 April. Further supplies are expected to be available this week and accordingly will be available well before the end of the month, which is the optimum time for vaccinations for those who need to be vaccinated prior to the start of winter.

I should remind members of the public and Mr Stefaniak that the chief health officer does not advise that everybody should be vaccinated. The two main groups of people who ought to consider vaccinations are those who are likely to become ill if infected - for example, the aged, the infirm, those with chronic heart, lung or kidney disease, or those whose general immunity is already compromised - and those who are most likely to become infected through their work, such as health care workers dealing with those with infection. If members or the general public are unclear as to whether they fall within these categories, they should certainly consult their medical practitioners.

### **Educational Standards**

**MR WOOD:** Mr Speaker, I direct a question to the Minister for Health, Education and the Arts. Does he agree with his colleague Dr Kinloch that under his Government "education is in danger of being downgraded"?

**MR HUMPHRIES:** Mr Speaker, I think Mr Wood might be slightly distorting what Dr Kinloch said. Dr Kinloch - - -

**Mr Moore:** He quoted.

**MR HUMPHRIES:** No, he did not say that, under this Government, education is likely to be downgraded. He said that there is a danger that education might be downgraded, and he mentioned there are a number of - - -

**Mr Wood:** In what other circumstances, for heaven's sake?

**MR HUMPHRIES:** Well, if you let me finish the question, I will get to the answer. The reality is that there are many

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factors facing any government which pose threats to particular parts of its activities. I acknowledge that many parts of the Government's challenge entail a real need to address ways of preventing damage to the quality and integrity of things like our education system. I, as Education Minister, will be doing my best to ensure that that does not happen. I think Dr Kinloch actually mentioned, for example, relocation of certain officers away from the central part of Canberra.

**Mr Wood:** Yes, one example.

**MR HUMPHRIES:** That is one example. You should ask him about what you think other examples might be. There are always risks to our education system from the way in which changes affect that system. The biggest risk to our system at the present time is the shortfall in Commonwealth funding that we are going to experience in twelve months' time. I think this is far and away the most significant challenge and the most significant threat facing our education system. This Government and I will be doing our best to ensure that that challenge is met and the quality of our education system does not suffer despite those challenges.

**MR WOOD:** I have a supplementary question, Mr Speaker. The Minister does not seem to have disputed that matter. What, then, is the likelihood of our education system - the jewel in the crown, if you like - being downgraded?

**MR HUMPHRIES:** Mr Speaker, I sincerely hope that the education system will not be downgraded. I will be doing my best to ensure that this does not occur. It is not possible for me, or anybody else, to give cast-iron guarantees. Naturally, as I think the Chief Minister has made abundantly clear, the fiscal problems we face pose very great threats to a whole range of things in the ACT. I cannot get up here and pretend that I can wave a magic wand over education and say that it will be a sacred cow that will not experience any changes as a result of these major forces affecting the ACT. I think it would be foolish to indicate any such areas. I will be doing my best to preserve the quality of education in the ACT.

### **School Consolidations**

**MR JENSEN:** Mr Speaker, my question is also directed to the Minister for Health, Education and the Arts, in his capacity as Minister for Education. I refer to the Government's recent announcement regarding the intention to consolidate schools in the context of the 1991 budget. Can the Minister indicate the number of schools which will be consolidated during this period, or this process?

**MR HUMPHRIES:** Mr Speaker, I thank the member for his question, which I think is helpful in light of the earlier

question from the Leader of the Opposition. I have already indicated that the Government is actively considering a process of consolidating schools in the ACT. In that regard we should, in the near future, be issuing draft guidelines for public discussion. These guidelines will set out the criteria which will be used in determining the schools to be consolidated. Of course, public comment is very welcome in that process.

It is important to appreciate that the Government is in the business of providing educational services, far more than just particular school buildings. I think it is unhelpful to talk in terms of the number of schools to be consolidated. I have estimated the number to be between 15 and 25, but that is no more than an estimate at this stage. We really need to talk about the number of student places that need to be redistributed to meet student demand effectively and economically. The reality is, as the Chief Minister has already indicated today, that the ACT schools system has up to 13,000 fewer students than places in schools in this Territory.

**Mr Wood:** What does that mean?

**MR HUMPHRIES:** Well, it means, Mr Wood - - -

**Mr Wood:** It is a new figure. We have never heard it before.

**MR HUMPHRIES:** No, it is not a new figure at all.

**Mr Wood:** Well, it is a new concept; put it that way.

**MR HUMPHRIES:** It means that it is a contrast between current enrolments at each school and the school's original design capacity. Schools in this Territory have been designed for an expanding school age population. We have a contracting school age population. The net result is that we have a considerable surplus of places over students in the system.

**Mr Berry:** That is a grandstand figure. It is not valid. That is shameful.

**MR HUMPHRIES:** I cannot hear you, Mr Berry, but I am sure the interjection is ridiculous, as usual. The reality is that we have got a problem, and the reality is that if we do not face up to this problem we put ourselves in the position of having much more serious problems in other areas. I want to provide resources for improving the quality of education in our system. That is my priority. If I face problems in that category I will face them squarely and ensure, as much as possible, as I said earlier in answer to Mr Wood's question, that the quality of our system is preserved and maintained.

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### Education Department

**MR BERRY:** My question is directed to Mr Humphries in his portfolio responsibility for education. Following on from his signalled attack on the schools system, I would like to ask: what is the effect on morale in the Education Department following the dispute within the Government about the department's relocation to Tuggeranong?

**MR HUMPHRIES:** Mr Speaker, I am not aware of any problem with morale in the Department of Education. I think Mr Berry might like to consult his own rumourmongers to ascertain the source of these sorts of rumours. I am not aware of any problems in that regard. The Government is, as I think I have said on a previous occasion in answer to a question, considering moving some of the department's officers down to the Tuggeranong Valley. A move of sorts has already occurred, or is about to occur, to the Centrepoin building in Tuggeranong. The Government is considering whether that move should occur and what the nature of the move should be. I can say that the Department of Education is the prime candidate to occupy the Long Service Leave Board building, as I think it is called, in the Tuggeranong town centre. Issues are yet to be resolved. As soon as they are resolved I will be happy to come back to the Assembly and explain all the details to Mr Berry.

**MR BERRY:** I have a supplementary question, Mr Speaker. I am not very pleased to see that the Minister has got his blinkers on. If he wants to find out about the morale of his department he ought to get a bit closer to them.

My supplementary question is this: Does the Minister agree with Dr Kinloch that moving the central office of administration of the department to the Tuggeranong area is detrimental to the welfare of education?

**MR HUMPHRIES:** I think that is a question that assumes there are only disadvantages in such a move and there are no advantages.

**Mr Berry:** I asked you: do you agree with Dr Kinloch?

**MR HUMPHRIES:** I do not want to answer the question the way you want me to answer it, Mr Berry. I want to tell you - - -

**Mr Berry:** You do not agree.

**MR HUMPHRIES:** I see advantages and disadvantages in such a move and it is the balance of those factors that the Government is presently weighing up. When we have a decision, we will come and tell you.



### Preschool Closures

**MR MOORE:** My question is directed to Mr Humphries as Minister for Health, Education and the Arts. On 1 November 1989, in the discussion of a matter of public importance that he raised about preschools, Dr Hector Kinloch stated:

... if we had the kind of government in the ACT which wished to go back on almost a hundred years of preschool and kindergarten education, then one could understand this need to close preschools.

I refer to Hansard, volume 11, page 2325. Will the Minister therefore keep all preschools open or is it - in the words of his now Executive Deputy in charge of putting his foot in his mouth - the kind of Government intent - - -

**Mr Humphries:** I answered that.

**MR SPEAKER:** Order! Please withdraw that, Mr Moore.

**MR MOORE:** I withdraw that, Mr Speaker.

**Dr Kinloch:** Thank you, Michael.

**MR MOORE:** We are very sensitive, though, aren't we, Mr Speaker?

**MR SPEAKER:** We are trying to lift the proceedings.

**MR MOORE:** In the words of the Minister's now Executive Deputy, is yours "the kind of government intent upon putting ACT education back almost a hundred years"?

**MR HUMPHRIES:** Mr Speaker, it is interesting that Mr Moore has adopted the values and mores of the Australian Labor Party. It assumes that the expression of dissenting and different points of view within a particular group or alliance of parties represents some kind of falling apart or disagreement between those parties of a fundamental nature. I welcome and value Dr Kinloch's contribution to this debate. He is a consistently strong voice for education and educational values and I value that very much. I have to put that on the record right here and now.

In terms of whether we will be able to retain every single preschool that is presently in our system, I simply cannot say. I have made it very clear that the Government will ensure that every part of the education system is properly assessed in the process of considering whether school consolidations ought to occur, and the preschool system is not exempt from that process. I want that to be very clear at this stage. In terms of what will happen, I think Mr Moore, like Mr Berry, will have to wait and see.

**MR MOORE:** I have a supplementary question, Mr Speaker. Is it a hundred years or more retrograde step to argue that a number of places - whether 13,000 or 9,000 - are vacant as

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a method of justifying savings when the proposed savings are actually to be met through staff cuts, where there is absolutely no oversupply? In other words, the argument that he is using with those numbers is totally invalid.

**MR HUMPHRIES:** Mr Speaker, I do not know about the assumptions behind Mr Moore's supplementary question, but I can only say that he is asking me for an opinion on something Dr Kinloch has said previously. I am not obliged to answer questions like that. I do not know on what basis he asked me that question. If he wants to ask me about Government policy at the present time, I will happily answer his question. If he wants to ask me my own personal views on education or philosophy, I will happily answer his question as well. The point is we have decisions that are yet to be made. The philosophy we are laying down is very clear, and I hope that that will become clear to Mr Moore as he examines what we have already said on this subject.

### **Occupational Health and Safety**

**MRS NOLAN:** My question is also to Mr Humphries, this time in his capacity as the Minister for Health. I refer the Minister to the enactment of the occupational health and safety legislation by the Assembly last year. As the majority of ACT workers are in an office environment, what is the Government doing to ensure that workers have access to ways which promote occupational health in this context?

**MR HUMPHRIES:** Mr Speaker, I do wish that the Remuneration Tribunal were here today to see how hard Ministers work in the Government. I thank Mrs Nolan for her question because it highlights the importance of cooperation in this area, particularly between the Assembly and the Government. The success of the Assembly's legislative initiatives is undermined if the Executive does not have the will or the resources to support them with administrative action. That is what I think is the crux of Mrs Nolan's question.

The recent legislation passed last year highlighted the need to address the practical issues in occupational health and safety. The Independent Living Centre is an agency within my department which assists people to make effective decisions regarding items of equipment or aids which enable them to enhance the quality of their lifestyle. While these services have particular relevance to those members of the community with physical disabilities, the service is open to all members of the community and that centre carries a brief for all Territorians.

With this responsibility in mind, and following in the spirit of the legislation, the centre has expanded its office seating and work station equipment displays. Users of the centre can trial a variety of equipment options in one location. An occupational therapist provides professional advice to clients on the equipment being

trialled and also offers information and education on a broad spectrum of occupational health and safety issues.

The centre's primary mission will continue to be to people with disabilities by providing advice, support and equipment. By linking clients with other community support services, the centre helps people remain at home and in their local community instead of requiring hospital, nursing home or other supported accommodation. I want to commend the centre for its work on behalf of all Territorians in this regard.

### **Playhouse Theatre**

**MRS GRASSBY:** I would also like to ask a question of Mr Humphries. As he says he is working terribly hard, I would not want him to miss out on this one. It is about The Playhouse. Is Dr Kinloch right when he says that no decision should have been taken about denying access to The Playhouse after 31 August? Who was in the wrong, as Dr Kinloch claimed - you or the administrators?

**MR HUMPHRIES:** Mrs Grassby is making the assumption that I heard the full interview to which she refers. I do not know what Dr Kinloch said about The Playhouse.

**Mrs Grassby:** Well, he is your Executive Deputy; you should.

**MR HUMPHRIES:** Perhaps Mrs Grassby can sit there all day and listen to the radio. I have rather more important things to do. The fact is that the issue of use of that building and that site falls under the Chief Minister's portfolio as a planning issue. I am not aware of any issues that impact on the arts portfolio in that regard, and I suggest if she wants to find the answer to that question she ought to ask the Chief Minister.

### **Downer Primary School**

**MS FOLLETT:** My question is to the Chief Minister. Given that the Downer Primary School is currently occupied, and fully occupied, does the Chief Minister agree with statements by the chairman of the independent committee of inquiry into the assets and public debt of the ACT that the site "is not devoted to any profitable use"?

**MR KAINE:** Mr Speaker, I am totally unaware of the chairman of the group to which the Leader of the Opposition refers having made any such statement.

**Ms Follett:** It is in his speech.

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**MR KAINE:** Well, I do not know what speech you are talking about, Leader of the Opposition.

**Ms Follett:** You were there.

**MR KAINE:** He has not made such a statement to me. He has not made a report of any kind implying that to me. I am completely mystified to know where he said it. If you say that he did, I accept your word for that. I do not doubt your integrity, Leader of the Opposition. I am not aware of the statement. I do not know whether he did say it or where he said it. I do not know on what basis he said it but if, as you say, the school is fully occupied, then it would be very difficult to substantiate. I would like to know precisely what he said and the context in which he said it before I make any other comment on the statement.

### **Community Development Fund**

**MR WOOD:** Mr Speaker, I direct a question to the Chief Minister. He and I have worked together in the consultative process of distributing the community development funds to a wide range of community groups. Does the Chief Minister recognise the importance that community groups place on the separation of the community development fund from consolidated revenue and their preference for the consultative arm's length funding process? Will he respect these pretty well universal views and will he consult with the community groups about the future of the CDF?

**MR KAINE:** Mr Speaker, I have to assume that Mr Wood's question is based on a Treasury document that mysteriously found its way into the hands of the media and other people last week. It was actually a discussion paper on the future of the community development fund.

**Mr Berry:** You mean a Cabinet submission.

**MR KAINE:** That paper has not yet come to the Executive. Like lots of papers that the members of the Opposition and the media seem to get these days, they are papers that have been processed within the ACT Administration, and this is yet another one which has not yet come to the Executive. The Executive has no view yet on what the future of the community development fund ought to be. I think it is of great interest, however, that the Opposition when in government proposed the abolition of the CDF but for some reason they had second thoughts. I do not know what their second thoughts were based on, but the Leader of the Opposition might like to bring me up to date on what arguments she found persuasive in retaining the community development fund.

I know that there is a strong feeling in some sectors of the community that the CDF is an important mechanism. I

think, however, that their view is perhaps based on a misunderstanding of the way government funding is carried out. Without prejudging the issue of the community development fund or what the administration is going to put to the Executive on the matter, I do not believe that having a separate community development fund, in fact, guarantees funding for people who have been funded from that source in the past. It is a question of government decision on a year to year basis whether they are funded. That decision can be made whether there is a community development fund or whether that fund ceases to exist and the revenues are all paid into the consolidated fund.

In connection with the aspect of the question that deals with arm's length treatment of funding under this system, I would assume that, even if the community development fund is continued, the advisory committee process by which applications are examined and then recommendations are made to the Government would not change. I would assume, for example, that the Attorney-General who looks after a fairly large amount of the money that comes out of the CDF would still be looking to an advisory body to recommend to him how the money should be distributed in that category for which he is responsible. I would believe that that would be the same with each of the Ministers who has a responsibility for some part of the CDF.

I think that raises another point. There seems to be an assumption that the CDF has an amount of money and that a single decision is made about who will be funded out of it. In the past, decisions have been made by different people about who should be funded, in what category and how much, and who should not be funded. That process will not change whether there is a community development fund in the future or whether there is not.

I think I can guarantee, having an understanding and an acceptance of the concern that the community has about this matter, that irrespective of whether the community development fund remains in place or not, the procedure for being funded from it will not change significantly. Decisions will still be made in much the same way as they have been in the past. Those community organisations that perform services on behalf of the Government will continue to be funded by the Government whether the money comes out of the community development fund or whether it comes out of the consolidated fund. No community group performing worthwhile work for the community should be concerned that their particular position will be jeopardised no matter how the system changes.

**MR WOOD:** I have a supplementary question. In any review - and there appears to be some consideration of this matter, especially if any changes are proposed - would the Minister be talking to those groups about new processes?

**MR KAINE:** Yes. Quite clearly, if the Government intends to change the way that it approaches the question of

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funding these community groups then, of course, we will consult with them on what those changes are going to be, why they are being made and how we see them impacting on those community groups, if at all.

### **Outreach House**

**MS MAHER:** My question is directed to the Deputy Chief Minister in his capacity as Minister for Housing and Community Services. Recently I have received correspondence and have also seen extensive coverage regarding the closure of Outreach House. Can the Minister advise the Assembly whether the closure of Outreach House was the result of Alliance Government action or its own management's action?

**MR COLLAERY:** I am grateful that Ms Maher is prepared to fill in the gap for the Opposition. I would have thought they would have been interested in the closure of Outreach House. Evidently they are not. The extensive coverage of that matter has not been to the benefit of the sector at large. Whilst I criticise the Opposition for not asking me this question, I do appreciate the understanding shown. The Alliance Government is committed to the provision of these quality services. As Mr Berry knows, the department has been working on schemes to widen and broaden the range of family support and substitute care services available; hence the start-up last week of a new family support program to give troubled mothers and children time-out while they sort out family crises.

The overall aim is to ensure that we are meeting the needs of families and children requiring assistance. The closure of Outreach House was not caused by the withholding or withdrawal of any funds from the Richmond Fellowship. There was no need to close Outreach House at that time. Rather, the closure was a Richmond Fellowship management decision. It was taken despite previous advice to the fellowship in my presence of my commitment to provide the necessary funding to operate existing programs until arrangements for new family support and substitute care programs had been finalised.

To sum it up, we had asked Richmond Fellowship whether they would join other agencies in devising some broader programs that had a closer impact in these areas of need. At no time did I ask them to cease or close Outreach House. I was most surprised and distressed when that decision was taken. I have confirmed with the former Richmond Fellowship chairman that the decision was not taken as a result of the withdrawal of funds by this Government.

### Arts Policy

**MR BERRY:** My question is directed to Mr Humphries in his portfolio responsibility for the arts. I take it that Mr Humphries is more concerned about the development of an arts policy than he is about his Executive Deputy's public statements.

**MR SPEAKER:** Order! Mr Berry, please get to your question.

**MR BERRY:** The question I ask is: who was responsible for drawing up the Alliance Government's arts policy and with what consultation processes was it developed? I want to know that just to see whether the Minister was interested enough to be involved in the development of the policy.

I take the opportunity, Mr Speaker, to point out that the sort of consultation that Mr - - -

**Mr Humphries:** Is this a question, Mr Speaker?

**MR BERRY:** Well, it is part of the question, Mr Speaker. I am just raising the issue of consultation in the context of the question so as to inform the Minister that the sort of consultation I am talking about is not the sort that Dr Kinloch was talking about at the lunchtime rally; that is, a casual chat to people.

**Mr Kaine:** On a point of order, Mr Speaker; I request the member to ask the question or sit down - one or the other.

**Dr Kinloch:** Mr Speaker, on a point of order; I object to the term "casual chat". That is a falsehood.

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

**MR HUMPHRIES:** Mr Speaker, I thank Mr Berry for his question.

**Mr Duby:** What was it?

**MR HUMPHRIES:** Yes, I almost forget what it was. I think he eventually meandered around to the point of asking who was responsible for developing the arts policy. Well, the fact is that the whole of the Alliance Government was actively involved in preparing this policy. Dr Kinloch and I both participated in the original drafting of the document and all members of the Government participated in that process of drawing it up. It was a consultative document. Not only were the words that were taken to our joint party room developed in consultation between members of the joint party room but there was also extensive consultation with members of the arts community of Canberra, and that, I think, is entirely reasonable.

Mr Berry seems to be asking whether or not any formal submissions were called for by public advertisements or by letter under seal or whatever addressed to arts organisations in a formal capacity. If he is asking that

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question then the answer is no. I do not believe it is part of the process of developing a government arts policy to involve people in that formalised fashion. I doubt very much, for example, whether Ms Follett's arts policy involved that kind of process. I have no doubt that she spoke to a great many people about what ought to be in a sensible arts policy. That is exactly what we have done as well. I would be interested in knowing whether there was any difference at all in the approach taken by this Government and that of Ms Follett during the lead-up to the last Assembly election.

I am quite proud of the process whereby we have developed this policy. It has had, for the most part, very positive and favourable comments. I stand by it. I think it is a very good policy and I hope we will be building on that to provide a high-quality arts environment for the ACT.

**MR BERRY:** I have a supplementary question, Mr Speaker. I wonder whether Mr Humphries would be so kind as to provide the Assembly with the names of the people he consulted with outside of the Alliance Government in relation to the development of the policy.

**Mr Kaine:** Sit down, you clown.

**MR HUMPHRIES:** I certainly would not, Mr Speaker.

**Mr Moore:** On a point of order, Mr Speaker; the Chief Minister has just referred to Mr Berry as a clown. I wonder whether he would withdraw that in the same way that I withdrew the foot-in-mouth comment.

**Mr Kaine:** I withdraw it, Mr Speaker.

**MR SPEAKER:** Thank you, Chief Minister.

**MR HUMPHRIES:** Mr Speaker, no, I certainly will not provide the names of those people who were consulted in that process. It was an informal process; people provided frank and open information on the basis of confidentiality.

**Mrs Grassby:** If it is open, why can't we know about it?

**MR HUMPHRIES:** You can have your two bob's worth as well, Mrs Grassby, if you want to make a submission to the Alliance Government on its arts policy, I can assure you. If you want to put a view privately to the Government about what ought to be done then we will take that into account privately as well. I do not think it is appropriate. I mean, I would not ask you to provide me with the names of all those people that you consulted about all of your policies.

**Mrs Grassby:** Why not? We usually did. We did it all the time. We had open government, though; that was the difference.



**MR HUMPHRIES:** Well, frankly I would doubt that you would provide it. I think the process we have engaged in is entirely appropriate and I stand by it.

**MR KAINE:** Mr Speaker, I ask that further questions be placed on the notice paper.

### **PAPERS**

**MR COLLAERY** (Deputy Chief Minister): Mr Speaker, pursuant to section 15 of the Long Service Leave (Building and Construction Industry) Act 1981, I table for the information of members the following paper:

Long Service Leave (Building and Construction Industry) Act - Building and Construction Industry Long Service Leave Board - Report for 1988-89.

Pursuant to section 17A of the Agents Act 1968, I table the following paper:

Agents Act - Agents Board of the ACT - Report for 1988-89.

Further, Mr Speaker, pursuant to section 47 of the Air Pollution Act 1984, section 46 of the Water Pollution Act 1984 and section 49 of the Noise Control Act 1988, I table the following paper:

Air Pollution Act, Noise Control Act and Water Pollution Act - Pollution Control Authority - Report for 1988-89.

Finally, Mr Speaker, I table the following paper:

Milk Authority of the ACT - Report for period 1 July 1988 to 10 May 1989.

### **AUTHORITY TO ADMINISTER OATH OR AFFIRMATION OF ALLEGIANCE TO MEMBERS**

**MR SPEAKER:** For the information of members, I hereby table the authority for me, as Speaker of the Legislative Assembly, to administer the oath or affirmation of allegiance to members, as required by subsection 9(1) of the Australian Capital Territory (Self-Government) Act 1988.

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**ANZAC DAY 1990**  
**Ministerial Statement and Paper**

**MR KAINE** (Chief Minister), by leave: Mr Speaker, I sought leave so that I might speak about a very important group of people in our community - our veterans - on this, the eve of the seventy-fifth anniversary of Anzac Day.

The Alliance Government values highly the very real contributions made by the men and women of our armed forces of yesterday and today. In times when Australia has been in armed conflict, the sacrifices made by the men and women who served Australia took their toll, not only on themselves but also on their families and loved ones and indeed on the whole community. The experiences of World War I, in particular, had profound and extended consequences for Australia as a community. Without these sacrifices, Australia could not, I submit, have matured into the community that we have today.

I speak for the Alliance Government, Mr Speaker, and I know that the Canberra community shares our concern that our veterans should be recognised for their past contributions and they should be given the opportunity to continue to contribute to the community in a meaningful and worthwhile way. Naturally, on this day, our thoughts are with those veterans who are now making the return journey to Gallipoli. It is indeed a very moving and a fitting celebration of this, the seventy-fifth anniversary of Gallipoli, of the birth of the Anzac tradition. Those veterans set the example for Australia's very great tradition of sacrifice which has been carried on by subsequent generations, whenever the need has arisen, in times of both war and peace.

As the years go by, the numbers of World War II veterans, who comprise the majority of our veteran community today, will decrease, as those from World War I have already decreased, but those who remain will require increasing care as they grow older. All Australians hope, I believe, that there will be no more war veterans to follow our most recent veterans, those of the Vietnam conflict, but there is a continuing need to provide a place in the community which acknowledges the debt that we owe to these veterans from whichever war they come.

Of course, even in peace our service personnel make their particular contributions through Australia's commitment to peacekeeping forces such as those for Sinai and Namibia. The need to honour the community's commitment to those who have served Australia will continue well into the twenty-first century.

As Australia's involvement in armed conflict recedes into the past, and I truly hope that it will, those Australians with no personal experience of war cannot be allowed to forget the need to provide for veterans, their widows and their dependants. We are seeing a new generation who, in fact, have no recollection of war in their time.

There are some very practical ways in which we, as the community and the Government, can show our care for, and express our thanks to, our veterans. For the duration of Anzac Day 1990, tomorrow, the Government has decided that there will be free ACTION bus travel for all members of the armed services in uniform and all ex-service personnel who are wearing military decorations - a small gesture indeed, but indicative of the fact that gratitude can be expressed without grand gestures. Through this small gesture we, the community of the ACT, will show our appreciation of the great contribution made by our past and present service personnel.

More significantly, as our veterans age - and nearly all of our ex-servicemen and women from the Second World War are now at or beyond retiring age - one of the community's priorities must be the provision of a range of adequate and appropriate accommodation for them. At present, Canberra has supported hostel accommodation for 66 veterans in the Sir Leslie Morshead War Veterans' Home in Lyneham. Some veterans, of course, are also eligible for government housing, in the form of aged persons units. The Alliance is conscious of the need for government to provide appropriate accommodation for the ageing as well as to facilitate developments by community groups to fill this growing need.

In line with its well-established tradition of self-reliance, the RSL has been seeking government agreement to its proposal to establish a veterans village to provide self-care accommodation for ex-servicemen and women. It proposes to provide accommodation in three stages of 20 units each and also to establish an Abbeyfield house. The Abbeyfield house would provide a further accommodation option for veterans who would share supported accommodation in an independent and domestic situation. We have been working to identify a site for this veterans village, in response to the RSL initiative. The Interim Territory Planning Authority is working to identify a suitable site near the Belconnen town centre. If the site selected requires a policy plan variation, a draft variation proposal will be released for public comment - and this could be within the next six weeks. I am hopeful that as a community we will be able to give the RSL a positive response to its request well before the end of this year.

The Alliance Government recently released the Blueprint for the Ageing, which sets out a five-year framework for policies and services for Canberra's ageing. We are committed to taking account of the needs of elderly people, who constitute a major political and economic force with significant needs and aspirations and who have been ignored for too long. A high proportion of this part of our population, of course, consists of veterans. We are currently working on a policy specifically for veterans, and this will be completed soon. It will provide a framework to ensure that the special needs of veterans are

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taken into account in planning policies and in service delivery.

One matter of some concern to veterans is the question of concessions. The Government has begun a review of concessions for all ACT government services, to provide more equitable relief where necessary. The highest priorities for review are transport and energy concessions, both of which are of significance to our veterans. We are currently negotiating with the New South Wales Government about reciprocal transport concessions for veterans. Our aim is for ACT veterans to have access to similar transport concessions as do those resident in New South Wales. I am hoping that these negotiations will be completed in the next few weeks and that this time we will have some success, where we have not had success in the past.

