



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 May 1990

Wednesday, 2 May 1990

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

PETITIONS

The Clerk: The following petitions have been lodged for presentation, and a copy will be referred to the appropriate Minister:

Ainslie Transfer Station

We, the undersigned, protest at the closure of the Ainslie Transfer Station (known as 'the tip', situated at the end of Phillip Avenue).

We request that the members of the Legislative Assembly reconsider their decision, and re-open 'the tip', until such time as fair and proper public debate, and consultation with interested parties are held.

By **Ms Follett** (from 2,100 citizens)

Dog Control in the ACT

The Canberra Kennel Association, the controlling body for breeding, registration, exhibition and trialling of pedigreed dogs in the A.C.T., supports measures to promote responsible dog ownership, and petitions the A.C.T. Legislative Assembly to consider -

- . much higher fines and penalties for owners whose dogs are found roaming uncontrolled outside their own premises (in the streets, parks, paddocks, etc.); and
- . ensuring that more resources are devoted to the enforcement of dog control in the A.C.T.

By **Mr Duby** (from 222 citizens)

Petitions received.

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POLICE OFFENCES (AMENDMENT) BILL 1990

MR WOOD: I present the Police Offences (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

The purpose of this Bill is clear and it is simply expressed. That purpose is to remove the move-on powers from the Police Offences Act 1930. That power should never have been written into that Act. The background for that action and the thoughts behind it were based on narrow prejudice, preconceived and unproven ideas and entirely wrong opinions. I felt that that was the case at the time - it was certainly my view - but, as I considered the matter and as events unfolded, I came to realise that the report on which those amendments were based was entirely unsatisfactory. That report was from the Select Committee on the Police Offences (Amendment) Bill 1989 which came down in the house in July 1989.

Mr Stefaniak: Seventy per cent of ordinary Canberra citizens do not agree, Bill.

MR SPEAKER: Order!

MR WOOD: I am quite happy to have that written into the record. Mr Stefaniak has made a claim about 70 per cent of Canberra residents; I would like to know where that evidence comes from. Mr Stefaniak will no doubt speak in support of his claim and he might give us evidence of that.

At that time, like other members, I had only read this report. I was not comfortable with it but I tended to accept what it said. Subsequently, I have been involved with another committee looking into public behaviour - a committee that arose out of the previous one - looking more deeply into the background issues, looking at the sociology, if you like, of public behaviour or misbehaviour, as against a more legalistic view that was expressed in this document.

Not only that - I went back and I read the submissions to that committee and I read the evidence that was presented to it in two sessions. I can tell you that the report does not reflect what came to the committee. It is simply not a proper assessment of the evidence. That committee comprised Mr Stefaniak as chairman, Mr Collaery and Ms Maher. It was obviously a mistake that this was the first committee for which I was not nominated, and we can see the problem of that now. As I said, I did not seem to be hearing the same things in the evidence to the Social Policy Committee in the inquiry into public behaviour. There was a different focus, but the reports we were getting were not the same. The whole thrust of the inquiry into public behaviour, with exceptions that I will freely acknowledge, was: what is the problem and where is the problem? That is what we got out of it, and that is not what is reflected in this report.

The problem that was reflected in each report was that of the abuse of alcohol and its outcomes. That is a major aspect that has emerged from both reports. Inevitably, the Social Policy Committee's inquiry went over some of the ground of the Police Offences (Amendment) Bill inquiry. That was inevitable, but we were not hearing the same things - or, more accurately, we were not writing the same things into our reports.

We heard, not just from one source but from a number, that Canberra is a pretty safe place. One person went so far as to say that it was one of the safest places in the world. Let me make the qualification, as I did then, that any violence is undesirable and that we should always aim for a perfectly safe place where there is no violence at all. Nevertheless, we were told that this is, by world standards, a safe place.

I return to my point, that this committee report does not accurately reflect the views it received. I was astounded, for example, that the one-time senior legal person in this Assembly and his junior, Mr Stefaniak - - -

Mr Kaine: As Attorney-General, I think he still is.

MR WOOD: Oh, no, that was a quote used in opposition. Anyway, let me put it this way: I was astounded that two legal gentlemen out of three on the committee did not write into the report the comments of the major legal associations in this town. The only reference to legal opinion is at paragraph 3.25 of the report, which says:

The committee had the advantage of securing the views of the President of the Law Reform Commission of Australia.

That and the following paragraph did not express what Justice Evatt said; they simply acknowledged her views and expressed appreciation of them. Some action was taken as a result, but the report did not explain what she had said. Written into the report are more detailed views of other people, and that is fine. I support that and that is the way it should be; but a balanced report should have included what the legal people were saying. Those views are not there, and I have to ask myself why.

To provide a bit of that balance, just let me read a couple of remarks, one of the Australian Capital Territory Bar Association. One would have thought that its views would have been worthy of comment, along with the views of ordinary citizens which are rightfully expressed in that report. Let me be very careful what I say here. These were the views expressed on the first draft of Mr Stefaniak's proposals, and they were moderated, no doubt as a result of some of these reports. I want to be absolutely honest about this - these were the views of the first draft; not that the report was much changed, in my view.

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Mr Collaery: How did you get the first draft?

MR WOOD: It is all freely available. These are all documents of the parliament. I am reading from the submissions to that inquiry which are freely available from the committee office. The Australian Capital Territory Bar Association says:

The proposed changes to the present Act are unnecessary and therefore undesirable. They represent a significant intrusion into the liberty of the subject which, in the circumstances, is unwarranted.

I think that is a strong opinion. It continues:

The behaviour complained of would appear to be capable of being controlled under existing legislation. In regard to that behaviour, the problem would appear to be one of enforcement rather than of requiring legislative amendment.

The association later says:

In relation to loitering -

and let me note that the committee changed the word "loitering" and substituted more modern words -

existing legislation is available to deal with this perceived problem.

We could have written in some detail what the Law Reform Commission through Justice Elizabeth Evatt was saying. The view of virtually all members of the committee of that first draft was that a Bill in this form was not desirable. If members of the committee had wanted to present a balanced report, this would have been part of their debate and their discussions; they would have said this.

In other committees I have served on, we argue the pros and cons, put in all the views that are there and then make our assessments. It was entirely up to the committee to say that they disagreed. The debate should have been there. This is basic legal advice from the most appropriate people, not just in this Territory but also in Australia, yet they did not give reference to it.

Mr Collaery: It was not about the Bill before the committee, was it? Tell the truth. You are totally misleading the house.

MR WOOD: Mr Collaery, it was. You had better backtrack. You had better check the various steps that were taken and the various proposals that were announced. I have been meticulous in pointing out on which drafts the comments were made and I have been meticulous to point out that there were changes.

These legal people have pointed out the important aspects of the civil liberties and the fact that there were already adequate police powers. As I have said, the committee did moderate its views. I can only assume that that was as a result of those approaches, because the committee does not say that. What it did was to replace the original jack boot approach with a bully boy boot approach. Why was there inadequate discussion in this report?

Mr Stefaniak: You would like to write your own report, with your own bias in it, wouldn't you?

MR WOOD: No, I would not. If you come to any of my committees, you will see that I want to reflect all views. I want to see a clear expression of the whole range of views expressed in that report, and I thank you for your nods, Ms Maher. When I am the chair or a member of a committee, I am absolutely meticulous about doing that. Therefore, I must ask the question.

I suspect that in all this there was an element of guilt among committee members as they brought down their report, so they wrote into it a clause that the legislation should cease in two years. They were not totally confident about it; that is clear.

The purpose of this Bill is to remove those powers now. Let us not leave this legislation. It was never required, so let us get out of it. Indeed, how serious was the committee? Let me quote paragraph 3.30 of the report:

The committee recommends that: a committee be formed to monitor, at six month intervals, the effects of the legislation ...

That committee was to collect information and report before the end of the two-year period. Mr Stefaniak, Mr Collaery and Ms Maher have taken no steps to do that, so perhaps they were not too serious about it.

Mr Stefaniak: You might be wrong there. Mr Collaery will do something later today.

MR WOOD: He is going to do something? That is terrific.

Mr Collaery: Yes, I think the public should know. I will be tabling a full, comprehensive report this afternoon.

MR WOOD: That is terrific. That is the reason I put on notice on 20 March a motion to seek this information, because it had not been forthcoming. Perhaps that has brought some action.

These proposals for move-on powers were never needed. Since the legislation was passed, it has become clear that that is the case. Six months have demonstrated that they are not needed, so let us remove them. Let us get rid of

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this unnecessary legislation. I seek leave to present the explanatory memorandum to the Bill.

Leave granted.

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

AINSLIE TRANSFER STATION

MR MOORE (10.47): I move:

That this Assembly demands that -

- (a) the Minister for Finance and Urban Services reopens the Ainslie Transfer Station; and
- (b) any future moves to close the transfer station be preceded by:
 - (i) full public consultation;
 - (ii) consideration of all environmental concerns; and
 - (iii) a publicly available cost-benefit analysis.

This is the motion that I attempted to move yesterday, following the discussion of the matter of public importance. I now have this opportunity to put it in private members' business. The most significant aspect of the Ainslie Transfer Station is that Mr DUBY, as Minister, has been snowed by his department. Mr DUBY has said himself on a number of occasions, both publicly and in this chamber, that it was necessary for him to make a quick decision because the contract had come to an end. What absolute and total nonsense! If that is not a "Yes, Minister" situation, nothing is. As if people did not know that the contract was coming to an end! The standard "Yes, Minister" procedure is to hold off until a quick decision is required, have no public consultation and then, bang, come up with the decision.

It is just possible that Mr DUBY was not snowed; perhaps instead he held off himself and decided that he would make the decision using this as his excuse. Either way, it shows his total incompetence as a Minister. That is what the Ainslie Transfer Station debate is about - the total incompetence of the way in which this decision was made. It is time that the decision was reversed. As if Mr DUBY's being snowed were not bad enough, we have also had a committee spend a tremendous amount of this Assembly's time on a domestic waste management proposal. With the exception of the proposal to introduce big bins, which I oppose, by and large I have lauded the series of integrated suggestions that were made in that committee's report and the rather extensive nature of it.

There is no indication in that report that there was any suggestion whatsoever at any stage that the closure of the Ainslie Transfer Station was being considered or that the

contract was coming up for renewal. What is going on in the ACT? Is there any point at all to self-government? Perhaps that is the point that Mr Duby is trying to make. If we are going to have decisions like this, made by public servants and rubber-stamped by Ministers, what is the point of having elected representatives at all?

Considering the fact that we had discussion on a matter of public importance on the issue yesterday, I draw members' attention to standing order 62 and point out that today we should be careful not to repeat the arguments of yesterday and we should look to new material. Those arguments still exist, they are on the record and I would encourage any member opposite or indeed next to me to draw my attention to any repetition by me. I shall be happy to do the same to other members also because there is no point in wasting the Assembly's time on that.

Yesterday Mr Duby suggested that about two-thirds of the Ainslie Transfer Station material was compostable. He also stated - and correct me if I recall this wrongly because the Hansard is not yet available - that about 240 tonnes a week is taken from the Ainslie Transfer Station to Belconnen tip for landfill. It seems to me that if two-thirds of that is compostable, 160 tonnes of compostable material is taken and buried at the Belconnen tip each week.

If, instead of being buried there, that 160 tonnes was separated first at the Ainslie Transfer Station and taken to be composted either at Mugga Lane tip or at the established facilities in Belconnen in accordance with the recommendations of the inquiry into commercial and domestic waste management, then the money saved from landfill - which is rated normally at about \$20 a tonne in the ACT - would be about \$3,200 a week. This could be saved by composting the material, the money for which is returned through the sale of the compostables. That comes to about \$160,000 a year.

The figures I have presented are fairly loose - I make no bones about that - but they appear to total about \$160,000 a year; almost the sort of money that Mr Duby is talking about saving. If that is the case, there is absolutely no reason to close the Ainslie Transfer Station when we could make these savings. The point I am trying to make is that what is required is a publicly available cost-benefit analysis, as outlined in subparagraph (iii) of my motion. The Ainslie Transfer Station should be reopened and the whole matter looked into appropriately. (Quorum formed)

Because of shortage of time, I shall move on to the inquiry into commercial and domestic waste management by the Standing Committee on Conservation, Heritage and Environment. At no stage did that committee have a chance to consider whether the Ainslie Transfer Station should be closed because it was never brought up as an issue. Clearly, if the matter was coming up for a decision then it

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should have been brought up as an issue and discussed at the appropriate opportunity. Mr Duby should be trying to find out why that was not the case and why there was a blatant disregard of the requirements of this Assembly and its committees.

Speaking of blatant disregard, I think it is appropriate for us to note that Mr Duby has blatantly disregarded the Conservation, Heritage and Environment Committee. Recommendation 7 of that committee's report says:

recycling facilities at both landfill sites and Ainslie transfer station be upgraded and access improved.

That talks about recycling facilities, but the clear implication is that the committee understands that the Ainslie Transfer Station should be upgraded and access to it improved. Clearly the understanding is that it will stay. The same applies to recommendations 15 and 26. To verify that we had a media release put out by Dr Kinloch, as chairman of the Conservation, Heritage and Environment Committee. The release is not dated, but I understand it was put out last Friday. It says:

Dr Hector Kinloch, Chairman of the Legislative Assembly's Standing Committee on Conservation, Heritage and Environment, today called on members of the Assembly to be aware that the committee recommends that recycling facilities at both landfill sites and Ainslie Transfer Station be upgraded and access improved.

The committee also recommends the possibility of a special collection bin at Ainslie Transfer Station for organic wastes which can be transferred to composting facilities at landfill.

Dr Kinloch feels that no action should be taken about the Ainslie Transfer Station - "the Tip" - while the committee report is still under consideration in the Assembly. Personally, he hopes the tip will not be closed as this will affect recycling in many North Canberra suburbs.

In addition to that, yesterday in question time Dr Kinloch was asked a question by Mr Wood. The question was something along the lines of whether he could advise the Assembly of any resolution passed by the committee dealing with the Government's decision to close the Ainslie Transfer Station. Dr Kinloch's reply was to the effect that there was no such resolution. Dr Kinloch has misled the Assembly in that statement. I draw your attention, Mr Speaker, to standing order 241 - -

Mr Jensen: I raise a point of order, Mr Speaker. In relation to standing order 241, I believe that Mr Moore is raising an issue that relates to the proceedings of the committee. He should not be raising that - - -

MR MOORE: Mr Speaker, I will explain that point.

MR SPEAKER: Please elucidate, Mr Moore.

MR MOORE: Standing order 241 allows Dr Kinloch to answer the question because he is chairman of that committee. Standing order 242(b) now allows discussion on the matter that he brought up - and only the matter he brought up, not the other proceedings of the committee - and that is what I am discussing. It says:

(b) any press release or public statement made by the Presiding Member -

namely Dr Kinloch -

of a committee relating to an inquiry;

Therefore, standing order 241 no longer applies. Dr Kinloch lied to the house on that matter, because - - -

MR SPEAKER: Order! Please withdraw, Mr Moore.

MR MOORE: I will now prove it, Mr Speaker.

MR SPEAKER: But you have to raise it as a substantive motion; you cannot just make a general statement.