Mr Speaker, I would like to conclude by reiterating this Government's firm commitment to our veterans. I am sure that the community echoes this commitment. These commitments are well-deserved, and it is most appropriate, I believe, that we review our attitudes on this day, the eve of the seventy-fifth anniversary of Gallipoli and the Anzacs. I present the following paper:

Anzac Day 1990 - Ministerial statement, 24 April 1990.

**MS FOLLETT** (Leader of the Opposition), by leave: Mr Speaker, on behalf of the Labor team in the Assembly I would like to indicate, first of all, our support for the steps that the Government has taken in recognition of Anzac Day, in terms of bus transport, action in train on the provision of aged persons accommodation, and the review of the concessions.

I would also like to say that I really believe that the significance of Anzac Day goes well beyond the provision of services for veterans or for aged people. It is a day that has universal recognition, universal acceptance, not only in Australia but in other countries as well. I think that that acceptance, that recognition, indicates that Anzac Day has different meanings for different people. In fact, there would probably not be an Australian alive who is not able to derive some feeling of recognition, of significance, from Anzac Day.

Anzac Day does, of course, recognise those who have died in war and in all of the wars that Australia has been involved in. It is a mark of remembrance for those people. For many, of course, the question of Anzac Day and the events at Gallipoli marked forever our separation from Britain and the end of our status as a colony. I think that it was very significant that after Gallipoli people very rarely spoke of Britain as "home". They were Australians. That was significant from that point of view.

It also marked, in my view, the beginnings of some respect by Australia for other cultures. I think the remarks that are still made by Gallipoli veterans about the Turkish people indicate that they had some recognition of their nationhood, some recognition of their rights, and a great deal of respect for them as people. It was the beginning, perhaps, of our multiculturalism.

The events of Gallipoli are also significant because Anzac Day actually commemorates a defeat. That is unusual for Australia. I think we are always very quick to celebrate our conquests, whether in sport or in other fields. We are very quick to celebrate our victories but, in fact, we have a great deal to learn from defeat, and those lessons were learnt at Gallipoli.

I believe that the lesson of mateship and of sticking together in adversity was the one that most people would most easily bring to mind but I think the fact that we have learnt from defeat did mark some maturity in our nationhood.

Overwhelmingly, I believe that Anzac Day speaks of the futility and the horror of war. Certainly that is the strongest symbolism of the day for people of my generation. We believe that the message of Anzac Day nowadays is that peace is precious and that it is something we should strive for. We have been lucky throughout the 1980s in seeing some thawing in relations between the East and West and we are happy to recognise that that perhaps reduces the potential for a major world conflict. It is my hope, and I know a lot of people of my generation and younger generations would share the hope, that these moves will see the eradication of the threat of nuclear war and the end of nuclear weapons.

In the 1990s we must also aim to reduce conflict in the Third World. Of course, the principles that we need to act upon in that regard are the right to self-determination - people's right to determine their own future - and the right of justice for all no matter where they are in the world.

To conclude, Mr Speaker, I think that the long-held recognition of Anzac Day does mean different things to all Australians. Of course, for the veterans who are returning to Gallipoli in a historic trip, it has a very particular significance but for all Australians it is a day of significance. For my own part it has got particular personal significance. It is the day on which I was christened and it is the reason I was named Rosemary, for remembrance. So I am happy to join with the Chief Minister in marking Anzac Day 1990.

**MR JENSEN**, by leave: Mr Speaker, I was proposing to make these short comments this evening in the adjournment debate but I think it is appropriate they be made now in the context of the discussions that have taken place. I rise

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on the eve of the seventy-fifth anniversary of the landing of the Anzacs at Gallipoli to comment briefly on another battle in which Australian troops upheld the tradition of the 1st AIF. This was some 39 years ago on another peninsula - this time in Asia.

I am referring to the battle of Kapyong River in Korea when Australian soldiers of the 3rd Battalion, Royal Australian Regiment, as members of the 27th Commonwealth Brigade on Hill 504 joined their Canadian counterparts, the Princess Patricia's Canadian Light Infantry Regiment, on the other side of the Kapyong River in blunting and eventually halting a minor Chinese advance just below the 38th parallel in Korea. Men of the 16th New Zealand Artillery Regiment supported their Commonwealth and Anzac colleagues in this battle along with the tank men of the 72nd United States Heavy Tank Battalion. Three of these units, the Australian and Canadian Battalions and the US Tank Battalion, were awarded the US Presidential Citation for their efforts.

Today the 3rd Battalion commemorated this event by a Kapyong Day parade, an event that I have participated in in my past career as a member of that battalion. Today in Canberra members of the battalion, both past and present, including many who were at Kapyong, joined together to remember these events at an informal lunch. Unfortunately, parliamentary duties prevented me from joining them.

The name of Kapyong has been added to the regimental colours of the various battalions of the Royal Australian Regiment alongside Long Tan and Coral, to name but two from the Vietnam War. I would like to take this opportunity to pause to reflect on the role of the members of the various battalions of the regiment in defence of our nation and the continuance of the Anzac spirit of fellowship in those that paid the supreme sacrifice in the service of their country.

I would also like us to remember those members who suffered injury during this service, as well as their families, friends and loved ones who also suffered as a result of service in conflicts overseas. As a member of the 3rd Battalion which saw service in Vietnam and with an uncle who was present at the battle of Kapyong, I feel I have some contact with those who remember not the glory of war - for there can be no such thing - but who reflect on the futility of this sort of activity. However, let us never forget that there were many who did not return. I close with the comment that I know will be made all around Australia tomorrow, "Lest we forget".

### **INAUGURATION OF THE UNIVERSITY OF CANBERRA Ministerial Statement and Paper**

**MR KAINE** (Chief Minister), by leave: Mr Speaker, ceremonies to mark the inauguration of the University of

Canberra took place last week on 19 April. This was an event of considerable significance both for the university and for the wider ACT community, and I offer the congratulations of the Government to the university on achieving its new status and role in higher education. This status is a tribute to the reputation of the former Canberra College of Advanced Education and I believe it reflects the general esteem in which it has been held.

The Canberra College of Advanced Education was established in 1969 following the report of the Martin committee on the future of tertiary education in Australia. As a new kind of tertiary institution, it was to provide education with an applied and vocational orientation to supplement the more theoretical work of universities. This it did well over a period of 20 years.

In carrying out this mission, the college made a significant contribution to the Canberra community. Its graduates occupy leadership roles in all sectors of ACT life. The college has served this community very well in meeting the high-level skill needs of the Territory in many areas such as computing, administration and teacher education.

However, the landscape of Australian higher education has now changed following the ending of the binary system of universities and colleges. It is very fitting that the former college should now acquire the status and role of a university. My Government values the contribution that Monash University is making in sponsoring the new university, which is in the best university tradition.

The quality and excellence of higher education in the ACT is one of the major resources of the Territory. The Government believes that there are opportunities in the new situation that now exists to further mutually productive relationships between the work of higher education and the social, economic and cultural advancement of this Territory. The Government for its part stands ready to explore such opportunities, and I shall soon be writing to institutions to raise the question of arrangements for consultations on matters of mutual interest and benefit.

There are key areas where closer relationships between higher education research and industry development can be fostered, for example, in developing an advanced technology strategy for the Territory. A well-articulated ACT higher education policy developed through consultation and discussion can offer much, both to our educational institutions and to the Territory at large. I am confident, Mr Speaker, and I am reassured, that the university recognises its role in this community from statements made at the inauguration ceremony by both the vice-chancellor and the chancellor. The inauguration ceremony itself was an outstanding success and augurs well for the university's future.

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Mr Speaker, I offer the congratulations of the Government to Dr Jean Blackburn on her appointment as chancellor of the University of Canberra. The Government is aware of Dr Blackburn's distinguished contribution to other sectors of education. In a city that takes education very seriously, we look forward to an association with Dr Blackburn in her new role.

The inauguration of the University of Canberra marks the end of an era of achievement in higher education in this Territory. It also provides an opportunity for future growth and development, and the Government wishes the university well in this new mission.

I present the following paper:

Inauguration of the University of Canberra - Ministerial Statement, 24 April 1990.

**MS FOLLETT** (Leader of the Opposition), by leave: On behalf of the Labor members, I wish to join the Chief Minister in marking the inauguration of the University of Canberra. The ceremony last Thursday marked the beginning of a new university and a new era in tertiary education for Canberra. Of course, in another sense, this is simply the beginning of a new chapter in an already long history of educational excellence and service to the Canberra community.

I am sure that members will all agree that we expect the new university to continue its tradition of relevance to the Canberra community which has been demonstrated by the connections forged with both the public and the private sectors in areas such as management and high technology. I know that it is this relevance which attracts a great many students to the University of Canberra. In fact, it was that relevance that attracted me as a student back in 1973 at a time when I was looking for a career change. I do hope, though, that in pursuing the relevance of its courses the University of Canberra does not lose sight of the pursuit of learning beyond that which is immediately practicable, for I believe that is the mark of a university. It also marks the importance of having an educated, critical and socially aware population.

The inauguration of the university also gives us cause to consider the status of a university, established as it is under Commonwealth legislation. I believe that it would be appropriate for the establishing legislation to be repatriated so that the university is truly the university of the Canberra community. I do not see this, as the Minister for Health, Education and the Arts has termed it, as an ownership issue, because I would not like to see this or any future ACT government consider that they own the university, but it would be appropriate for the independence of the university to be established under ACT legislation.



It is also appropriate today, as the Chief Minister has done, to mark the installation of Dr Jean Blackburn as the first chancellor of the university. Dr Blackburn is a most distinguished educationalist, who started out as a lecturer in education. Her role as a member of the interim committee for the Australian Schools Commission and later as a full-time member of the commission reflects the leading role she has played in Australian education. I am pleased to say that she has always had a particular interest in the education of girls and women.

In conclusion, Mr Speaker, I would like again to offer our congratulations and our best wishes to Dr Blackburn, to the University of Canberra and all of its staff, and, of course, to the students of that university. I am sure they will do very well in the future.

**MR MOORE**, by leave: I wish first of all to reiterate the congratulations of the Chief Minister and the Leader of the Opposition to Dr Blackburn. I appreciated the opportunity to be at the inauguration and then at the awarding of degrees on the following day and to see so many proud people being awarded a degree from a university, thus marking this new era.

May I add this other interesting comment. As chairman of the Select Committee on HIV, Illegal Drugs and Prostitution, may I say that we have recently been approached by Associate Professor Irwin, principal lecturer in health at the University of Canberra, concerning a proposal for the establishment of a key centre of teaching and research in education and training in the addictions. To me, this signals a possible close working relationship between this parliament and that university.

I am also aware of Mr Humphries providing a letter of support to Professor Irwin for that centre. I congratulate him on passing on that letter of support, also indicating the close possible working relationships between the Government here, the Executive Government, and that university. I think we have the potential to have the advantages of a close link with a university. I also support the notion that that university would be much better placed should we be able to move ACT legislation to cover it. I support that notion and I strongly support Mr Humphries' move to bring that about.

### **CANBERRA'S HERITAGE** **Discussion of Matter of Public Importance**

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

The need for the Government to take all measures necessary to secure Canberra's heritage for this and future generations.

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**MR WOOD** (3.34): Mr Deputy Speaker, I find that the heart of our city, to mix my terms a little, has no soul. It is appropriate that in Heritage Week we should consider the heart of our city. We should examine what it is that we have been left with, which is the responsibility of none of us, although what we might be leaving for future generations is. Civic's building heritage has a script like a soap opera. It is actually a cultural and, I believe, an environmental tragedy. The protagonists in the drama have been numerous designers and bureaucrats and the audience, the people of Canberra, have had very little interaction with the actors, directors or producers. The result of that planning has been that there is too little interaction now between the people who use Civic and the Civic area itself.

With few exceptions, the buildings that mark the Civic of the late 1980s in particular, but a longer period in general, are hollow and featureless monuments to money. They represent the worst features of our instant society. They are rather like fast food: they have offered us quick gratification but very little ultimate physical benefit.

Heritage Week is the usual time to reflect about our distant past, to examine what we still have and to reflect upon our cultural heritage. Heritage Week should also be a time to project our thoughts to the immediate past and the foreseeable future and contemplate what heritage will be left for the next generation. What will mark the 1980s many years down the track? Very little, I would think.

Historically, this is the first time the Legislative Assembly has been in existence during Heritage Week. So today is an appropriate time to contemplate whether this chamber will pass the heritage test that will be set by future generations of Canberrans. Unfortunately, we have only to examine our very immediate environment to see, in this era of disposable office accommodation, that by 2010 there will be very little left of the buildings synonymous with our time in this parliament. I project that the only thing that will remain will be some photographic and written evidence of this Assembly, and I have to say that nothing else deserves to remain - in the sense of the buildings, might I say.

If we tolerate the development of more heartless concrete towers like this one that we sit in, then we as legislators will most certainly fail the heritage test of future generations. The few buildings that will be left standing in 20 or 30 years' time will be tacky, plastic, sterile monuments to our lack of architectural and social vision. No-one here has responsibility for the past, but we will be accountable in the future. As legislators we have the capacity to stop the cavern that is Civic. We have more than the capacity; we have the duty to make sure that there will be some human reminders that humans were in this parliament.

Which buildings constructed during our time here will be a celebration of this city? Will we approve buildings that put people before profit? Will any of our buildings have any immediate or lasting visual power? Will any of our buildings invite people to gather and will they create a shared feeling? Which buildings will be built for people? Indeed, which spaces in Civic will be built for people? Walter Burley Griffin's vision of this city was as a place of life and meaning. None of the buildings in our immediate vicinity reflect this. Rather, the buildings around us seem antagonistic to life and meaning. Griffin had a vision of social places juxtaposed with office accommodation. I wonder what he would make of the social places surrounding this building. Goodness me; not even the demonstrators like our plaza out there, that cold and windswept place.

**Mr Kaine:** It is too cold.

**MR WOOD:** Exactly.

The following set of commandments which I shall read were for urban design. They were formulated by a town planner in Greater London but they have great relevance to Canberra today. I will read them:

One, thou shalt consider places before buildings.

Two, thou shalt have the humility to learn from the past and respect the context.

Someone claimed, when I said this, that I was the Prince Charles of Canberra, because these were the things that he was saying about what he did in the UK.

Three, thou shalt encourage the mixing of uses in towns and cities.

Four, thou shalt design on a human scale.

Five, thou shalt encourage freedom to walk around.

Six, thou shalt cater for all sections of the community and consult with them.

Seven, thou shalt build legible environments.

I like that one; it is important.

Eight, thou shalt build to last and adapt.

Nine, thou shalt avoid change on too great a scale at the same time.

Ten, thou shalt, by all means available, promote intimacy, joy and visual delight in the built environment.

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Now, do we observe any recent office buildings in Canberra, in Civic particularly, that consider places before buildings or show humility to learn from the past? We have kept nothing from our early architectural concepts. Is anything now designed on a human scale? Are these buildings that we are in and others near us built to last and adapt? Certainly not. They are built to be pulled down. Initially, Canberra had an identifiable federal capital architecture along with strong elements of Art Deco and a Californian or Spanish influence. The Sydney and Melbourne Buildings reflect that style. A newer building that has successfully blended a unique Art Deco style with extensive rebuilding is the Canberra Institute of the Arts, where the architects recognised the importance of the retention of the past to give depth to the present and future.

The cultural tragedy of most of our new instant buildings is that they retain no recognisable links with the past. They contain no features that mark them as belonging to Canberra. Federal capital architecture has lost its role in the soap opera and has been replaced by mediocre talent and unconvincing buildings that have no lasting qualities, no internal or external architectural or social strength, and no indication that they were built for people. The Canberra and Civic that we as the people's representatives have inherited historically is the work of many designers and bureaucrats. Its future is in our hands.

I am not confident that the present Government's environmental and heritage policy mentions the necessary legislation that would lead to aesthetic buildings in our city. I recognise that it does not exclude this happening, and I hope that this will be incorporated in the Government's policy. At the present moment, the policy makes no mention of the visual impact of buildings. Under the policy it would be possible to build a nondescript high-rise dome if it covered policy items of being energy efficient, had trees in the car park and dual flushing cisterns.

The future development of Civic needs a special section in any government's legislation. This Government's policies on development and the environment do not adequately address the specific problem that is Civic. There is no strong architectural thrust in the policy. If Canberra is to retain its advantage of being different from other cities and if Civic is to become something other than just another central business district, it is time to return to Griffin's visions. This is the Assembly's first Heritage Week. It is time to make sure that we leave some worthwhile heritage to the next generation. Let us make a commitment to pass the heritage test.

**MR KAINE** (Chief Minister) (3.43): I must say that I welcome this matter of public importance. It is most timely that it should be brought up for debate in Heritage Week and I thank Mr Wood for putting it on the agenda so that the question can be discussed. I will be making a ministerial statement later this week to mark Heritage

Week but I must say that I am delighted to have the opportunity to inform the Assembly today of the substantial progress being made by the Government in this field.

Members will be aware that the Government has put on the table for public discussion proposed legislation which will provide excellent protection for heritage in the Territory. Despite the apparent youthfulness of the city of Canberra, the ACT has, in fact, a very rich and diverse heritage going back to Aboriginal history. There is evidence of Aboriginal occupation of the region stretching back over some 20,000 years to the Birrigai rock shelter. Other known ACT sites include stone arrangements in the Namadgi National Park, a group of three very important rock art sites also in Namadgi, and axe grinding grooves in Namadgi and throughout other areas, including Theodore and Gungahlin.

The period of European settlement and grazing extended well into the establishment of Canberra as Australia's capital. The best known graziers start with Robert Campbell, whose family owned the properties of Duntroon, Yarralumla and Woden. Probably the three oldest buildings in the ACT are directly associated with Duntroon. They are Blundell's Cottage, Duntroon Farm and the Duntroon Dairy. The Anglican Church of St John the Baptist in Reid, its schoolhouse and the former Glebe House date back to the 1840s and were long associated with the Campbell family.

Yarralumla, now the Governor-General's residence, was built by the Campbell family in 1881 after the property had been purchased. The previous stone homestead dating back to 1833 has been demolished. Woden was another property bought by the Campbells in the 1860s. It is still lived in by that family, the link between the limestone plains of last century and the national capital of today.

The De Salis family is another very important pioneer family that has maintained its links to the ACT. Count Leopold De Salis was an active magistrate and politician and a member of the Legislative Council of New South Wales. He is credited with introducing dams and irrigation to the area which had a substantial effect on the local farming - a beneficial effect, I hope. Cuppacumbalong was one of his holdings, along with others such as Naas, Cooleman and Darbalara in the upper Murrumbidgee area. Cuppacumbalong's raised cemetery is believed to be unique.

De Salis' daughter, Nina, was the wife of William Farrer. Farrer, of course, developed the rust resistant strain of wheat at Lambrigg, which is not far from either Cuppacumbalong or Lanyon. Cuppacumbalong was sold to De Salis by James Wright, the owner of Lanyon. Lanyon itself is a substantial site of suitable significance, now run by the ACT as a museum. At one stage it was owned by Andrew

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Cunningham, who also owned Tuggeranong homestead. Part of a boundary marker erected between the two properties still stands today. Originally it comprised a ditch and a bank, a hawthorn hedge and that part that remains extant today, a dry stone wall. Bearing in mind that Anzac Day is being commemorated tomorrow, it seems apt to note that the official historian, C.W. Bean, wrote four volumes of the history of Australia's involvement in World War I at the Tuggeranong homestead.

Mr Deputy Speaker, our natural heritage is also very important. In the ACT we have got substantial and important national parks which join with parks in New South Wales to provide a significant national resource. As ACT residents, we also value the public open space available on the surrounding hills and the more formal parks and open spaces which are so much a part of Canberra's planning history.

The recently released draft Planning and Heritage Bills demonstrate the Government's commitment to maintaining its heritage. The package of legislation that we are bringing forward recognises and reinforces the obvious connections between heritage protection, conservation and land use planning.

The Heritage Bill recognises the importance not only of identifying and recording our heritage but also of providing clear and effective protection for it. Our legislation will provide effective heritage identification and protection which will be linked into planning, land use and leasing decisions. It will also provide a mechanism for resolving conflicts between heritage and other issues such as population growth, development opportunities and other environmental considerations.

The Heritage Bill provides for the establishment of a statutory heritage council with a range of expertise. Its role will be to identify and document what is important in our heritage and to look at the best means of conserving heritage values. Where land and buildings are identified as having heritage significance they will be included on a heritage places register. This will form part of the Territory plan.

Mr Wood commented about our Civic centre buildings. He may well be right, and few may be judged worthy of identification as heritage buildings in the future. But perhaps we, members of this Assembly, can now do better, perhaps following the 10 commandments of Prince Charles.

The provisions of the Heritage Bill provide not only for the protection of heritage places but also for heritage artefacts and objects, a much neglected and potentially fragile component of this community's heritage. Heritage is essentially about what we, as a community, value in the environment around us, what we care about and what we want to pass down to our children. The responsibility for

heritage protection and conservation is shared between the Government and the community.

The Government's legislation will provide a legal and administrative framework which can act as a stimulus for the community to act responsibly towards its heritage. The cooperation and participation of the community will be essential for effective heritage protection and conservation.

We have developed a process which I believe will provide the maximum opportunity for community input to decisions about our heritage. To take up a point that Mr Wood made, of course our heritage legislation does not talk about standards because you cannot legislate for heritage. We cannot legislate for what standard will be applied in order to create today's heritage for tomorrow. That can only be done by the community. It cannot be legislated for and it is simply not appropriate to attempt to create something for tomorrow in heritage legislation. I think that legislation has a place, but it is the community that lives here that has to create the heritage for tomorrow.

The processes provided by our legislation will allow for any site or object to be nominated for inclusion on the appropriate register. Proposals will then be notified for public comment and, where the heritage council believes that the place or object has sufficient significance to warrant its inclusion on a heritage register, it will be included on an interim register while the public discussion goes on. The protections available under the legislation will apply from that point.

People affected by the inclusion of their property on an interim register will be able to appeal to the Administrative Appeals Tribunal against this decision if it in any way inhibits their freedom and their right to do with their property as they wish. Following finalisation of any appeals, the heritage places register will be included in the Territory plan. The heritage objects register will be approved by the appropriate Minister and gazetted.

The Land Use (Inquiries and Environmental Assessments) Bill will also provide for inquiries to assess the effect of particular proposals on heritage values at the same time as the environmental, social and economic factors are addressed. The Government is well aware of the need to balance heritage values and other public interests, and this is why the Planning and Heritage Bills include provisions for trade-offs between heritage and other interests. It is particularly important that these trade-offs are explicit and that the community understands the process. Ultimately it will be up to us, as members of the Assembly, to resolve these cases in approving or modifying the Territory plan, and that is as it should be. As elected representatives, we are the people who can best resolve competing claims between various community

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interests. If we are not, I do not know who is better placed.

As well as the legislative framework, the Alliance Government supports the provision of grants for heritage purposes. These grants provide assistance for the operation of key heritage community organisations, including the National Trust, the ACT Historical Society and the Conservation Council, for projects and the purchase of equipment for community groups. Whilst the level of funding under this program has been modest, I believe that it has been very effective in achieving the involvement of the ACT community in the conservation and presentation of its heritage.

Additionally, we have received Commonwealth funding under the National Estate grants program for support for both government and community groups in work associated with areas on the register of the National Estate. The ACT Government and the Federal Government agree on the allocation of these moneys. Major projects include the preparation of a conservation plan for the Reid urban conservation area, which is being undertaken at present, and in the recent past a cultural resource study of the Kowen Forest, and continuing support for the ACT National Trust.

For both grants categories the range of activities funded is very broad. Funds have been allocated to activities such as the conservation of the graveyard at Cuppacumbalong; the recording of heritage buildings in the Marion Mahony Griffin measured drawing competition; the conservation and interpretation of rock art sites; the restoration work at St John's Church of England in Reid; and the rehabilitation of forest areas in the Namadgi National Park.

In conclusion, the Alliance Government is going to provide a high level of heritage protection. I believe that we have heeded and are providing for - and I refer to the subject of Mr Wood's matter of public importance - the need to take all measures necessary to secure Canberra's heritage for this generation and future generations.

**MS FOLLETT** (Leader of the Opposition) (3.55): Mr Deputy Speaker, I rise to add to the comments that Mr Wood has made in relation to this matter of public importance. I think it is worth noting that the timing of this matter of public importance in ACT Heritage Week is obviously the reason it has been raised today, but I also think that it is time that very close scrutiny was given to the Alliance Government's written policy on the protection of ACT heritage. It is a disgraceful document. It is a scant one page in length. It, like all of their documents, is full of pious intentions but contains no evidence of intended action whatsoever. Most notably, the document contains no mention whatsoever of any of the ACT's Aboriginal heritage or of any of the ACT's multicultural heritage. In fact,



the main emphasis of the Alliance Government's heritage policy relates to its tourist potential. I think that that scarcely does justice to the issue that we are debating and it draws attention to the paucity of their knowledge of and their sensitivity to these issues.

There is one statement in the Alliance Government's policy on heritage that is worthy of note - just the one. That is their written commitment to consult the community on matters of heritage. That is an historic statement in itself and I think, if such consultation were to be undertaken by the Kaine Government, it would be extremely significant. It would be a first for this Government to actually ask the people of Canberra what they think. So there is some history in the document but it relates to the consultation and their stated intention to consult on this matter. Of course, we know that we have yet to see them consult on any other matter. I trust that they will do so.

One of the most important areas of ACT heritage, which I think is often overlooked, is the industrial heritage of this area. That is the particular focus of ACT Heritage Week for this year. It is an area that the Alliance Government has been notably silent upon and has remained silent upon, although we have had the benefit of the Chief Minister's little history lesson. It is an issue that has been overlooked in the ACT and, in fact, to most outsiders Canberra has been identified as a white-collar city - a city of pen-pushers. Underneath that superficial image the real history of the ACT is quite different.

I think it is a very great shame that the public knows so very little of the lives and lifestyles of the ordinary working people of this region. To go back to the Aboriginal history of the ACT area, as I say, we know very little of the Aboriginal settlers here and the industrial heritage that they have left to us. What do we know about their canoe making? We have evidence that it took place. What do we know about those axe grinding stones in Namadgi National Park? We know that they are there, and that is about it. The true relevance of those industrial objects, that industrial heritage, is not widely known and is certainly not known to the Canberra public.

Nor do we know a great deal about the significance of migration in the ACT. The waves of migration that took place from the early 1950s onwards and the objects that those people brought with them, the history that they brought with them, are very little appreciated in the ACT yet they have contributed enormously to our city. I think it is time that we did pay far more attention to the lives and lifestyles of ordinary working people in our appreciation of what constitutes heritage.

It is all too easy, and in fact it verges on the obvious, to protect places like Lanyon, Lambrigg, Calthorpes' House and Government House, but it is very much more difficult to protect the evidence of those ordinary working people. The

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history of Canberra is very much a history of working people. Our earliest domestic and office buildings - and there are very few of them remaining now - were built by very hardy, pioneering people.

I think we can appreciate the kind of hardship that they had to face as we confront the chill of winter in the ACT. We can appreciate what their lives must have been like. They were indeed a robust and a resolute group. I think the ordinary working people who built this city and whose forebears were responsible for settlement in the area - going right back to Aboriginal times - are not well understood and are not recognised in the way that they should be.

As I have said, Mr Deputy Speaker, nothing in what the Chief Minister has said, nothing in the Alliance's policy and nothing that we have seen from this Government so far indicates to me that things will be otherwise.

**Mr Collaery:** We have stopped demolishing bus sheds.

**MS FOLLETT:** I think it is up to the Government to prove that their so-called wide-ranging heritage legislation will make up for the shortcomings that they have demonstrated so far in their understanding of what constitutes heritage. I would like to note that the ACT has already lost a lot of the heritage of its ordinary working people. For example, the old Causeway buildings have been lost to us yet they were the original working cottages there and were very important. The old Capitol Cinema went with hardly a whimper. The old Jolimont Building, that magnificent wooden office building that was very significant in the ACT, was demolished many years ago. There are a number of dairies and little dairying homesteads out at Fyshwick. One of them is in the way of the bulldozers at this very moment. I think that even where we cannot protect the buildings we must ensure that their history, their heritage, their significance in the ACT industrial landscape is well and truly marked.

There are indeed some other prime examples of industrial heritage that are still unprotected, and my guess is that under the Kaine Government they are likely to remain unprotected because of their working-class status. I will list a few of them. The first is the former railway line which was built in 1921. It linked the Queanbeyan and Eastlake - now Kingston - region with the north side of Canberra. Just on the question of Kingston, the whole of that shopping centre remains unprotected. It was the first commercial centre in the city of Canberra; it was opened in 1925. It is my fear that we will see happen at Kingston what has happened at Manuka - the demolition, the clandestine annihilation, of the remaining vestiges of the federal architecture that is there.

I think these things are worth protecting. The ordinary housing in the Kingston area, the FCC housing as it is

known, which is bounded by Dawes, Leichhardt, Burke and Kennedy Streets remains unprotected and apparently awaits the highest bidder. The sporting recreation of Canberra's early residents which centred around Manuka Oval is also worthy of note because the caretaker's residence there, again, is not protected. It is one of the finest examples remaining of the plain, unchanged house from that development period.

Mr Collaery has been slinging off at the bus shelters, but they were extremely important. They related to our early public transport, again a matter crucial to the ordinary working person. I believe that a great number of those original shelters are sitting on a list in Mr DUBY's office waiting for replacement. I could go on. The Yarralumla Brickworks, the farrier's shed at Duntroon and the sawmill at south Lanyon all need to be protected. All of them relate to ordinary people, not to the view from Government House.

In closing, Mr Deputy Speaker, I would like to pay tribute to members of the existing ACT Heritage Committee. They are a group of people who work tirelessly in a voluntary capacity and work extremely conscientiously to protect all aspects of the ACT's heritage. They have been working for a number of years now. When I was in government I found their advice was most certainly worth taking. I always acted upon it when it was given to me. I think it is now time that the Heritage Committee had its status confirmed in legislation and some statutory backing given to its activities, because I think that its representations to Government, its advice, will be crucial in protecting the ACT's heritage. I have no confidence that Mr Kaine's Government will have anything like the understanding of or the sensitivity to heritage that is represented on that committee. I urge the Government opposite to get on with giving it that statutory status which it needs in order to carry out its work of protecting the ACT.

**MR DUBY** (Minister for Finance and Urban Services) (4.04): Mr Deputy Speaker, as Minister responsible for urban services, I am very proud of the role that my department plays in the maintenance of the ACT's heritage. A number of people today have already commented on various buildings and structures throughout the Territory which have long been recognised as being very important aspects of Canberra's heritage. I would just like to mention a few.

We have already heard talk of Lanyon. My department operates Lanyon and Calthorpes' House as museums that are open to the public daily. They have both been conserved to high standards and, as I have said, they are open to the public. Over 100,000 people each year visit these particular properties and I think that that is an indication of the sort of regard that the people of the ACT do have for their heritage and their cultural background.

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**Mr Wood:** You would never allow Calthorpes' to be sold, would you?

**MR DUBY:** I will come to that later in my address, Mr Wood. The heritage, conservation and museum presentations of these properties are recognised by heritage and museum organisations throughout Australia as meeting very professional standards. We also have, of course, Blundell's Cottage, which I am pleased to say my department maintains and operates. It is open to the public on a daily basis, something that once again demonstrates our commitment to the maintenance of the ACT's heritage.

Of course, there are other places around town that people do not often think of as being part of a heritage. We have got the lovely Canberra merry-go-round in the heart of the city. Once again that is an object that has been around, I think, since 1914. It came from the St Kilda Esplanade in Melbourne.

**Mr Kaine:** It was bought by Jim Pead.

**MR DUBY:** Bought by Jim Pead, was it? Well, there you go.

**Mr Kaine:** Yes, that was his legacy to Canberra.

**MR DUBY:** Well, good on Jim. He has done a marvellous job there; there is no question about that. We are keeping that up, and keeping it up very well. We are not allowing these items to go into disrepair. Indeed, we are allocating many resources to keeping them and preserving them for the future.

I hardly need to mention - but I do not think anyone else has - the famous Albert Hall. It was built in 1928, I believe, and is still maintained by my department to a high standard. On many occasions it is available for use by the public. We have fine displays in there of colonial architecture and things of that nature. As I have said, I think the commitment that this Government has to preserving the cultural aspects of the ACT is demonstrated by the amount of time and the resources that it has allocated to various aspects of heritage here in the ACT.

Another thing that I think needs to come out in this matter of public importance is that heritage is not just about physical attributes or physical pieces of building; the cultural heritage of society also definitely needs to be maintained. I think the Government's commitment to multicultural and ethnic affairs is second to none. It has allocated funding to the Ethnic Communities Council of the ACT. The Canberra and District Historical Society, which operates out of the Griffin Centre here in Civic - strangely enough, it is a matter relating to a question today - has received support from the ACT Government.

We definitely acknowledge the need to preserve our history. We acknowledge the role of the historical society, and

particularly its oral history program. That is where the life stories from elderly Canberrans are recorded so that they are preserved. Their reminiscences of early days and early life here in the ACT and surrounding districts are preserved for future generations. That is part of our heritage as well. We have got the Railway Historical Society and, last but not least, we have the Government's commitment to the maintenance of its own government archives.

I think I have demonstrated the fact that this Government is committed to the maintenance of the ACT's heritage. Perhaps it is also worth while to have a look at what heritage was maintained prior to self-government, under the previous Labor Government and, for that matter, under previous Liberal coalition governments. I think their approach in the ACT has been amply demonstrated by the disgraceful state of repair into which the Old Canberra Inn was allowed to deteriorate. That is a real piece of Canberra's heritage. It was allowed to become run down by the previous Labor Government and the previous Federal governments, but now we have a strong ACT Government and I can assure you that the Old Canberra Inn will certainly not become a piece of jetsam for some developer to knock over and turn into a car park or something along those lines.

We heard the Leader of the Opposition waxing eloquent on what a marvellous job the previous Labor Government here in the ACT had been able to do in relation to Canberra's heritage, stating that she had grave doubts as to whether this Government had a commitment to heritage and to heritage issues. Frankly, I am rather amazed at that. It is well-known, of course, that the previous Chief Minister, the current Leader of the Opposition, has an intolerable hatred of Calthorpes' House; she was committed to its sale and presumably its demolition.

**Mrs Grassby:** That is a lie.

**MR DUBY:** We all know that. That is a common thing. As a matter of fact, I am told that, when I recently announced that Calthorpes' House was safe and it would be retained by the ACT Government, champagne corks popped late into the night at Calthorpes' because it was definitely under a cloud. People thought it was going to go. They were worried.

Of course, it was not only properties like Calthorpes' House. Strangely enough, in her speech Ms Follett mentioned, of all things, the Canberra bus stops, our lovely Federation-style bus stops which are all over the inner north and south suburbs. She had the cheek to say there was a demolition order on my desk stating they were about to be knocked over by me on behalf of this Government. Nothing could be further from the truth. As a matter of fact, when the previous Government came to power there were, I believe, over 30 Federation-style bus stops throughout the inner north and inner south of Canberra.

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When we came to power there were a little more than 20 left. In a matter of seven months this previous Government was able to knock them over - about one every three and a half weeks - and replace them. Well, I do not even know whether they were replaced. The Government probably just put little yellow poles up and planted a tree; that would have been its style for heritage. So I think it boomerangs back on those members who say that this Government does not have a commitment to heritage.

One other thing that no-one has mentioned, of course, is the heritage homes that were demolished while the Opposition sat in the chairs of power. We have the Telopea Park West home that we know was such a scandal. It was knocked over. It turns out now, I believe, that they had to change the rules again for the building that went on the site there. The Federation lamp posts that were in that area simply mysteriously disappeared - Lord knows where to - but no protection was made for those items. No protection was made at all.

I think this has been a facetious matter of public importance. The only good point about raising it today is that this Government has been able to demonstrate quite amply that it is taking all necessary measures to secure Canberra's heritage for this generation and future generations, and we thank Mr Wood for raising it.

**MRS GRASSBY (4.14):** In rising I wish to speak in this debate particularly about the question of the protection of Aboriginal heritage and artefacts. The NCDC's technical paper No. 56 on sites of significance in the ACT listed a number of Aboriginal sites which currently have no heritage protection. Although the Chief Minister, who has just left, did mention some of these, I would still like to - - -

**Mr Jensen:** He is still here.

**MRS GRASSBY:** I am sorry, Chief Minister, I thought you had left. It was obviously somebody else.

**Mr Moore:** It was Mr Duby.

**MRS GRASSBY:** It was Mr Duby, was it? That is normal, I am sure. I need to correct him on a few things but Mr Duby would not want to be corrected. The Chief Minister did mention some of these sites but I would still like to have them read into the record - the Pialligo prehistoric site located on section 17, Pialligo.

**Mr Jensen:** You are talking about this one, are you, Ellnor?

**MRS GRASSBY:** You will have to speak up if you want me to hear. Others are the Uriarra and Swamp Creek Aboriginal sites at Uriarra; the axe grinding grooves at Percival Hill; and the Sullivan's Creek Aboriginal sites at

Gungahlin. There are many others but they are just a few of them. It is important that these sites and many other Aboriginal sites and artefacts within the ACT be protected. It is very interesting that we all rush to protect what I would call the white society that came to this country and we do not worry about the original people who occupied this land for many years before we even came, whose heritage I consider should be protected and should be looked at in this way.

The ACT Government recently released a number of draft Bills, one being the proposed Heritage Bill for the ACT. The Heritage Bill contains a section on Aboriginal heritage and on the establishment of a general heritage and artefacts register. It is unfortunate that, before releasing this Bill, the Government did not consult with local Aboriginals or the professional bodies such as the Australian Institute of Aboriginal and Torres Strait Islander Studies which could have provided them with guidance in how to deal with Aboriginal heritage. I am sure it comes as a surprise to many members opposite to discover that there are descendents of the original inhabitants of the ACT, the Aboriginal community, still living here. I am sure it would be a surprise. They would not know that.

The first problem with the proposed legislation is that the Aboriginal heritage is dealt with within a general heritage Bill. I find this unacceptable and so does our party. You cannot deal with Aboriginal heritage and artefacts in a general heritage Bill. Experience elsewhere shows that this method is guaranteed to fail. It is important that our Aboriginal heritage be dealt with in its own legislation rather than being overtaken and overridden by a general piece of heritage legislation.

The second problem with this legislation is that it requires any person who discovers or knows of a place that is an Aboriginal site or an object that is an Aboriginal artefact to identify that site or artefact and to place it on an interim heritage register. This, of course, makes public the location of the site or the artefact. There are many Aboriginal members of the community who have knowledge of Aboriginal sites and artefacts but who do not wish them to be made public for a number of reasons. First of all, the site or artefact may be a tribal secret and the publication of its location would offend tribal law. Of course, the Government has never thought about that. It only thinks of its own laws. It does not think that the Aboriginals have laws that are very important. They have had them for thousands and thousands of years and therefore we should be looking at that and we should be saying that it is important that we take note of their laws. Secondly, the publication of the site could lead to the damage of the site or the artefact.

In his tabling speech, the Chief Minister said that the Heritage Bill would, by means of a separate listing

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process, provide protection of Aboriginal artefacts and moveable items which have heritage significance. As I have pointed out, this unfortunately will not be the case. Although I believe the Government's intentions in this regard to be genuine, its ill-conceived legislation will not have this effect.

In Heritage Week I believe it is important that we give high priority to the protection of the oldest heritage in Australia - Aboriginal heritage. I urge the Government to take my comments into account before proceeding further with its heritage legislation. I believe there is an opportunity for the ACT to take the lead in Australia in protection of Aboriginal sites and artefacts. As Dr Graham Ward, whom I spoke to, said, it has not been done elsewhere in Australia and we could be the leaders in this way of doing it. We could show the rest of Australia how to have a separate heritage Bill for Aboriginal heritage and artefacts and not just lump them in with another Bill.

As for Mr Duby's Calthorpes' House, let Mr Duby get it straight. Mr Duby finds it very hard to get anything straight - we all know that - but Calthorpes' House, I might tell you, was never on the agenda to be pulled down or sold. The point was that we wanted it to be open to the general public every day of the week and not to be there just for special people.

**Mr Jensen:** It would not have lasted very long, Ellnor. That shows how much you know about conservation.

**MRS GRASSBY:** Friends of mine who rang up and wanted to take their family through Calthorpes' House found that they would not be able to do it. Have you finished, Mr Jensen, or do I have to keep yelling over the top of you? They found that they would not be able to do it unless they made an appointment and the appointment was three to four weeks away. So I said, "Either it gets opened up or it does not belong to the public. Something has to be done about it". Let us get that straight, Mr Duby.

As for the Residents Rally talking about the Telopea Park house, the decision was made by another government. They were quite prepared to cause people terrible distress and have them thrown out on the street and not know where they were going. We felt very sympathetic to this family and we felt very sorry that the decision had been made. Rather than put these people through any more trauma than they had already been put through - members of the Residents Rally were quite happy to lie down in front of a bulldozer but they did not give a damn about these poor old people - we decided, as the decision had been made by another government and had caused such distress, to stop the distress. The Residents Rally did not give a damn about the distress of those poor people. They did not really give a damn about anybody, as they really only care about themselves. They are the NIMBYs of Canberra - "not in my backyard, no!".



**MR JENSEN (4.21):** Now that Mrs Grassby has settled down I might be able to say a couple of words on the subject. It is unfortunate that the good intentions of Mr Wood in bringing this debate forward in Heritage Week have degenerated into a name-calling exercise.

**Mrs Grassby:** You were doing it.

**MR JENSEN:** I will do my best not to do much name-calling in relation to this particular subject. I may have to do a little bit because it is - - -

**Mrs Grassby:** You had better tell Mr Duby not to do it either.

**MR DEPUTY SPEAKER:** Order!

**MR JENSEN:** However, let me start. There were a few cheap shots by Ms Follett and Mrs Grassby today, which was unfortunate because, quite frankly - - -

**Mrs Grassby:** We are not cheap; we are very expensive. Remember that, Mr Jensen; there is nothing cheap about me, nor is there about the Leader of the Opposition. She is a very fine lady.

**MR JENSEN:** Out of the mouths of babes - empty vessels. Mr Deputy Speaker, let me start my remarks by referring to the principles Mr Wood used in his remarks this afternoon. There was little that I heard that I or my colleagues would disagree with. In fact, it provided some of the principles on which we in the Rally decided to participate in self-government and run for election to this Assembly.

I take the point by Mr Wood that there is no specific mention in the Alliance Government's policy of the future form of Civic. That is true. However, while I was carefully listening to Mr Wood, I riffled through the policies of the Labor Party that were provided for the people of Canberra during the election last year. It was their planning policy. They do not have a heritage policy or, if they do, it is not included in the list that I have - but we will come to that later. In fact, there was no specific policy on heritage.

It is interesting that we have people sitting across there pontificating about our heritage policy. At least we have one. They did not even bother to include one in theirs. That is how important it was to them. It took a person with the sensitivity of Mr Wood, who unfortunately did not have control of that area in the development and the lead-up to the election, to have that included. It is unfortunate that Mr Wood did not have that role in the Labor Party at the time. It is all very well for the Leader of the Opposition to take cheap shots at the Alliance Government for failing to include any specific reference to Aboriginal heritage in our policy. The Leader

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of the Opposition may be interested to know that I do have a little knowledge, albeit limited, about this subject.

**Mrs Grassby:** You are the wrong colour.

**MR JENSEN:** I was about to come to that, Mrs Grassby. Like you, I am a non-Aboriginal. However, I studied at the excellent Australian National University, at the leading prehistory department in Australia. The professor of prehistory there, Professor Mulvaney, a leader in this area in Australia, has left a legacy for future students at ANU. I had the privilege to be part of that. As I said, I have a limited knowledge, because we, as non-Aboriginal Australians, can only seek to scratch the surface of the Aboriginal history and prehistory of our nation.

It is very interesting to note that large numbers of Aboriginals transited through this region. I recommend to Ms Follett and Mrs Grassby an excellent work on this subject by Dr Josephine Flood, called *The Moth Hunters*, which discusses this subject and includes comment on the stone tool industry and the way that this industry was part of the lifestyle. Ms Follett and Mrs Grassby may also be interested to know that during my time as a student at the ANU I actually participated in field work in this particular subject. In fact, I might encourage both Mrs Grassby and Ms Follett to join Dr Flood on a field trip which she proposes to run during Heritage Week. It might be a very edifying experience for them.

I am also aware that, following my personal initiatives, representatives from the excellent research school of the ANU and the Australian Institute of Aboriginal Studies were able to ensure that they were given an opportunity to comment on the heritage policy for the ACT.

As the Chief Minister has said, the Alliance Government's legislation provides an excellent framework for the community to preserve its heritage. We are lucky in Canberra that we live in a well-planned city with a high level of residential amenities.

I now move to the more recent historical past of the ACT. As one who has also studied history, including social history, I am not unaware of some of the issues of our heritage and the need to preserve them. The activities of the administration at Lanyon, as Mrs Grassby well knows, are to be commended. I was present there last weekend for a very interesting discussion by a noted heritage architect in the ACT, Mr Peter Freeman, on farm buildings around this part of the Murrumbidgee River. That was a very interesting activity and it was well attended by a large number of people. It is the sort of activity in which it is crucial for people to participate.

However, Canberra's early planning and architecture have a particular value. What has been created is a pleasant city which is also important in world terms as a unique example

of a well-planned city. Canberra's recent planning and history are also valuable in the way that they have engendered community interest and involvement in our city's planning and heritage. I would suggest that this is one of the cities of Australia - indeed of the world - where an interest in heritage and the past is very important to the community.

We have put legislation on the table - not drafting instructions but legislation - to enable the people to see its proper form and enable them to comment. It is unfortunate that we do not have operating right here and now the sort of legislation that is required. I would suggest that, if the group opposite had got their act together, the sorts of protections that Mrs Grassby was talking about would already have been in place.

**Mrs Grassby:** Yes, it would have been done if you had not grabbed power.

**MR JENSEN:** No, Mrs Grassby. We were still waiting and we would have been waiting for time immemorial. Members opposite were not prepared to make the hard decisions during this period. As the Chief Minister said, our legislation will provide a process which the community can use to conserve these places and objects which we value. Mrs Grassby spoke about the fact that we should be leaders in the area of the protection of Aboriginal heritage.

**Mrs Grassby:** You should consult before you make up your minds about things.

**MR JENSEN:** We are consulting, but we have put the legislation on this table as part of that consultation process.

**Mrs Grassby:** You never talk to the people who are important.

**MR JENSEN:** That is interesting, Mr Speaker. My advice is that members of the department did speak to those people and have continued to have dialogue with them. So it is all very well for Mrs Grassby to come across and talk about those sorts of areas.

The proposed heritage legislation that we have put forward makes provision for a heritage objects register and we will be the first State or Territory to legislate for such a register for non-Aboriginal artefacts.

I think it is important that the involvement of the community in such groups as the National Trust, the National Parks Association, the various local area residents groups and the conservation and environment movement attests to the level of community concern about conservation of our local heritage. I noted that there were no Labor members present on Sunday at a tree-planting activity run by Greening of Australia.

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**Mr Wood:** Well, you were not at one I went to recently either.

**MR JENSEN:** No, but I was at the one on Sunday.

**Mr Wood:** If you knew anything about it, you would know that this happens all over the city pretty well every weekend.

**MR JENSEN:** I was just making a comment. The Alliance Government demonstrates its commitment to heritage in a variety of ways - - -

**MR DEPUTY SPEAKER:** Order! Mr Jensen, your time has expired.

**DR KINLOCH (4.32):** I was very pleased indeed to hear the Labor Party's initiative in this MPI which we all care about. It is a bipartisan issue in this chamber. We do need to be very careful about destroying any part of our heritage. I was pleased, for example, to hear the Leader of the Opposition talk about the Capitol Theatre. Would that we had that building back again!

Heritage does not necessarily have to be high culture or even aesthetically superior. Heritage is what people care about. Also one needs to be well aware that what needs to be maintained may not necessarily be seen as some kind of museum piece; it may be part of the people's culture. I agree with the point about the Causeway houses.

In these closing minutes of this debate, that brings me to the question of the centre of Canberra - a very special space and place. The concept of space and place was, I thought, well described by Mr Wood. I refer to that place which has had many ethnic group gatherings, folk dancing and New Year's Eve parties. The Raiders met there on that grand occasion when they returned from beating Balmain. I refer, of course, to Civic Square. Civic Square is part of the heritage of this city. The North and South Buildings are part of the heritage of this city. We should not allow the heritage of the people of Canberra to be damaged.

**Mr Berry:** We will have a casino in our heritage.

**DR KINLOCH:** Mr Berry, please! Given the initiative from the Labor Party, I want to put before you this very important matter. The North and South Buildings must be maintained for the heritage of the people of Canberra.

**Mr Moore:** You are not interested in the heritage. This is a casino argument.

**DR KINLOCH:** It does not matter, Mr Moore, if those buildings are ugly or not. I happen to like them. The point is, like the Capitol Theatre, they are part of the history of this Territory. They are a reminder of the 1960s. Civic Square is part of our heritage of the 1960s.

**Mrs Grassby:** But, Dr Kinloch, you have to convince your own people!

**DR KINLOCH:** Forgive my saying so, but it was the Federal Labor Party that initiated the destruction of Civic Square. I put the blame straight on the Labor Party, where it belongs. I ask most urgently, at this late stage, with seconds to go, that Civic Square be considered absolutely central to the heritage of this city.

**MR DEPUTY SPEAKER:** Order! The time for this discussion has now expired.

### **SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report**

**MS MAHER (4.35):** I present report No. 5 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and seek leave to make a brief statement on the report.

Leave granted.

**MS MAHER:** The report I have just tabled details the committee's comments on the Taxation (Administration) (Amendment) Bill (No. 2) 1990, the Ambulance Service Levy Bill 1990, and the Long Service Leave (Building and Construction Industry) (Amendment) Bill 1990. Pursuant to the committee's resolution of appointment, this report was circulated to members last week. I commend the report to the Assembly.

### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE Inquiry**

**MR JENSEN, by leave (4.36):** I wish to inform the Assembly that the Standing Committee on Planning, Development and Infrastructure, at its meeting on Thursday, 12 April, resolved to inquire into and report on the proposal to construct a fence at Stage 88 in Commonwealth Park.

### **ALTERATION OF DAY OF NEXT MEETING**

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

That the Assembly, at its rising, adjourn until Thursday, 26 April 1990, at 10.30 am, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members.

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**RESIGNATION OF MEMBERS - AUTHORISATION OF PERSON TO RECEIVE  
RESIGNATIONS**

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

That, in accordance with subsection (13)(1) of the Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth, this Assembly authorises the Speaker, or during any absence of the Speaker from the Territory or from duty, the Deputy Speaker, to receive the written notice of resignation of a member as a member of the Assembly.

**PAPER**

**MR JENSEN:** I seek leave to present an out-of-order petition.

Leave granted.

**MR JENSEN:** I present an out-of-order petition from 43 residents concerning the need for further lane marking in Duffy Street, Ainslie.

**AMBULANCE SERVICE LEVY BILL 1990**

[**COGNATE BILL:**

**TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 2) 1990]**

Debate resumed from 29 March 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate the Ambulance Service Levy Bill 1990 concurrently with the Taxation (Administration) (Amendment) Bill (No. 2) 1990? There being no objection, that course will be followed.

**MR BERRY (4.39):** The Ambulance Service Levy Bill dates back to the 1989 Follett budget. When that initiative was first taken, it was planned that the legislation would come into effect about January 1990 and, therefore, the savings for the ACT coffers would start to flow from about that time. We all know the history of events that have overtaken the establishment of that legislation - the decision of those members opposite to join together and remove the Follett Labor Government from office. The issue that flows from that, of course, is that there is an element of lost revenue because of the inability of the Government to get the legislation enacted quickly.

Mr Speaker, one of the problems that I must bring to the attention of members is that that loss of revenue will have to be made up one way or another, and there has been some discussion about how that might occur. I suspect that there are a number of initiatives that the Government will be considering in making up that loss of revenue.

One of the issues that comes to mind, and one that relates to a demonstration outside this place at lunchtime today, is the community development fund, which was also mentioned by the Chief Minister. About \$2.5m from the fund is unspent. There is a big question mark about the future of the fund. There is a big question mark about how changes to the fund might be implemented, whether they will involve proper consultation with the community and whether the allocation of CDF money to community organisations will be at the same level in the future as it has been in the past. For my money, I believe that savings will be sought by the Government as the community development fund is, if you like, absorbed into general revenue. Of course, if community organisations do not watch themselves, they will find a significant impact on their funding as a result.

Making up that lost revenue could also involve the health promotion fund, and there has been some discussion in this place about how allocation of funds from the health promotion fund might be made. Mr Humphries strenuously denies that there is anything wrong with what is going on at the moment, but I can say that a lot of community organisations are concerned that some of that money will find its way into places other than that one for which it was intended - health promotion.

**Mr Humphries:** I raise a point of order, Mr Speaker. I do not follow the relevance of discussions about the health promotion fund or the community development fund to the ambulance levy.

**MR SPEAKER:** Order! You are debating the issue, Mr Humphries. Relevance, please, Mr Berry.

**MR BERRY:** It is entirely relevant, as Mr Humphries would be aware, because revenue has been lost as a result of the delay in getting this legislation into place. What I am discussing, if Mr Humphries has not worked it out already, is the options that the Government might explore in making up that lost revenue. It really comes down to how the Government wants to develop its slush fund, and that seems to be the case in respect of both of those funds that I have mentioned. Of course, the most important issue is the lack of consultation in relation to these matters. Even though Dr Kinloch strenuously denies the lack of consultation in his area, I think it is generally held - - -

**Mr Collaery:** I raise a point of order, Mr Speaker. I believe Mr Berry said "the Minister's slush fund". If he

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said that, I believe that he should retract it. If he said "the Government's slush fund", I presume that is permissible. I seek your direction on that, Mr Speaker, so that the record does not show it as Mr Humphries' slush fund. I did not hear it clearly.

**Mrs Grassby:** No, he did not say "the Minister's slush fund". He said "the Government's slush fund".

**Mr Collaery:** Let him speak for himself, Mrs Grassby.

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

**MR BERRY:** I will ease the tension that is obviously being suffered by Mr Collaery. There is an issue before the Government whereby Ministers will be deciding what to do with the community development fund, and the slush fund that I refer to is therefore a ministerial slush fund in a political sense. I do not know whether the tensions are now eased, but I sincerely hope they are. I do not think we need any further interruptions in relation to the matter.

The Bills that have been introduced will, of course, be supported by the Labor Opposition, but there has been some confusion amongst the community as a result of the stand in relation to this levy by the Liberal element of the Alliance Government. As I recall, Mrs Nolan opposed this levy in the debate about the estimates in the lead-up to the Follett budget. Of course, the community would have expected, with the development of the new style of government, that there might have been a change in that levy, as Mr Humphries had opposed it in the past. That does not do much for the community because it creates confusion and it reflects badly on those Liberals in terms of the way that they function as part of the Government. Of course, it also reflects badly on the Government as a whole, and quite properly so.

One issue of concern in the Bill is the lack of information on collections of the levy from uninsured people. I have had some fruitful discussions with Mr DUBY, and my understanding is that he will make some response in relation to that during his reply to the debate. In closing, I say that the Labor Opposition will support both these Bills.

**MR COLLAERY** (Deputy Chief Minister) (4.49): I wish to speak in support of the Bills. Firstly, the introduction of the levy is necessary to ensure that the ACT Ambulance Service is less reliant on the budget for its financing by having access to a larger revenue base - that is, the health-insured persons who comprise about 40 per cent of the ACT population, rather than members of the voluntary scheme who constitute about 30 per cent. In 1989-90 it is anticipated that the Government will subsidise the ambulance service to the tune of \$1.2m, with the balance of funds coming from voluntary subscriptions - that is, \$900,000 - and charges for non-subscribers, \$400,000.