MR MOORE: I will withdraw the word "lie".

MR SPEAKER: Thank you.

MR MOORE: Dr Kinloch replied, in effect, that there was no such substantive motion, but the minutes of that particular committee meeting showed that the committee passed a motion similar to the one that I put - - -

Mr Collaery: I raise a point of order. This member persistently and flagrantly in every appearance here gives no acceptance of standing orders. This will continue until you make clear to this member that he is in a parliament.

MR SPEAKER: Mr Moore, you are referring to matters before the committee and proceedings in that committee. I believe - - -

MR MOORE: Standing order 241 does not apply to a public statement or to questions on a public statement made by the presiding member of the committee relating to an inquiry. That is what I am referring to, Mr Speaker.

Mr Kaine: I raise a point of order, Mr Speaker. This member does not have the right to dispute your ruling and to get into debate with you on it. I submit that he be told to get on with the business.

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MR SPEAKER: Thank you, Chief Minister. Mr Moore, you can debate the issue of 242(b) but not the motion or actions that were carried out in the committee room. That is what you seem to be doing now.

MR MOORE: All right, Mr Speaker. Dr Kinloch said that there was no substantive motion; I am saying that there was a substantive motion, which I am not discussing. I am discussing the point that Dr Kinloch raised. I am saying that that was absolutely incorrect, that in fact there was a motion. The motion that I have now in front of me and that is now tabled is largely identical to the motion that was carried by that committee.

That is something for which Dr Kinloch needs to be taken to task. His Government should realise that his blatant disregard for what happens in the committees needs to be dealt with by this Assembly. If we are going to have the presiding member of a committee totally disregard a motion carried by a committee, then - - -

Mr Collaery: You should bring it up under standing order 71 if you have a complaint, Michael.

MR MOORE: I will withdraw that, Mr Speaker. We must see what this Assembly is about and what its committees are about.

MS FOLLETT (Leader of the Opposition) (11.02): I would like it to be on the record that no member of the Government has sought to enter the debate at this stage, and I can understand that all too well because nothing illustrates more clearly than does this motion the total disarray in the ranks opposite.

Mr Speaker, as I said in the debate yesterday, I believe the decision that has been taken by the Alliance Government here is stupid, arrogant and inconsistent. It demonstrates no coherent policy whatsoever on the part of this Government in relation to either the treatment of waste or the environment. I would like to look in particular at the actions and statements of three members of the Government because I think that these demonstrate their total ineptitude to deal with this matter.

Mr DUBY sought to spring this decision upon the people of Canberra. There was absolutely no notice given. There was absolutely no consultation and his behaviour has been strange indeed. The whole decision was brought about by subterfuge. He has been caught out and he now seeks to justify his position purely on financial grounds - financial grounds which he has failed to prove. He has also sought to justify his position by making empty promises that at some future time the people in the area might have an equivalent recycling facility. He has given no commitment on that subject. It is purely pie in the sky at the moment and it is absolutely obvious that no-one believes him.

So far, more than 4,000 people have expressed their view that they wish to have the Ainslie Transfer Station retained. Four thousand people in the space of a couple of days have put their names to petitions which they have submitted to this Assembly. What have we had by way of response from Mr Duby? Absolutely nothing, not a word. He has treated those 4,000 citizens with absolute contempt, just as he did when he promised them no self-government. The man is a sham. He is inept as a Minister.

I presume that the action he took in closing the transfer station was taken on some sort of advice from his bureaucracy. I ask you, Mr Speaker, what sort of advice would lead to this kind of an outcome and what kind of a Minister would accept that advice? What kind of a Minister would say, "Oh well, there appears to be no option"? What action did he take in relation to his department to ensure that other options were considered, to ensure that there was a proper debate on this matter? I suspect the answer is "none whatsoever". He has demonstrated, as people had long suspected, that he is absolutely inept in his ministry. He is a disgrace to the Government and a disgrace to this Assembly.

Dr Kinloch, after an initial burst of enthusiasm for the Ainslie Transfer Station and after putting out a press release in which he said that he would follow up this matter within the Alliance Government, has gone to water. Dr Kinloch, who lives in the north Canberra area, as I do, initially came out looking like a hero on the subject, as he does so many times. But, of course, when the acid was put on him he backed right down.

He initially and quite rightly said that the matter was before the Assembly's committee and that no action should be taken until there had been a response to the committee's report. Absolutely correct; I could not agree with him more. But now he has been worn down and has gone to water on the whole issue. He is now not willing to even remain in the Assembly while it is debated and I presume he is being got at by his Alliance colleagues who have ordered him to not make any further statements on this matter.

Obviously, Dr Kinloch does not have the courage of his convictions, does not even have the courage to forge ahead in the interests of the people of north Canberra, the area where he himself lives. His conscience lasts only as long as the last press release, I am afraid. When it comes to putting the battle to his own colleagues in the Alliance Government, he is nowhere to be seen. He has made very little contribution to this whole debate. We know from his own public pronouncements that he was never consulted on the matter. He was never consulted on a matter of importance which affected the residents in the area where he lives and yet he has made no further protest - he has gone to water, wimped out.

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On the other hand, on the very day that this matter came to light, Mr Kaine, as Minister for the environment, brought to the Assembly his statement entitled Developing an ACT Strategy to Respond to the Greenhouse Effect. As part of that strategy, Mr Kaine has told us that the Alliance Government's actions proposed in the recycling area are:

Providing recycling facilities at convenient locations, covering paper, oil, glass, timber, plastics, mulch, soil and scrap metal; recycling material collection systems and information on recycling opportunities for local businesses.

In his statement, Mr Kaine went on to say that a further action proposed by him, as environment Minister, was:

... considering urgently the waste management initiatives proposed in the recently tabled report of the Assembly's Standing Committee on Conservation, Heritage and Environment - Inquiry on Waste Management Practices in the ACT.

Mr Kaine came out with that statement on the very day that Mr Duby's dubious actions came to light. How is that for getting your act together?

The proposal that Mr Kaine has come forward with is quite correct. It is the appropriate course of action in looking at the question of recycling in the ACT. The Assembly has before it a report from a committee to which we have not yet had the Government's response and Mr Kaine proposes to consider that urgently - that is in his report and that is quite correct. But on the very same day, Mr Kaine's Government closes down the Ainslie Transfer Station over Dr Kinloch's protest. How is that for getting your act together? How is that for an alliance?

It is an absolute sham and it exposes this Government once and for all, if further exposure were needed, as a sham. It is an alliance of convenience; it has no coherent policies; it is incapable of coherent action on the most basic matter such as waste collection; and it has demonstrated that once and for all.

Mr Speaker, I support Mr Moore's motion. I think it is appropriate that the Assembly as a whole supports Mr Moore's motion. Quite clearly, the Minister for Finance and Urban Services has made the wrong decision. In his report, Mr Kaine indicates that. Dr Kinloch has said that publicly. Why would you all want to close ranks around Mr Duby, your weak link, to cover up a bad decision? Why not let this Assembly, which is the appropriate forum for these matters to be discussed, require that Mr Duby keep open the Ainslie Transfer Station? I feel that members of the Government are so embarrassed by this matter that they will, of course, close ranks.

Mr Moore's motion also calls for full public consultation and so do I. I believe it is absolutely essential that the residents of Canberra have an opportunity to take part in the debate on recycling and on appropriate facilities for waste collection. They have been denied that so far by Mr DUBY's action, but more than 4,000 of them have expressed their view that they do not agree with that action. If you can ignore the pleas of 4,000 people, I cannot, and I think you are extremely foolhardy if you do so.

Mr Moore has also called for a full consideration of the environmental concerns. I would expect the environment Minister, Mr Kaine, to fully support that. After all, in his document entitled Developing an ACT Strategy to Respond to the Greenhouse Effect, which was tabled in this Assembly, he has stated his interest in looking at the environmental questions surrounding recycling. If he does not support Mr Moore's motion, he is shown to be a complete sham, to have no interest whatsoever in the environmental aspects of this decision on recycling. So his document loses any credibility. Will the environment Minister go ahead with that stance?

Mr Moore has also called for a publicly available cost-benefit analysis of this decision. I think this is where Mr DUBY's decision really falls flat on its face. He has said that the decision has been taken to save \$200,000. Well, Mr DUBY, it may come as news to you that the ratepayers in that area have already paid for this service and that some of them might just want some of their money back if the service is cut off without so much as a by your leave. So your \$200,000 is looking very dodgy indeed.

You have not explained how you will achieve that \$200,000 cost saving in view of the fact that these people who have been using the Ainslie Transfer Station will now be using some other facility. Even if they go out to Belconnen tip or Mugga Lane tip, presumably they will be disposing of the same amount of waste. So how are you going to save that money?

What about the costs for the individual ratepayers? What will be the costs to them of that 40-kilometre round trip rather than being able to use their local facility? You have not counted their costs at all, although, as I say, they have already paid for this service which you have cut off.

Also, you have not addressed the question of the increased recycling facilities that you are putting in at Hackett and Dickson or wherever they are - you have been a bit reluctant to come forward publicly on this - or the facilities that you have promised at Mitchell. What will be the cost of that? How does that stack up against your \$200,000 saving? It is nonsense - arrant nonsense.

You must come out publicly with that cost-benefit analysis - and that is only on the financial side. Where

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have you addressed the question of the protection of the ACT's environment? That is difficult to quantify in dollar terms, I know, but it is held very dearly by all ACT residents. A reduction in their environment will be held as a cost to the community. Have you costed that? I bet you have not. Where have you costed the convenience for north Canberra residents? Have you costed that at all? Have you considered that the very many elderly residents in that area, who do not want to have to drive to Mugga Lane or west Belconnen, might have to make some other arrangement by way of getting a waste removal person to come to their house. Has that been costed? Has the provision of a trash pack or similar arrangement to some of these householders been costed? No. If it has, as Mr Moore has called for, let us see the publicly available cost-benefit analysis.

In conclusion, this decision made by Mr Duby is a stupid one which demonstrates his total ineptitude as a Minister. If the rest of the Alliance members go along with it, it demonstrates once and for all that, despite the divisions in their ranks, despite the fact that Dr Kinloch does not agree, that Mr Kaine, in his own statement, has clearly not supported Mr Duby's kind of action, they will hang together for the sake of remaining in government.

They have no mandate whatsoever to take this kind of action; they certainly do not have the agreement of the people affected; yet they will proceed with it in the interests of hanging onto government at any cost. What is the cost of that to the people of the ACT? It is this kind of lousy decision making. To quote the words on the front page of the Northside Chronicle, "It stinks!". That is what the people of Canberra think of you.

MR WOOD (11.17): Mr Speaker, more and more - - -

Mr Kaine: Rubbish! That was a great contribution to the art of debate.

MR WOOD: Well, you might make your contribution and reply. Rather than simply say "rubbish", which is a word that is not much on your mind, you might make your contribution to this debate and answer, one by one, those points that Ms Follett has raised. More and more it becomes evident that this was a silly decision, a bad decision, without adequate thought. Indeed, I suppose it is fair to say that Mr Duby was snowed by his department. The decision was pushed under his nose, he said "fine", and that was it. But it is not too late to change it. The matter might be resolved if the Minister swallows his pride a little, stands up in this Assembly and makes further concessions - he has made one or two - and says, "Okay, it was wrong; let us review it". That would be the right thing to do. I do not believe it would be a matter of losing dignity, and I promise you, Mr Duby, if you did that, I would sit here and not interject at all.

It was a wrong decision. Let us change it. Let me raise one point that tells us how wrong it was. On Monday Mr DUBY was quoted extensively as saying that there had been consultation on this matter. He was very careful to say it and I was very careful to listen to the reports. But that did not hold up because on radio this morning I heard Mr DUBY saying, "No, sorry". Perhaps the "sorry" was not in it; I do not know whether he was apologising. But he was saying, "No, there was no consultation". As I understand it, the matter went to Cabinet, so four people in this Assembly - four people in the whole of the ACT - had some discussion about it. Mr DUBY conceded this morning, contrary to his earlier remarks, that there was no consultation.

Well, now is the time to undertake some of that consultation. That is the major part of the motion that Mr MOORE proposes - he seeks some consultation. In the interests of open government, to use words that I have heard Mr MOORE say, let us go out to the community and ask the people what they think. I think it is pretty clear what the people of north Canberra think; there is no doubt about that. They think it stinks. I will concede that they are only part of the community. Perhaps the people in Tuggeranong do not have great views about this matter, and people far out in Belconnen may not be greatly concerned, but something like one-fifth of the ACT's population is very angry about it. They are paying their money and they are getting nothing in return, or they are getting diminished services in return.

Let us go out and have that consultation. Let us explore what will happen. Let us tie this up with the energy report that the Conservation, Heritage and Environment Committee is now working on. Why would it not be a good solution for Mr DUBY to say, as some people opposite did on the fluoride issue, "Okay, let's go back to where we were. We acted hastily. Let's restore our tip and refer this to the Conservation, Heritage and Environment Committee as it looks at energy use in the ACT. When it comes down with its report, we will then act on its recommendation whether to close the tip or not". That would be a sensible decision, and on this side of the house we would respect that. I believe that as the energy report proceeds - and it is just about under way now - it will point out that as far as we can we must encourage people not to drive their cars. Whenever a car trip can be avoided, it should be avoided. That will be one of the very clear messages coming out of that energy report. There will be a whole heap of others, I expect, but that will be one.

In that context I am sure that that committee would take steps to encourage the Government to keep open the Ainslie tip. Just that measure of consultation with the committee and, through the committee, with the community would result in that recommendation. So there you are, Mr DUBY. When you get up after a quick huddle with your co-Ministers, why not propose to refer this matter to that committee? That is a good idea.

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MRS GRASSBY (11.22): Mr Speaker, I agree with Mr Moore in just about all he said, except for one thing. I disagree with blaming the bureaucracy for the decision. Mr DUBY is the Minister and the buck stops with him. Of course he will be given suggestions by his department. That is what his department is there for. When money has to be saved, his officers will come up with suggestions. But it is up to Mr DUBY, who is the Minister, to make these decisions. He is the one who gets paid to make them. He was put there to do this.

Of course we all know that Mr DUBY does not have any policies because he comes from a party that does not have policies. The No Self Government team did not have any policies on anything. I do not blame the Liberals for agreeing to this; I would expect them to come up with policies like this. This is typical of their policies and therefore I do not attack them for it. But I attack the Residents Rally members, who came into this house claiming that they would look after the people in this area. This is where their votes are, and there is only one person in this house - a former Residents Rally member, who is now an independent - who is really carrying out that policy. Mr Moore is carrying out the policy of putting forward what the people want. But the Residents Rally does not give a damn about this matter.

I might say that I feel sorry for Dr Kinloch because he has tried to say that this should not happen. The report of the inquiry into commercial and domestic waste management said that the Ainslie Transfer Station should be upgraded and that recycling should be introduced into the area. This is what Dr Kinloch agreed to. I am now on that committee and, having read the report, I would be in favour of Labor Party policy supporting that. When I went onto that committee I asked Mr Wood all that had gone on before. He explained to me that these things had come up. But, as he said, they had voted against them and Dr Kinloch had supported them, as did Mr Moore. As a member of the Labor Party, I would support upgrading the transfer station and making it a far better one, not closing it down.