This Government is faced with tight monetary constraints - constraints which were endorsed on 20 April 1990 by the new Federal Territories Minister, Mr David Simmons, in a program on Capital Television when he said, among other things:

You're in for a big shock because that's not the reality. We're living in tough economic times and people expect governments to make decisions.

Mr Speaker, the Ambulance Service Levy Bill is in accord with the sentiments expressed by the new Labor Federal Minister for Territories, Mr David Simmons, who indicated very clearly that we are living in tough economic times and that people expect governments to make decisions. Those decisions, as he clearly indicated, may well involve big shocks. That statement is there in a Monitair transcript, and I think it makes a mockery of the hypocritical turns and twistings of the more junior Labor element opposite.

While adopting the levy approach, the Government also considered submissions from the health insurance industry, which included a levy on household rates, drivers licences, motor vehicle registrations and driving offenders. These approaches were rejected in favour of the levy on health funds in line with the New South Wales approach because, for example, the removal of the link between the use of the service and its costs could lead to over-servicing and decrease the efficiency of that service.

Again I remind the Assembly that here we have followed a New South Wales approach, which indeed was the approach adopted by the Follett Government when it was pursuing this self same thing. Do we hear the Follett Government accusing itself of Greinerising? No, we do not. This again demonstrates the inconsistency of the commentaries on fiscal matters coming from those opposite.

The advantages of having a scheme similar to that of New South Wales are: alignment of rates with New South Wales, minimum additional administrative burden for health funds already required to maintain appropriate records and funds already identifying ACT contributors in order to exclude them from levy payments in New South Wales.

The effect of the levy is to require the health funds to pay 49c per week for single rate and 98c for family rate. It is anticipated that the health fund will pass on the levy to ACT contributors in the form of increased health fund fees - that is, \$25.48 per annum for single contributors and \$50.96 per annum for families. Persons not insured by health funds will be able to contribute to a voluntary scheme administered by one of the health funds or paid directly for the cost of ambulance services used. Pensioners and persons holding a current health card will be exempted from the scheme and provided with free ambulance services. I commend that Bill to members.

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Mr Speaker, the Bill we are debating concurrently, the Taxation (Administration) (Amendment) Bill (No. 2) 1990, concentrates in a single Act matters of administration in relation to ACT taxation legislation, including lodgment and assessment of instruments, returns and licence applications; payment and recovery of duty, taxes and levies; inspection of records and inquiring into facts; imposition of penalties; objection and appeal provisions.

The proposed amendment will include the Ambulance Service Levy Act as a tax Act, joining such other legislation as the Stamp Duties and Taxes Act, the Payroll Tax Act, the Financial Institutions Duty Act, and the business franchise schemes for tobacco and petroleum products. This will enable the detailed administrative provisions outlined in the summary above to apply to the Ambulance Service Levy Act and obviate the need to duplicate these provisions in the ACT Act.

Other obvious advantages for taxpayers and their advisers is the consistency of administrative provisions for all taxes and less work in keeping legislation current when administration charges are made - that is, when only one Act is amended and not each Act. I commend this Bill also to members.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.55): We are debating the Ambulance Service Levy Bill, which seeks to establish a levy on health funds operating in the Territory. Mr DUBY, my colleague and Minister for Finance, has indicated that the proposed levy arrangements on health funds will broaden the revenue base of the ACT Ambulance Service through the larger number of subscribers to these funds. He has pointed out, as has Mr COLLIER, that the scheme proposed in this case is similar to that of New South Wales which has been in operation for some time.

There is value in that, Mr Speaker. It is not always appropriate to echo New South Wales, but where an arrangement of this kind is in place in New South Wales and where all the funds that operate in New South Wales also operate in the ACT, as I am advised, there is some value in having a consistency between the approach adopted in New South Wales and that of the ACT. For example, this will allow ambulance funds to provide for similar or identical contribution rates in both New South Wales and the ACT.

It is worth repeating the point that under current arrangements the ACT Ambulance Service simply does not pay for itself. It is presently funded half through appropriations and half through its own revenue-raising measures. I understand that the scheme costs about \$2.5m a year, of which some \$930,000 only is met through the ambulance subscription scheme, about \$420,000 by people who are directly billed and the rest through consolidated revenue. That is quite a shortfall. Contrast that with the new arrangements where we will be raising something

like \$2.5m in a full year and saving about \$100,000 in administrative costs each year. That is very considerable.

I observe that this Bill has bipartisan support, but I acknowledge also that the Bill has not met with the universal endorsement of others outside this chamber. We have had representations from the health insurance industry in particular, which have argued for an alternative to the levy which does not simply impost people with private health insurance. The industry has made suggestions about alternatives. So while it appears that there might not be total consensus on a health insurance levy, there does appear to be a general agreement that the current system needs to be changed and placed on a sounder financial basis.

It is important to note that the savings generated by the new scheme will help the ACT tackle the \$100m funding shortfall that will occur when special funding arrangements with the Commonwealth expire as early as the middle of next year. That has always been the first priority for government and it will continue to be so with the implementation of this legislation. In a small way it also helps send the message to the Commonwealth Government that the ACT is serious in its bid to tackle the significant overfunding identified by the Commonwealth Grants Commission.

I note Mr Berry's comments about a difference of opinion indicating disaster and confusion on the part of the Government. As I said earlier today in answer to a question, I welcome a spirit of debate inside the Government. Those of us who hear the Opposition tell us that there is no debate and no difference of view in its ranks smirk with some mirth at this ridiculous suggestion. I welcome the debate that has preceded the introduction of this legislation.

Mr Berry, in particular, was critical of the Alliance Government for not having acted sooner to introduce this legislation and put this levy in place. The fact is that when he made the same attempt last year to bring in this scheme he made a right mess of it. He said in this place - on previous occasions, if not in the debate today - that it was the previous Government's intention to have the ambulance levy begin on 1 January. One does not need to be brilliant to work out that when he left office on 5 December last year no legislation was in place and that, even if he had intended to bring in the Bill on 5 December, there was no way that an ambulance scheme such as we are bringing in today could possibly have been in place in the Territory by 1 January.

The failure to meet that deadline also raises another interesting question. Mr Berry said that there was confusion on the part of the Government and that this confusion spilled over to the community and harmed it. The reality is that, when I took office as Minister for Health,

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I faced considerable confusion by people who were asking whether the 1 January deadline announced by Mr Berry before leaving office would be continued.

He knew as well as anybody else that that deadline could not have been maintained; that, irrespective of the change of government, there was no way that any new scheme could have been in place by 1 January. It is rather fortunate in many respects that Mr Berry lost office in December, because it certainly saved him the embarrassment of seeing the failure to meet his own deadline.

I think that the legislation introduced by my colleague Mr Duby will be welcomed by most people in the Territory because it addresses the serious question of funding our ACT Ambulance Service and also streamlines the administrative arrangements in place for that funding. In that sense it is a worthwhile endeavour; it will put us on a better financial footing and, as such, will contribute to the solving of our overall long-term financial problems.

**MR DUBY** (Minister for Finance and Urban Services) (5.01): Mr Speaker, I welcome the bipartisan support for these two Bills in the Assembly and I think the fact that they are supported on both sides of the house indicates that this is a measure that was long overdue.

The levy on health fund organisations is a budget proposal of the former Government and I guess that indicates why members opposite support it. The Ambulance Service Levy Bill 1990 gives effect to that proposal. As has been said by many speakers, the purpose of the Bill is to replace the existing voluntary subscription scheme for ambulance services with one which will enable sufficient revenue to be raised for the ACT Ambulance Service not to require subsidisation from consolidated revenue.

My colleagues Mr Collaery and Mr Humphries have stressed the point that we are living in hard times and that, unfortunately, this is a decision that had to be made. We know that a number of the voluntary health organisations operating in Canberra are dissatisfied with the introduction of these Bills but, unfortunately, it is a sign of the times that hard decisions are having to be made.

The current voluntary subscription scheme will cease on 30 June this year and subscribers will be refunded the unused portion of their annual subscription from 1 July when the levy legislation is to take effect.

Under the levy scheme, contributors to health fund organisations will be entitled to free ambulance services. Persons who are not contributors to a health fund will be able to obtain "ambulance only" cover through one of the health funds which are operating in the Territory. That situation is similar to that which occurs in New South Wales and is an administrative decision as to which fund

will be chosen to collect the "ambulance only" subscriptions. Details about this will be publicised shortly and I can assure Mr Berry that all members of the public will know to which organisation they will have to go to obtain their "ambulance only" cover.

Mr Speaker, the first monthly payment of the levy is due to be made by health fund organisations by 15 October 1990. This will definitely put the ACT budget on a firmer financial footing than it has been in the past.

**Mr Berry:** You need an ambulance for Saturday night fever!

**MR DUBY:** Yes. Sometimes you might need an ambulance for a Saturday night fever, as many a fireman will tell you. I welcome the support that has been given to these Bills from both sides of the house and I commend them.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

#### **TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 2) 1990**

Consideration resumed from 29 March 1990, on motion by **Mr Duby:**

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 5.04 to 8.00 pm.**

#### **PUBLICATIONS CONTROL (AMENDMENT) BILL 1990**

Debate resumed from 14 February 1990, on motion by **Mr Stevenson:**

That this Bill be agreed to in principle.

**MR MOORE (8.01):** Mr Speaker, I thought I would start this evening by discussing the importance of this issue, so I spoke to some of my friends in Adelaide, Melbourne and Brisbane and the same response came back again and again.

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When I asked, "How important is this issue?", they replied, "X-rated videos - don't know anything about them; haven't seen any". That was the response from people in Adelaide, Melbourne and Brisbane. Apart from a very few, nobody there knows anything about the issue at all.

**Mr Kaine:** What about in Canberra?

**MR MOORE:** You know that I do not have any friends in Canberra!

The very few who like to refer to themselves as "the moral majority", modelling themselves on people in the US, have taken the issue totally out of proportion. In the US there may be some reason for them to refer to themselves as the moral majority, because in that country 35 per cent of the people vote for their government so it takes about 20 per cent of the people to make a majority. Also, we know they are much more conservative there; they have their Bible Belt down the middle of the United States. So it is a possibility that 20 per cent of the people there do form the moral majority.

In Australia, however, with our compulsory voting system, roughly 95 to 98 per cent of the people vote. A majority requires roughly 50 per cent. So, can our "moral majority" ever be considered a moral majority? Certainly not. There was only one party that went into the ACT election on the issue of censorship and pornography, and that was the Family Team. Since that party adopted its anti-pornographic stance, it has been going backwards. The election statistics on page 1 of the Australian Electoral Commission's report on the ACT election of 4 March 1989 show that the Family Team drew precisely 2.74 per cent of the primary vote - and they are the people who went to the election on this issue. It is a non-issue.

Those people have telephoned and written to members and have had the gall to suggest that we should be representing the majority opinion - a 2.74 per cent majority opinion. That is absolute nonsense. If they want to refer to themselves as the moral anything, perhaps they should opt for "moral minority" or even "moral minuscule-ority".

What we really need is for people to recognise parental responsibility; that is the issue here. When a person stands up and opposes this Bill, that does not mean that he or she is one of the lords of lust.

**Mr Doby:** Or princes of porn.

**MR MOORE:** Yes, or princes of porn. Thank you, Mr Doby. You were probably going to use that phrase yourself; now I have ruined it!

All classified material that comes from the chief censor now has advice on it, explaining the reasons for its rating - whether it be G, M or X. This puts the

responsibility back on parents to know where their children are, to know what they are doing and what they are watching. As a fairly avid newswatcher, I often find myself in the position of having my six-year-old ask me questions about something that is rather questionable. I take the approach of a number of psychologists who recommend that this is a perfect opportunity to help to mould your children's view by discussing with them those aspects of issues that you find objectionable. Matters that some people find objectionable are, of course, not objectionable to others. What we are discussing here tonight is a matter of value judgments.

The evidence that I have read on X-rated material - and I have quite a lot of it here - shows that there is no link that one can establish between X-rated material and violence. On the contrary, where a link can be established, it can be established between domestic violence and repression. Repression is a much greater danger to our society than the notion of non-violent erotica. There is no evidence that I have come across that establishes, in a reasonable way, a relationship between non-violent erotica and violent acts, as is suggested by many people in the lobby and as has been suggested again and again by Dennis Stevenson.

What are the motives for these people to present their arguments in this way? What would psychologists say about people who have a preoccupation with repression, sexual pornography and these sorts of materials? How often have we heard them objecting to R-rated movies? On a number of occasions I have seen such movies, and there is a relationship there between sex and violence. Yet those movies are available and we never hear objections to them.

This campaign against pornography that these people talk about is a campaign about sexual repression. The evidence that they provide is anecdotal at best. When Mr Stevenson introduced this Bill he read from Linda Lovelace. We have also heard about Ted Bundy, the serial killer, who now claims that his killings were related to pornography. These people have one thing in common: they do not want to face up to the fact that they should take responsibility for their past actions that they now consider wrong. They are saying, in effect, "It was not me. I did not go out and kill all those people, certainly not. It was the pornography that did it, not me".

Even in the case of Ted Bundy we are talking about a combination of violence and erotica; we are not talking about the material which is classified in Australia as X-rated and which contains no violence. It does not even contain coercion or non-consent of any kind. That is the material we are talking about. It does contain very explicit sexual acts with very close-up pictures. I have now seen four of these pictures myself and I was not as repelled by them as I was by a number of R-rated movies.

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What are Mr Stevenson's motives? In the election the only thing that Mr Stevenson told us he was attempting to do was to abolish self-government and to present the voters' veto. Well, the voters' veto does not really relate here. But since some have indicated that his Bill would be worthy of a High Court challenge, one must ask whether this is just another attempt by Mr Stevenson to bring the Assembly into disrepute by having us pass legislation which then fails a High Court challenge. Then when it is shown that we cannot even get that right, he will have made some progress, in his inexorable way, towards abolishing self-government. If that is the case, it is probably quite a high motive, but it is a very different motive from those that others see. I say "high motive" by his standards, not necessarily by my own value judgment.

What are the tactics that these people have used? The tactics start with the use of an invalid argument. An invalid argument has almost always been that these certain pieces of non-violent erotica cause this sort of violence. They then progress from that relationship to another. The relationship between the two is illogical; the conclusion is not based on the premise. If one studies logic, one of the first things that one learns is that the conclusion must follow the premise. The premise in this case is based on something that bears no relationship whatsoever to the conclusion - that is, the arguments are based on violent erotica and not on the matters we are discussing, X-rated movies or non-violent erotica.

We then see a deliberate misuse of statistics. If the motives of these people were high, if their tactics were right and their arguments logical, then perhaps we could be swayed. Let us look at the advertisement that appeared in several newspapers - I have one here from the Canberra Chronicle - in which they quote rising statistics for rape, the statistics allegedly coming from the Australian Institute of Criminology. The Australian Institute of Criminology responded to this use of its statistics. In a press release headlined "Misuse of rape statistics by anti-pornography campaigners", the Australian Institute of Criminology says:

The Australian Institute of Criminology disagrees with the interpretations of trends in rape given by the ACT Citizens against Pornography and their advertisements. The advertisement quoted Institute statistics taken from a publication of the National Committee on Violence -

a publication that has been referred to on numerous occasions -

showing rapes, or reported rapes, increasing dramatically since the early 1970s.

While the figures used in the graph are quite correct the advertisement has ignored the fully



documented explanations given by the Institute publications and substituted others without substantiation. The Institute believes that the rise in reported sexual offences since the early 1970s has been overwhelmingly due to three factors, none of which are mentioned in the advertisement.

They are:

- (1) The success of the women's movement in persuading both women and men that sexual offences are crimes of assault and ought to be treated as such by taking them to court.
- (2) The dramatic change in legislation brought about by this change of attitude, which greatly increases scope of laws concerning sexual assaults and facilitates their pursuance through the courts.
- (3) The demographic changes in Australia since the mid-1970s which have resulted in greatly increased numbers of people in their late teens and twenties, the ages at which people are most likely to commit sexual offences.

This is just another attempt to misuse the truth to mislead people. The more I looked for the evidence, the more I found that there was none that supported the anti-pornography campaign. This is verified by the writings of Dr Paul Wilson of the Institute of Criminology, who is a long-time opponent of prohibition.

Another tactic of Mr Stevenson and his anti-pornography campaigners is to present minority reports as if they were majority reports. They do that particularly with the National Committee on Violence publication, *Violence, Directions for Australia*. They read from and present some of the minority report at the back of the publication as though it were part of the majority report.

What will prohibition achieve? Prohibition will achieve very little except to increase usage, as I have argued in this Assembly before and I have no intention of doing so again. It will increase usage and it will allow the fanatics to feel that they achieved something to feel good about. However, we do have at our disposal the opportunity to attempt to minimise usage and not force our moral value judgments on other people. That is what this Bill is about; it is not about violence or pornography, it is an attempt to inflict, by legislation, a set of mores on other people.

What do we do about legislation under these circumstances? The dividing line, I believe, is about harm to others. Despite the fact that I have looked for it, I have seen no evidence of harm that I can validate that these X-rated non-violent erotica movies cause harm to other people. I do not need to have overwhelming evidence. I draw an

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example to show the sort of evidence that might change my opinion if it became available, which I doubt. We have no hesitation in legislating against incest even when incest is not a violent act. We do know that the psychological and emotional damage is well documented. Under those circumstances it is quite appropriate for us to legislate because harm is being done. But for this pornography, this non-violent erotica, there is no evidence of harm. Many people have told me that I ought not use the term "pornography". I do not find any difficulty with the term at all, I am quite happy with it, but I do want to distinguish between violent pornography and non-violent pornography.

I think that the final point should refer to the argument about the denigration of women - that pornography denigrates women. That final say really belongs - and this is where I found it worked best - with the publication from the National Committee on Violence which was misquoted by the anti-pornography campaigners. I quote directly from page 211:

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

**Mr Collaery:** We all have that quote.

**MR MOORE:** Yes, of course. Sorry! If you want to battle this particular issue, if you feel that X-rated movies are so bad that you want to battle them, then that is fine and that is the method by which you should do it. They are best combated not by censorship but by criticism, censure and stigmatisation in the marketplace of ideas.

**MR COLLAERY** (Deputy Chief Minister) (8.17): Mr Speaker, at the outset, I record that I speak as an individual, though I am conscious of the heavy responsibility I share as a Minister and as Attorney-General in the Alliance Government. My Law Office has not prepared this speech. In politics it is sometimes necessary to make difficult choices: to choose the worthy individual over the broad mass; to consider the more difficult, longer-term implications of an issue before the easier, short-term fixes; to choose broad principle before narrow, sectoral interests, no matter how much pressure is being brought to bear by those interests at the time. So it is today as we consider the question of X-rated videos in the ACT, a question that raises all these considerations.

The issues involved seem simple and clear cut but in fact are highly complex. Some crucial questions of broad principle must not be permitted to become obscured in the heat of the so-called pornography debate. What has become obscured is the right of that proportion of the population

who wish to view a sexually explicit video or film to do so privately; or, put another way, that proportion of the population who reject the bulk of the video hard-core pornography but who reserve the right to view a sexually explicit erotic film with, for example, a romantic and/or fantasy element. Consequently, I oppose the sweeping ban, proposed albeit out of legitimate distaste for the bulk of the X-rated video output.

On the question of freedom of speech let me say at the outset that even civil libertarians concede that some censorship is desirable, hence the non-classified and consequently unlawful films on bestiality and the like. But it is now being argued that this censorship should extend to a blanket ban on X-rated videos. By failing to provide a further classification to remove hard-core perverse pornography, the Commonwealth's chief censor is pushing otherwise reasonable men and women into supporting a sweeping ban when they might otherwise concede that a small percentage of the X-rated video market could be available to the public under strict classification, distribution and access controls. What those reasonable men and women are saying is that, in the absence of a proper response by the Commonwealth chief censor, we in the ACT should suppress the minority in favour of some so-called majority.

Censorship was a recurring theme in the struggle for justice for many minorities who came to this country to escape persecution. When a popularly elected government starts to act - or through pressure is forced to act - as an Orwellian regime, then Big Brother is here. Individual rights and freedoms are wiped out. While law-makers must allow for changes in public attitudes and tastes over time, debate as to what constitutes the public good is - and throughout history has always been - highly contentious.

For example, in 1960 the D.H. Lawrence novel *Lady Chatterley's Lover* was put on trial in Britain for obscenity. The prosecution took the publishers to court for legal obscenity, claiming that the book tended to deprave and corrupt under the terms of the then new Obscene Publications Act. The defence claimed the book for literature, classifying it within the canon of great literary works and hence for the public good. As history shows, *Lady Chatterley's Lover* now stands with *Hamlet*, *Ulysses* and the Tolstoy works. The author, D.H. Lawrence, is considered with Virginia Woolf, James Joyce and E.M. Forster as among the major novelists of this century.

Let me state very clearly that I reject the degrading role portrayal of women and men in X-rated videos. Indeed, I share the community's concerns over these and related matters. I am strongly of the view, however, that substance is more important than symbolism. Were I to support a ban, I would, as Attorney, enforce it. You would have to be prepared for the sight, so reminiscent of the 1960s, of our constables raiding and picking through the

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video stocks of the stores throughout Canberra, responding to every complaint of false labelling, et cetera. Unlike other State Attorneys-General, I would attempt to enforce the law, but it would make a laughing-stock of our national capital.

The issue is greater than simply that of whether to ban X-rated videos. It hinges on questions of individual conscience, individual choice and individual freedoms. What is right and what is wrong in matters of conscience is informed by a variety of social, cultural and religious factors and must ultimately be a personal decision. While it is not possible to legislate for goodness, it is incumbent upon a popularly elected government to reflect the values of the wider community and, equally importantly, to be seen to do so. Obviously, this is not easily achieved.

In the preamble to the Universal Declaration of Human Rights it is stated that one of the highest aspirations of the common people is the freedom of speech, and that social progress, better standards of living and the equal rights of men and women are promoted through larger freedoms. In guarding the liberty to speak, history encourages us to err in favour of generosity. There are far too many examples throughout history where this has not happened - the religious intolerance of the English state in the seventeenth century which drove out the Pilgrim Fathers; the racial intolerance of Germany under the Nazis which led to the final solution to exterminate the Jews; the political intolerance that saw the great terror under Stalin, and the McCarthy witch-hunts in America. Our ancestors do not have to be Tolpuddle Martyrs, nor do we have to be students of history to understand the consequences of these kinds of attitudes. One need only pick up a daily newspaper and see Salman Rushdie's name to be reminded.

Albeit to differing degrees, these cases raise the same critical questions. At what point does a state have the right to override certain fundamental freedoms in the name of the common good? At what point may a democratic government disregard individual rights to meet a particular popular demand? Are the questionable benefits of banning all X-rated videos worth the sacrifice of any of these fundamental freedoms?

No-one denies that a democratic government has important responsibilities for the promotion of good order, protection of its citizens and the preservation of the rights of the individual. To this end, in a democratic society like ours, governments must uphold, and be seen to uphold, communal values, to exercise a conscience sanctioned by regular elections. However, communities are made up of individuals and naturally reflect many different points of view. To the greatest extent possible, members of the community must be allowed to express dissenting views. Even in times of national crisis, this right has

been allowed expression - for example, conscientious objection.

If such freedoms of belief, choice and expression are not permitted, then the state risks going beyond those powers sanctioned by the wider community. It risks straying from its democratic base towards those of less attractive systems of government, as in South Africa. What is there in common between the books, *Five Ways to Fantastic Sex* and *Free Nelson Mandela Now?* Both are currently banned by the South African Government under its infamous Publications Act. Both books are seen as corrupting and undesirable by the state. Both are doubtless criticised by influential members of the public. However, are these legitimate grounds for outlawing them?

In a recent case in the United States, a federal judge ruled as unconstitutional a new law making it a crime to burn the US flag. In reaching her decision, Judge Barbara Rothstein said, "In order for the flag to endure as a symbol of freedom in this nation, we must protect with equal vigour the right to destroy it and the right to wave it". In a free and just society the same reasoning can and must be applied to the issue of X-rated videos. However repellent these videos are to many of us, there is more at stake here than simple content.

Recently, I went at night to an isolated place a good day's drive from here. It was a place for group camps. Apart from an apparent caretaker, I saw no member of the public there. At that place I secured some literature. I have some here. I will table a copy of the January-February 1990 issue of *The New Citizen*, a recognised journal of the League of Rights. At page 9 there appears a large advertisement on Mr Stevenson's behalf, calling upon people to attend the anti-pornography campaign at the Legislative Assembly. This raises many questions yet to be addressed. An indication of the overall political viewpoint behind this Bill comes from the provision to proscribe possession of more than five videos. I believe that this is an extreme response and demonstrates Mr Stevenson's political viewpoint.

The fact that the presumption is rebuttable amounts to a reversal of the onus of proof and is of great concern. It requires an accused person to give a reasonable excuse as to why he or she has possession of five or more videos. This is a horror to right thinking persons, as well as lawyers. It is virtually a "guilty until you, the accused, prove otherwise" approach. This is against established criminal law policy and an indication of Mr Stevenson's original intent. It is opposed by all members of the Alliance Government. So far as this debate is concerned, I say to those outside this Assembly who are on Mr Stevenson's band wagon that I hope when they ring the bell the conductor will let them off, or at least tell them the final destination.

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Another publication secured at that camp is the League's Intelligence Survey. This clearly indicates that populist themes other than pornography, such as the multifunction polis and organic farming, are chosen vehicles for the deeper agenda. On that note I commend all members of the band wagon to view the film *Mississippi Burning* where reason, not extremism, finally prevailed.

I remind all members of the Australian Government's most recent relevant inquiry, the report of the National Committee on Violence. I note that the committee, in its final report, backed away from advocating increased censorship of X-rated movies.

The committee received a variety of submissions, one of which came from Senator Brian Harradine. Senator Harradine sought to demonstrate the adverse effects on the community of freely available non-violent erotica. I have great respect for Senator Harradine, but he knows that the causal links cannot be made in law - they can on an anecdotal basis, hence the relatively isolated examples of judges and even aggressors blaming hard-core pornography as the cause for an offence. Although I have no evidence, I suspect that the material referred to in these relatively few cases is the sort of material that I believe the chief censor should classify out. These cases cannot justify a complete ban.

In its report the committee concedes that:

Whilst ... a state of physiological arousal may be induced by a variety of stimuli and that this in turn could facilitate aggression by some individuals, in some circumstances, this does not in itself justify the prohibition of any stimulus with a tendency to evoke arousal, sexual or otherwise.

The committee pointed out that it deplored sexism and the denigration of women. However, values such as these, no less than other antisocial thoughts, it said, were best combated not by censorship, but by criticism, censure and stigmatisation in the marketplace of ideas.

To ban X-rated videos is to turn away from the complex social conditions which have given rise to them. Obviously it is not possible to legislate for such high moral values as "responsibility", "tolerance", "decency" and "restraint". These are achieved through educational, social and cultural means. If we are to achieve anything of a lasting nature, we must be realistic. We are practising the art of the possible and must not invite contempt for the law through either blatant disregard or non-enforcement.

This brings me to the June 1988 motion agreed to at the Darwin conference of the Standing Committee of Ministers Concerned with Censorship Matters to ban X-rated videos.

What is the result since? Yes, legislative bans in all States and an industry operating freely in those States, which industry, according to my advice, is no longer supplied largely from the ACT. New industries have sprung up interstate. A recent seizure of 7,000 unclassified pornographic videos interstate was not of items originating in the ACT. Why should we join this ineffectual parade so reminiscent of the repressive and corrupt 1960s?

What is possible is the regulation of the industry by law, ideally at a national level. At present there are bans in the States but not in the Territories. Clearly the bans in the States are not effective and this leads to cynicism amongst the community in relation to those particular laws. By choosing not to administer the law governing availability of X-rated videos within their respective areas, the States have exhibited the utmost hypocrisy and have looked to pass the buck to the ACT.

In an article published in Australian Society in July 1988 Beatrice Faust, author of *Women, Sex and Pornography*, made a number of interesting observations on the report of the Joint Select Committee on Video Materials. Senators Shirley Walters and Brian Harradine and Dr Dick Klugman, MHR, were members of that committee.

Ms Faust criticised several submissions which appear, in her opinion, to have a selective view of obscenity. These groups, she states, "refuse to see that if pornography degrades women it must also degrade both men and sex. They refuse to examine male homosexual pornography or bondage and dominance material featuring dominatrices and male victims".

These criticisms highlight the problems of definition and terminology. In the 1970 report of the United States Commission on Obscenity and Pornography it was noted that the commission declined to use the term "pornography" which, it states, "has no legal significance and because it most often denotes subjective disapproval of certain materials". The area of the commission's study had been marked by enormous confusion over terminology.

Nine years later, in the United Kingdom, the Williams Committee on Obscenity and Film Censorship was quite happy to offer definitions on a range of terminology. More recently in Canada, the 1985 report of the Special Committee on Pornography and Prostitution, also known as the Fraser committee, concluded:

One of the clear impressions is of the lack of uniformity in the terminology.

In 1986, the report of the US Attorney-General's Commission on Pornography, the Meese commission, found that questions of terminology and definition were recurring problems in their hearings and deliberations; so, too, with the 1988 Australian Joint Select Committee on Video Materials where

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consensus between persons of known viewpoints was found to be lacking.

Beatrice Faust suggested that a solution to the problem might be to stop selecting committees who represent a variety of views and choose only people who have no particular investment in the problem except as an exercise in democratic process.

Dr Jocelyne Scutt, former deputy chairperson of the Law Reform Commission in Victoria and a noted feminist barrister, believes it is possible to take a human rights approach to the issue. In her submission to the Joint Select Committee on Video Materials, Dr Scutt states:

If you look at the definition of obscenity, which is the closest to pornography, what one finds is that in the law pornography tends to be defined as something that is of prurient interest or titillating or tantalising in a sexual manner. In terms of the pornography that I have seen, I am certainly not tantalised by it or titillated, and it is not of prurient interest to me. In fact it is quite the opposite. I think that it is subordinating to women, it is derogatory of women as human beings, and in the course of that it is actually derogatory of men also. Therefore, I do not think the current legal definitions of obscenity and pornography are of very much help at all. I think the preferable approach would be to insert in the Sex Discrimination Act at the Federal level and into State equal opportunity or anti-discrimination legislation, a definition of pornography which makes it very clear or explicit as to what the activity is that the community considers to be unacceptable.

She went on to offer her own definition, highlighting yet again the difficulty in reaching a form of words that all can agree on. Nevertheless, I endorse her attempt to find a regulatory base in antidiscrimination laws outside of repressive, unworkable and simplistic bans. (Extension of time granted)

The X-rated video industry is dominated by men who perpetrate images of submission and dominance. It is another manifestation of centuries of exclusion of women from explicit writing and painting. Do men fear that feminist-directed erotica will reveal some male taboos?

The advent of the video cassette recorder has allowed those who so choose to watch X-rated videos within their homes. Previously, these people may have frequented so-called "blue cinemas" to which young persons of impressionable age could not easily gain admission. The technology that has allowed this level of accessibility by the individual does not of itself have a moral value, and again I say that a simple ban on the videos themselves does not adequately



address the issue. A ban is equivalent to shooting the messenger. Do we ban high-powered motor cars because there is a causal link with some road deaths?

There will always be some within society who will be unduly influenced by popular media, wherever they find it. As Attorney-General, I will be strongly advocating at the June meeting of the Standing Committee of Attorneys-General a motion calling upon the Federal Government to direct the Commonwealth chief censor to perform a classification role in respect of the X- and R-rated videos. I believe that the censor is not performing his duty regarding X-rated videos. Weeding out violent X-rated is not the end of his classification role in the X category. The censor should go on to classify within the X category. Similarly, I wrote on 9 April to the Federal Attorney-General, Mr Michael Duffy, asking for a fourth classification within the R category.

I am of the view that an outright ban may be premature and a simplistic response to what is an important social phenomenon. Let us be clear about one thing: outlawing X-rated videos is not going to stop their production and distribution, nor will it change the attitudes of those who make, sell, buy or view them.

A more constructive approach would be to consider such questions as paying greater attention to the fundamental social and cultural factors which have allowed the industry to flourish; holding detailed discussions with other Attorneys-General at a national level on the question of how to regulate the industry to meet legitimate community concerns; considering measures to protect workers in the sex industry from exploitation; considering measures to restrict access to X-rated material by minors; imposing restrictions on the advertising and promotion of these videos; and imposing restrictions on their place of sale. I am surprised that those genuine anti-pornography campaigners, whose sincerity I acknowledge and admire, have not challenged the decisions of the chief censor in relation to particular movies. This avenue has been utilised in at least one case in 1987. Two priests challenged the classification of an imported film, *Hail Mary*, under the Administrative Decisions (Judicial Review) Act.

Mr Speaker, this possibility is not available to just any citizen, but to those who can show an interest over and above those of an ordinary citizen. If the classification of certain movies is of such concern to particular groups perhaps similar action could be taken by them in more cases rather than to single out persons of conscience and hound them, as has occurred to us members of the Assembly.

I share many of the concerns of those who have made their views known on this issue and no doubt many of those who have been less vocal. However, there is a bigger issue at stake, and that is the right of adults in Australia to choose what they wish to see in private.

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Conservative repression solves nothing. Lasting solutions are to be found in thoughtful, responsible government initiatives. These, I believe, are the best defence against undesirable elements within the community without eroding basic democratic rights. The eighteenth century French humanist, Voltaire, is reported to have written:

I disapprove of what you say, but I will defend to the death your right to say it.

I can only endorse those sentiments and urge members to keep in mind the bigger picture when considering this issue.

Mr Speaker, I table a letter from me to the Hon. Michael Duffy, Federal Attorney-General, dated 9 April 1990; the January-February 1990 issue of *New Citizen*; the publication, *Intelligence Survey*, Volume XXXVIII No. 2 (February 1990), edited by Eric Butler.

**DR KINLOCH (8.37):** Mr Speaker, first of all might I briefly respond to one comment by Mr Collaery, many of whose remarks I admired. I would want to make one clear distinction between the kinds of films to which he briefly referred and the kinds of films that we see in hard-core pornography.

I would be the first to object to any attempt to ban such films as *Hail Mary* or *The Last Temptation of Christ*. Those films have intellectual content, aesthetic sense, even a rather profound moral and theological sense. There is no way in which we should violate freedom of speech in the case of such films, and I am glad to join Mr Collaery in saying that about those films. Please let us make a distinction between what has worth and what does not have worth.

First of all, I need to speak not from some kind of moral pulpit about sexuality but out of a love for our city in its role as the national capital of Australia - a city which is a good neighbour of the State of New South Wales and a city which is obviously recognised as a central point in the life of the nation in all the States of Australia.

It would not be appropriate for me, with the kinds of personal faults I have, to try to tell other people how to live their individual lives, certainly not their sexual lives. Let him who is without sin amongst us throw the first stone.

Similarly, it is improper in this debate to resort to ad hominem arguments. I object to any arguments which are based on the political views or opinions of the people holding them. We are here debating the question of X-rated videos and I reject also some of the ad hominem tactics of the publicists of the hard-core pornography issue. Some of the things that have been said and done are disgraceful. I will not go through them. I believe they are beyond whatever should have happened in this Territory.

However, although I believe it is improper - and, if you will accept the term, "unchristian" - to throw stones at other individuals, I think it is proper to draw conclusions about a whole society, and this is especially the role of historians and prophets.

Last night, at a gathering of young people from about 15 nations - Asian, European and African - I was asked, as an historian and as a politician, to say what I saw as dangerous for our nation. I have no doubt at all that we are in danger of losing many of the more important values of the past. We are living beyond our means, we are importing more than we are exporting, and included in our imports are many of the things that we are discussing here tonight. We are in danger of exhausting and damaging our environment. We are failing to live up to the ideals and vision and willingness to sacrifice of earlier generations. I think that is true of parties on both sides of this house, including everyone in this house.

We are becoming a society in love with the fast lane, the quick return. I say these things with a sense of mea culpa and not out of a sense of self-righteousness. We have turned into a society absorbed in bingo, poker machines, lotto, lotteries and another dozen forms of gambling; we have lost those old-fashioned attributes of frugality, simplicity, ruggedness, often simple faith and straightforward commitment.

Look at our new drug problems, and I am so glad that we have a committee in the Assembly doing just that. Look at our problems of domestic violence, of alcoholism, of street kids, of alienated young people. What is the world we now have offering them? Often violence is entertainment and sexual experimentation is a form of necessary self-expression, as a substitute for family related values.

Again mea culpa, if I have ever been responsible for any of that by passing by on the other side, by saying, "Well, that is not my business". It is our business. Mea culpa, whenever I have taken the view that societal values can be maintained by allowing free, totally unfettered expression for every individual whim. That is not what Voltaire was talking about.

Rather we should look to the past, not only in the history of so-called civilised societies but also through the findings of anthropology and sociology, and see what made and makes societies strong and healthy, and kept and keeps them strong and healthy. Often at the heart both of Christian and non-Christian societies - Jewish, Islamic, Buddhist - is the special sense of the sacredness, or at least the essentiality, of families and caring family values.

Of course, on the other side, we do not wish to see a repeat of stark puritanism. We cannot imagine ourselves

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moving to the kind of world represented by early seventeenth century New England or late twentieth century Iran. We are not wishing to be cruel and punitive in our support for the central values of our societies.

Furthermore, there is, I hope, a place for bawdiness, sexual frivolity, the ethos of the maypole, as well as, on the other side, purity and sanctity. We certainly do not favour an almost unwholesome anti-sexuality. Indeed, by contrast, I would argue that sexuality, at its best, most fruitful and most loving, is best seen within family values.

On the other side of Caesar's coin, however, are societies so deluged by an extravagance of sexual excesses that the downfall of society values, based on a rejection of family relationships, is directly connected with dangers to the society as a whole. I invite your attention to many of the disastrous inner-cities of the United States; indeed, to make an obvious parallel, to the crack climate of our sister city, Washington DC, another national capital whose societal disasters are actually making that city unsafe as a place to live. We have to be concerned about the city as a society.

Is large-scale pornography to be Canberra's equivalent of crack? There is no doubt, based on the kind of evidence available in the US Attorney-General's report and in the two-volume report of our own Parliamentary Joint Select Committee on Video Material - and this is not anecdotal evidence - that there are lines which need to be drawn.

In one way, some of those lines are already drawn, as Mr Collaery has properly noted. We do not permit snuff movies, videos about bestiality or child-molesting. In other words, censorship already exists. The question then is: where, in a strong and healthy society with sound family and personal values, should those lines be drawn? If, indeed, they were carefully drawn at what might legitimately and honestly be called "non-violent erotica", a kind of aesthetically pleasing, even inspirational form of artistic expression, then we might not need to worry. I refer you to the sonnets of Shakespeare as non-violent erotica.

But that is not what is offered week by week in the sleaze magazines. You only have to read the titles to know that what is being offered is two-dimensional sexual degradation, particularly degrading to women. I refer to the issue of *People* for 24 April 1990, which has 13 pages of advertising in one part, 11 of which are about sleaze and hard-core pornography from the ACT.

On the matter of non-violent erotica, I would like to draw everyone's attention to the two volumes of the report of the Joint Select Committee on Video Material. At the conclusion of volume 1, page 302, are these comments:

We, the majority of the committee -

this is not a minority report; this is a majority of the committee -

strongly oppose that proposition.

That is, a proposition to have the category of non-violent erotica.

It would entrench X-rated video pornography, described officially as hard-core pornography in the report, in the community under the guise of the misleading title of NVE. The proposal runs counter to the overwhelming burden of evidence submitted to the Committee concerning the harmful effects of this material and is inconsistent with the findings of the Committee thereon. (See Chapter 13).

I commend chapter 13 to all members of the Assembly, to all who care about evidence brought forward in our parliament about this subject.

So that is why we are gathered here tonight - to ask ourselves whether we, on behalf of the people of the ACT, are prepared to say to the rest of Australia, "You have got it wrong; you should not have drawn the lines where you did. We know better than you; we are going to insist that your governments, acting on behalf of your citizens, should not be allowed to maintain your standards of family and personal values". At the moment we are saying to New South Wales, Victoria, Queensland, Western Australia, Tasmania and South Australia that we believe that the people of the national capital of Australia are better judges of what is right and wrong for those States than the legislatures of those States. At the moment we are prepared to violate the laws of the rest of Australia in pursuit of our own selfish economic interests, interests which are in themselves debasing and degrading of our own society.

I now therefore give my fundamental objection to the maintenance of the hard-core pornographic industry - do not call it the NVE industry - in this capital city. It is that we are not only accepting base standards for ourselves but we are also the agents of the promotion of those values throughout a nation which needs to see its capital city as, above all, a place of honour, virtue and integrity, a place suitable for the conduct of the nation's government.

Here we are, the 17 representatives of the people of that city, with the responsibility for a decision affecting the perceptions of all Australians of what our society stands for. I now turn to some evidence of the way we are seen outside our own city. I begin with an extract from a letter from John Dowd, Attorney-General of the State of New South Wales. He said:

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The New South Wales Government is continuing to do all in its power to inhibit the practice whereby this State's residents are supplied with X-rated video tapes by mail order from Canberra.

That is the Attorney-General of the State within which we find ourselves. The NSW Government is facing our situation in the ACT and is objecting to it. Its laws are being violated. What could be clearer? From our privileged enclave within the State of New South Wales, we allow the subversion of the laws of our immediate neighbours. I support Mr Stevenson's Bill, based on that piece of evidence alone.

There are similar views from David Parker, the Minister for the Arts in the State of Western Australia. Just as specific is Barry Handke, secretary to the Attorney-General of the State of Victoria, who said:

He -

that is, the Attorney-General -

has also recently written to the ACT Attorney-General expressing his concern about the availability of X-rated videos in this State as a result of the mail order schemes operating in the Australian Capital Territory and the Northern Territory.

In another letter, the Attorney-General of Victoria makes it clear that "under new legislation to be introduced, it will become an offence to keep X-rated or other objectionable matter on video hire premises". Note earlier the mention of the Northern Territory. The Attorney-General there is examining ways to prevent the establishment of a large scale X-rated video industry. He has said, "Under no circumstances will we allow this to happen in the Territory". Therefore, I call on you, my 17 fellow guardians of the very essence and ethos of this city, to support a piece of legislation which, if passed, will be recognised throughout Australia, on Anzac Day, as saying to all of our fellow countrymen, "We are not violating the spirit of your laws. We recognise that the States of Australia, the six founding States of Australia, have laws which ban X-rated videos. We are not violating those laws. We are aware of our duties and responsibilities as upholders of the nature of our national capital".

Here I would want to agree with something that Mr Collaery said. I regret that we are in this position. I regret that we are pushed to the point where our Legislative Assembly, concerned about the ACT, should be turned into a moral arbiter for the rest of Australia. I do not think that that should be our function, but we are being forced into it at this point. Ideally, I believe, we should turn the matter over to the Federal Government and to the

Parliament of the Commonwealth of Australia to ask them to take up where their committee report left off. This committee report makes clear the objection to the NVE category, the objection to hard-core pornography and the evidence for that objection. That committee should move within the Parliament of Australia to get Commonwealth legislation appropriate to the matter we are discussing.

It is for the Federal Government to put together the fact that formal censorship of films and videos is a matter not for us, not for individual States, but for the Commonwealth as a whole because of the need for common legislation for the whole of Australia. However, if we fail to pass this Bill tonight, we say to our fellow Australians that we, the 17 members of the Legislative Assembly of the ACT, are arbitrarily deciding what is right and wrong about the laws of their States. I believe that is terribly wrong.

**MR PROWSE (8.52):** At the outset, let me say that in Mr Stevenson's Bill there are details with which I disagree; for example, having the five or more videos in one's premises. I take note of the fact that Mr Stevenson has offered to withdraw those disagreeable aspects.

This is not a debate on censorship. We have censorship at this time. All modern societies have censorship; all primitive societies had censorship. Therefore, let us not be drawn into the debate on that issue. It is a false claim by those who state that we are looking to censor the public. Those who are concerned with the moral standards, the lack of joy of life, in our society are looking to draw the line a little higher than the censorship debate. That is what we are on about now.

I believe that there has been an error in judgment in permitting the X-rated classification the freedom of distribution that has been allowed. Why ban X-rated distribution? Our society has been brain-washed; it has been desensitised into believing that the behaviour depicted in non-violent erotica - let us get it straight, it is pornography - is the norm. That is not the way I believe any member of this Assembly wishes to have our society think. I do not believe that for one minute, and I believe those who argue on other aspects have been misled and are misleading those to whom they speak.

Some members have asked whether there is any harm. It is very difficult to measure the harm associated with pornography, but I can give a personal example.

**Mr Moore:** Anecdotal.

**MR PROWSE:** Anecdotal. We need to have the situation tried and tested in a laboratory; otherwise some people cannot see the wood for the trees. Please listen and you may learn. As an alternative medical practitioner at the South Coast, I had a young lass come to me with a number of complaints which I will call "ladies problems". She was 15

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years of age, and it was an abnormality to find such problems in a girl of that age. After lengthy discussions we got to the topic of why she wanted to have a baby at the age of 15 years. We discussed sex. She was living or spending her time with an 18-year-old and his mates who watched pornography every night. She was obliged to participate in what they and she saw on the screen. She was totally confused. She believed that was the norm; she had nothing else to guide her. She believed it was the norm, and she wanted to have a baby.

I said, "Why? It seems totally irresponsible of you, and you have other problems". She went on to explain that she wanted somebody to love her. That is why she wanted to have a baby. The sexual relationship she was in was presenting to her nothing but sexual fulfilment of others - gratification to the boys who were sharing her body. I asked her whether she enjoyed it; "no" was the answer. I asked, "Why are you going along with it?". She said, "Because that seems to be what I am expected to do". This was her learning curve of life. At 15 she wanted somebody to love her, so she decided she had to have a baby. If you tell me that is not harm, you are out of touch with society.

**Mr Moore:** It is anecdotal.

**MR PROWSE:** It is anecdotal - we get it again. That is all you can come back to. You want this in a test tube. I believe you are very narrow-minded. If you keep coming out with your interruptions, you are proving yourself to be a blinkered person in your approach to our society.

**Mr Berry:** You base things on facts.

**MR PROWSE:** Thank you, again, from the fireman opposite. We worry about the rape of our girls and our women because of titillation provided by various means; pornography is just one of them. But what will those of us who have sons - and I address that to some of the members here - do if our sons are titillated into behaving in an antisocial manner and gaoled because of it? That worries me. I have a young son and others here have young sons. They will be gaoled if they carry out some of the things that they are learning from television screens. Can young people watch this tripe?

**Mr Whalan:** Remember the move-on powers that you and Bernie Collaery supported?

**MR DEPUTY SPEAKER:** Order!

**MR PROWSE:** Thank you. Can young people watch this tripe?

**Mr Whalan:** Good on you, Bernie - one of your great contributions to civil liberties.



**MR PROWSE:** Can young people watch this tripe? I will repeat it until I get some quiet. We believe that young people cannot watch this, that it is not available to them. We have been told that it is not available to them. In our vicinity is a well-respected senior teacher at a Catholic school. He went on a camp recently with young people of around 15 years of age. Around the camp fire it was pointed out to him that the 15-year-olds are having movie nights. Parents go out; there are pool parties; a few videos are put on, and it turns out that they are bringing in porn movies. I did not know that, and I was shattered to hear it.

I warn everybody in our society to check with the parents of the people with whom your children are going to watch movies, have a nice night out, a sleep-in or what have you, what sort of movies are to be shown. The parents do not know, I can tell you, but if they are not going to be home they will never know. This is happening. This pornography is being displayed on videos to children as young as 12 years of age in our society, and we do not know it. As caring parents we should be warned of it.

Dr Kinloch has already mentioned a literary masterpiece. We have all seen it; it is the People magazine. I purchased this because I saw it blown up to four times the normal size as a banner outside a newsagency to attract people to buy it. This was opposite the Scullin Primary School, where the kids go across for their lunch, et cetera. This has an inducement to young people to become interested in what is pornography, because the first thing that it says is, "E Street star in porno movie". I think that is directed at the young teenage element in our society. It gets better. Further down it says, "Madonna's thug brother is into drugging, bashing, shooting and dog sex". This was outside a primary school in full colour.

**Mr Moore:** It is irrelevant; it is already banned.

**MR PROWSE:** It is irrelevant! We hear it again from the narrow-minded member opposite. On numerous pages - about 99 per cent - it tells us that we can buy all these wondrous things from the ACT. The porn capital of South East Asia is the ACT. There are several entries in here from other States. We will probably hear from learned members tonight that if it is shown in other States it must be all right; therefore why should we ban it? Absolute rubbish!

We can go on to other aspects of this. The situation, we have been told, is that if you ban it, it will go underground and it will increase usage. What a load of codswallop! There are examples of the use of alcohol increasing in some areas when it has been banned, but you could not expect that if you ban pornography - in particular, the non-violent erotica movies - there will be an increase in sales. It is so freely available now that I doubt that it is at all possible. It is already

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underground anyway. We know it is underground in the other States - not only non-violent erotica but the hard-core as well. If it is to go underground, so be it. At least it is unlikely that it will be freely available to our young people, and that is what I am concerned about. These things are in our society.

Where is the joy of life? We are interested in lifting the joy of life. Mr Moore as an educator would know that if you give your children fine literature to read - *Black Beauty* and those sorts of things - it is uplifting to the people. There are other literary films, numerous titles, that can move people of all ages to be giving, unselfish and loving. What a great society we would be in if that were the case. Pornography directs people to selfish gratification at the expense of others.

As well as children, there are childlike members in our community. They may be up to 80 years of age, but they are affected in a most outstanding manner by things that they read, see, feel and touch. Some of us overreact, and it is those about whom I am concerned more than anything, but we are all affected, not just some; not just those who get themselves into trouble by giving in to their desires. Fine literature is uplifting and positive. Pornography is downputting and negative, and we are all affected by it.

We have been told that pornography has no effect on anybody. While I was in the Northern Territory recently, I had a debate with people on pornography. Members of parliament there told me, by the way, that if we ban it here they will immediately move to ban it in the Northern Territory because they certainly do not want it there.

Just as I was leaving, there was an article in the Northern Territory News of Friday, 2 March 1990, a copy of which I have in my hand; I will read several bits. It stated that two girls aged 12 and 10 and a boy aged two were asleep in their parents' bed. The eldest awoke and screamed as somebody was breaking into the house. The fellow fled when the girl screamed, but he returned five minutes later carrying a torch and pornographic magazines. He found a knife in the kitchen and threatened to kill the two younger children if the older girl did not have sex with him. If you can sit there barefaced and tell me that pornography has no effect, you are living in cloud-cuckoo-land. We have to recognise that pornography does affect the people who see, read and feel it.

Now is the chance for members - and there are 17 here tonight - to do something, but do not waste that chance because of pressure from so-called libertarians. Canberra is the porn capital of South East Asia. Porn has no place in a loving, caring society. Let us show leadership. For goodness' sake, vote for this Bill.

**MR JENSEN (9.05):** Before this debate tonight I spoke to a mother of teenage children who are the same age as mine.

She indicated to me that, despite the amount of publicity on this issue, it was not really until today that she realised what X-rated material was all about and what it included. I suspect that many in this city hold a similar view.

If one such video, or even the sort of hard-core pornography that is advertised readily in magazines in this city, were provided in a public place for public viewing, there would be many who would finally realise what X-rated material really is - that is, hard-core pornography and not non-violent erotica, as the industry likes to dress it up as. It is hard-core pornography, as my colleague Dr Kinloch has already shown to us here tonight. It is an industry that sees fit to send it, on an unsolicited basis, to residents of other States.

However, while I say that, let me also echo a statement by my colleague Mr Collaery about the hypocrisy of other States in their inability or lack of will to enforce the laws relating to the operation of the pornography industry within their States. Let them also put their houses in order before they point the finger at the ACT. However, that does not abrogate us from our responsibility as legislators to take a role in this area.

I listened with interest to other comments made by my colleague Mr Collaery, especially those on Mr Stevenson's alleged involvement with the League of Rights. From the outset let me clearly put to rest any possible suggestion that by voting for this Bill tonight my vote is based on any support for the ideals of the League of Rights. I know which bus I am on, and I know when and where it is going to stop. I have no doubt that my colleague Mr Collaery also knows my views in that area.

As we are all well aware, this debate is being closely observed by many members of our community - not only by the residents of Canberra but also by many around the country who believe that what is decided here will have an impact on Australian society at large. What kind of statement will the ACT be making to Australia tonight?

Because of the nature of this Publications Control (Amendment) Bill and its implication for our social values, it is incumbent on each and every one of us here, as members of the Assembly and as elected representatives of the people of the ACT, to consider carefully our positions. We are here not simply to vote along party lines or justify our own prejudices but to take a stand for what is in the interest of those, especially children, who are less able to protect themselves, and for the non-trendy concepts of care for others before self-gratification, duty, responsibility and standards.

Over the last decade it has been possible to observe the trends in Australian society - increasing marriage breakdown, child abuse and rape, as well as increasing

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illiteracy, unemployment, alienated youth and mental illness. Let Mr Moore produce figures that disagree with that sort of statement; I think he would have some problems. These are not statistics which can be contemplated with any satisfaction by any of us, yet we know that, unchecked, they could destroy the fabric of our society. We also know that finding answers is not easy.

There are no simple solutions, as many civilisations have found through the ages. Many factors have been blamed for this general decay in our society - the media, the pill, declining involvement in church and community life, lack of discipline of children and so on. No doubt, all have played their part to a greater or lesser degree.

In considering tonight whether to ban the sale and distribution of pornographic videos in the ACT and beyond, I am aware that alone it is not going to solve the problems that I have mentioned. But in passing this Bill with its necessary amendments we will be sending a message to the people of the ACT and Australia that we are prepared to bite the bullet and begin the process of raising standards again. It is only a beginning because I am sure many here would agree that the issues of gratuitous violence on videos, films and television desperately need further examination and reform. I welcome and fully support any moves in that area.

We cannot afford, however, the continuation of this spirit that "self-gratification is all that counts and who cares who gets hurt in the process?". What sort of society have we become - one which allows the selfish pandering to desires at the expense of all those who suffer because of it?

I am sure that we have all read enough of the material that has crossed our desks in the last few months to know that there are too many individuals in our society for whom soft porn is not just a titillating aid to a normal sex life. Too many become addicted to it, and I would suggest that one or two is too many. They use it as stepping stones to harder and more perverse porn that is available. We all know it is available. It is available in not only the ACT but also other States. I am fully aware of that, as I know are many others. People use it as a prelude to rape, incest or other violent crimes.

By allowing these videos to be marketed legally, are we not sending out a subconscious message that we condone the submission, the fanciful relationships, the exploitation and the gender stereotyping that are the lingering images of these pictures that have no artistic or literary merit which even the adult video industry accepts as being true? In a discussion that I had some months ago with Robbie Swan, he admitted to me - I think Mr Collaery was present at the time - that 70 to 80 per cent, if not more, of the stuff that they were pushing out of their shops was nothing but pure, unadulterated hard-core pornography. It had no

literary merit; it was just garbage, but it sold and made money, and that is all they were interested in. That is the sort of industry that we are fostering in the ACT.

There are many times in our lives at which our individual desires have to make way for the greater good and the healthier functioning of society at large. In any event, if all the viewers of this material were thinking adults, my objections would not be so strong, but it is clear that many viewers are anything but thinking adults. How do we keep them out of the hands of those who are too young to be discerning or the mentally incompetent or those with a tendency towards perversion and violence? The evidence suggests that regular watching of pornographic material gives the watcher an unreal view of women and relationships with them. Women are seen as objects rather than equal members of society.