The Government tells us that it will build another station at Mitchell. My argument is that you do not close something down until you have something else to replace it. This is pie in the sky. Are we ever going to see this place in Mitchell? In the meantime we will have to put up with rubbish being dumped at shopping centres. I find this incredible. If I were a business person in a shopping centre, I would be very annoyed about this. Again there was no consultation; nobody was asked. The Government just decided that this was what it would do.

In a very short time we have had more than 4,000 signatures on petitions. In less than a week 4,000 people who live in the area have complained about this decision. Do the Residents Rally members care? They say they stand for the

residents - this is their platform. I do not blame Mr Duby; he had no platform. Mr Duby and Ms Maher can do what they like in this house; they had no platform. It does not really matter what they do; they will not be here much longer. They had no platform on health, education, conservation or recycling. They had no platform on anything. Mr Duby said this. The proof is that he was prepared to be with the Labor Government one day and with the Alliance the next. It did not matter. I think Mr Duby would sell his soul to anybody for sixpence or if the price was good enough.

Mr Collaery: I raise a point of order, Mr Speaker. That is an imputation that Mr Duby would seek gain for his role in this Assembly. I believe that should be withdrawn.

MR SPEAKER: Thank you, Mr Collaery. I think that is an over-reaction.

MRS GRASSBY: I am sorry, Mr Speaker. I withdraw part of that. He would not sell his soul for sixpence; that is too cheap on a ministerial salary. I said the wrong thing. I should have said "to the devil" not "for sixpence".

Ms Follett: He is not cheap.

MRS GRASSBY: He is not cheap. Never is Mr Duby cheap. He would sell his soul for a ministerial salary - that is fair enough.

MR SPEAKER: Order! Mrs Grassby, I request that that comment be withdrawn.

MRS GRASSBY: I withdraw it, Mr Speaker. I think the voters outside know that. I do not have to say it in this house; it is already known. I repeat that I do not blame the Liberal Party. This would be their policy. Privatisation is part of their policy - sell it off, close it down. But I will continue to blame the Residents Rally, who blatantly sit there, when they came into this house on a policy of believing in the people and believing in open government. When we were in government we used to get harangued by Bernard Collaery day after day about open government and consultation with the people. You can forget that now; it is all done behind closed doors. They do not ask people what they want; no, they make a decision. The department tells Mr Duby that this is a way to save money, he makes the decision and that is it.

I will not have the bureaucrats blamed for this. The bureaucrats are there to advise Ministers, and the men and women in the Department of Urban Services are a great group of people. I was their Minister and I will support them at all times. They came to me with ideas. It was up to me to make the decision, not to blame the bureaucrats and I will not have them blamed in this house. I blame Mr Duby and the party that he is part of for this decision.

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MR CONNOLLY (11.29): Mr Speaker, I rise to support Mr Moore's motion on this issue. The closing of the Ainslie Transfer Station exemplifies the problems facing those members on the other side. It is an issue that is firmly felt in the local community; an issue relating to conservation and the environment; an issue affecting citizens who are learning now to recycle, who are using waste management facilities in the ACT intelligently, and who suddenly find when they pick up their newspaper that an announcement has been made from on high that they are to lose that facility.

There was no consultation, no discussion, no information to demonstrate that the move had to be made; they simply read about it in the Canberra Times. The important point is that lack of consultation. If Mr Moore's resolution were carried and there were the full inquiry that he has called for, at the end of the day the Ainslie Transfer Station might have a limited future. We do not know. The full information has not been before members or the Assembly, so we have not had the opportunity to consider it.

We have commented regularly on this side of the house that this demonstrates the odd motives of the No Self Government group. Perhaps we are being uncharitable. Perhaps, in fact, Mr DUBY and his colleagues are standing firm to their principles and this is part of a hidden agenda to show why self-government is pointless, because the community, particularly north Canberra, may well wonder about the point of self-government when important decisions affecting them are made by the Executive, not brought to this Assembly, and when their representatives are not given the opportunity to take part in it. Perhaps, after all, Mr DUBY is cleverly working to discredit self-government by taking his place in the Government ministry and making decisions which ignore the views of the community.

It is most unfortunate that Dr Kinloch is unable to be present at this debate this morning. Dr Kinloch is on record as wanting the Ainslie Transfer Station to remain open. He is on record as supporting its continued presence and opposing the Government's moves to close it. Yet when a private member moves along those lines to get the Assembly's views, the views of the community, on the issue that Dr Kinloch has supported, he is not to be seen.

I hope that Dr Kinloch will return to this Assembly chamber and will express his views on this issue. If not, one must wonder at the sincerity with which those views were held and the powers that are being wielded within this Alliance coalition to stamp out the dissent of members. We on this side of the house in the Australian Labor Party are often criticised for being subject to caucus tyranny. Well, let us see what Dr Kinloch says on this issue - if he is prepared to come into this house and make his views known.

Mr Speaker, Mrs Grassby referred to the 4,000 signatures on this petition. It was 4,000 this morning; it is probably

still growing. As Mrs Grassby said, this issue is of enormous concern to members of the community in that area of Canberra, but also in other areas of Canberra. Who is to know the future of the Mugga Lane tip or the Belconnen tip?

If the attitude is going to be, "We'll tell you when we're ready" - and that was the interjected comment by the Attorney-General yesterday afternoon - who is to know whether a tip or facility that is open one day will disappear the next? What is to happen to the valuable land on which this tip is situated? There were howls of derision from the members opposite when privatisation was mentioned, but we will watch with interest to see what happens to this land and we will hold you to your statement that it will not be sold.

If self-government is ever going to be accepted by the people of this town as the proper way to run their affairs, as we on this side of the house earnestly hope, it will only occur when people feel that this Assembly is standing up for their interests, that this Assembly is treated seriously by the Executive Government, and that important decisions affecting the lives of Canberrans are put to this Assembly for full consideration.

Simply announcing arrogantly the closure of an important community facility and then attempting rather feebly to justify it to this house is not the way to ensure that citizens of Canberra accept this house as a worthy addition to the system of government. It is pointless to have a government which refuses to consult or talk to the citizens of this town. The Ainslie Transfer Station is one small issue of crucial importance to a very substantial part of the Canberra community. In the broader range of things it may be seen as just one station, but it is symptomatic of the arrogant failure to consult that is endemic to the Alliance coalition.

If it is only members on this side of the house who support Mr Moore's motion today - if Dr Kinloch, in particular, refuses to come into the house and support a view that he supported in a press statement last week - the citizens of Canberra will know in truth what sort of a government they have: a government of strange alliances that utterly and arrogantly fails to consult with the community.

MR DUBY (Minister for Finance and Urban Services) (11.35): Mr Speaker, I was not going to dignify this debate today by comment. I think this is a sham debate. This matter was monitored and discussed at length yesterday; the very same motion that we have here in private members' business was put up yesterday and defeated soundly. However, I feel I have to rise to my feet just to say how disappointing it was to listen to the level of debate that I have heard from that side of the house.

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We have not had a debate about the issues; instead we have had a mouthing of vitriol against members on this side. I never realised just how much bile was in the previous Chief Minister's throat until today when I heard her descriptions, not of the issues but of me as an individual.

Mr Collaery: She blew in, gave her speech and left, as usual.

MR DUBY: That is right. We note, of course, that she is not here now. But, as I said, she just vomited a form of vitriol, which I think does not do this place well. In addition, she demeaned herself very badly, and she indicated why she is today gracing the opposition benches.

The other person, of course, who loves to get the boot in - and I note he also is not here - is Mr Moore, who made quite unwarranted attacks on Dr Kinloch. Of course, Mr Speaker, we know where those attacks are coming from. We know the basis of them. We know that Michael Moore is mortally terrified of the fact that Dr Kinloch represents the constituency of north Canberra, the very people that he maintains he is trying to represent. He is terrified that the people of north Canberra know that in Dr Kinloch they have a man of integrity, a man who will stand up for what is right and for what he believes in, unlike this chameleon-like character opposite, whose only contribution to debate in the last week has been to personally and quite unwarrantedly attack Dr Kinloch. Whenever this man opens his mouth, we know we are going to get falsehoods and lies - those are the only words for it.

MR SPEAKER: Order! I would ask you to withdraw that, Mr Duby.

MR DUBY: Of course. We are only going to get falsehoods. I withdraw the word "lies".

MR SPEAKER: Order! That is a qualified withdrawal.

MR DUBY: "Falsehood" is certainly a parliamentary term, Mr Speaker.

MR SPEAKER: But it is an imputation on the man. Please withdraw it.

MR DUBY: Well, we are going to get misinterpretations then; we are going to get bendings of the truth.

MR SPEAKER: Order! Mr Duby, please withdraw the imputation, the words used.

MR DUBY: I shall withdraw those two words. As I said, Mr Speaker, I was not even going to deign to give this debate dignity by replying to it. But once again - - -

Mr Moore: Because you do not know anything about the issues - - -

MR SPEAKER: Order!

MR DUBY: Here we go with motor-mouth Moore over there. In their litany of lies members opposite have come out and said that this Government will not establish a recycling centre at Mitchell. For the record, that centre will be placed at block 6, section 7, Baillieu Court, Mitchell. Tenders have been advertised and, as has been stated on numerous occasions, that facility will be operational.

Mr Moore: When?

MR DUBY: I am not going to interfere with the tender process. I cannot say to you that it will be 18 September or 1 October, but once again - - -

Mr Kaine: It might be 1 July.

MR DUBY: It might be 1 July; who knows? I am not going to interfere. They are the people who are saying categorically - trying to get into the media - that there are no proposals for a full, comprehensive recycling centre. Once again, that is a falsehood. It is not correct; it is not true. I do not intend to carry on this sham debate. These matters were all raised yesterday, and it does not do this Assembly or the population of Canberra any good for us to rehash them and walk through the muck that they throw up because, as we all know, when you walk through it, you get covered in it.

MR BERRY (11.40): The lack of interest opposite is a clear demonstration that this bunch of - - -

Mr Kaine: It is not a lack of interest; it is just recognising the matter for what it is.

MR BERRY: The Chief Minister had his chance to take part in the debate, but he is too tired to get to his feet.

Mr Kaine: The debate is not over yet.

MR SPEAKER: Order!

MR BERRY: Well, you had your chance. Why did you not get up? Mr Speaker, Mr Kaine's enthusiasm has been obvious in this debate - - -

Mr Kaine: So has yours.

MR SPEAKER: Order!

MR BERRY: I must say, Mr Speaker, it would have been easy for the Labor Opposition to wallow in the warmth of an electoral win over this issue - - -

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Mr Kaine: To wallow in the garbage like you have been doing.

MR SPEAKER: Order! Mr Kaine, please!

MR BERRY: That is about the second or the third time he has interjected. As I was saying, it would have been easy to wallow in the warmth of an electoral win over this issue and just sit back and enjoy the luxury of it, but we are duty-bound to ensure that this important facility is reopened. In supporting Mr Moore's motion, we will do our very best to achieve that by embarrassing this Government into a position of some sense, which I am sure it will find fairly difficult in its current frame of mind.

The contempt that has been shown for the electorate by the Government and Ministers in that Government, not only on this issue, was exemplified by Minister Duby's statements which were reported on the ABC this morning. There was a very clear admission that the community had not been properly consulted. This was said in an arrogant way, which suggests that the community will not be properly consulted any more. In fact, that was confirmed later in the report. Mr Duby did say that in future the Government would consider more consultation, but that would not change anything. Is that what he calls consultation? I think that sort of contempt and the reflection that it casts on the Government will be to the Labor Opposition's advantage when it comes to an election in due course.

We also saw yesterday the sorrowful face of Mr Humphries when he admitted that Mr Duby's actions were wrong and it should have been done differently. But Mr Humphries is so preoccupied with making hard decisions that he was prepared to accept it anyway.

It is the issue of consultation and the acceptance of other peoples' views - in particular, those of the electorate - which is at the heart of this debate. There has been no consultation. The constituency in the area of the transfer station hold this Government in contempt - all of it. They hold it in contempt because of its lack of policies, an admission which has been made by the Chief Minister and - - -

Mr Kaine: I raise a point of order, Mr Speaker. That is an outright lie. I say that deliberately, and I would like him to withdraw it. I have never said anything about our not having policies. I have made the point that we have issued 20 major policies.

MR SPEAKER: Order! Chief Minister, you are debating the issue.

Mr Kaine: It is a lie, and I want it withdrawn.

MR SPEAKER: That is not a point of order, Chief Minister.

Mr Kaine: I have been misrepresented.

MR SPEAKER: You will have to rise on that issue.

MR BERRY: The fact of the matter is that the Chief Minister has admitted that he has turned his back on the policies on which he was elected.

Mr Kaine: I have not.

MR BERRY: You have too! And so has Mr Collaery.

MR SPEAKER: Order! Please address your comments through the Chair.

MR BERRY: Mr Speaker, these are the sorts of people who join a government and, because there is an alliance, they think they can turn their backs on their mandate.

Mr Kaine: Let us talk to the issue.

MR BERRY: You had no mandate to close the Ainslie Transfer Station. The Residents Rally had no mandate to do that either. The No Self Government Party did not have a mandate to do anything. Why is there not a conscience vote on this? You would not let Hector get involved in a conscience vote. You had to twist his arm behind his back. You have even told him not to come into the chamber today because he might be an embarrassment to you.

Ms Maher: Maybe he has got more important things to do.

MR BERRY: Oh, we are all getting very toey now that we have been exposed. Look at them jumping up and down. According to this Government's own figures, announced in this place yesterday by Minister Duby, it costs about \$16 a tonne to transfer the waste from the Ainslie depot to other depots. How much will it cost the community? This is a classic - - -

Mr Duby: It costs \$16 a tonne to take the stuff away. There is no question about that.

MR BERRY: Thank you. It costs \$16 a tonne to take it away in bulk loads. What in fact has happened here is a sleight of hand, because what the Government is doing is transferring the burden of this cost to the people in that area. It has not told them that, of course. Mr Duby surrounds it all with statements about making great savings. But the community is not going to save anything. It is going to cost people more. You cannot tell me that people can drive to the far-flung reaches of the Territory with a few kilos of rubbish in their box trailers and utilities and do it at a cost of \$16 a tonne. There is a significant impact on the community in money terms.

What this Minister is about is ensuring that people are isolated from these facilities, and of course the bodgie

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environmental policies of those opposite are reflected in this decision. The contempt that has been shown to the electorate will be returned in kind. The Residents Rally will get what they deserve and disappear. The No Self Government Party has already disappeared and a bit of mopping up just needs to be done around the edges. I am sure that will be sorted out - a bit of a mopping up arrangement, which Mr Kaine would understand.

Mr Kaine: I will mop you up.

MR BERRY: This man threatens me with violence every time I come here. Last night he threatened to take me outside. It is on the record. Now he is talking about violence again.

Mr Kaine: I am not. I am talking about the next election, mate. We will mop you up.

MR BERRY: This Chief Minister needs to be called to order, Mr Speaker. Violence is not appropriate in this place.

Mr Kaine: I am not talking about violence. I am talking about the next election.

MR BERRY: Well, last night you were talking about taking me outside. It is just another repeat of that violence.

Mr Kaine: That is all right. If you feel like it, I will. I do not care.

MR SPEAKER: Order! Chief Minister, please!

MR BERRY: The political losers opposite have failed to see that 4,000 people cannot be wrong. Dr Kinloch cannot be wrong - that is, if we pay any regard to his fixation for propriety, which so often comes into question by his action, as it has done on this matter. The Government members have screwed his arm up his back to keep him out of this place today, because - - -

Mr Kaine: I have not spoken to him, Mr Berry.

MR BERRY: With a Chief Minister who has such a fixation on violence, I am sure that would not be beyond the Government. Mr Kaine cannot be wrong if he is as committed to environmental issues as he says he is. If this is an indication of what we can expect in the future in relation to environmental issues, Mr Kaine not only holds the electorate in contempt but he also holds their offspring in contempt.

Mr Jensen: On a point of order, Mr Speaker; I claim to have been misrepresented. In the speech that Mr Berry has just made, he indicated that members of the Government had twisted Dr Kinloch's arm to prevent him from coming down to the Assembly. I claim that I have been misrepresented. I have not done anything and I am not aware of anything being done by any other member of the Alliance Government.

MR COLLAERY (Attorney-General) (11.50): I rise to address a very important aspect of the Labor Party's approach on this issue, and that is their increasing support for voters' veto. There have been some interesting reactions lately from the Labor Party on a range of issues that clearly support a voters' veto on issues between election periods.

Mr Moore: I raise a point of order. Standing order 62 refers to irrelevance. Mr Collaery's remarks have no relevance whatsoever to this issue.

MR SPEAKER: Thank you, Mr Moore. Mr Collaery, please debate the issue.

MR COLLAERY: Mr Speaker, I am addressing the very remarks that Mr Berry made, and I could not imagine in law - - -

Mr Berry: I raise a point of order, Mr Speaker. I think that Mr Collaery claimed that we were supporting voters' veto.

MR COLLAERY: Yes, you are.

Mr Berry: Then I claim to have been misrepresented.

MR SPEAKER: Order! You will have an opportunity to make your statement on misrepresentation, if you so wish, at the end of Mr Collaery's speech.

MR COLLAERY: We will analyse the Hansard. I wish to address my clear recollection of what Mr Berry said.

Mr Berry: I raise a point of order under standing order 62, irrelevance or tedious repetition. This is irrelevant.

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

MR COLLAERY: Mr Speaker, these points of order are frivolous and they are preventing me from speaking. I seek the protection and indulgence of the Chair to speak.

MR SPEAKER: Mr Collaery, please! You are imputing that I am not protecting you.

MR COLLAERY: I am imploring you as Speaker to allow me to address this Assembly in this debate.

MR SPEAKER: I am doing so. Please proceed.

MR COLLAERY: In relation to the decision taken by Mr Duby, the supposed unilateral decision to close the Ainslie Transfer Station, Mr Berry said that there was no mandate in anyone's agenda to close that tip. Clearly, Mr Berry is supporting in principle voters' veto. This is highly significant and I think it should not be lost on the media.

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He is saying that as issues come forward they should go to the people for a vote, for a petition at the gate, as it was last Saturday. That is citizens' initiated decision making. (Quorum formed)

I wish the Hansard to record that there were clear tactics employed here to deny me time to speak on this issue. The Labor Party stands exposed - - -

Mr Berry: Start speaking on the issue.

MR COLLAERY: Mr Berry was in the annexe while the bell was ringing, Mr Speaker, and he has just walked back in now. I have only a few moments left. I believe that some significant matters have arisen out of the Ainslie Transfer Station issue, and the first is the question of how you govern. We heard Ms Follett's statement at the university the other day that she would govern Canberra by committees. We would be a committee. We saw that happening through the previous Government's budget process and once again Mr Berry proposes voters' veto. Mr Berry endorses and resurrects the former Labor Party's program for voters' veto. It used to be in their program - - -

Mr Berry: I raise a point of order under standing order 62, Mr Speaker. This is irrelevant.

MR SPEAKER: Order! Your objection is upheld Mr Berry. Please debate the issue, Mr Collaery.

MR COLLAERY: Those of us who are close have seen the shine disappear from Mr Berry's patent leather shoes in the last 10 minutes. It has all gone sad for him. He has endorsed very clearly that we cannot close anything or do anything in this city unless we have a citizens' referendum.

Mr Moore: I raise a point of order, Mr Speaker. You have instructed this man on several occasions to debate the issue.

MR SPEAKER: Order! Mr Collaery, I believe you have made your point. Please debate the issue before the house.

MR COLLAERY: I will not dignify the vitriol that some of the other members on the bench - I exclude Mr Connolly and Mr Wood - used against my colleague Mr DUBY. The fact is that governing Canberra in the best interests of the people of Canberra is a very difficult task. We heard Mr DUBY at length yesterday and I believe the public and the community are entitled to have this Assembly move on to important business. The most significant aspect of this debate to date is the proposal by the Labor Party that Canberra be governed by committee and that there be, in between elections, specific mandates sought for decisions of this nature, as Mr Berry suggested.

How on earth, in the democratic world, will government work in that scenario? We saw that dreamboat scenario for some

seven months in this chamber. The extraordinary admission today is the most significant thing that has come out of this debate - the admission by the Australian Labor Party that it really is serious, that it would propose going to citizens' initiated referenda on a whole variety of - - -

Mrs Grassby: That is a lie!

Mr Berry: I raise a point of order, Mr Speaker. There has been no admission about the Opposition benches supporting that veto, and the issue of relevance arises again.

MR SPEAKER: At the end of Mr Collaery's speech you will have a chance to claim that you have been misrepresented.

MR COLLAERY: I ask that Mrs Grassby's comment that I was a liar be withdrawn without reservation.

MR SPEAKER: Please withdraw it, Mrs Grassby.

Mrs Grassby: Mr Speaker, it was a lie. We did not say we supported voters' veto - - -

MR SPEAKER: Order, Mrs Grassby! If you made that comment, would you please withdraw it.

Mrs Grassby: But it is true, Mr Speaker; we did not say that.

MR SPEAKER: Please raise that later as a misrepresentation. Please do not interject

Mrs Grassby: Then I withdraw it, and I will raise the matter later.

MR COLLAERY: I have 25 seconds left, and I have probably had only two minutes out of the whole debate. The Labor Party policies on environment, which I would like the community to look at, are so threadbare that they do not - - -

Mr Berry: On a point of order; Labor Party policies are not the subject of this debate, are they?

MR SPEAKER: Please, Mr Collaery!

MR COLLAERY: Mr Speaker, one of Labor's election promises was to provide a tonnage base subsidy for recycling operations.

MR SPEAKER: Order! Your time has expired, Mr Collaery.

MR MOORE (12.01): In replying to this debate, I had planned to deal with the issues raised by the Government. In his last four seconds, Mr Collaery took the chance to raise the issue of Labor policy with reference to a tonnage base. That was just a subterfuge, as was the business about the voters' veto. He had absolutely nothing to say

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because he is terribly embarrassed. He likes to present himself as a member of a community party. What a lot of nonsense! There was a time when that was true, but it has long since gone. He has no community basis whatsoever. About the only community basis that the Residents Rally could claim is, perhaps, the support of the anti-casino group. That community based group is behind Dr Kinloch. If Mr Collaery could present just one other community group that would support the Residents Rally, I would be most surprised.

Mr Collaery: I raise a point of order, Mr Speaker. I will do this once because I just want to demonstrate to the house. This member - - -

MR SPEAKER: Please present your point of order.

Mr Collaery: He has spoken for two minutes now, not on the point. He has talked about his fixation with Dr Kinloch.

MR SPEAKER: Order! Mr Collaery, you are debating the issue. Please proceed to the point, Mr Moore.

MR MOORE: I am glad Mr Collaery mentioned Dr Kinloch, because Dr Kinloch chairs the Conservation, Heritage and Environment Committee, and he has not been here for any part of this debate. We are all aware that it is very rare for Dr Kinloch to not be in the house, so we can only assume that there was a deliberate decision by Dr Kinloch or - - -

Mr Kaine: I raise a point of order, Mr Speaker. I refer to standing order 55. This is clearly a personal reflection on Dr Kinloch. I have no idea why he is unable to be here today, but to reflect - - -

MR MOORE: I withdraw it, Mr Speaker. The point that I want to make about this is that with an important issue like this it is appropriate for the people who are involved in making the decision to be present, instead of behaving like "Opt-out Kinloch".

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

MR MOORE: I withdraw it, Mr Speaker.

Mr Kaine: Mr Speaker, I draw attention to standing order 202. Mr Moore is constantly making these personal imputations. When challenged, he withdraws, notwithstanding the fact, however, that it goes in the Hansard. I believe, Mr Speaker, that he is being - - -

MR MOORE: Mr Speaker, on that point of order; if the Chief Minister wants to change the standing orders, let him do it in a vote.

MR SPEAKER: Order!

Mr Kaine: He persistently and wilfully refuses to conform to standing orders, he persistently and wilfully disregards the authority of the Chair, he persistently and wilfully obstructs the business of the Assembly - three of the five bases for disorderly conduct on the part of a member. I believe, Mr Speaker, he has gone too far.

MR SPEAKER: Mr Moore, I place you on warning.

MR MOORE: Mr Speaker, can I draw your attention to the fact that the Chief Minister has been making similar comments right through this debate? I will just draw your attention to that and then I will proceed.

MR SPEAKER: Order! Mr Moore, I ask you to withdraw that as an incorrect observation. You are impugning the integrity of the Chief Minister. He has not made a personal reflection on anybody.

MR MOORE: He called me a liar, Mr Speaker; he used the word "liar".

Mrs Grassby: He did. He called somebody a liar and he was not asked to withdraw it.

MR SPEAKER: Order!

MR MOORE: I withdraw it, Mr Speaker.

Mr Kaine: It was in the heat of the moment. If I had been challenged, I would have withdrawn it, but I was not challenged. So presumably you accepted that it was correct.

MR SPEAKER: Order!

Mr Kaine: Since you did not object, I assume you - - -

MR MOORE: You constantly interrupt. He has called you to order and you have not done it.

MR SPEAKER: Order! Mr Moore and Chief Minister, please!

MR MOORE: Mr Speaker, few sensible comments have come out of this debate from anybody. There were not any from the Government side. Mrs Grassby made the comment that I was blaming the bureaucracy, and when I look back at my notes, yes, I see that there could be some imputation on the bureaucracy when I was talking about Mr DUBY being snowed by them. I apologise to members of the bureaucracy for any imputation because I see this as Mr DUBY's decision. If he decides to take their advice then that is his decision. I withdraw any imputation and I apologise for any imputation on the bureaucracy which I dealt with as a member of the Conservation, Heritage and Environment Committee. I consider it to be most competent and most responsible and I want to make sure that is on record.

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Mr Speaker, will I now be drawn to order, since I am on warning, if I make a comment about Mr Duby's accusation that I am scared of Dr Kinloch? I would like to respond to that as part of the debate because I think that is appropriate. If I may proceed on that then just a little nod from you that I am going too far will be enough for me. I shall be careful not to make any imputation.

Mr Collaery: On a point of order, Mr Speaker; I find the suggestion by that member thoroughly improper. It is unparliamentary and it is an offence to your - - -

Mrs Grassby: Oh, for goodness' sake; what number, what number?

Mr Collaery: Standing order 202.

MR SPEAKER: Thank you for your observation, Mr Collaery. Mr Moore, it is not my position to tell you what you are to say. You go for your life, and I will pull you up if necessary.

MR MOORE: Mr Speaker, I shall just state that I certainly am not scared of Dr Kinloch in any sense. The protection that his fellow colleagues are attempting to offer him indicates that they have little faith in his parliamentary ability. Really, it is his choice; if he does not enjoy politics, if he cannot handle politics, then he has the option to leave, especially with our electoral system under which another member from his own party would be appointed. I just point out that he has that option and it is not our responsibility to look after his sensitivities. I shall be bringing up any other matter with Dr Kinloch during the normal parliamentary process.

Mr Collaery took a great deal of time to point out a mandate. He attempted to suggest that a mandate required the voters' veto. Mr Collaery seems to have forgotten some of the issues on which the community based party went to the electorate. It went to the electorate - and I was a part of that - on the basis of consultation.

What we have here is a decision that was made with absolutely no consultation, and that has been admitted by Mr Duby. This is a bad decision, an horrific decision, because it reflects their attitude to the people of Canberra - and this is the biggest problem with the decision. It is not based on a good, sound, financial basis that he can demonstrate even to this Assembly, let alone to the public. It has got none of that basis. He should say, "I have made a mistake; I blew it; open the Ainslie Transfer Station", and then go through the process that is put forward in this motion.

This motion has a very positive aspect to it. It is not just saying, "This is terrible". It even suggests a way of going about providing future moves to close the transfer station if it is necessary. If there is a reason, then

fine; go about it in this standard procedure. It is not difficult. It is the same standard procedure - almost the same words actually - that has come out of the Conservation, Heritage and Environment Committee and a motion that was passed there.

What we need to do, as Mr Collaery said a short while ago, is move to more important business. We have not had a single statement from the Government this morning about this that could in any way elucidate their decision, because there is not any basis for it and they think there is business more important. Well, I can tell you, Mr "Supposedly Community Based Party", you do not have any community base because nobody supports it from the community and there are only about 30 or 40 members. Let us put that on the record. If you are lucky, 200. What a laugh!

Let me say this to you: the community supports consultation, and that is what you should be looking at. That is what this is about and that is what we should be doing. This is important business because it is about the very basis on which you promised to go to the people. This is just another one of the things that you sold out when you let go the basic principles on which you had been elected. That is something that you ought to consider and it is something that Dr Kinloch ought also to consider.

Mr Kaine: On a point of order, Mr Speaker; I refer to standing order 58 - relevance.

MR SPEAKER: I uphold your objection, Chief Minister. Please stick to the debate, Mr Moore.

MR MOORE: Mr Speaker, the point is that it gives me great joy to move the motion circulated in my name on the notice paper, because I think it is appropriate for the Government to realise that they have made a mistake and they should correct it. I think it is a great shame that Dr Kinloch is not here to vote on it.

Question put.

The Assembly voted -

AYES, 6

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

NOES, 9

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

Question so resolved in the negative.

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QUALITY TEACHING

MR WOOD (12.17): I move:

That this Assembly recognises the importance of maintaining quality in teaching and accordingly urges the Government to support measures already approved by the Commonwealth Minister to increase teachers' salaries.

Mr Speaker, I am sure that members here today would agree that the occupation of member of parliament and member of this Assembly is a very stressful one. We have debates that raise the temperature somewhat. We are constantly faced with the community presenting us with conflicting views which place considerable demands on us. We are never sure what is happening in the future or whether we will get elected again. We do not know what the future holds for us but we do know the stresses of the moment. I am a former teacher. The stresses of this job, great as they are, are nevertheless much less than the stresses I encountered as a teacher. I will explore the issue of teacher stress at some stage in the future but I want to use those comments to introduce this debate today.