I cannot believe that there is a woman present tonight who does not wish that society provided greater equality and security and less exploitation for them. I have been made aware of situations in which women have been subjected, in their relationships, to persuasion and coercion to participate in acts which are portrayed in some porn videos but which they find abhorrent and degrading. Addiction to pornography has been a cause of too many marriage breakdowns.

This Bill before us tonight requires careful scrutiny in relation to a number of proposed amendments. Yet as a statement of intent and a measure to bring the ACT into line with the other States, despite its imperfections, I support it in principle.

**MS FOLLETT** (Leader of the Opposition) (9.14): We on the Labor team will be opposing, in principle, Mr Stevenson's Bill. We do so on three main grounds. Firstly, we support, in principle, freedom of speech. We support adults' rights to read and view whatever they wish. I think that is an extremely important freedom, but there has been an attempt tonight to sweep that under the carpet, to say that this is not a debate about censorship. Of course, it is, and it is ridiculous to pretend that it is not. It is an attempt to restrict the rights of adults to view what they wish, and we oppose that in principle.

Our second reason for opposing the Bill is that it is based on an entirely misleading and false representation of the facts. There has been, for instance, a repeated and deliberate confusion over exactly what X-rated videos are, and it has been repeated this evening in a number of speakers' comments.

I will again tell the Assembly just what is meant by an X-rated video; it is quite a specific category of publication. In the first place, it is available only to those who are 18 years and over. If you know of cases in which people under 18 have got hold of that sort of

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material, clearly there has been a breach of the law, and I leave it to you to take the appropriate action, either as parents or as citizens. Secondly, the censorship rules which apply to X-rated videos say that there is no depiction of sexual violence, coercion or non-consent of any kind permitted in this classification. Again, if you know of cases in which that has not been complied with, clearly it is a breach of the law, and I leave you to take the appropriate action. It is not enough to keep raising anecdotal evidence to the contrary; you must take the appropriate action. The material which can be accommodated in the X-rated classification includes explicit depictions of sexual acts between consenting adults and mild, non-violent fetishes.

I think anybody listening to the debate this evening could readily understand that it has gone well beyond the terms of that specific classification of X-rated video. We need to be very clear on that. Secondly, the debate upon this Bill has involved an extremely misleading presentation of other information, particularly rape statistics put forward in recent advertisements. I have information from the Australian Institute of Criminology that makes it quite clear that those statistics have been used very strongly, and the institute is at great pains to indicate that it does not agree with that evidence that has been put forward, that it has been deliberately misleading.

Finally, I greatly resent the misrepresentation of the position of women in this entire debate. I resent it enormously, and I imagine that most thinking women would. At the introduction of his Bill Mr Stevenson gave us the edifying experience of reading out a long letter from one Linda Lovelace. I want it made quite clear that Linda Lovelace does not speak for me, any more than Robbie Swan would speak for Mr Stevenson. Mr Stevenson says that Linda Lovelace speaks for all women because she is a woman. Does Robbie Swan speak for all men because he is a man? What rubbish!

We have heard also from Mr Speaker on the experience of a 15-year-old girl whom he treated - in what capacity and with what qualification, heaven only knows. But quite clearly the circumstances that he outlined in relation to that 15-year-old girl involved breaches of the law - rape and exposing that child to X-rated video material, which is against the law. Did he take the appropriate legal action on those matters? I suspect the answer is no.

I have been particularly targeted in this debate because I am a woman, and people have appealed to me particularly on the ground that pornography is degrading for women. It is my view that pornography, including X-rated videos, degrades the whole of humankind. It degrades men as well as women. But I would like to ask where, in the debate on women's equality, have these people been who are so concerned with women? Where were they in the debate for women's equal pay? Where were they in the debate on

women's refuges, child-care and child abuse? Where were they, for instance, in the debate on women in the church, women priests?

In this debate they have deliberately used their interpretation of a woman's role in a misleading way that denigrates women. I refer in particular to Mr Speaker's comments about "our girls" and "our women". Mr Speaker, I am not your girl, I am not your woman; I do not ever wish to be, and I would thank you not to speak for me in this debate. Women are perfectly capable of speaking for themselves. There has been the grossest hypocrisy, the most misleading information put forward, in an attempt to continue this platform which is not worthy of this Assembly.

Finally, our third ground for opposing this Bill is that, as Mr Collaery has spelt out, it is bad law. It is bad drafting. It involves a police state mentality which is not acceptable to the Labor team and which would not be acceptable to the ACT community. I leave it to the Assembly. I believe that commonsense will prevail. We have wasted enough time on this trivial issue. Let us put it to rest tonight.

**MS MAHER** (9.21): It is clear that there are many different views held in the community on the acceptability of X-rated videos and, indeed, pornographic material generally. However, I would first like to talk about the concerns that I have with some of the aspects of Mr Stevenson's Bill. Some of these have been mentioned previously. One of them is the fact that a person can be charged with possession for the purpose of distributing if he or she is found to have five or more videos. Another is the reversal of ownership in that a person has to establish proof that he or she does not hold the publications for the purpose of distribution and hire. Mr Stevenson handed me a letter earlier this evening asking me whether I would propose amendments to clauses 4, 5 and 6 of the Bill.

Further, there is the fact that there is no time limit on when premises can be searched and that the police need only consent or a warrant to search the premises. The Bill does not even differentiate between private and commercial premises.

Another point is that there has been some doubt placed on the validity of the Bill with respect to the fact that it could be viewed as an act of classification for the purpose of censorship, which is beyond the powers of this Assembly; indeed, it is a power which is specifically excluded under the terms of the self-government Act.

An issue which has been raised repeatedly during my discussions is the advertising of pornographic material - in particular, the advertising of X-rated videos in papers, magazines and junk mail. I consider this to be a problem, and we should look more seriously at the controls and

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regulations of the advertising of this material. However, this would have to be done in conjunction with the States and the Federal Government, as many of the magazines are distributed nationwide.

Another one of my chief concerns with the banning of X-rated videos is what will happen to them when they are sent underground. At present, the industry in the ACT is self-regulated. If X-rated videos are banned, people who at present seek X-rated, non-violent videos only could be exposed to a business where anything goes, including sexually violent videos, snuff videos and those which feature bestiality and children.

The economics of policing the industry if it were banned could be more than the Territory could handle in this present economic climate. If X-rated videos are banned - it has been said that there will be mailing lists waiting for the highest bidder - there are certain people or groups just waiting to get their hands on them so that they can expand their already questionable businesses.

I have had representations from many organisations and individuals, some for and some against the Bill. The majority of complaints that I have received have been against violent videos rather than X-rated videos. Many people who contacted me did not know the difference between an R-rated video, an X-rated video and videos which have no classification and which are banned. This makes me question whether the community is viewing this issue as a fully informed and rational debate or an emotive issue.

I recognise that parents are not able to supervise their children 24 hours a day and that this problem increases as children get older. Also, parents have little control over what their children view in someone else's house, shops, waiting rooms, et cetera. For this same reason, could we not argue for the banning of alcohol, tobacco and certain medications? Maybe it is time the community stopped fobbing off this responsibility onto society as a whole and started accepting responsibility as individual adults.

Only adults are allowed to borrow or buy X-rated videos, and those who do borrow or buy have the responsibility not to allow such publications to fall into the hands of young people, just as they have a responsibility with anything that could be detrimental to a child's well-being. Moreover, I have seen young teenagers working behind video counters. Perhaps this issue needs to be thoroughly examined and regulated.

This brings me to another issue which indeed needs urgent investigation and which also has been mentioned before, which is: exactly what is happening in other States? Okay, so the videos are banned in the other States except in the Northern Territory. Mr David Prowse said that the Northern Territory is waiting to bring in a ban if we do. Why does it not go ahead and do it before us? Why, then,



do I hear stories that the videos are produced, copied and still freely available in other States and are not policed? I even hear of cases in which shipments are coming in from overseas. Do you really think that this will stop just because the ACT bans them?

I believe the whole issue of X-rated videos is on the agenda for the next Attorneys-General meeting, which is to be held sometime in June. Maybe it would have been more appropriate for this debate to take place after that meeting.

There are many arguments, some for and some against the banning of X-rated videos. The majority of arguments for banning have revolved around antisocial behaviour, especially, may I say, of males - not all males, of course, but a minority group of men. It has been suggested that the problem for women is not the pictures or the positions and the costumes in pornographic material, but the forces - economic, psychological and physical. It is not what a woman does but whether she does it because she likes it or because she is afraid to say no or because she has no choice.

Many of the problems that women face do not begin with pornography; they begin with powerlessness. Perhaps we should be looking at the reasons why, in so many instances, men have so much power and women have so little. Men used to get away with rape and assault charges by using excuses, such as women having low necklines, tight sweaters and short skirts, to get off the hook, blaming women for their inability to "control themselves". Statistics show that alcohol had been consumed by at least 40 per cent of rapists shortly before assaults. It is about time that these men accepted responsibility for their actions and accepted women as their equals.

Today women are becoming more involved in the production of X-rated videos. Although I do not promote the production of such videos, the involvement of women in their production will ensure that women are portrayed in a more balanced view. Videos will have more of a story-line, humour and show women expressing their own sexuality rather than being portrayed as playthings or, as some people say, hunks of meat. May I point out that only a couple of the women's organisations contacted me on this issue. When I asked them to send me information on the exploitation and degradation of women, they had none.

Now I am going to read over what Mr Moore said earlier, and that is that this Bill does nothing to redress the historical imbalance against women. I would like to quote from the recent report of the National Committee on Violence because I think it is important. It states:

The committee deplores sexism and the denigration of women. It feels, however, that values such as these, no less than other anti-social thoughts,

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are best combated not by censorship, but by criticism, censure and stigmatisation in the marketplace of ideas.

Maybe all videos and television programs should display warning signs that they are only fiction, figments of someone's imagination - they are not real life - and should not be - - -

Debate interrupted.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

### **PUBLICATIONS CONTROL (AMENDMENT) BILL 1990**

Debate resumed.

**MS MAHER:** I will start again. Maybe all videos and television programs should display warning signs that they are only fiction, figments of someone's imagination - they are not real life - and should not be considered as role models for behaviour in the real world.

It concerns me greatly also that some X-rated videos which have been cut and adapted to fit the R classification can be easily found in local suburban shopping centres within viewing range of our children. What I also find just as disturbing is the fact that they show the same covers which would have been on display for the X-rated versions. I find this appalling. This is an area in which the industry needs to be tightly regulated, especially where young children are concerned.

Many of the R-rated movies are more offensive than X-rated ones. R-rated movies can be violent, show rape, drug and alcohol abuse and acts without consent. The only thing that they do not show is the actual act of sexual penetration, but then in R-rated videos sexual acts can be realistically portrayed, and with today's expertise and technology they are realistically portrayed. The rest is left to the imagination. I believe the sooner these videos are out of range of young children the better off we and they will be. I believe that the chief censor needs to revise urgently all video classifications.

However, all these issues are incidental to the main question that we are addressing this evening, and that of course is whether to ban the distribution and sale of X-rated material. I will be voting against the Bill for the reasons that I have outlined already in my speech. Basically, I think I have demonstrated that this is a very complex issue and that simply waving a magic wand and telling X-rated movies to go away will not solve the problems which I believe are fundamental to society, especially women and children. As I said, this is a very complex issue which cannot be solved by a simplistic approach such as this Bill. I urge other members of the Assembly to oppose it.

**MRS NOLAN (9.33):** If there is a general will of legislators in Australia to support the banning of X-rated material, why should the ACT be any different? If all States in Australia have legislation in place, why not the ACT? The ACT Legislative Assembly has to pass legislation that is complementary to that of other States to ensure that other States' laws go anywhere near being upheld.

To imply that, because legislation is not working in other States, it means that the ACT should not have such legislation is quite ludicrous. To hear the words of other Attorneys supporting the banning of X-rated material, as quoted by Dr Kinloch, is very gratifying. We need the consensus of all Attorneys, as was the case in 1988, and then action rather than inaction, as was the case after that time.

I believe that legislation should be minimal, that as a general rule people have the right of individual choice and government should be about the business of government. However, there are times when legislators must make laws. Nobody now questions the compulsory wearing of seat belts or the banning of smoking on public transport, which are two examples. Why are X-rated videos not shown in cinemas? If they are considered too controversial to be shown in a cinema - and currently they are permitted to be used only for private exhibition - I believe they are not acceptable in the home.

We, as parents, are able to determine what is done in our homes. What about your child visiting his or her friend's home? We all encourage our children to choose their friends. However, I am sure many parents would be dismayed to find that while their 12-year-old child stayed overnight at a friend's house, and the friend's parents were out, the two 12-year-olds, having decided to watch videos, looked through the selection, and curiosity encouraged the viewing of an X-rated video. That is the scenario that can so easily happen today.

I am not quite sure why this debate is still on the political agenda. Agreement was reached by the Federal and State Attorneys-General in July 1988. I will quote from an

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article by Hugo Kelly, headed "X-rated videos banned, controls on violence", in the Melbourne Age, dated 1 July 1988. It states:

All X-rated video material will be banned throughout Australia, the state and federal attorneys-general decided yesterday.

The ban will end Australia's legal \$25 million-a-year pornographic video industry, which has thrived since X-rated videotapes were legalised in 1984.

The attorneys-general also moved to crack down on video violence, and endorsed a comprehensive labelling system that will clearly identify the level of violence, bad language and sexual activity on videotapes sold and hired in Australia.

A few moments ago, I said that I was not sure why the X-rated video issue was still on the political agenda. I suggest the reason is that the Federal Labor Caucus of November 1988 supposedly set up a working party, just as the Prime Minister, in answering a question on an X-rated mail-order video, had a whim about setting up a committee; it was not really fair dinkum about supporting the unanimous view of the Attorneys-General. However, that committee never met, and I understand that by May 1989 nobody expected it to do so.

So, again, the Federal Labor Government, although having agreed with the States in July 1988 to address this very important issue, by May 1989 did not care sufficiently about our children to impose a ban on X-rated material. The Federal Labor Government has a good - I question the word "good" - record in addressing issues concerning youth: no child will live in poverty by 1990 and no child will be able to have access to X-rated videos. It is 1990, yet children still live in poverty and X-rated videos are freely available by mail order around Australia.

I believe X-rated videos are demeaning to both men and women, and women are treated like sexual commodities in such videos. I would have thought that most women's organisations would support such legislation to ban X-rated video material. Did other women in this chamber contact women's organisations for their views? For example, what is the view of the ACT Women's Consultative Committee, WEL, the Catholic Women's League, the CWA, the National Association of Community-based Children's Services, the National Status of Women Committee, the Women's Action Alliance, the Anglican Mothers Union of Australia, the Australian Church Women, the Society of Women Writers in Australia, the War Widows Guild of Australia, the Australian Federation of Business and Professional Women, to name but a few? I am sure most of these and other women's organisations would support the banning of such material.

How could any woman support X-rated video material? Most women - I had hoped all women - support the improvement of the status of women. I have heard all other women members of this Assembly refer to seeking to improve the status of women. What rubbish if they then allow the free availability of material which depicts women as objects! How can women support a responsible moral standard for women if they decline to support the introduction of legislation to ban X-rated videos? They are not showing any commitment to improve the status of women. Action speaks louder than words. They should be supporting such legislation.

The concern with this legislation is that we, as ACT legislators, can ban only the direct sale. The real concern comes down to what is allowed into this country. That is outside our charter. However, it is absolutely essential to do our part in restricting such material. My major concern in regard to X-rated videos is the availability of such material in the ACT and how easily our children can obtain it. While I do not support anyone deliberately setting out to deceive anyone else, I was very concerned to see just how easy it was for a young 13-year-old to obtain an X-rated video. However, I am also concerned about the availability of such material by mail order around Australia.

I have concerns about certain sections of this Bill, and if it does pass - unfortunately, that appears unlikely at this point - I will be proposing certain amendments to the Bill. I was pleased to receive Mr Stevenson's letter proposing that clauses 4, 5 and 6 be removed. That certainly was an area of concern to me. The Publications Control (Amendment) Bill should be considered very carefully by each and every member of the Assembly this evening. This Assembly's message is to be received by the rest of Australia. This is the national capital, and we should take the lead. I urge members to support the Bill.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (9.41): I rise in this debate to support Mr Stevenson's Bill. In doing so, I acknowledge that the issues involved certainly are not simple. They are issues of great complexity, and they divide people with very decent and honourable motives. Many people might have expected me, as a small "I" liberal to oppose this Bill as an infringement on personal liberties.

**Mrs Grassby:** Never, never.

**MR HUMPHRIES:** I am glad to see that Mrs Grassby has never made that mistake, but I think other people might put the view that as a liberal I ought to be allowing people to have a free rein to read or view whatever they want in the privacy of their homes. That was certainly the small "I" liberal position articulated by Ms Follett.

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I think it is worth observing that that feature of small "I" liberalism pertains not just to small "I" liberalism but also to other sorts of political philosophies, like libertarianism and even anarchy. I think that liberalism diverges from these philosophies in that it asserts that personal liberties can be developed and maintained only in the context of the life of a society. The freedom of the individual can be realised only in the context of a network of compromises with the rights and freedoms of others. I think the best articulation of that point of view was put by the US jurist Oliver Wendell Holmes when he said, "The right to swing my arm in the air ends at the tip of another man's nose".

This debate raises the issue - indeed, I think it has as its central theme - of whether there is sufficient evidence of a wider, negative impact on society from allowing members of the society the right to view videos in their own homes. I think there is very clear evidence of that wider impact.

It may be said that an Englishman's home is his castle, but he is not an island. Let me give the evidence of that point of view. First of all, in many cases adults share their homes with children. There is very clear evidence that the emotional and psychological development of many children is damaged by their viewing of inappropriate material, such as that which we are debating tonight. How old do members imagine a child needs to be before he can work a video machine? In this day and age, he does not need to be very old at all.

**Mr Doby:** How old does he have to be to take the cork out of a scotch bottle?

**MR HUMPHRIES:** We should not readily put alcohol in the way of children either, Mr Doby.

**Mr Doby:** Exactly.

**MR HUMPHRIES:** But a child will not have any permanent damage from drinking a glass of alcohol. He might well sustain permanent damage by seeing an X-rated video. The South Australian Council for Children's Film and Television conducted a study which found that many young people under the age of 18 are gaining access to explicit material in the form of R-rated and X-rated videos. The study went on to show that many of these children suffered recurring disturbances as a result.

There is other evidence of that point of view. I do not propose to parade it in the debate tonight because I think it accords with anybody's simple understanding of human behaviour. You do not need to be a sociologist or a psychologist or a child psychologist to realise that. Seeing material of that kind at an early age is a shock for young people and young minds. It also presents the possibility of a permanent distortion of their view of

sexuality and sex. It warps; it twists; it has the potential to warp and twist a child's perception of those things. Mr Moore, I think, and others referred to the report on violence and the quote concerning stigmatisation in the marketplace. That redress for rational adults is not available for young children.

Secondly, there is substantial evidence, despite what Mr Moore and others have said, that pornography incites sexual offences. The starkest case of pornography induced crime was that of Ted Bundy in the United States. Mr Moore, I think, and others tend to dismiss cases such as that. I think some have described it as a classic case of American showmanship. But he is merely one of many convicted sex offenders who has cited pornography as a significant factor in the offences.

I will give you some examples. Gary Arthur Bishop, convicted of molesting and murdering five boys, said, "I am a homosexual paedophile convicted of murder, and pornography was a determining factor in my downfall". Richard Daniel Starrett, a murderer who had assaulted six women, collected hard-core pornography as well as police textbooks and newspaper articles about serial killers. The FBI in the United States conducted a survey of serial killers and found that 81 per cent identified pornography as one of their highest sexual interests. An earlier study by one Marshall found that 86 per cent of rapists admitted regular use of pornography with 57 per cent admitting actual imitation of pornographic scenes in committing their crimes.

What more do you want? They are the admissions of people who have been convicted of these sorts of offences that pornography was a significant factor in their lives. What more do you want? What more evidence can you possibly adduce? Even without those kinds of testimonies, the reality of the link between X-rated material and sex related crime accords with every modicum of commonsense in any person's assessment of this situation.

The third point that I want to raise is in connection with the concerns of feminists. I do not often agree with the views of feminists on a number of issues but I acknowledge that pornography is increasingly being seen by feminists as part of the patriarchal superstructure. According to David Steinberg, pornography degrades women as it offers men:

... images of women hungry for sex with us, possessed by desire for us. Women hungry to get their hands on our bodies or get our hands on theirs. Receptive women who greet our sexual desire not with fear and loathing but with appreciation, even gratitude.

Despite what was said by earlier speakers, I think this highlights very clearly the fact that pornography, whatever its violence content, even if it has absolutely none, unquestionably degrades women.

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I am interested in the letter, which I think was quoted in an earlier debate on another day, from the Shop, Distributive and Allied Employees Association, the largest union in Australia, to parliamentarians, highlighting the degradation of women. That letter states:

Although physically not violent or coercive, 'X' videos, according to evidence cited by the Joint Select Committee on Video Materials, engenders in the habitual viewer "a sexually calloused and manipulative orientation towards women" depicting women in general as being highly promiscuous and available.

We agree with the observations made by Dr J. Zubrzycki, Emeritus Professor (Sociology) at the ANU, that pornography functions quite similarly to anti-semitic or racist propaganda: it serves as a tool of anti-female propaganda. The intent of all three is to distort the image of a group or class of people, to deny the fullness of their humanity and to depict them as objects for exploitation.

Most of our members are women. This is union business. We ask that urgent action be taken to ensure that 'X'-rated videos and their 'R' equivalents be made prohibited imports and be placed in the refused category. The Labor Council of New South Wales has expressed its support for this action.

It seems that not only forces of darkness and reaction are opposed to pornography in this form.

There is a fourth reason. Banning these sorts of videos fulfils our obligations to not only our citizens but also Australians generally. Previous speakers have referred to the Darwin agreement of June 1988 by Attorneys-General to outlaw these videos Australia-wide.

I want to remind members of the Opposition in particular that a majority of those Attorneys were members of the Australian Labor Party; they were Labor Party Attorneys. I think it is worth contrasting their position in Darwin, and presumably their position even today, with the somewhat hysterical statements being made by members opposite about the limits on freedom of speech, comparisons with Lady Chatterley's Lover and so on. I think there is very little comparison between the sorts of materials being presented to us tonight and works such as Lady Chatterley's Lover.

**Mrs Grassby:** We did not mention Lady Chatterley's Lover. It was Bernard.

**MR HUMPHRIES:** Mr Moore, I think, did - or certainly someone else.



**Mrs Grassby:** No, Bernard mentioned it. You have to get it right.

**Mr Moore:** Yes, I interjected with it.

**MR HUMPHRIES:** Mrs Grassby, if you want to draw those fine lines, it is up to you. Not only does banning X-rated videos fulfil our obligations to Australians more broadly, it also fulfils our obligations to the Canberra community. I recall opinion polls conducted on this subject by the Canberra Times and, I think, Channel 10 in the lead-up to the Assembly election, clearly showing that a majority of Canberrans opposed the continuing trade from Canberra in X-rated videos.

I have received many letters on this subject. I know members opposite are quick to denigrate the people who write such letters as having pointed heads. I think they do a disservice to the truth when they make that kind of observation. Many decent people have written and signed those letters. Many ordinary, decent Australians are concerned by that material being available and coming from the ACT. I also am concerned. This is not a decision for just the ACT; it is one for all of Australia, and indeed most of Australia has already made its decision and expects us to go along with that.

I want to deal with two things raised by Ms Follett in the course of her remarks. She said, very curiously, that the ALP team opposes in principle any restriction on the right of adults to see or read what they want. She said that the ALP would oppose any limitation on that right. I do not think that is really the position of the ALP at all. I have said this before, and I will say it again. I am sure that members opposite and everybody in this chamber would agree that we must have censorship in some form. We must censor child pornography. We must censor bestiality. There are things that we must censor. I agree with Ms Maher. We must censor, in due course, R-rated material which is excessively violent. I agree with Ms Follett in that regard. But the question then becomes not whether we censor but where we draw the line. We all agree that there should be that kind of censorship. The question is: where do we draw the line?

**Ms Follett:** It is a question of principle.

**MR HUMPHRIES:** The principle does not stand up, Ms Follett. Either we have a principle that we do not ban or we have a principle that we do ban. The question is: where do we ban? That is the issue, not whether we do or do not support the right of adults to see what they want.

The other issue raised by Ms Follett was in connection with women. She contested the right of others in this debate - men in particular - to speak for women. She has claimed in the past and again tonight, I think, to be the Assembly's leading spokesperson for women, but I think it has to be

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observed that she is, in this regard, out of step with the majority of the women's movement.

I do not claim to speak for women - that would be unreasonable - but many other women in this society, in connection with this debate, do speak for other women. As far as I can perceive, they generally oppose the continuing trade in X-rated videos and support in that respect some form of censorship.

It is very interesting that the polls which have been quoted and which I mentioned earlier showed a clear majority of women, not just in the ACT but also in Australia generally, supporting action to stop the trade in X-rated videos. Ms Follett does not speak, I believe, for most women in supporting the continuation of this shameful and degrading trade.

X-rated videos have no place, in my view, in a civilised society. That material negates the values that we, as human beings, hold dear; it negates the respect that we, as human beings, have built up over centuries for one another; it negates the precious intelligence that we, as human beings, have built up over centuries; it negates the advances that women have made over the past century at least to obtain an equal place with men in society; and, particularly, it negates the sense of decency which I believe all of us in this chamber have, at least in some small measure.

I want to conclude by saying that I see four grounds, which I have mentioned, for supporting the legislation. This Bill is likely to be defeated tonight - I am sensible enough to see which way the wind is blowing - but I do not concede that the battle is lost yet. It is very clear to me that the States will not backslide on their position. They have taken a position and they will stand by it - even the Labor States.

The pressure will remain on the ACT to conform with and support the decision made by Australians generally. In this chamber tonight I will support that decision of other Australians, and when the appropriate time comes later I will again support it.

### **Suspension of Standing and Temporary Orders**

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

That so much of the standing and temporary orders be suspended as would prevent private members' business having precedence of other business until the question that the Publications Control (Amendment) Bill 1990 be agreed to in principle is determined.

**MR STEFANIAK (9.56):** I rise, to the accompaniment of what appears to be a folk band or a country and western band in the background, to talk on this issue. A number of members have spoken so far on this issue, including two members from my party, the Liberal Party. Firstly, I point out, in relation to what Mr Moore said, one thing which I think should be quite clear to members of the public and to all members present, and that is that the Family Team was not the only party which went to the local Assembly elections last year with a policy of banning X-rated videos - it may have got 3 per cent - the Liberal Party did also.

**Mr Duby:** They got 13.

**MR STEFANIAK:** We got a lot more than 3 per cent - more than your party, Mr Duby. The police and justice policy of the Liberal Party stated:

The ACT Liberal Party believes that the sale, distribution and exhibition of X-rated and excessively violent material in the ACT is undesirable.

Consequently, a future ACT Liberal administration will bring the ACT into line with all States by banning the sale, distribution and exhibition of X-rated video and film material in the ACT, and will review the film and video classifications so that excessively violent material is banned.

That was the position taken by the Liberal Party at the last local election. It has been our position locally since 1988; it is still Liberal Party police and justice policy, and as such the four Liberal members of this Assembly will be voting in favour at the in-principle stage of Mr Stevenson's Bill to ban X-rated videos.

In relation to this, I think it is also important to put a number of other points. Firstly, in a kit that was circulated to members of this Assembly late last year was a document in relation to X-rated classifications which referred to the meeting at Darwin on 30 June 1988 and the decision taken by the standing committee of Ministers concerned with censorship matters. That document, at the relevant part, stated:

All States expressed opposition to the introduction of the new 'Non Violent Erotica' category as discussed by the Joint Select Committee in its recommendations. They also indicated that the present 'X' classification would not be reintroduced to the States. The Federal Attorney-General indicated that he would take the matter back to the Government for consideration and the future of 'X' rated material in the Australian Capital Territory would depend upon what the Government decides.

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The Northern Territory Attorney-General indicated that the Northern Territory Government would follow the Commonwealth Government.

The important point of that is that all States expressed opposition.