There have been great changes in society in the last 20 years, accelerating changes that have imposed new problems on the teaching profession. These changes have made that profession much more challenging and much more interesting as well as much more stressful, but they also place great obligations on those responsible for education to see that what happens in schools is adequately supported. We must never get away from the fact that the work of teachers in schools is concerned with our children and this has the most significant impact on what happens in this country in future years.

There are a number of areas that I will isolate and discuss today, one in more detail. I will consider the improvement in teaching and in teaching quality. Obviously it is important that teachers are aware that they have the full support of the public in what they do. That work needs to be recognised and, of course, this is true of any occupation. They do not have that on their own. But when you are dealing face-to-face with 30 children all day I think the pressures are such that you do need to know that you are supported by those who employ you. That support needs to be expressed in a variety of ways, not the least of which is in their professional training and the support for subsequent training once teachers become qualified.

A most important factor in improving the quality of teachers is to improve their morale, and that is related, of course, to what happens in schools. Teaching can be a very rewarding occupation. I think there are few

occupations where you can spend a number of years in one place and see the product of what you do come through; you see young children as they develop. Mostly you see that with pleasure; occasionally, you see with disappointment that you have not succeeded in what you wanted to do.

Of great importance for teachers is the support of the Government and of the department that administers the education sector. This is most important. In recent times there has been a renewed scrutiny of teaching and the quality of teaching. "Quality in teaching" are now words that are becoming quite familiar in our language. This is not surprising because of the importance of teaching, but there are problems that are beginning to emerge. In some States there is a looming teacher shortage. On the advice I received, that is not the case in the ACT. The figures for enrolments in the University of Canberra confirm that. It may not be the case here because of certain factors, not the least being that it is very easy - and I am pleased that this is the case - for women to undertake a new career and to engage in that career without leaving their homes. Canberra is an ideal place for that because of its city-state nature.

There is an emerging problem with the status of teaching. If you have read the press clippings related to education you will have seen in the last year the debate on where teaching stands in the esteem of the community. It is not as high as I think most people would expect it to be. There are many important reasons for that, but that is the fact.

Salary, which I will deal with shortly, is one of those reasons, but it is only one. I think you will understand that when I compare the salaries of teachers to the salaries of members of this Assembly. I do not think there is one member here who came into this Assembly on the basis of what the salary was going to be. Not one of us, I think, came in with that view. Yet it is an important factor, is it not, in our day-to-day lives? It is a factor we are well aware of, and I think this is the same with teachers. They do not choose to go teaching in the first instance because of the salary, but if the salary is seen to be inadequate then it may be a factor in changing some person's mind to go into that profession.

Salary level is a major determinant of the esteem in which any profession or any job is held in the community. I know this comes in waves. Sometimes teachers and other occupations go up and down in public esteem. At the moment, teaching seems to be going down. There are moves across Australia now to upgrade the quality of teachers and with that to improve the status of teachers. Part of that - an important part but not the total part, as I have said - is to upgrade teachers' salaries. I was surprised at some of the comments that I have read supporting an increase in teachers' salaries. Professor Chipman of Wollongong University has long been a critic as well as a

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proponent of many things in education. He, along with Alan Jones, the media commentator, is indicating the need to increase teachers' salaries.

A matter that I want to concentrate on today is the support for teachers and their quality of teaching by the Schools Council, which is the body established by the Federal Minister for Education to give him advice on matters affecting schools. That Schools Council is very aware of the need to increase the quality of teaching. I am conscious that I am talking about quality of teaching, a component of which inevitably is going to be teachers' salaries. The Schools Council said recently:

Arising from its considerations of the issues of teacher quality in other developed countries the Schools Council believes it is essential that all governments in Australia recognise that in any strengthening of Australia's schools the quality, morale and status of the teaching services will be a key, if not the most important, element.

The Council therefore recommends that the Commonwealth Government accords the highest priority in its policies and actions to this area.

Arising from this report the Commonwealth Minister is consulting with State Ministers and, in our case, with Mr Humphries, on what might be done in this area. It is necessary for the broader community to understand this problem. I think that those who are interested in education know of the debate in this area but I am not sure that the broader community understands it.

As a result of these moves there are now proposals in industrial tribunals relating to teachers' claims for increased salaries. Now, those claims are understandably being taken through by the teachers' professional bodies. There have been negotiations - I do not know the detail of them - between this Government and the Teachers Federation in the Territory. Part of this proposal is to convince the Government and members on that side of the house that this is a most important issue. It is one that we cannot neglect. I spoke to Mr Humphries before this debate began and I am sure that he understands this need and that he, with this Government, will be supporting the claims of teachers. I believe Mr Humphries is meeting Mr Dawkins tomorrow in company with other Ministers. I am not sure what the issues to be debated are, but I would urge him to recognise the need to increase the salaries paid to teachers as part of the process of raising the quality of teachers.

Let us remember the end result of all this. In the end it is not teachers we are talking about; in the end we are talking about children in schools. Beyond that again we are talking about the future of this nation, because our children and the quality of the education they receive will determine how this country will operate in future years.

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

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Royal Canberra Hospital

MS FOLLETT: My question is directed to the Minister for Health, Education and the Arts. Mr Humphries has announced the closure of the Royal Canberra Hospital. Would he tell the Assembly his timetable for the closure of the hospital and what arrangements his department has planned to effect the closure?

MR HUMPHRIES: Mr Speaker, the simple answer to the question from the Leader of the Opposition is that I cannot inform her of the date on which the hospital will finally close or that on which the particular activities presently conducted at the hospital will be removed from it. The Government has made the decision to proceed with the closure of the hospital and the option of upgrading the Woden Valley Hospital to a principal hospital. That requires some careful planning, and a very carefully adopted timetable has to be pursued. I cannot come in here, only a matter of weeks after announcing that we are going down that path, and tell Ms Follett all the particulars of what will happen with that. I am sure that, if I had asked Mr Berry a similar period after he announced his plans, he would have been unable to provide details.

Mr Berry: On a point of order, Mr Speaker; he should stick to the question that was asked.

MR HUMPHRIES: I will stick to the question, Mr Berry, if it embarrasses you.

MR SPEAKER: Order! That was not a valid point of order. Please proceed, Mr Humphries.

MR HUMPHRIES: The reality is that it is simply not practicable for me to come in this place and tell you all the details of what will happen, but I can assure the Opposition that as soon as that information is available it will be transmitted.

MS FOLLETT: I wish to ask a supplementary question, Mr Speaker. Would Mr Humphries refute our information that the hospital will be closed within a year and that the closure will be commencing in November.

MR HUMPHRIES: Again, I am alarmed by the sorts of rumours which might not have started with the Opposition but which have certainly been given a very thorough kick along by its members. I find it most unlikely that the hospital would

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be closed within a year. However, I have not seen the timetable that the department is producing for that, so I cannot categorically rule it out. However, I think it would be well nigh impossible to close a hospital in one year, particularly one of the complexity and size of Royal Canberra, and also given the fact that alternative facilities simply are not available at present.

As to when the moves might start, I think Ms Follett said that November was the rumoured date that she had heard. I really cannot comment on that. I hope that some progress will be begun on the development of the hospital system fairly soon.

Erindale Library

MRS NOLAN: My question is addressed to the Minister for Finance and Urban Services. Earlier this year he reversed a decision to open the Erindale Library and announced that it would open two nights a week during the first school term. What will be the opening hours for the remainder of the 1990 school year?

MR DUBY: I thank Mrs Nolan for the question. She said that I reversed a decision to open the Erindale Library. However, I reversed the decision to close the Erindale Library in the evenings, as a result of community concern over the lack of access to that library. The library hours have been set, and I have been able to have it open two nights a week. This was due to the need to reallocate library resources following the opening of the Tuggeranong Library. Since then we have done a review of the hours of library operation, and I am pleased to be able to report that the current hours of opening will be able to be continued through this year, particularly during the school terms.

Mr Speaker, those hours of operation are Monday and Thursday, 8.30 am to 5.30 pm; Tuesday and Wednesday, 8.30 am to 8.30 pm; Friday, 10.00 am to 5.30 pm, and Saturday, 9.00 am to 5.30 pm. The result of the survey that we have conducted of library users has indicated that these hours are satisfactory to the vast majority of people who make use of the Erindale Library, particularly during school terms.

Hospital Beds

MR BERRY: Mr Speaker, my question is directed to the Minister for Health, Education and the Arts. In light of the fact that the ACT has fewer beds per thousand population than elsewhere in Australia - 3.9 per thousand as opposed to 5.3 per thousand elsewhere, and I might say that is a direct quote from the steering committee report -

is it true that with the closure of Royal Canberra Hospital there will be a reduction in the number of hospital beds in the ACT?

MR HUMPHRIES: Mr Speaker, no, it is not true.

MR BERRY: I will ask a supplementary question, Mr Speaker. I would be pleased if Mr Humphries could tell me how many beds will be at Woden Valley Hospital and Calvary Hospital immediately following the closure of the Royal Canberra Hospital.

MR HUMPHRIES: Mr Speaker, the words "immediately following the closure of Royal Canberra" were not inserted in the original question. If Mr Berry wants to know whether there will be a reduction in the short term, I will have to take his question on notice. However, I can assure him that at the end of the redevelopment program being embarked on by this Government there will be 100 additional beds in the ACT public hospital system.

Mr Berry: That did not answer the question, Mr Speaker.

MR SPEAKER: Order! Mr Berry, the Minister has answered to the best of his ability.

Mr Berry: It is not really up to the Minister.

MR HUMPHRIES: I am sorry it does not please Mr Berry to hear this information, but the reality is that he asked whether there will be a reduction in the number of public hospital beds in the ACT. The answer is no. At the end of the redevelopment program embarked on by this Government there will be more public hospital beds to account for the population growth of the ACT.

Mr Berry: That is misleading. When will that finish? You might tell us that bit of additional information.

MR HUMPHRIES: I have already answered the question earlier when Ms Follett asked about the program.

Mr Berry: What date?

MR HUMPHRIES: I would anticipate, Mr Berry, roughly the middle of this decade - roughly 1995 or thereabouts the project will be finished. It will take some time, and I can assure you that we are going to plan a very careful timetable for that, and when we have developed that you will see it.

Mr Berry: Would you agree to take the other question on notice?

MR SPEAKER: Order! Mr Berry, please address your question - - -

Mr Berry: I just want to know - - -

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MR SPEAKER: You will not address your question to him directly. Please address it through the Chair, and do not talk over me, please.

Mr Berry: Can I ask for a - - -

MR SPEAKER: No, you have had your turn.

Head Lice

MR MOORE: Mr Speaker, my question is addressed to the Minister for Health, Education and the Arts. I asked him a question on 21 March 1990 about the infestation of head lice in schools in Canberra and what he intended doing about it. Amongst other things, he replied:

I am certainly not aware of any outbreak of head lice problems amongst Canberra's school population. I would be happy to investigate such an outbreak, if one has occurred, and to advise Mr Moore in due course as to the result of those inquiries.

Since then I have had numerous calls from constituents about the problem, and there have been articles in the Canberra Times, one on 27 April, raising the subject as it now seems to be in epidemic proportions, according to one of your own public servants, a paediatrician. I ask you once again: would you please inform the Assembly what steps your department is taking to alleviate the problem of head lice infestation in school children throughout Canberra.

MR HUMPHRIES: Mr Speaker, there may be a question of semantics involved here. I have heard the incidence of head lice in ACT schools at present described as an epidemic. The advice that I have received from my department is that it is not an epidemic in any use of the word. There may, however, be higher than normal levels of head lice infestation. I should make it clear to members of the Assembly that head lice are not like some diseases that have outbreaks only occasionally; they are a manifestation of something which occurs from time to time throughout the school year. It is a particular problem, given the very close contact of children at school. It spreads very quickly, and it can cause great inconvenience to parents who have to deal with it.

I am told, as I said, that there is no epidemic. Head lice are present from time to time in most primary schools, and high schools are also on occasion affected. We have guidelines - and I am very happy to table them for the benefit of Mr Moore - for the treatment and prevention of head lice in public schools in the ACT. These guidelines require notification to the school principal of all

suspected cases of head lice, parents notified of suspected or confirmed cases, and children do not attend school until proof is provided that treatment for the condition has been completed. The onus is on parents to check their children's hair regularly and to take action promptly to treat any occurrence. A thorough treatment, including the child's hair, clothing, bed clothing, combs, hairclips, towels and so on, should be effected, and other members of the family should also be treated.

If the problem reaches levels at which it is appropriate for the Government to take some kind of action because its dimensions are unacceptable, then of course I will come to this place and tell Mr Moore and others what that would be. However, at this stage I am not advised that there is any uncontrollable problem above and beyond normal levels. For the benefit of Mr Moore, I will table the policy and procedures document relating to the treatment of head lice in ACT schools:

Head lice in ACT public schools - Policy and procedures for treatment and prevention -
Copy of supplement to Schools Bulletin No. 331 of 5 May 1983.

MR MOORE: I wish to ask a supplementary question, Mr Speaker. Thank you for your reply, Mr Humphries. In the article on 27 April to which I referred, Dr Packer, who is described as an ACT community paediatrician, said that this is an epidemic. Are you saying that he is wrong?

MR HUMPHRIES: Yes, I think it follows from the advice that I have received that he is wrong. I am not qualified to comment on what technically constitutes an epidemic, but the advice that I have received from my department is that it is not an epidemic. The doctor to whom you referred, I understand, is not employed in the part of the Health Department that is responsible for this area, although he may be involved in a professional capacity with the treatment of people who suffer from head lice. As I said, the advice that I have received is that there is no epidemic of head lice in ACT schools.

Hospital Redevelopment

MRS GRASSBY: My question is directed to the Minister for Health, Education and the Arts, who has announced the new planning committee for the hospital redevelopment. Have all prospective committee members been invited onto the committee? If so, have they all accepted?

MR HUMPHRIES: Mr Speaker, I will have to take that question on notice. I am aware that there are very few questions that my colleagues and I have taken on notice since we took government. This will have to be one of them.

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Mr Wood: Many have been evaded.

MR HUMPHRIES: That may be, Mr Wood, but I think we have been able to provide forthright answers to the vast majority of questions asked. I cannot provide details on what acceptances I have received. My understanding is that all the nominations that the Government sought for that committee were either canvassed with the candidates before they were taken to Cabinet or in some way discussed with those people shortly afterwards. I am not aware of any people who have rejected a place on that committee if they have been offered it. I will endeavour to return as soon as possible with the information that Mrs Grassby requests.

MRS GRASSBY: I wish to ask a supplementary question. Is it another example of the lack of consultation by this Government that the Trades and Labour Council has received no such invitation, yet its participation has been announced?

MR HUMPHRIES: Mr Speaker, I cannot speak with authority about the exact position of the TLC, but I have had conveyed to me that at least one senior person in the TLC was contacted about a place on the committee and indicated a willingness to at least consider appointment, if not to take up a seat. I cannot pursue the matter any further at this stage but, as I said, I will be happy to come back to the Assembly with further information.

Health Promotion Fund

DR KINLOCH: My question is addressed to the Minister for Health, Education and the Arts. Is he aware of the meeting called by the Opposition spokesman on health on Monday evening to discuss the use of the health promotion fund? Can the Minister comment on that meeting and on the progress of the health promotion fund?

MR SPEAKER: I would just like to look at that question. Are you responsible in that area, Mr Humphries?

MR HUMPHRIES: Yes, I hope so.

MR SPEAKER: Please proceed.

MR HUMPHRIES: It is about the health promotion fund, Mr Speaker, so I would certainly hope so.

MR SPEAKER: I thought a committee was involved.

MR HUMPHRIES: Mr Speaker, as Minister for Health, I thought I would be responsible for the health promotion fund, but if there is some other view I would be happy to hear it. I am aware that on Monday night of this week Mr Berry convened a meeting of sporting groups in Canberra to

discuss the allocation of moneys from the health promotion fund, and I have seen a copy of the letter that was sent out by Mr Berry in that regard.

Mr Kaine: That was sporting of him.

MR HUMPHRIES: Yes. It came indirectly, Mr Chief Minister, not directly, to my office. I am concerned that it may have created some misunderstandings about the nature of the health promotion fund. The fund was established to support health promotion in general, and in particular to replace tobacco sponsorships in the ACT. The Government decided to establish a non-statutory ACT health promotion fund advisory committee to advise me, as Minister for Health, on the allocation of moneys from the fund. I expect to be able to announce the membership of the committee in the near future, and an urgent priority of the committee will be to draft guidelines for health promotion grants.

Mr Berry: Not one of the sporting people was consulted.

MR HUMPHRIES: I did not hear that, Mr Berry.

Mr Berry: I will tell you again then. Not one of the sporting people was consulted.

MR SPEAKER: Order! Mr Berry, please desist.

MR HUMPHRIES: Because we have not reached a stage at which any guidelines have been developed, Mr Berry. The fund is not, as Mr Berry appears to think, principally for providing grants to sporting groups. Certainly some funds may be provided to sports and other groups, but this would be in the form of sponsorships entered into on a commercial basis with regard to the health promotion value that a particular sponsorship can offer. The guidelines will therefore be health, rather than sport, directed. It is important to remember that this program is first and foremost a health program.

Mr Berry's apparent reason for calling the meeting was the lack of reference to the health promotion fund in the legislative program. I think he has failed to appreciate that the health promotion fund committee is to be appointed on a non-statutory basis and therefore no legislation is required. This will reduce considerably the amount of the fund that will be needed to cover the administrative, accommodation and publicity costs of the fund. Under the suggestion put forward by Mr Berry, a statutory committee would certainly absorb more of the funds available for the purpose of health promotion and would reduce those available for other, more important things.

I do appreciate Mr Berry's bipartisan support, I think, for the concept of the health promotion fund. So, while criticising Mr Hyde, I welcome Dr Jekyll's support for the establishment of the fund, and I hope that that initiative, inherited from the Follett Government, will be pursued actively by both parties without unnecessary hairsplitting.

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Jindalee Nursing Home

MR WOOD: I direct a question to the Minister for Health, Education and the Arts. In the Government's announced plan to close the Royal Canberra Hospital it stated that the Jindalee Nursing Home will be relocated on that site. Since this relocation is against the Federal Government's guidelines for nursing homes, what negotiations have taken place to overcome the differences and ensure Federal Government approval?

MR HUMPHRIES: Mr Speaker, the question is hypothetical. I thank the member for it. I have naturally had the suggestion put to me over a period by many people, particularly from the Opposition, that the transfer of Jindalee Nursing Home to that site would breach Federal Government guidelines. It would be extraordinarily remiss of me not to have had that brought to my attention.

I have looked at that issue and I am completely satisfied that there is no conflict between the Federal guidelines and our proposal to take the home to that site. Certainly there are recommended features of locations for nursing homes, and Jindalee or its substitute on the Royal Canberra site would not be as near to some facilities as one might like in ideal circumstances - I acknowledge that - but neither is the present site of the Jindalee Nursing Home. I think we can significantly improve the quality of services being offered with this transfer.

I affirm once again, to put to one side completely and utterly any doubt in Mr Wood's mind, that there is no conflict between those guidelines and our proposals, and I think he will see when the time comes that the proposal is a major upgrading of facilities available for people at that site.

MR WOOD: I wish to ask a supplementary question, Mr Speaker. Does Mr Humphries intend to consult with the relevant Federal department to make sure that there are no foul-ups on this?

MR HUMPHRIES: My understanding is that that consultation has already occurred, that it was direct contact between the Federal department and the ACT department that settled that question. However, if that is not the case, I will be happy to get back to Mr Wood with further details of what we will be doing in that regard.

Healthy Lunch Program

MRS NOLAN: Mr Humphries is doing so well on his feet that I will ask him yet another question in his capacity as

Minister for Health. Is he aware of health propaganda being distributed in this building? Was the choice of the building deliberate?

MR HUMPHRIES: I thank Mrs Nolan for her question. I must admit that not only am I aware of the distribution of health propaganda but also I specifically requested that the brochure be distributed in the building. The brochure is this one, Mr Speaker, which I am happy to table. It is part of the eat a unit lunch program conducted by the Community Nutrition Section of the Department of Health. It is aimed at encouraging office workers and the like - and I suppose in a funny sort of sense we count as office workers - to eat a healthy, balanced meal in the middle of the day.

Mr Kaine: With a capital "O", Mr Humphries.

MR HUMPHRIES: That is true - Office workers. This is achieved by organising one healthy meal under \$5 at most eating places near the building in question and distributing a list of these meals and where to obtain them to all workers. Members will see by looking through this brochure that a number of venues near this building are listed here with meals of around \$5 which are healthy. The program is in its formative stages following a pilot program last year, and the success of the exercise in this building will be part of the ongoing evaluation of the project. When I became aware of the eat a unit lunch program I immediately saw the value of the program to Assembly members.

Mr Berry: On a point of order; the question, as I recall it, Mr Speaker, asked whether he was aware of propaganda. I draw attention to 118.

MR SPEAKER: Thank you. You are debating the issue. Please be brief, Minister.

MR HUMPHRIES: Yes, Mr Speaker. I am sorry that Mr Berry does not appreciate the important value that this might have to members of the Assembly. I did the quiz at the back, which gives you a score, and I got 22. I would be very interested to see what kind of health score Mr Berry can get when he does the quiz. I would encourage members to circulate this document to their workers and staff because the value of healthy lunches is not to be underestimated.

Hospital Redevelopment

MR CONNOLLY: Mr Speaker, my question is directed to the Minister for Health, Education and the Arts, and it does not relate to what he had for lunch today. Since the announcement of the plan to close the Royal Canberra Hospital, has the Government costed any of the alternative

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proposals that had not previously been costed - that is, the convalescent home, the hospice, the birth centre and the 24-hour mental crisis centre?

MR HUMPHRIES: I thank Mr Connolly for his first question directed to me. I can indicate that costings are presently under way to establish what costs would be entailed in some of the aspects of these arrangements, but I have to emphasise what I have said on many occasions in the past in respect of that development. These proposals are interlocking. They depend on a number of facets of the overall hospital redevelopment program. Some of those facets are, as yet, difficult to fully describe and present in this Assembly.

I have mentioned, for example, that in the relocation of the Jindalee Nursing Home from its present site at Narrabundah to the Royal Canberra site not only will there be costs associated in building any new buildings if required on the site for the accommodation of aged persons; there will also be benefits - cost benefits, capital benefits - should the ACT Government decide to sell the present site of Jindalee.

There are many interlocking issues. I cannot provide comprehensive answers to all of them because the first and fundamental question is: what do we want in the way of health facilities on the Royal Canberra site? Having decided that, we have to decide what other ripple decisions have to be made going out from that basic decision.

I can indicate, though, with respect to the 24-hour crisis service, that there was a proposal in last year's budget, the Follett budget, for a crisis service. An amount of \$150,000 was allocated in that budget for that purpose. I will say, as I have said before, that on coming to office I was told promptly by my department that that amount was absolutely inadequate to provide any such service, that no decent service could be provided for that amount of money. As a result, this Government has had to turn to other sources to supplement that amount, to find the resources necessary to provide that service which will be provided as soon as possible. I cannot give a date, but I assure the Assembly that as soon as that service can be funded by existing resources it will be begun.

Teaching Hospital

MS FOLLETT: My question also is addressed to the Minister for Health, Education and the Arts. I would like him to let me know if he would like a score out of 10 for his answers. I am only too happy to oblige.

Mr Kaine: He has 10 out of 10 so far. Try him on the next one.

MS FOLLETT: He got 22 out of 100 on his lunch. The Fraenkel report, which Mr Humphries tabled in the Assembly this week, on page 20 states:

The transformation of one of the Canberra hospitals into a University Hospital will involve large expenditures, both capital and recurrent.

Could he inform the Assembly whether he accepts that statement. Would it in any way deter his commitment to that concept?

MR HUMPHRIES: The short answer is yes, I am aware, and no, it does not. I will not sit down, however, after having said that. I think this would be borne out by a careful reading of the statement that I made yesterday in the house, but I want to make it clear that the Government supports the concept of a university hospital, a teaching hospital, in the ACT but has not made any commitment at this stage to providing one.

I would very much like to come into this place and say that, as part of the hospital redevelopment, we will and can provide such a service. However, I cannot do that because of many unanswered questions, particularly the costing of that. Ms Follett will be aware that the Fraenkel report did not cost the proposal, at least not with any accuracy, and therefore any responsible government has to examine the cost implications of proceeding with this decision before it finally makes it.

As I said, I support the concept. I will be pursuing it in an attempt to develop a concrete proposal to incorporate a university teaching hospital into the framework of our principal hospital at Woden Valley, but I cannot guarantee that it will occur until I know how much it will cost and until all the other details are settled to our satisfaction.

MS FOLLETT: I have a supplementary question. I have that section of the Fraenkel report here, and one of the quotations in it that troubled me was:

... we were impressed by the willingness of those in charge of the hospital service to consider substantial additional funding in the interests of raising the standard of patient care.

Mr Speaker, I ask Mr Humphries whether he was similarly impressed. If it is not him, who would he consider to be "those in charge of the hospital service"?

MR HUMPHRIES: Mr Speaker, it could well be that those to whom the report refers were officers who served the hospital system when Mr Berry was Minister for Health. That report started some time ago, some time before I came into my position, and finished only shortly after I took office, as I recall. So it is more likely than not that

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the people referred to were employed by Mr Berry in his - - -

Mr Kaine: Or Mr Berry himself.

MR HUMPHRIES: Or Mr Berry himself, indeed. Since the report came out, I have certainly given great encouragement to the concept of a teaching hospital, and I support the words quoted by Ms Follett because I believe that there are significant advantages in having that facility in the ACT. I speak here wearing my hat not necessarily as Minister for Education but as Minister for Health.

The spin-offs to the ACT health system of having a teaching hospital are very considerable and, in the view of one member of the Fraenkel report team, would pay for themselves over a period. That is yet to be established. If and when it is established, I will come back to the Assembly and tell it.

Ophthalmologists

MS MAHER: My question also is directed to the Minister for Health, Education and the Arts. What action is the Government taking to ensure that there are adequate services in Canberra for eye surgery and to reduce the waiting list for the large number of elderly people suffering major sight problems?

Mr Berry: You haven't clinched the deal already?

MR HUMPHRIES: We have, Mr Berry. We have clinched the deal, yes. Mr Speaker, I am sorry to embarrass Mr Berry in this way. It embarrasses me slightly, too. I knew that Mr Berry could not do this in seven months, and it took me five to do it, so I am embarrassed that I could not better him by any more than two months.

It is unfortunate, Mr Berry, that we have had in the ACT for some time - far too long - a dispute concerning the provision of ophthalmological services in our public hospitals. I am pleased to advise the Assembly that, following extensive consultations with the AMA, new arrangements have been offered to ophthalmologists for a return to the public hospital system. I am pleased to say that six specialists have accepted this new offer and ophthalmology services in our new hospitals have begun to return to normal.

It is important to note that a roster for the provision of emergency ophthalmology services has commenced on a two-month trial basis. I have asked the interim hospitals board to review the waiting lists for Medicare patients and to discuss how the unfortunate backlog which has accumulated over the past two years might be cleared.

I can assure the Assembly that I am giving this matter my personal attention and want to acknowledge publicly the support provided by the Australian Medical Association, the cooperation of the ophthalmologists and the willing assistance of the interim hospitals board. I also want to thank particularly Dr John Donovan, the past president of the AMA, for his invaluable support in resolving this dispute. Members are all aware of a large number of Medicare patients, particularly elderly people, who are in need of cataract operations but who have not been able to obtain them. It is disgraceful that for so long those people have been unable to have those operations. I hope that now we can quickly move to clear that backlog and provide those people with decent lives.

Health Promotion Fund

MR BERRY: Mr Speaker, my question is directed to the Minister for Health, Education and the Arts. Just a moment ago, he announced that legislation would not be prepared for the allocation of funds from the health promotion fund. I will read from the transcript to clarify the issue. On page 858 of Hansard of 27 March 1990, in response to a question from Mrs Grassby, Mr Humphries said:

... once again the Opposition seems to have some trouble understanding the processes of government. The fact is that to establish the procedures whereby grants are made from the health promotion fund on a proper ongoing basis it is necessary for legislation to be passed.

He said just a moment ago, you will recall, that he will not be making any legislation.

MR SPEAKER: Ask the question, please, Mr Berry. Do not debate it.

MR BERRY: I just have to draw attention to these facts. Mr Humphries said that it is necessary for legislation to be passed and then went on to say:

There are considerable demands on our drafting services at the present time as members opposite are reluctant to admit, but this is a fact. As soon as that legislation can be prepared and made available, it will be, and the Opposition will have every chance to discuss it and consider it.

MR SPEAKER: Order! Mr Berry, I think you are out of order. This is not a question.

MR BERRY: Is it true that the Minister has misled the Assembly?

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MR HUMPHRIES: No, Mr Speaker, it is not true that the Minister has misled the Assembly. If Mr Berry carefully reads the words that he has just read out, he will see that I am referring to the allocation of funds on a permanent, proper basis - - -

Mr Berry: Grants. It says "whereby grants are made".

MR HUMPHRIES: Grants, funds or whatever word you want to use. The allocation of grants or funds from the fund does require legislation. I spoke earlier today in answering another question, I think from you, about the establishment of an advisory committee to advise - - -

Mr Berry: No, that was from Hector.

MR HUMPHRIES: Okay, from Hector or whoever it was, Mr Berry. It does not alter the fact that you were wrong. The reality is that to provide for that advice to the Government no legislation is necessary and none will be forthcoming. Appointments to that committee will be made in due course after proper consultation. I can assure Mr Berry that the fund will be operating on a permanent basis as soon as legislation is properly drafted and brought before the Assembly.

**HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION - INQUIRY INTO
HOMELESS CHILDREN AND YOUNG PEOPLE - ALLIANCE GOVERNMENT
RESPONSE**

Ministerial Statement and Papers

MR COLLAERY (Attorney-General): Mr Speaker, I wish to table the ACT Alliance Government response to the report of the Human Rights and Equal Opportunity Commission inquiry into homeless children and young people.