A number of points have been made by various members in relation to X-rated videos being degrading to women, though I am quite surprised by the attitude of the former Chief Minister and now Leader of the Opposition, Rosemary Follett, in relation to this. As my colleague Mrs Nolan has stated, Ms Follett is one of the great proponents of women's issues in this Assembly. I think she is probably being somewhat remiss in relation to X-rated videos and contradictory to her normal stance in relation to this.

I would point out to members of the Labor Party a document that was tabled on 21 November 1989 during the debate on the X-rated video tax. Mr Berry might be interested in this because it is from a fellow trade unionist; it is from the Shop, Distributive and Allied Employees Association, from a Mr J. De Bruyn, national secretary-treasurer. The document is dated 3 November 1988. It was addressed to federal parliamentarians and states:

Dear Parliamentarian,

Video Materials

Please find attached the decision of the National Council of the SDA - the largest union in Australia.

You will note that, contrary to impressions you may have gained from the press, the Union is fully aware of the nature and content of videos which bear the "X" classification.

**Mr Moore:** On a point of order, Mr Speaker; standing order 62, tedious repetition. First of all, in the speech he was quoting from before and - - -

**MR SPEAKER:** Thank you. You are debating the issue, Mr Moore. Be relevant, Mr Stefaniak. Please proceed.

**MR STEFANIAK:** I am reading from a document.

**MR SPEAKER:** Certainly; proceed.

**MR STEFANIAK:** The document continues:

Although physically not violent or coercive, this material, according to evidence cited by the Joint Select Committee on Video Materials, engenders in the habitual viewer "a sexually calloused and manipulative orientation towards women" depicting women in general as being highly promiscuous and available.

**Mr Duby:** Since when has a shop union steward been an expert on bloody callous behaviour to women?

**MR STEFANIAK:** I might come to that, Mr Duby, if you listen. It continues:

We agree with the observations made by Dr J. Zubrzycki, Emeritus Professor (Sociology) at the ANU, that pornography functions quite similarly to anti-semitic or racist propaganda -

I do not think Dr Zubrzycki has been a shop steward -

... serves as a tool of anti-female propaganda. The intent of all three is to distort the image of a group or class of people, to deny the fullness of their humanity and to depict them as objects for exploitation.

Most of our Members are women. This is union business. We ask that urgent action be taken to ensure that "X"-rated videos and their "R" equivalents be made prohibited imports and be placed in the refused category. The Labor Council of New South Wales has expressed its support for this action.

The argument that these videos have been now available for some four years and that a ban will create a black market will not wash. This argument is being advanced by those who refused to accept the recommendation of the Senate Select Committee four years ago requesting the Federal Government to place a moratorium on the sale and hire of these videos. It should also be recalled that most of these come from the United States where pornographic video production companies are substantially in the hands of organised crime.

Yours faithfully,

J. De Bruyn  
National Secretary-Treasurer.

At the risk of being anecdotal - one matter that I will now mention is not anecdotal - I also point out that, whilst I accept Mr Moore's point, which I think was made during several debates that we have had on this issue by persons who are in favour of not banning X-rated videos, that there is certainly more evidence that excessively violent material has a damaging effect on people, it is not true at all to say that pornography has no effect on people - far from it. I will quote now from a report in the Courier-Mail of 9 June 1989. The heading stated "Man Gaoled for Rape of Girl, 11". The report states:

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A man who showed a pornographic video to his step-daughter, 11, before raping her was sentenced to 10 years jail yesterday.

A Supreme Court jury in Brisbane found him guilty on four counts of having raped his de facto step-daughter.

Mr Justice de Jersey sentenced the man, 38, to 10 years' jail on each count, to be served concurrently.

He recommended the man, who had pleaded not guilty, be considered for parole after four years.

The judge said the man's shocking conduct was a misuse of his position of authority.

In the ACT we are not immune. I recall one incest case some years ago, in relation to which I was a prosecutor, in which a father was convicted and sentenced to a term of imprisonment for a number of rapes on his daughter when she was aged from 11 to 14. Part of his modus operandi was to show her pornographic material, including pornographic videos. So there are instances in which I think it is quite clear that this material is very harmful indeed.

Mr Moore has also said that only 3 per cent voted for the Family Team and he has tried to belittle the fact that this really is not an important issue to the Canberra community. It was interesting enough, during the run-up to the last local elections, for the media to conduct a number of opinion polls. I will quote now from an extract from the Channel 10 news at 6 pm on Capital Television on 5 January 1989. The reporter was Shamus Gonella, and the transcript reads:

As for X-rated videos the results were almost exactly opposite with only 37 per cent saying against. And 12 per cent undecided. While Labor voters were almost evenly divided on the issue, Liberal voters were strongly opposed.

But the big revelation of the poll was the division between men and women. While half of the men polled said they were in favour only one in four women agreed, 39 per cent of men did not favour the sale and hire of X-rated videos, but 63 per cent of women expressed their opposition. Those undecided were evenly distributed. Our ANOP researchers say they've never had such a huge gender difference on any subject in any poll conducted around Australia.

Here is information supplied by Mr Ken Begg, the chief of staff of Capital 7 on 6 January 1989. It is taken from the ANOP-Capital 7 opinion poll, and 1,200 voters were polled - quite a significant proportion in the ACT.

The question was: are you in favour of the sale or hire of X-rated videos in the ACT? The results were as follows: 37 per cent in favour, 51 per cent against, 12 per cent undecided. Of ALP voters, 47 per cent were in favour, 41 per cent against. Of Liberal voters, 28 per cent were in favour, 62 per cent against. Of men, 50 per cent were in favour, 39 per cent against. Of women, 25 per cent were in favour, 63 per cent against. That was a very startling revelation from quite a significant poll.

The final letter, which I will table, is one that I received from a Mr Wolf Reich, who was formerly a proprietor of video shops. He wrote to all members on 23 April 1990. He stated:

Dear Member,

In August of 1984, during the introduction of the Classification of Publications Ordinance, I was the spokesman for the fledgling ACT Video Association including Adult Video Outlets. In effect I was the predecessor to Robbie Swan.

Attached to this letter is a submission that I made to the Federal Attorney Generals Department at that time. I am now totally opposed to X-rated and so-called non-violent erotica in contrast to my position then.

In 1986 I removed both pornographic and violent videos from my shops.

I made this decision based on a series of events in my own life and that of some of my customers known to me:

I saw the desensitising effect of sexually explicit material on my customers.

I came to see that pornographic videos inflame sexual lusts; people became addicted and then were not able to distinguish fantasy from reality;

Marriages were put under stress, not helped, because people were incited to demand their partners to perform the degrading acts that they had seen;

Pornographic videos do encourage violence;

Violent videos have a separate effect. Two of my customers committed murder.

I have been honest enough to realise and admit these problems, which I did not see initially. I was prepared to abandon this socially destructive business, and I lost everything financially.

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I now plead with your sense of commitment to this community and that of Australia to do what I did: ban X-rated videos. Then please also investigate the whole classification of publications and the need to licence the Video industry properly due to the powerful social effects that videos have on our Society.

I am now active in campaigning for the banning of that material and in counselling those adversely affected by it.

Yours sincerely

Wolf Reich.

I table the following paper:

Pornographic and violent videos - Letter to Member from Mr W. Reich, dated 23 April 1990, together with a copy of a submission to the Commonwealth Attorney-General's Department from Network Video, dated August 1984.

**MR SPEAKER:** You need to seek leave to table it.

**MR STEFANIAK:** I seek leave to do so, Mr Speaker.

Leave granted.

**MR STEFANIAK:** Finally, as I think Mr Humphries has said, it is all very well to allow people freedom to do what they please - that is a fundamental part of democracy and Liberal Party philosophy - that is fine as long as their freedom to do what they wish does not interfere with and hurt other people. When persons' acts do interfere with and hurt other people, legislation is needed to protect those people in our community who cannot protect themselves.

I have some problems with X-rated videos, as does the Liberal Party. As Mr Humphries and Mrs Nolan have said, we regard them as degrading to women. It illustrates a totally self-indulgent style of life, and there are some very adverse effects on some people in our community. Accordingly, along with my Liberal colleagues, I will be supporting in principle Mr Stevenson's Bill.

**MR DUBY** (Minister for Finance and Urban Services) (10.09): The justification of the pro-censorship lobby has two bases: it rests on emotive arguments based on value judgments of morality and, secondly, it invariably rests its argument on incorrect assumptions about the effects of X-rated videos. But what are the facts? Tonight I intend to show the facts about X-rated videos.



It is clear that a diverse range of views is held in the community on the acceptability of X-rated videos. Unlike the figures quoted by Mr Stefaniak, statistics show that the majority of ACT residents do not want X-rated videos banned. The views of those who hope to have the videos banned are based, I believe, on ignorance of what is shown in an X-rated film and what the X classification really means.

I will repeat, for the benefit of people who do not seem to understand: X-rated material includes explicit depictions of sexual acts involving consenting adults but does not include any depictions suggesting coercion or non-consent of any kind. I think that is a point that needs to be borne in mind. Many people, naturally, are fired up when they are asked what they think of movies which contain scenes of violence, sadism or masochism. Naturally, most people would think, "Oh, I don't like the sound of that at all". That is not what X-rated films are. Films such as those that I have described are not rated; they are not classified.

Other people who oppose X-rated videos are simply part of an extremist minority who would have us believe that if they make enough noise and send enough letters they speak for the moral majority. I agree with the point made by Mr Moore in his speech tonight. I do not regard them as the majority at all; I regard them as a mere minority - a true minority.

Censorship has been with us ever since one group has been able to enforce its views on another group. However, it is not an effective measure when there is a large demand for the thing which is banned. I think in other debates of this nature I have heard Mr Moore make the point time and time again that one thing that is really wrong with censorship is that it does not work. It simply does not work. I think that is definitely evidenced in the case of X-rated videos by the enormous demand for them in the States where they are supposedly banned, and I will come to that point later.

I firmly believe that, given the regulated industry that we now have in the ACT, if we were to ban the sale and distribution of X-rated videos in the ACT we would drive the industry underground, leaving it to be controlled by criminal elements. It is human nature that when you are attempting to hire or buy or do something illegal you think that if you are going to be hanged for a lamb you may as well be hanged for a sheep.

The movies to which we are all objecting - those involving child pornography, bestiality, violence, et cetera - would proliferate if we ban X-rated films. The types of films whose distribution we are trying to prevent are the ones that would become prevalent. People would say, "Well, if I am going to be arrested for distribution of material which may be X-rated, why worry? I may as well distribute the

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stuff which is not rated at all, which has been specifically excluded, and perhaps be able to charge a higher price for it".

We have heard people mention tonight evidence that the viewing of pornographic film, X-rated film, leads to all sorts of difficulties. All this evidence tonight has been anecdotal. There have been several government inquiries into pornography. Firstly, I mention the US Presidential Commission of 1970 which concluded that pornography, however unattractive or in bad taste, was relatively harmless, a victimless crime; exposure to pornography could create a short-term arousal but did not contribute to a higher incidence of deviant or antisocial behaviour; moreover, persons convicted of sexual offences did not use pornography to any significant degree.

The Williams inquiry in the United Kingdom in 1979 concluded that there was no evidence to support the argument that pornography acts as a stimulus to the commission of sexual violence. Notwithstanding the testimonies of so-called victims of pornography, the Meese Commission on Obscenity and Pornography in the United States, in 1986, concluded that there was no causal relationship between non-violent material and sexual violence. The Special Commission on Pornography and Prostitution in Canada, in 1985, came to a similar conclusion to the Williams commission in the UK in 1979.

The Australian Joint Select Committee on Video Material, in 1988, was divided over the issue. However, those who supported the prohibition of X-rated videos cited the submissions of "concerned citizens", "feminists" and "family groups" who believe that sexually explicit material destroys the family and degrades females. As proof of the supposed evil of X-rated videos, those groups cited the research of Dr John Court of Adelaide, who claimed that "real life" evidence showed that pornography causes rape. Dr Court's evidence was damned by the Williams commission and numerous other researchers. The Williams commission stated that Dr Court's publications about pornography are more successful in exposing condemnation of pornography than they are in giving the study of its effect a sound scientific basis. All thinking persons discount Dr Court's evidence and, to the extent that they rely on his work, the evidence of those who quote him. As a result, the evidence of those who gave evidence to the Joint Select Committee on Video Material, in Australia in 1988, is also shown to be faulty. Real life evidence tends to disprove Dr Court.

Dr Berl Kutchinsky's 1973 study in Denmark has withstood the critical examination of researchers. He found that the decrease in sex crimes between 1959 and 1970 in Denmark was related to the relaxation of anti-pornography legislation. Further studies by Dr Kutchinsky in Germany showed that, after the legalisation of pornography in 1973, sex crimes dropped by 11 per cent between 1973 and 1980, while total crime decreased by 50 per cent over the same period. So

relaxation of the crime laws could not be the reason for that fall. The Danish study showed a decrease of 60 per cent in sex crimes against children under six years of age. These are irrefutable figures and statistics which I think put paid to the anecdotal evidence that was put forward by those who support this ban.

A recent US study showed that there is no relationship between the levels of readership of sex magazines and use of X-rated cinemas and the rape rate. The study found that rape rates were related to the general level of crime, as they always are. Rape is a crime. It is not a sexual offence; it is a crime of power.

The overwhelming weight of research evidence shows that there is no proven causal relationship between non-violent erotic videos, pornography and sex crime. This view is supported by the Australian Institute of Criminology. Ms Follett and Mr Moore have used the evidence from the institute to back that argument.

It is obvious that some rapists view pornography, but this does not prove causation and is analogous to linking alcoholism and wife abuse. It is an excuse to say that, because someone has viewed pornography, that person will commit rape, just as it is an excuse to say, "I was drunk; therefore I beat my wife". There is no causal link whatsoever; it is an excuse.

The causes of sex crimes are a complex issue and can depend, amongst other things, on the socioeconomic background and psychological make-up of the perpetrator. Tonight we have heard horrific stories of rape and incest. They were around a long time before pornography was widely available. If you do not believe me, check the Bible. The death row confessions of people like Ted Bundy do nothing to further our understanding of the issue of pornography. I am of the firm belief, having availed myself of the evidence about Bundy, that the man was grasping at straws, trying to save his neck. The anti-pornography lobby appears uninterested in the real cause of sexual crime. It is not a sexual matter but one of power relationships - of violence rather than sex.

While in New Zealand last week I took the opportunity to meet officers of the Department of Internal Affairs about this issue. People like to think poor old, staid New Zealand is miles behind us. It has X-rated material available quite freely. The reason I spoke to the officers about this issue was that the report of the Ministerial Committee of Inquiry into Pornography was brought down there late last year. It was a very comprehensive inquiry, and 202 recommendations were made about pornography. Not one recommendation of 202 recommends the banning of non-violent erotic material - X-rated material which is currently available in the ACT.

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The focus in New Zealand is on control and regulation, not prohibition. They identify that as the way to deal with the problem, and I think all thinking people will come to the same conclusion if they examine the facts and do not let their hearts rule their heads.

The arguments of the prohibitionists are sustained by highly biased and emotive anecdotal evidence and methodologically flawed research. They were condemned yesterday, as I said, by the Institute of Criminology for misrepresenting rape statistics. The only real argument for censorship is that a minority of people find X-rated videos offensive. I can accept that. I wish people would be honest and say, "Look, I just don't like it. Let's ban it. I don't care what you think; I want to have it banned", instead of trying to come up with these false arguments that they are doing it for the good of society.

The bottom line is that non-violent erotic material has not been proved to be harmful. Undoubtedly, I agree that access of minors should continue to be prohibited, and I support sensible measures to improve controls in this area.

Throughout the debate a number of people have raised a number of points. I feel it is my duty to go through those points and bring the facts to the attention of people who may be listening or who will read this debate in the Hansard. Dr Kinloch said that he picked up this People magazine and that in it there are 13 pages of nothing but ads from Canberra - - -

**Dr Kinloch:** I said 11 out of 13.

**MR DUBY:** Eleven out of 13 - that is not exactly the way I heard it. I have been through the magazine, and New South Wales, Victoria, Tasmania, Northern Territory, Victoria and Queensland are all there. Almost every State in Australia is represented in that magazine - page after page advertising a product for which there is clearly a great demand. People say that only Canberra is the headquarters of the distribution of this product, but it is clearly not the case. In the magazine This Week in Perth the same thing is available, yet Perth, I believe, has the strictest laws in Australia. (Extension of time granted)

I believe possession of X-rated materials there is an offence. It is the sort of thing that Mr Stevenson would like to introduce here. According to What's on in Perth, X-rated movies are freely available. You can pick them up at any hotel or watch them in the comfort of your motel room.

Let us be serious. Let us stop being hypocritical about this issue. We know that in New South Wales there are Australian-made X-rated movies; the movies are made in New South Wales, not imported. What steps are taken to prevent that happening? The answer is none. It is sheer hypocrisy.

Dr Kinloch said, "Let the Commonwealth decide what the level of censorship in this country should be, and let all the States adhere to it". To my way of thinking, his argument falls flat. The Commonwealth has decided, and this Territory, for one, adheres to what the Commonwealth says.

You, Mr Speaker, came down and gave us the benefit of a very anecdotal speech. Frankly, Mr Speaker, I do not think there were many good arguments in your speech - none whatsoever, to be honest. I think the line that we must ban X-rated videos because our sons will be titillated went out with the ark. You argued that our boys will be gaoled because they are titillated and go out and do things to women. Our sons will be gaoled if they are rapists; they will not be gaoled if they are titillated. They will be gaoled if they commit an offence called rape. I think we have proved that having X-rated videos does not lead to an increase in rape.

You also called Canberra the porno capital of South East Asia. You have never been to Bangkok, Mr Speaker. I think I have demonstrated that all this material, which you are saying is bringing down life in the ACT, is freely available in every State. Frankly, Mr Speaker, I was amazed when you called for our children to enjoy literature along the lines of *Black Beauty*, a book which I am sure is banned in South Africa. I am sure also, Mr Speaker, that that idea of censorship is the sort of thing that you are trying to introduce into the ACT. I, for one, do not stand for it.

Mr Jensen said, "Let's call a spade a spade. We are talking about hard-core pornography, not non-violent erotica". For goodness' sake, so are we. Why does changing its name from "non-violent erotica" to "hard-core pornography" make it any different? It does not. Hard-core pornography, though, does portray the level of classifications which have been banned by the Commonwealth censor. Increases in sex crimes occurred long before videos were available. He complained about there being no literary merit. Does that mean that we should ban *Neighbours* and *E Street*? I will not go on.

There are other things here, too. Mrs Nolan says that, even though it does not work elsewhere, we should adopt it anyway; at least that will make it uniform. I do not accept that argument. She also said that X-rated movies cannot be shown in cinemas. They can. She said she thinks women's groups would not approve. Do they or do they not? I honestly do not know. She said that, when it comes to children obtaining X-rated material, it is up to parents to exercise responsibility. Once again, Mr Humphries said the same thing. I must point out to Mr Humphries that the fines applicable to children getting access to X-rated material are ludicrously small. We need to make this Publications Control Act an effective piece of legislation. When there are comprehensive national laws in place which

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are to be enforced elsewhere, we also can enforce them and we can comply with the rest of the country. But just jumping off the cliff because the other lemmings do does not make sense to me.

Mr Stefaniak went through television ring-ins and all that sort of thing, and said that people were opposed to X-rated videos. The question that was asked was whether you were in favour of hiring X-raters, not whether to ban them.

**Mr Stefaniak:** No, it was not at all. Get it right.

**MR DUBY:** The question was whether you were in favour. Finally, we come to the champion, the man who brought this debate on - Mr Stevenson. I do not acknowledge Mr Stevenson's claim to a moral leadership of the ACT Assembly or the Canberra community. Mr Stevenson has no record of activity in the ACT or elsewhere which entitles him now to embark on this crusading role. We really do not know anything about him. He looms large now, but where has he been and what has he done? He claims to speak for responsible members of ACT society. He does not speak for me. I will not have him claim to express my views or to seek a moral leadership. What we know of Mr Stevenson comes only from his activity in the last year and some months.

He claims to protect our children, yet he opposes the adoption by Australia of the United Nations charter on the rights of children, on entirely spurious grounds. From prejudice and ignorance he opposed a practical, humane and important document promoting the welfare of children. In so doing, he flies against what I regard to be one of the tenets of Christianity whose principles he claims his Bill is here to uphold - "Suffer the little children to come unto me". He claims to care for women and children in their homes, yet he adamantly insists that there is no real problem of domestic violence; he insists that women and children are not physically beaten in their homes. In the face of clear evidence, he does not propose measures for their protection in any way.

Mr Stevenson has no record of care for, even of interest in, the well-being of our women and children - and I say "our" in the correct way, Ms Follett; our society's women and children, I suppose, is the correct way to say it. I do not like Mr Stevenson standing up in this place with his unearned claims of interest. In the brief time in which he has placed his views on the public record he has shown that he has no real credibility. I oppose the legislation.

**MR KAINE** (Chief Minister) (10.33): The debate has been lengthy. People have debated from a position of emotion, in some cases from a position of heat. It has been debated with some adherence to, or in some cases departure from, the rules of logic. People have drawn on statistics, case studies and anecdotal evidence, and everybody has been put down by somebody else because they did not agree with the

statistics or the case studies or the anecdotal evidence. I do not believe that I have been at all persuaded by much of the argument. I do not intend to add to it.

However, before members vote on this matter I should like to review a few of the matters that have been brought up and some of the things that have been said. People need to think a little before they vote. The first thing on which I should like to comment is the assertion by the Leader of the Opposition that this is a trivial matter. This is not a trivial matter. The public interest in this matter is not only confined to the debates in this Assembly. There have been public rallies in the ACT and there has been very broad media coverage of the issue. I submit that the rallies outside this Assembly on this issue have brought more people here than any other issue during the life of this Assembly. To assert that this is a trivial issue is to misread totally the response of the public to it.

Not only have we been lobbied by many people who live in this Territory but also every member of this Assembly has received hundreds of letters from people all over Australia. We have received personal representations from residents of the ACT and people outside the ACT. This is not a trivial matter. The community does not regard it as trivial. It takes it very seriously and is looking to this Assembly for some leadership on this matter.

People have gone to great lengths to explain what an X-rated video is - non-violent erotica, hardcore porn, call it what you like. They have tried to make the distinction between X-rated and R-rated videos. The people on the street are not concerned with that academic argument. They know that there are nasty things on those videos, that there are things on them which affect them and their families. You can laugh.

**Mr Moore:** I am, because it is so pathetic.

**MR Kaine:** You have expressed your viewpoint; I am expressing mine. People know that there are videos out there which they believe are harmful to them and their children, and they are not very concerned about the niceties of whether they are called X-rated or R-rated or any kind of video.

It is the responsibility of the people in this Assembly to listen to what the community is saying and make a judgment about that, and not get tied up in the academic argument of what is X-rated or R-rated. Listen to the voice of the community. You, Mr Moore, might take note of that comment, because you do not appear to be ready to listen to anybody.

**Mr Moore:** Look who is talking about education cuts. Look who is talking about how the community is going to respond to your budget.

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**MR KAINE:** I am talking about vicious, nasty videos. You can call them what you like, but I have used the terms that seem most apt to me. This debate has been characterised by what I regard as an unpleasant ploy, and it is one to which people resort when they are not convinced that their argument is persuasive. You denigrate your opponents, destroy their credibility, call them names and accuse them of censorship, as though this is somehow bad and, if you label somebody as imposing censorship, that person is automatically bad. If that does not work, you tie them up with some depraved dictator who everybody knows is bad. You even publish a little brochure which goes out with people's pictures on it. They are convicted by association. My colleague Dr Kinloch referred to this.

I do not regard that as a legitimate means of debate. If you want to debate the subject, get on the floor of the house and debate it. Let us do away with these ploys that people use, as I said. When they are not convinced of the strength of their argument they attack their opponents. That is what has been going on, on the floor of this house. It has also been going on in the community, in our newspapers and elsewhere. I think the people in here who are to vote shortly need to think about some of these things. Why was it necessary to attempt to destroy people's characters? Why was it necessary to attack their credibility? If the argument is so strong, why resort to that?

Along with other people on the floor of this house, I agree with the general proposition that restricting or banning anything is always, to a greater or lesser degree, unacceptable in a democratic society. But there are minority views that have to be accepted. There was some debate earlier this evening about whether the people who want X-rated videos banned are the majority or the minority. It does not matter, because it is the responsibility of this institution to protect the rights of the minority, and if they are the minority their rights have to be protected just as much as those of the majority. So the debate as to whether they are the silent majority - the innuendo is that they are a bunch of kooks - is part of that argument. You attack your opposition. Again, if your argument is so good, depend on your argument; do not attack the people who have a different opinion from yours.

**Mr Moore:** Put a valid argument. Where is your argument? You can't even come up with an argument. Where is your valid argument?

**MR KAINE:** Respect their right to have a view.

**Mr Moore:** Who are you talking about? Is this an attack?

**MR KAINE:** Argue against it if you can, but deal with the matter on its merits.

**Mr Moore:** What about some argument?



**MR KAINE:** Keep talking, Mr Moore. You have had your say, and I listened very carefully to what you had to say; I did not interrupt, and I gave you 20 minutes. You are not prepared to listen to me; you have to talk me down. Another part of the ploy is to talk down your opponent if you cannot win by point of argument.

**Mr Moore:** What are you doing?

**MR KAINE:** I am making my speech, in the same way as you made yours. I happen to believe that it is the responsibility of organisations and institutions like this to listen to the community, to determine what standards it wants adopted. I have listened fairly carefully, I think, over a long period to the debate inside and outside this house. I think I have deduced the standard that our community wants; I am going to vote accordingly, and I hope you all do the same.

One thing that has come out of this debate has been good, and I think we, in the Government, should note it because if this Bill is voted down this Government has an obligation to pursue some of the things that have come out in debate. I refer to things like those that my colleague Carmel Maher brought forward. Her speech was a very important contribution to the debate - much more than most of what most other people said - because she was constructive. She does not believe in banning - that is a perfectly legitimate point of view - but she said that there are things that need to be done. She took the trouble to tell us what they were. Some others, who spent a lot of time haranguing us, might think a little about that.

There is one other thing that I would like people to keep in mind. There was some debate earlier in the evening, which tapered out later, about the objectionable detail of Mr Stevenson's Bill. There is certainly some objectionable detail there. Now we are talking about a debate in principle on this Bill. The content of this Bill is irrelevant; you either vote for the principle of banning this material or you vote against banning it.

The detail of this Bill is irrelevant because if the Bill is supported in principle we have another opportunity to tear it apart, pull it to pieces, throw out the detail that we do not like, amend it and put in detail that we do like; but that is another debate. What we are debating now and what we are about to vote on is the question in principle of whether we agree with banning X-rated videos. Members should not allow themselves to be confused or have their thinking distorted by some of the detail in this Bill which they may not like. There will come a time later for them to remove that.

I said before that I believe I have assessed the will of this community and what it wants done on this issue. My

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vote will reflect my balancing of the different views that have been put to me by citizens who have legitimate, although different, views, and to those views I have applied my judgment, as every one of you has done. I believe that some of you may not be objective in any way in your evaluation of the material. I believe it is my right and my obligation to vote as I see it, and I will do that, having weighed all the evidence and what I have heard, having sifted the chaff from the wheat. All I ask is that other people do the same thing and set aside for the time being any biases that they may have on this subject.

**MR PROWSE:** Mr Deputy Speaker, I wish to make a personal explanation.

**MR DEPUTY SPEAKER:** Do you claim to have been misrepresented?

**MR PROWSE:** I have been misrepresented. I refer to Ms Follett's speech.

**Mr Berry:** On a point of order, Mr Deputy Speaker; it is convention that these matters be dealt with following the conclusion of a debate. I think it is inappropriate for the matter to be dealt with in the course of the debate because it effectively is used as a tool for debating the issue again.

**MR DEPUTY SPEAKER:** I believe he is entitled to make his point under standing order 47, Mr Berry. Continue, Mr Prowse.