MR SPEAKER: Do you wish to make a statement on that as well, Mr Collaery?

MR COLLAERY: Yes. I seek leave to make a statement on it.

Leave granted.

MR COLLAERY: Mr Speaker, we have called this response Beyond the Burdekin Report. When the report, known now popularly as the Burdekin report, was released in February 1989 it drew the attention of the nation to a complex and sad situation. Clearly this situation is so serious that approaches to alleviate homelessness are deserving of bipartisan political support, but responsibilities must be shared by all levels - government, community, churches, business and industry.

When our Alliance Government came to power, almost a year after the inquiry's findings were released, we were deeply concerned by the range of issues raised and by the tragedy of

family breakdown and youth homelessness as these occur in our community. The ACT Government response to the complexity of issues highlighted in the report of the inquiry into homeless children and young people is wide ranging.

The inquiry made 77 recommendations calling for action by Commonwealth and State governments, and each of these has been considered in relation to our ACT community. We are already addressing many of the recommendations but, for some, further action and commitment are needed. We are fortunate that a fair level of considered planning has occurred in the recent past. The result has been a broad range of services, many of which measure up to those recommended by the inquiry and which certainly provide a good basis for further development and refinement. The response also builds on initiatives taken or proposed by the previous Government to assist the alleviation of homelessness.

Mr Speaker, the ACT has been self-governing for a short period and the ACT Alliance Government has had responsibility for governing for an even shorter period. We have a deep commitment to our community and we take the challenge to implement policies for social equity, to address difficult issues and to achieve valued outcomes in a climate of continuing fiscal constraint. Since coming to power, Mr Speaker, we have restructured departmental responsibilities to enable coordination of service delivery and program development to be improved and better targeted. Our integrated approach to social policy development, implementation, monitoring and evaluation is being coordinated through the Chief Minister's Department.

Of particular relevance to an effective, practical response to the issues surrounding youth homelessness and child poverty is the establishment of the Housing and Community Services Bureau. The bureau has enhanced the capacity of the Government to provide an accessible range of services to those in the community who are at risk or in crisis. It has brought together responsibility for welfare, community services, community development, housing and corrective services. As well, the bureau is located with the ACT Law Office, bringing an easier focus on justice issues affecting youth.

Similarly, the placement of education and health in the portfolio of my colleague Mr Humphries has established effective, ongoing linkages in the coordination of services and hence has improved our capacity to address the serious problem of young people with behavioural or psychiatric problems and those with drug and alcohol problems.

Mr Speaker, the Alliance Government is concerned that young people, their needs and issues not be put to one side but that they be considered fully in the context of the community to which they rightly belong and in which they must be able to participate. The Australian Institute of

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Family Studies supports this approach, as the following statement shows:

In this Institute's view, only a coordinated policy approach which is fully aware of the altered structural circumstances of young people in Australia has any hope of success in meeting youth needs and providing a positive future for them. The pressures facing young people result from an unprecedented period of change affecting all Australians. In that context, youth issues should be seen as a central part of family policy. Youth policy cannot sit aside from family policies, nor can solutions be found which ignore the integral links between family, education and work via that central task of parenting, of bringing our children towards competent adulthood.

Mr Speaker, when families in their many manifestations become - and I use a word that is now part of the language of this area - dysfunctional and individuals and families are marginalised, then the costs to the community and to the individuals are great. By the changes that we have made to administrative arrangements we have improved the prospects for a coordinated approach to these problems.

This Government takes the view that preventive strategies and support for the family must occur in the broader context of social and economic development for the community. This requires both a macro and a micro response. Our firm commitment to equitable policies and programs in housing, health, education, employment and community development will form the foundation from which targeted support for those with special needs can be most successfully provided. Our strategies for alleviation will focus on changing needs. While there will always be a demand for crisis assistance, a planned and proactive approach will help to reduce these needs.

Mr Speaker, as a government caring about our young and their families, it is appropriate that we have endorsed the set of principles to which the Council of Social Welfare Ministers agreed at its special conference on youth homelessness last June. These principles are that: firstly, families provide the optimal setting for the care and support of children and young people; secondly, governments should assist families to carry out their child rearing and support responsibilities, and assist in maintaining young people in families, noting the particular needs of families with adolescents; thirdly, governments have a responsibility to protect children and young people from disadvantage, exploitation and abuse, and to provide appropriate support services to achieve this; fourthly, governments should provide an environment and the support that will assist children and young people to move towards independence and full citizenship; fifthly, where young people cannot live within their own families, governments have a particular responsibility to provide specialised

programs, including income support, accommodation, personal support, education, training, employment, health and legal services, which will facilitate their transition to independence and to mainstream services; sixthly, and finally, services provided to young people should be accessible, relevant and appropriate to their needs, with particular reference to gender, disability and culture.

Mr Speaker, we are going beyond the rhetoric and are implementing these principles in both programs and policy. Doing so has meant some change and refocusing in existing or proposed service delivery. The response tabled today gives the whole picture of our action to date, and I will not detail this now. However, we know that, when the inquiry reconvened in December last year to hear governments reporting back, harsh comment was made to the States about their welfare responsibilities. I was present when Mr Burdekin repeated some of those comments this week. This is one of our key areas for action. The tasks involved are major. We recognise this as a sensitive area and we accept the challenge of reform, along with the inherent difficulties.

Mr Speaker, there is a directional change away from institutional care - in which the ACT, compared with other States, had a disproportionate emphasis - towards a range of options, including family placements and peer family support. The Callaghan report on the operations of the ACT Community Welfare Branch is likely to provide dramatic proof of the need for change in the delivery of services. We must reaffirm our commitment to the delivery of a high standard of appropriate welfare service. Extensive staff training, program monitoring and evaluation are essential to this process.

We will also develop a multifaceted strategy to assist families and young people to reconcile differences, where possible, and to access help when facing crisis or breakdown. The strategy will include peer programs in conflict resolution, access to mediation and counselling targeted to the special needs of adolescents and their families, training workshops across government and the community, and an information-publicity component. Families and adolescents must be encouraged to access help before problems have escalated.

Linked to this strategy, Mr Speaker, will be parenting programs targeting parents of adolescents and also targeting very young parents who may be adolescents themselves. So that programs are easily accessible, efforts will be made to offer them in locations such as the workplace and in housing developments.

The problems of violence and sexual abuse in the family will be considered carefully in this context. Our policies and practices must always acknowledge that those young people experiencing violence or sexual abuse have the right to be safe, and must not be encouraged or forced to remain

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in unsafe situations. Ideally, the perpetrator of abuse, not the victim, should be removed from the home.

This strategy, Mr Speaker, also provides part of our practical response to the findings of the National Committee on Violence. The Alliance Government is implementing all principal recommendations of a recent review of domestic violence legislation. A planned review of the Children's Services Act will see a move towards early and resolute intervention in abuse cases.

We have moved away from opening new crisis refuges for homeless young people towards providing support for longer-term solutions. This has been part of the response to the problem of refuge hopping - that is, when a young person who needs accommodation for an extended period has to continually move through short-term services.

Crisis services are nevertheless an important first stop, where a young person's needs can be assessed, and intervention and intensive support can be provided. They are also a valuable "time out" option when families are having problems, especially if there is no easy access to extended-family support, which is a feature, many say, of the ACT. If it is not possible for the young person to return home, longer-term, stable options are important so as not to disrupt the young person's lifestyle, particularly his or her education.

Mr Speaker, as a response to the Burdekin report, the Commonwealth offered over \$2m additional nationally for innovative services for young homeless people in 1989-90. The ACT Alliance Government is matching the ACT share of this funding. This includes SAAP, CAP and health funding. So as to be certain that this funding would be used most appropriately, a seminar was held with the community to consider the greatest unmet needs of homeless young people in the ACT.

Mr Speaker, I am happy to say that the response to this process has been enthusiastic and has resulted in seeding grants being given to a number of organisations to further research and develop detailed submissions for proposed services. It is hoped that services will be proposed which address the needs of young people with difficult and multiple problems who may currently be missing out, sadly, on help. The new service or services funded as Burdekin initiatives will receive recurrent funding and should become operational later this year.

In response to a deeply felt concern for the health of vulnerable young people in the ACT, we have funded an additional youth health worker for the Red Cross Youth Health Service. This worker is based in the Woden Youth Centre and brings the team up to three workers. Youth health workers are an integral part of the network of youth services provided in the ACT.

Mr Speaker, the needs of young people with drug and alcohol problems, with psychiatric and behavioural problems, as well as the special needs of young pregnant women and young mothers are of concern to the Government. We acknowledge the importance of working closely with the whole community in addressing these needs. The Burdekin report identified that lack of employment and skills for gaining employment compounds the problems which face many at-risk young people. Young people who do not have family support and who are unable to secure an income sufficient to support themselves are most vulnerable. Those who have been unsuccessful, sadly, in the school system and who may have low literacy and numeracy skills and low self-esteem are also disadvantaged.

Mr Speaker, the likelihood of participation in illegal activities such as petty crime is high and the costs of patterns developing are great to the young person and the community. Our commitment to the development of a youth employment strategy is a response to these findings. Careful coordination with Commonwealth Government initiatives to assist disadvantaged young people to become job ready is essential. Our ACT private sector will be able to assist through providing work experience and job opportunities.

Shortly after coming to government, we announced a package of community grants. Youth needs were seen as a priority, and significant extra funds, over and above recurrent funding, were granted for some services for young people. The equivalent of four new youth worker positions were funded, as well as a soup kitchen project based in one of the four youth centres. That is in Civic.

Mr Speaker, this snapshot view of ACT Government action is part of the overall panorama of services, assistance and support which we either provide or fund. Our aim is to most effectively and efficiently build a continuum of community support at a time when resourcing is tight.

The Burdekin report has given governments a lot to think about. The costs of not responding are great. Some of these costs are social and, in human terms, tragic. However, there are also serious economic costs to be faced if action is delayed - the costs of crime, the costs to the health system of AIDS, drug dependency, long-term ill-health caused by neglect and malnourishment, and the costs of productivity loss through long-term or lifetime unemployment.

Mr Speaker, the ACT is not exempt from these realities and, for the ACT Alliance Government, continued commitment and action are an imperative. Gaps in service do exist in some difficult areas, and we must find the means to address these wherever resources permit. Careful planning and some reordering of priorities are essential to ensure the most effective and equitable outcomes from the already substantial financial commitment made to services for our ACT community.

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We consider that the issues and concerns raised by this inquiry can be addressed only through our overall commitment to families, children and young people in an integrated strategic plan for community development and social equity.

Finally, Mr Speaker, facing the future and getting it right beyond the Burdekin report will rely on the involvement and ongoing support of the whole community, including clubs, churches, business, industry and community agencies. We must all work together. I close with some perhaps unorthodox remarks. I wish to thank publicly those dedicated public servants and officials who have contributed to the preparation of what I believe to be this excellent response. I present the following papers:

Human Rights and Equal Opportunity Commission - Inquiry into homeless children and young people - Alliance Government Response -
Ministerial statement, 2 May 1990.

Report entitled Beyond the Burdekin Report, dated April 1990

and move:

That the Assembly takes note of the papers.

Debate (on motion by **Mrs Grassby**) adjourned.

PUBLICATION OF THE NEW CITIZEN

MR COLLAERY (Attorney-General): I seek leave to make a short statement in relation to an assertion made in this house last Thursday by Mr Stevenson.

Leave granted.

MR COLLAERY: Mr Speaker, I simply wish to correct the record on a matter. This is not a contentious issue between me and Mr Stevenson. Members will recall that he claimed that the journal, the New Citizen, a newspaper published by the Citizens Media Group in Queensland, had been legally deposited at the National Library from its first issue in February 1989 and carries the ISSN number 1034/7720. That is not the case. No such deposits of the New Citizen, published by the Citizens Media Group, are held at the National Library or in any other public library in Australia, as previously stated by me.

The ISSN number 1034/7720 relates to another publication. This publication, which is also produced by a group called the Citizens Media Group Pty Limited, is published in another part of Queensland and carries the title the Citizen. The declared registered office of the Citizen is 23 Cedar Drive, Saddletree Creek, Queensland. It is printed by the

South Burnett Times Pty Limited, 176 Haley Street, Kingaroy. On the other hand, the publication in question, the New Citizen, as at February 1990 has its registered office at 31 Goondoon Street, Gladstone, and is printed by Capricornia Newspaper Pty Limited, 162-164 Quay Street, Rockhampton, Queensland.

It should be noted, Mr Speaker, that the first and only issue of the Citizen held by the National Library is dated February 1989. This issue was received by the library in January 1990, 11 months after publication. The library has written to the Citizen, requesting subsequent, if any, issues. These have yet to be received.

Mr Speaker, I table photocopies of both the front and title pages of each of the newspapers in question. Members can see for themselves that, while similar, the two publications are just that - two separate publications entitled to separate ISSN numbers. I present:

The New Citizen - Vol. 2, No. 2 - January/February 1990 - Copy of pages 1 and 2.
The Citizen - February 1989 - Copy of pages 1 and 8.

LEAVE OF ABSENCE TO MEMBER

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Speaker, I move that leave of absence on 3 May 1990 be given to me on the ground of my attendance at a conference of Ministers for education in Melbourne.

MR MOORE: I distinctly remember a situation in this house in which the ground for leave was opposed by the Government. I presume that the ground in this case will be opposed as well, so I suggest that Mr Humphries seek leave and we grant him the leave without the ground being included. I am happy to give him the leave, but it is government policy and a precedent has been set, as Mr Collaery argued at our last sitting, that no grounds be included.

MR HUMPHRIES: I will rephrase my motion, Mr Speaker. I move:

That leave of absence on 3 May 1990 be given to Mr Humphries.

May I speak to the motion?

MR SPEAKER: Certainly.

MR HUMPHRIES: In support of the motion, I intend to attend a meeting of Ministers for education in Melbourne.

Question resolved in the affirmative.

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TRANSITION OF POLICE AND THE COURTS TO THE ACT
Discussion of Matter of Public Importance

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

The inadequacy of the Alliance Government on the transition of the police and the courts to the ACT.

MR MOORE (3.25): Mr Speaker, yesterday at question time a question was asked, I believe, of the Chief Minister by Mr Connolly. It brought about a statement by Mr Collaery later that there was no dispute between him and the Chief Justice of the Supreme Court, and he tabled documents to prove that. At the time I interjected that we would not know what we were getting, but that is not a worry because I have a copy of them. After reading them I find that they identify the dispute that Mr Collaery was denying when he was using these documents to prove that there was no dispute.

His consultant's brief said that the Attorney-General has specifically directed the development of a unified court system as a model for reform and, later, that the consultant should, as appropriate, take account of literature including the New Zealand court system. That is part of a document that he tabled yesterday.

He also tabled an extract from a speech by Mr Justice Miles in the launching of Law Week 1990. The last sentence on the third page says:

I doubt very much whether New Zealand provides an appropriate model for a new judicial system in the ACT.

There is a dispute. I am not about to say that Mr Collaery was attempting to mislead the Assembly in this case. If members decide that is what they think, I am sure they could move a censure motion or whatever to that effect and deal with it in that way, although we know the numbers would be used to defeat it anyway.