**MR PROWSE:** I would just like to mention that Ms Follett erroneously attributed my speech to the Speaker. It is quite obvious to anybody that I made my speech as David Prowse, MLA; that is why I left the chair, and I want that definitely on the record as part of this debate.

I also resent the inference by Ms Follett questioning my right to practise alternative medicine. How dare she! I hold certificates as a member of the Australian Traditional Medicine Society, as a member of ANTA, the Australian National Therapists Association, and - - -

**Mr Moore:** On a point of order, Mr Deputy Speaker; standing order 47 clearly does not apply here; 46, perhaps, and then Mr Berry's point carries.

**MR DEPUTY SPEAKER:** He is not debating a substantive matter. Continue, Mr Prowse.

**MR PROWSE:** Both of them have been examined by health funds which allow patient rebates on fees paid to practitioners who are members. Also, by examination, I am accepted as a member of the Australian Society of Clinical Hypnotherapists. Please record that because members opposite, with their trade union background, have repeatedly questioned my abilities in this area. I have

never challenged theirs, although I believe they are more open to challenge. Lastly, I personally do not consider Ms Follett to be either "my girl" or "my woman". The mind boggles!

**MR DEPUTY SPEAKER:** Thank you, Mr Prowse.

**MR PROWSE:** In my speech, I was referring to women and girls of our society.

**Mr Berry:** On a point of order, Mr Deputy Speaker; it is a bit overboard.

**MR DEPUTY SPEAKER:** Thank you, Mr Berry.

**MR STEVENSON (10.45):** We in this Assembly have an obligation to protect society against conduct which is damaging to society and the individuals in it. The compelling weight of evidence throughout the world shows us that videos that contain those things that are included within the X-rated category cause great harm and violence to society. Our job in this Assembly, as the Chief Minister said, is to set standards where a lack of standards could have adverse effects on our society.

Few people know how pornography affects us. I do not choose to show an image lightly, but it is important that we understand what happens when people look at pornography. My Bill is about reducing the number of people who look at hard-core pornography. I am not talking about two people making love. We are not talking about that within the X-rated category. What we are talking about within the X-rated category is people being chained, people being urinated and ejaculated on, simulated whippings, multiple sex, people spying on others having sex, exhibitionism, women being dressed as young girls with pigtails and short dresses and in other ways that young girls dress to suggest, depict and promote child pornography. The women may not be 17 or under, but videos like Sorority Sweethearts, First Time at Cherry High, Daddy's Little Girls and others promote child pornography. Only someone with a vested interest or who does not know or has not taken the time to discover what is in X-rated videos would say anything else. We are talking about adultery, obscene phone calls and suggestions of incest, like Sister Dearest.

These things are contained within the X classification. I am not saying that there is coercion. Linda Lovelace said that, but I am not suggesting for a moment that all these people are coerced. These videos are advertised in Truth and People magazine throughout Australia, in every newsagency and many milkbars and service stations, and are available for order from Adult Video Industry Association members.

It is important that we understand that, when people say that the content of X-rated videos is being misrepresented, they are quite correct. The people who push them

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constantly misrepresent them. The video that was sent to the 13-year-old girl showed someone being chained up, simulated whippings and so on. Its title was Dungeon of Pain; that has an X classification. I talk about only those within the X classification.

McGaugh, a psychologist at the University of California, in his research on memory entitled "Preserving the presence of the past", in the American Psychologist of February 1983, stated:

Powerful sexually arousing memories of experiences from the past keep intruding themselves back onto the mind's memory screen serving to stimulate and erotically arouse the viewer.

Let me put that more simply: that picture that I showed you can be restimulated at any time that there is a suggestion of something like it. If I tell you now not to get a picture of the image that I showed you, you will have a graphic demonstration of the fact that we have no control over the image because that is exactly what you got.

Do we want to fill the heads of people in Australia with pornographic images? Let me tell you that a simple photograph is nothing compared with an X-rated video. You will have that image with you for the rest of your lives. When people view pornography it can be restimulated, not by other pornography but simply by looking at a woman. That woman may be a mother, sister, daughter or any other woman. You will experience this again; you have in the past. We all know this; that is what is happening. It does not make us feel good about these things, but they happen. That is what we put into our minds.

Where did pornography in Australia come from? It is interesting that up to 1970 there was very little hard-core pornography in Australia. In 1970 Don Chipp opened the door a little to pornography and in 1972 Lionel Murphy took the door off its hinges.

Let me tell you what was going on when that happened. The report of the Joint Select Committee on Video Material, volume 1, April 1988, talks of a document entitled "Censorship Policy" which is attached to a minute dated 30 May 1973 to the then Attorney-General from his department. What did it say about pornography? This was from someone in the department, who stated:

It is considered that almost all the States would be hostile to a policy which could lead to the circulation of so-called hard core pornography ...

Indeed they are; every one of them has shown that by banning it. But why is the Federal Government talking about introducing pornography when it knows that all the States in Australia do not want it? The report states:

The document raised for consideration the question of whether the policy announced by the Attorney-General should be brought fully and immediately into effect or by stages. It stated:

You would need to have regard to repercussions in the electorate; the Australian public is notoriously conservative, whatever its political affiliations.

The Government's policy might best be achieved by a strategy of hastening slowly - gradually broadening the standards of imported material -

pornography, hard core -

so that public opinion can be developed -

or some could say moulded -

to embrace the principles embodied in the policy.

This action was carried out not by a legislative vote but by an administrative direction. That is what the Government did when it decided that Australians would watch pornography whether they like it or not. Australians were not given a vote in the matter and were not told about it. Where was the vote, Rosemary Follett? They were never given a chance. You may shrug your shoulders in exasperation. But the truth is that the Australian people were not given any choice as to whether hard-core pornography is introduced into our society. It is an interesting question.

We have been told by some people that pornography does not cause harm. Let us have a look at the result of the Federal Government's introduction of pornography into Australia. The most often quoted case of supposed justification that pornography does not cause harm is Kutchinsky's work, which was centred mainly around Copenhagen. Let us have a look at the statistics in Denmark. It legalised pornography in 1967 and in 1970 made sex education compulsory. By the way, a lot of people who do not know point to Denmark and say, "Let us look at that. What a wonderful example". Denmark promptly removed all age of consent laws with reference to sexual relations. Abortion on demand was legalised in 1973. Sexual practices that were formerly listed as crimes were removed from the statute book. What a wonderful way to get rid of some statistics! These included such acts as homosexuality, statutory rape, sodomy and indecent exposure.

What are the real facts about Denmark? Let us look at the rape statistics. The figures that Kutchinsky gave were simply wrong, as has been acknowledged the world over, but you would need to do a more detailed study of the literature. The rape statistics in Copenhagen, where Kutchinsky's main work was done, are: in 1965, 47 per

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100,000; in 1977, 110 per 100,000. Throughout Denmark, in 1963, 173 women were raped; by 1978, with the restrictions off, 484, about three times as many, were raped. Another important fact to note about Kutchinsky's report is that he did not use rape statistics per 100,000; he used just those from this area of Copenhagen. He failed to say that the population of Copenhagen, during the period that he conducted his study, dropped from something like 698,000 to 585,000. Why did they drop? It was because the younger people were moving out of Copenhagen. When we look at statistics we have to look at them properly.

We have examples from all over the world of professional people who have shown harm. Dr Melville Anshell is one of the foremost psychologists in the world. He is a clinical psychologist who has studied approximately 240 sex offenders, 95 per cent of whom were male. The offences included every deviant sexual activity you could imagine. He said that in almost every case he found four situations occurring with these sex offenders. The first one was an addiction effect. Once involved in obscene materials they kept coming back for more and more. The second was an escalation effect. With the passage of time they required more explicit, rougher, more deviant kinds of sexual material to get their highs. The third was desensitisation. They became desensitised to the material, attacks on women and so on. The fourth was an increased tendency to act out sexually the behaviours viewed in the pornography.

Gary Humphries briefly spoke about Dr W. Marshall. It is important to make the point that the study was of consenting sex pornography - what is called non-violent here. He showed that almost half the rapists whom he studied used non-violent - as some people call it - erotica to arouse themselves preparatory to seeking out a victim to rape. He found that 19 per cent of the rapists used forced sex, sadistic bondage pornography to incite them to rape, while 38 per cent - twice that - used consenting sex pornography immediately prior to committing an offence. Why would they use consenting sex pornography if they wanted to rape someone? Mr Speaker, I seek an extension of time.

Leave not granted.

### **Suspension of Standing and Temporary Orders**

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

That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson concluding his speech.

**MR STEVENSON:** The rapists whom Marshall studied reported a two to one preference for soft-core, consenting sex

depictions rather than for scenes of rape because they believed that the woman depicted would not want to be raped and that she would resist. This was what most of them wanted.

While the statistics on rape increased throughout America, Oklahoma City, for five years consecutively, from 1984 to 1988, showed a decline in rape statistics by 26 per cent. The rest of Oklahoma showed an increase of 20.8 per cent, and we are told that pornography does not cause harm. Oklahoma City closed its 150 sex shops and banned not just X-rated videos but all pornography. One of the major studies that has been done in the world was a 10-year study from 1964 - - -

**Mr Whalan:** The Prowse conspiracy, the Collaery conspiracy - - -

**MR SPEAKER:** Order! Mr Whalan, the speech that you are making, supposedly to the Leader of the Opposition, is being broadcast and recorded. I suggest you beware. Please proceed, Mr Stevenson.

**MR STEVENSON:** The 10-year study, from 1964 to 1974, was reported in *Psychology Today*, "Sex and Aggression - Proving the Link". It was a worldwide study by an ad hoc committee which comprised psychologists, police and criminologists. Where there were no restrictions on pornography, it showed that in the USA rapes had increased 139 per cent, in the UK they were up 94 per cent, in Copenhagen they were up 84 per cent, and Australia was on top of the list with a 160 per cent increase in rape. Where there were some restrictions, in Singapore they were up 69 per cent and in South Africa they were up 28 per cent. Where very tight restrictions were placed on pornography, as in Japan, they went down 49 per cent over that 10-year period. These are the statistics.

In Michigan a study was done of 38,000 sexual assault cases from 1956 to 1979. In 41 per cent of the cases pornographic material was viewed just prior to or during the crime. This agrees with research done by psychotherapist David Scott who found that half the rapists he studied used pornography to arouse themselves immediately prior to seeking out a victim. These are the studies that prove the link, if you are prepared to look at the research.

The Meese report was referred to by Mr DUBY. Let us have a look at what it said. It talked about different classifications of sexual materials. The class 2 is the one that comes within non-violent erotica, as it is called, or pornographic X-rated videos. It mentions non-violent materials depicting degradation, domination, subordination and humiliation - non-violence. What was the result of the Meese report? Here it is; it is not something that someone has written down on a sheet of paper for you. I have studied it. Mr DUBY said that it does not show any causal

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relationship between non-violent erotica and violence. First of all it mentions the degradation and states: "Of course, it is the degradation of people, more often women". This is at page 41 of the report. It goes on:

With respect to the material of this variety, our conclusions are substantially similar to those with respect to violent material ... We are saying that such attitudes will increase the likelihood for an individual and the incidence for a population that acts of sexual violence -

this is non-violent erotica -

sexual coercion or unwanted sexual aggression will occur. Thus, we conclude that substantial exposure to materials of this type bears some causal relationship -

not "no causal relationship", as Mr Duby said -

to the level of sexual violence, sexual coercion or unwanted sexual aggression in the population so exposed.

That is what the Meese report said. That was the major study in the world.

One report that you omitted to mention, which was the second major study, was what is referred to as the Longford report, by Lord Longford in England in 1972. That was the first study conducted around the world - the first major investigation that showed that there is a causal link between non-violent erotica and harm. Did it study any other erotica? No. In 1972 it was hardly available. That is what it studied and that is what it showed.

The Williams report of 1979, in the UK, which was mentioned, has since been bagged all over the world. It was a small report; it had limited studies; it had no valid research data.

Once again, we need to look at the actual evidence. Doctors Dorf Zillman and Jennings Bryant showed in a study of four groups of university students, numbering 60, that the group that was exposed to pornography - non-violent erotica, as so many people keep calling it - had tendencies towards regarding women with less respect; they saw rape with less concern; they considered that adultery in marriage really was not that much of a problem, that it should be okay. There was a control group, another group that watched videos with next to nothing in them, and one that had a mixture of both.

Let us look at some of the reported rapes per 100,000 population in Western Australia from 1966 to 1986. Have a glance at the general graph as it goes up because it is a bit hard to read them all out. Around 1966 it was one rape



per 100,000, but then we had some changes and it started to increase - 1970, Don Chipp; 1973, Murphy; 1975, Sexual Assault Report Centre opened; 1976, the Commonwealth Literature Review Board was abolished. In 1983 - that is when it started to grow like the national debt, straight up - we had the massive release of pornography under rulings of the Federal and State ALP governments.

These are the statistics. Why do people not actually look at the statistics? If you are going to vote against an issue that is as important as this you cannot just skim over some of the nonsense that is presented to you by people like those in the porn industry. They have a vested interest. You have to do your homework. They would not debate when the public debate was on because they knew what would happen to them. There was a public debate which members of the general public attended. It is interesting that at the public debate at the Australian National University they said it was a lineball and that the anti-video people just lost it. Who were the people voting? They were first-year students. If we can get a lineball with first-year students what would happen with another debate, as at the Albert Hall? It was absolutely overwhelming.

Let us look at some other examples, none of which are anecdotal, as Mr Moore and Mr DUBY mentioned a number of times. I can give you dozens and dozens of anecdotal examples. You may not feel that is valid, but the Speaker does, and with good reason. Ask the victims of crime whether anecdotal evidence is valuable and see what they say.

An article headed "Man seduced girls with blue movies" reports that David Hill, a divorcee, seduced young schoolgirls with marijuana and blue movies. As was reported in May 1989, Justice Sir William Kearney, in the Supreme Court in Darwin, said society needed protecting from such stimulants. He said:

People who think there is no connection between pornography and the violent and bizarre crimes that come before the courts ought to do some studies.

He was complaining about the X-rated videos available in the Northern Territory. A crown prosecutor in Victoria - the members have seen this data, because it has been sent to them - Richard Read, who has been the prosecutor for dozens and dozens of rape cases, said that the people who have to deal with these cases know full well that what we see influences what we do.

You do not need to go to the studies. Why do you need to wonder whether looking at muck is going to affect the way we feel? Do people not have an understanding of why hundreds of millions of dollars in Australia alone are spent each year on advertising on television? The reason

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it is the most expensive medium is that it works. The advertisers know that their non-violent images get people to do things. They get them to buy. They also know that if you throw a girl in with a power drill set you are likely to sell a few more power drills. They understand well - and we all know it - the effect of sex, and that is not pornography; that is a billion miles from what we have.

I will make a few more important points. The story goes on. I can read studies from James Check and the Davis Brock report of the late 1970s. They show that non-violent "erotica", not violent pornography, has a definite causal link with rape.

I will not read the quote, but J. Edgar Hoover said that an overwhelming number of sex crimes are linked with pornography. He ran the FBI, so he should know. Some people have suggested that they are good for sexual hang-ups; it is great to have X-rated videos. What do you want them to learn? Do you want them to learn to have incest with their kids? Do you want them to learn to have sex with the milkman? Do you want them to learn to go out and commit adultery and some of the other things that you know are contained in them?

A number of members were at a meeting at Tuggeranong recently. We were talking about youth problems, and a young lady said that parents provide the role model. If we as parents and members of this Assembly do not take action, who will and who can? Every State in Australia banned X-rated videos. The Select Committee on Video Material said in 1988 that X-rated videos should be banned. Why are these things glossed over with very poorly researched arguments? What is the motive behind people who do not properly look at the evidence?

The people who do not support the banning of X-rated videos come in two categories - those who make money out of them and those who believe genuinely that there should be no censorship. But every time one of them rings me I ask, "Do you believe that child porn, rape, et cetera, on video should be legalised?". They inevitably say no, they do not. Then they change their minds and realise that it is not about whether we have censorship; it is about what we censor. When they find out that they do not know what is in X-rated videos, about 80 to 90 per cent of the few people who have spoken to me, who are in agreement with it, have changed their minds. I welcome them. If someone rings and leaves a message with a phone number, I can absolutely guarantee that I will keep trying until I get back to that person. I have done it a few times.

Make no mistake whatsoever - they will be banned. If they are not banned tonight - - -

**Mr Berry:** Never.

**MR STEVENSON:** You can shake your head, Wayne, but they have been banned in every State in Australia and they will be banned in the ACT. There is no doubt, because the people want it and they will get it. In this town and this country more and more people are waking up and they will not be told what to do by politicians. The leader of the group called the Opposition - and I am no part of that, of course - Rosemary Follett, recently said that people are concerned about not being represented in Australia, yet she will not represent people.

Tonight we have the power. Every one of us here has the power to do what the States want - to ban X-rated videos. I do not ask you to ban sex on videos or movies. That is freely viewable on the television or at the cinemas every night of the week. I ask you to ban degrading, violence-causing, hard-core pornography. I ask it not for me but on behalf of the people of Canberra and Australia who want it banned.

We all know that advertising works because what we see influences what we do. We have seen who has called for a ban on pornography and we know that the people want it. Tonight when you vote, though you may have made up your minds, look at exactly what you are doing. If you vote totally according to your conscience, in all truth and honesty, no-one can ask more of you. But, if you vote because of a political decision, the people of Canberra and Australia have a right to ask you to change your minds and show some courage, because if you do not have personal integrity in life you have nothing. Money, possessions and position are nothing without personal integrity.

In a few hours Aussies will gather to commemorate those people who died. Many of them were under-age; they lied about their ages to take the opportunity to fight for Australia. If they were here tonight what would they ask you to do? Tomorrow when you commemorate Anzac Day, while you stand in silence, will you be able to answer, "Did you do what you could to handle the destruction caused by X-rated pornography?".

Question put.

The Assembly voted -

AYES, 8

Mr Humphries  
Mr Jensen  
Mr Kaine  
Dr Kinloch  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak  
Mr Stevenson

NOES, 9

Mr Berry  
Mr Collaery  
Mr Duby  
Ms Follett  
Mrs Grassby  
Ms Maher  
Mr Moore  
Mr Whalan  
Mr Wood

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Question so resolved in the negative.

### **PERSONAL EXPLANATION**

**MR MOORE:** I seek leave to make a statement under standing order 46. I claim to have been misrepresented.

**MR SPEAKER:** Please proceed.

**MR MOORE:** It was reported to me that a person in the gallery was saying publicly that I had accepted money from the video industry. I would like to make it clear that I have accepted nothing, other than five video movies so that I could see what it was that we were going to debate. Apart from that, I have accepted, and intend to accept, nothing.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

**Assembly adjourned at 11.22 pm until Thursday, 26 April 1990, at 10.30 am**

**ANSWERS TO QUESTIONS**

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Consultants**

**Question No.78**

MS FOLLETT - Asked the Chief Minister upon notice on 13 February 1990.

- (1) In the period from 5 December 1989 to the date of answering this question, what consultants were employed by (a) the Minister, and (b) each agency in the Ministers portfolio.
- (2) For each consultant employed, what was (a) the purpose, (b) the duration and (c) the cost of the consultancy.

MR KAINÉ - The following answer is provided to Ms Folletts question.

(1+2) The purpose, duration and cost of each consultant employed by each Agency in my Portfolio in the period from 5 December 1989 to 23 March 1990 is provided in the table below. Costs are rounded up to the next one hundred dollars.

There were no consultants employed directly by the Chief Minister and it should be noted that the answer excludes the Finance Bureau and the Business and Employment Bureau.

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Synercom Reorganisation and direction of information systems and application development groups. Nov 89 - March 90 48,400  
Development of strategies and services  
Total Asset Advice on contingency planning methodology Dec 89 - June 90 22,000  
Protection for computer centres and other business centres in the ACr Government Service  
Coopers & Lybrand Amalgamation of Corporate Development and Human Resources and Support Services Branches Dec 89 - March 90 22,000  
AOSTA Consulting Advice on development of information technology strategic plan for the ACr Feb 90 - April 90 - 15,000

#### Treasury

Computer Sciences Review of management issues associated with Australia ACTGS telecommunications facilities Feb 90 - March 90 10,000  
OConnell Olds Smith- Advice on systems issues associated with ACT Aug 89. - March 90 41,600  
Roberts & Wilson P/L Government-wide strategic information technology  
PCEK/Bevington P/L Executive advice and support to the Priorities Review Board March - April 90 90,000

\* Peter Freeman and Development of conservation strategy for Partners public housing in central Canberra Aug 89 - May 90 20,000  
\* School of Conservation study of the Reid Urban Environmental Conservation area Aug 89 - May 90 14,000  
Design,  
University of  
Canberra  
\* Phillip Boot and Kamen Forest Cultural Resource Survey Oct 89- March 90 6,500  
David Bullock

- \* Access Archaeology Brayshaws and Westermans huts conservation July 89 - March 90 9,300  
P/L plan
- \* Phillip Boot and Excavation and analysis of cave deposits, June 89 - April 90 10,000

Helen Cooke London Bridge Limestone Feature, Googong  
Nature Reserve

- \* Peter Freeman and Stabilisation of Orraral Homestead Oct 89 - June 90 16,500  
Partners

- \* Projects funded under grants from the Commonwealth Governments National Estate Grants  
Program.

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Advanced Business Programming and support of LILAC software for July - Dec 89 68,000

Solutions P/L the FISCAL financial management system

OConnell Olds Smith- Technical management of development and July - Dec 89 33,000

Roberts and Wilson support of the FISCAL financial management

P/L system

John Ford and Actuarial advice on a range of issues Oct 89 - June 90 10,000

Associates including superannuation



S Geddes and Associates Cost benefit analysis of options for ACr Nov - Dec 89 15,000  
Integrated Land Information System (ACEILIS)  
to provide basis for development of textual  
land information systems

Essays Australia a) Review of geographic design and Dec 89 - Jan 90 27,000  
information systems

b) Participate in pilot project to test ACr Feb - April 90 15,000  
data using spatial information in a  
relational open architecture - Data Base  
Management System .

c) Preparation of functional performance March-- April 90 20,000  
specifications for ACr digital cadastry  
data base

Australian Bureau of Advice on development of a population model Jan - June 90 7,000  
Statistics for the ACr

Chris Vevers Pilot standards in four trades for the ACr Feb - April 90 9,600  
Vocational Training Program

David Cotterill To help determine arrangements for ACC Jan - March 90 18,000  
advisory structures for industry training NB:  
cost shared equally with the Commonwealth

Robyn Henderson Appointed by the previous Government to July 89 - March 90 34,900  
advise on social justice issues

Access Economics P/L Th advise the Canberra Development Board on Jan - Mar 1990 27,500  
economic strategies for the ACr

Noel Hart Accounting systems design and development, Feb 89 - June 90 65,900

Pearon Brennan other programming and computing assistance May 89 - June 90 27,600

McLachlan Consultants March 88 - June 90 44,300

P/L

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Bill Guy & Partners These consultants were engaged to provide Feb 89 - June 90 33,700  
Willing & Partners specialist engineering and planning advice, Mar 89 - June 90 61,900  
Harvey Chambers to supplement in-house resources in terms of Aug 88 - Jan 90 28,600  
Scott & Furphy expertise and high work program peak loads. Aug 88 - June 90 23,800  
Hughes Trueman This included: Aug 88 - June 90 32,700  
Ludlow Mar 89 - June 90 5,000  
W P Bran investigation of sites to be leased Feb 89 - June 90 38,300  
M C Sedwick Aug 88 - June 90 5,000  
Maunsell & Partners preparation of lease documentation for Dec 88 - Dec 89 600  
Jones Lang Woollen unprogramed priority projects, eg Section July 89 - Jan 90 24,000  
Kinhill Engineers 19; and Dec 89 - June 90 1,500  
Harlocks P/L  
supplementary supervisory responsibilities  
associated with private sector land  
development  
ARC Cadcentre P/L On-site programming assistance for Graphic Nov 89 - Mar 90 18,000  
o Design Systems (GDS)  
Brawn and Mau Graphic Design - preparation of artwork for Dec 89 - Jan 90 1,500  
publications  
Capital Drafting Provide general drafting assistance Dec 89 - Mar 90 6,000  
Consultants  
Computer Sciences of Reimplementation of Land Information Systems Jan 89 - Mar 90 7,500  
Australia (LIM)  
Drafting and Support Technical assistance on xerographic, plan Nov 89 - Mar 90 20,300  
Services printing, finishing and binding and other  
publication functions. Review the  
establishment of the Office of Lease  
Certification  
MOB Investments P/L Provide System Manager services for the vAX Nov 89 - Feb 90 18,100  
environment including support to the  
computergraphics and geographic data base  
functions

Technician Technical assistance in operating the Taw P9 - K-1rch 90 % 1,, 700  
International P/L printing press. Surrey and cartographic  
drafting. Maintenance of Geographic Design  
and Information Systems (GE)ODIS)  
Hassell & Associates Study of ALT potential in the agribusiness March - April 90 8,000  
P/L industry  
Peat Marwick Preparation of material on a regional. growth Within Feb 90 only 3,000  
Management study for the Canberra Development Board  
Consultants  
Ken Cook Establish lease certification functions Dec 89 - ongoing 27,000  
Harris Van Meegan Assistance with staff selection activities Within Dec 89 only 1,300

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Earnst and Young Provision of services for the internal audit 2-3 years 50,000 est  
program. (Annual fee varies with workload)

Parity Assistance with development and maintenance Feb - May 90 14,500 monthly  
of the part-time teacher scheduling system est

GRS (Aust) P/L Maintenance of student administration Mar - May 90 7,000 monthly  
computer systems est

## PREFABS DURATION COSTS

Ova Amiga & Partners Intertown public transport system refinement Dec 89 - June 90 31,500  
 route identification and protection study

Martin Planning & Preparation of commercial policy for Dec 89 - June 90 16,800  
 Environment Services Territory Plan

John Andrews Preparation of urban design policy for Dec 89 - Feb 90 15,000  
 International P/L Territory Plan

P J Nairn & Partners Transport planning and transport modelling in Jan 90 - June 90 10,000  
 P/L respect of various land use developments

Purdon Associates P/L - Civic monitoring program community Jan 90 - May 90 12,000  
 facilities  
 - Policy variation - Dickson group centre Feb - March 90 17,000

Scott and Furphy P/L Site selections and preparation of lease and Jan 90 - May 90 45,000  
 development conditions

Rivers Buchan and Social impact assessment - Territory Plan and Feb 90 - April 90 7,500  
 Associates the plan system

Freeman Planning P/L Shading analysis of various building projects Feb 90 - April 90 10,000  
 proposed for Civic

Peter Freeman & Commonwealth housing development program - March - May 90 30,000  
 Partners preparation of policies - residential  
 redevelopment

Gutteridge Haskins & Preparation of a set of development March - April 90 10,000

Davey P/L guidelines definitions (ie gross floor area,  
 building height, plot ratio)

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## **Executive Deputies Accommodation**

### **(Question No. 82)**

MS FOLLETT: asked the Chief Minister, upon notice, on 13 February 1990:

What is the actual or estimated cost of

- (a) moving existing staff and
- (b) refitting office accommodation to provide offices on the fifth floor of the ACT Administration Centre for the Executive Deputies.

MR KAINÉ: The answer to the members question is as follows:

Preparations were well advanced when we came into office for the Health and Housing agencies to vacate the ACT Administration Centre. This was to enable better locations arrangements for those agencies and to provide for the ACT Assembly, the Executive, the Chief Ministers Department and the Press to be effectively accommodated in the building.

Whilst these moves were accelerated to meet the requirements of the new Alliance Government, no new rentals were necessary as a result of the moves.

Expenditure in the order of \$35,000 will be incurred to refit offices in the ACTAC building to achieve all objectives. Specifically, costs associated with relocating offices from level 5 and refitting offices on level 3 ACTAC were approximately \$22 000 and the alterations on level 5, to accommodate Executive Deputies, will cost about \$13 000. Funds will be provided from within the allocation to the Chief Ministers Department.

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