I think that the most appropriate thing to draw to the attention of members here and members of the public about the transition of our police and court system, which has been the subject of so much media coverage in the last short while, is the total lack of consultation of this Government with the community, especially people who went to the polls in terms of consultation. The president of the Law Society of the ACT, Michael Phelps, said that they had not been consulted. He said:

All we have seen are the media releases with no issue papers nor detailed proposals from the Attorney-General in support of the concept.

Mr Phelps also said that it was understood a consultant had been engaged to undertake a review of the court system and to report by 30 June. The consultant about whom we are talking will be referred to later. The interesting thing about the consultant is that he was engaged to undertake a review of the court system and to report by 30 June. So a review is to be conducted by Lindsay Curtis, formerly Deputy Secretary of the Commonwealth Attorney-General's Department. He is to report by 30 June, which is too late because the handover is due to happen a day later.

Who else gets a say? I see Mr Collaery is going to enjoy correcting us and explaining to the community just what is going on. It is very difficult to work out, both with the courts and with the policing, what is going on because it is so difficult to get any information on it. It would appear that in such a short time there will be so little consultation with lawyers and judges, but I must point out that the lawyers and judges are not the only ones with a vital interest in this issue.

Many other community members are also interested in the court system. It may surprise you, Mr Collaery, but people in the ACT, even though they are not legal professionals, are interested in what happens to our court system and in being able to have a say in what happens. Justice Miles, the Chief Justice of the Supreme Court, obviously feels very strongly about the issue to take the very unusual step of making public remarks on a basically political issue twice in three days. He has said:

There may well be a strong case for abolishing the ACT Magistrates Court and reconstituting it as a court with an enlarged jurisdiction.

According to his speech that Mr Collaery tabled yesterday, he is not opposed to reform of the court system. He makes that quite clear. In my interpretation, he is opposed to the narrow parameters that it seems Mr Collaery has given in its reform. He said:

... the fundamental constitutional position of the superior court of first instance within the system must be recognised and preserved. To confer a residual jurisdiction on another court is ... to cut across the constitutional principle, a step which has not been taken elsewhere in Australia.

It is not critical that something has not been taken elsewhere in Australia but, if that is to be the case, very broad-ranging community consultation is necessary. Radical restructuring of the ACT court system must be carefully considered. The attraction of more efficient administration

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must be weighed very seriously against the possible advantages. I refer now to the Canberra Times editorial of 10 April 1990. It states:

The Magistrates Court ... is the real workhorse of any court system ... The techniques which, generally, allow for efficient case management ... must remain, and any tendency to increase the level of formality, legalism, or complex pleading must be strongly resisted ...

Similarly, while there may be practical advantages in placing the administrative tribunals under the umbrella of the court, the inquisitorial advantages of administrative tribunals should be retained. And so should the use of tribunal members who are experts in the fields of administration and not necessarily lawyers ...

In the Canberra Times of 1 May, a former senior member of the Commonwealth Administrative Appeals Tribunal, who regards any proposal to transfer the ACT AAT to a court as a great backward leap, said:

The proposal for the change in the ACT goes in precisely the opposite direction from that in the Commonwealth.

That is in a letter to the editor from Mr John Ballard, who is a former member of the AAT but who has retired and who was a member of Mr Collaery's Residents Rally executive. I do not know whether he has joined the great list of people who have recently resigned. I wonder whether Mr Collaery's ideas are getting any exposure to normal consultation, apart from consultation by the media.

Lastly, the idea of the ACT establishing a five-man court of appeal, consisting of three resident judges and two occasional Federal Court judges, is hardly worth considering, according to the Canberra Times editorial which states:

It would be far better to retain the current arrangements with the Federal Court, where a wide number of judges, with varying expertises, are available ... These outside judges ... bringing to it strong extra expertise and general experience.

I am sure Mr Collaery is much more familiar with the court system than I am. I can only observe what other people have been saying about it. I draw his attention to that, and I am sure that Mr Connolly would be delighted to take that further. The point that I am trying to make as clearly as possible is that there has been clearly a lack of consultation on this matter. It is not enough for Mr Collaery to be seen as the law reformist of the decade if we wind up with a second-rate system. It is much better for the consultation to take advantage of better minds than his, if any exist.

With reference to the transfer of police, it is extremely difficult to find any information on the Government's policy. I really do not know what they intend. We have some vague ideas. If they know, they do not seem to have told anybody, particularly not the general public.

Mr Collaery: It's in the Hansard.

MR MOORE: Again, there is no consultation. I am glad Mr Collaery interjects about the Hansard, because I shall refer to it shortly. The Government has assured us that the Federal Police will continue to police the ACT, with only the detail of financial aspects to be worked out. There have been suggestions from Senator Tate as far back as August 1989 that the ACT should buy its own police force, along the lines of the contracts between the Canadian Government and the Royal Canadian Mounted Police. The indications are that some negotiations are going on in that direction. However, the Alliance Government has refused to set up a select committee to inquire into the policing needs of the ACT. The motion to establish a committee noted the internal, ongoing negotiations being conducted between the ACT Government and the Federal Government.

I refer Mr Collaery to the Hansard, on which he commented, at page 375 of 21 February. Mr Wood moved, on behalf of Mr Whalan, the following motion:

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

Mr Collaery moved an amendment to that motion, that all words after "That" be omitted - in other words, he changed the whole nature of the motion - and the following be substituted:

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

The working party arrangements on policing, we were then informed, were to have senior public servants negotiating with some senior police officers. Where is the community consultation in that? The sorts of questions which the community and this Assembly need to ask and to which we need to find answers are: For how long will a contract be let? Will that contract then be renewable? Will we have the power to cancel it at the end of, for example, three years? If we are unhappy with the way the policing has been carried out, will we have the power to change the conditions and make much more stringent conditions on that contract? If we are very happy with how it is going, could we ease some of the conditions of the contract that we are going to let?

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These are the questions, I say to Mr Collaery and the Alliance Government, that are to be asked and are being asked by the people of Canberra. These are the questions to which we want to know the answers. So far you have blocked an attempt by the opposition to find a consultative and open way to find out what the police are doing; instead, you have used a closed system. Just to clarify the closed and high-handed method of negotiating, a report in the Canberra Times of 22 February states:

Mr Kaine said he believed negotiations for the transfer of power were being correctly conducted by his Government.

"Our initial task is to determine the ground rules for transferring the responsibility of police from the Commonwealth to ourselves", he said.

"That's Government business, not assembly business".

That is the attitude of this rather high-handed Alliance Government. Do you remember, I say to Mr Collaery and Mr Jensen, who is now the Temporary Deputy Speaker, the days when you talked about a broad-ranging committee system that involved all the members of the Assembly? What kind of an attitude is that, that this is not Assembly business?

This is the business not just of executive government but also of all the people of Canberra, and they ought to be informed and ought to have an opportunity to criticise and be able to offer suggestions about your methods of negotiation and your negotiating on this issue. I have already given examples, particularly in my response to Mr Kaine's budget statement, of ability in negotiation. We need to see much greater and broader consultation on this policing question and the court question, and you still have time to do it. For heaven's sake, get to it and let people know what is going on.

MR COLLAERY (Attorney-General) (3.40): Mr Speaker, I rise before Mr Connolly, simply to facilitate some arrangements with the media because I think publicity is the soul of justice. Their deadlines mean that some of the matters that I wish to table need to go out very quickly. So, in that sense, I will be assuming the role of prosecutor in speaking first and he will assume the role of defence counsel in going last. No doubt, he will give us a very good, statesmanlike response, and I give him that advantage gladly.

Mr Speaker, I want to read into the record - because this is the first time we have touched on matters affecting the judiciary - a quote from the House of Representatives Practice, second edition, at page 489. It is a convention, as I see it, that touches on a couple of these aspects. It states:

... "From time immemorial, the practice has been not to allow criticism of the judiciary; the honourable member may discuss the judgments of the court, but not the judges" ... Judges are expected, by convention, to refrain from politically partisan activities and to be careful not to take sides in matters of political controversy. If a judge breaks this convention, a Member may feel under no obligation to remain mute on the matter in the House.

That is the convention that will guide me, and I have no doubt that my legal colleague opposite will share those views. Mr Speaker, I want to answer quickly a couple of Mr Moore's comments and go - - -

Mr Moore: I rise on a point of order, Mr Temporary Deputy Speaker. I will be brief. Since Mr Collaery has raised that issue, I think it fair to - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): What standing order are you talking about, Mr Moore?

Mr Moore: I am clarifying, Mr Jensen.

MR TEMPORARY DEPUTY SPEAKER: Mr Moore, unless you specify a standing order, I do not believe you have a point of order. Proceed, Mr Collaery.

Mr Moore: You remember that yourself, Mr Jensen.

MR COLLAERY: That was a threat to the Chair if ever I have heard one.

Mr Moore: I withdraw any imputation or any threat, Mr Temporary Deputy Speaker. It certainly was not intended.

MR TEMPORARY DEPUTY SPEAKER: Mr Moore, I think you have already been warned once today for that sort of activity. I remind you to be very careful in future debates this afternoon.

MR COLLAERY: Mr Temporary Deputy Speaker, I have some ordered notes in relation to my comments on the suggestion of a controversy with the judge because I think great care has to be taken in responding, and then I will go into an extempore response to Mr Moore. It is incumbent upon me to respond to the apparent public controversy which has arisen over a proposal to restructure the court system in the ACT consequent upon self-government.

On 19 April 1990 I issued a press statement saying:

... the impending transfer of the courts to the ACT provided a unique opportunity to create a judicial system which was responsive to the needs and priorities of the ACT community, while remaining consistent with the fundamental

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principles of justice, due process and independence of the Judiciary.

Together with that statement, I issued a copy of a brief given to a retired senior government lawyer, Mr Lindsay Curtis, whose task was to prepare - and I stress this for Mr Moore's benefit - a discussion paper by 30 June 1990 so that there could be wide public consultation with all interested parties on this important issue. That was with a press release of 19 April.

Prior to making this statement, Mr Temporary Deputy Speaker, I had extended discussion with the Chief Justice of the ACT Supreme Court, Jeffrey Miles, and the Chief Magistrate of the Australian Capital Territory, Ron Cahill. I also spoke to a member of the Administrative Appeals Tribunal, Robert Todd, and also alerted the president of the Law Society, Michael Phelps, and the president of the Bar Association, Graeme Lunney, who is well known to me, to the Government's proposal to commission a discussion paper.

I have made clear throughout these discussions that I have no decided view. Indeed, I am sustained in the view that there should be a full public debate by having a retired former member of the Administrative Appeals Tribunal on the Residents Rally executive. I share the views expressed by that member on issues concerning how best merit review and questions of law can be resolved. I was therefore quite surprised at the end of last weekend to hear that the Chief Justice, Jeffrey Miles, had moved in a somewhat pre-emptive fashion to can the debate before it could start.

I accept that precautionary comments of the president of the Law Society have been seen as support for the Chief Justice's stance. I am assured by the president of the Law Society that his purpose in providing a press release was to caution the Government - and quite properly so, Mr Temporary Deputy Speaker - against making any unilateral decisions. I believe that the president of the Law Society can now accept, from what I have said and from the records, that there never was any intention by the Alliance Government to make any decisions until those full public consultative processes were complete. Of course, that would have been well into the latter part of this year.

I believe that the Government needs to look very carefully at the question of how we take over the Supreme Court prior to the deadline of 1 July 1992. There may be reason to believe that more time is needed to foster in the mind of the Chief Justice confidence in the legislative processes of this Assembly.

Mr Temporary Deputy Speaker, much of my focus has been on the role of the Magistrates Court and the AAT. I have spent much of my practising life working for the ordinary litigant in those and other jurisdictions. Perhaps in issuing this brief for a discussion paper to be prepared - I stress, a brief for a discussion paper to be prepared - I have moved too fast for the Chief Justice.

To those members of the public who may be puzzled by the Chief Justice's stance, all I can say is that our move to achieve public debate on this matter was motivated by our wish to review the delivery of justice to the ordinary litigant - for example, to the builder who needs an urgent design and siting response and to the person accused of an offence, perhaps wrongly, who wants to be vindicated quickly. I regret that this aspect was not addressed in the Chief Justice's remarks.

Conscious of the need to achieve stability between the legislature and the judiciary, I therefore propose to reconsider the brief to Mr Curtis. The outcome may be a review over a longer time frame. It may well be that a reference will be made to the law reform committee that the Alliance Government recently established. Clearly, that would be a broad-ranging, long-term inquiry, not the focused inquiry that Mr Curtis was briefed to undertake. I add that, if the model that it was proposed Mr Curtis look at was not acceptable, that focused inquiry may have led to a brief to another consultant to examine another model and another model and so forth. Nevertheless, I accept that for those who are anxious for change and reform in the law processes there may be some years to the process now. I regret this outcome but believe it is in the best interests of the Government and public confidence in the judiciary that this controversy cease forthwith.

I emphasise that the Government stands by its issued documentation. It was regrettable that speculation mounted as to the preferred position of the Government. Its preferred position, at the most, was that the question of a unified court be examined, and I believe there was quite some interest in the general legal profession that it be done. The Government put it no higher than that, and it is regrettable that there has been, as I said, a somewhat pre-emptive response to that. The response may well be that we will go back to traditional Law Reform Commission processes, which may not report in the lifetime of this Government or perhaps even the next, given the fact that a brief to the Law Reform Commission would involve a much different review.

I say therefore that there is no dispute between the Chief Justice and me, and I had a lengthy, amicable discussion with him not quite an hour ago. There is no dispute between the Government and the judiciary and certainly no dispute between us and the magistracy, for whom I have the utmost respect.

Mr Temporary Deputy Speaker, there has been no lack of consultation. It is ironic and sad that an attempt to set a consultative process going has resulted in this situation. Who would not be disappointed? Who would not feel a bit of grief at coming unstuck in this way? I think that those who follow me may well learn a lesson from this process and determine how better to approach a program of

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law reform than that which has resulted in the king hit that has been received by the consultative process which has been proposed. What Mr Moore has overlooked is that what has been knocked out is consultative processes. It will now go to a law reform process, probably well within the profession. That has been the outcome and is clearly an aspect that only we reformist-minded people in the profession could understand.

Mr Temporary Deputy Speaker, the debate on the police issue has been brought on, like this one, somewhat prematurely. I moved within an hour or two of Mr Connolly's admission here to ask him whether he would like a briefing from me. I did that. This debate has brought forward, hopefully not in an adversarial context, the full and appropriate briefings that Attorneys and their opposite numbers in the other house manage, and they manage often not to bring the judiciary into the chamber. Nevertheless, the debate is on, and it is a matter of public importance, although I believe some of the debate is premature.

I undertook to brief the house on the position with the police negotiations. You will appreciate that the onset of the Federal election caused some delay in the resolution of some issues. I am very pleased to give this picture of the situation regarding the police structure for the ACT.

Firstly, this is a unique negotiation; it has not taken place in Australia before, to my knowledge. It is a situation of great magnitude. We are hoping to negotiate to create a first-class police force for the people, and we also have to have regard to the residual Federal interests in a national capital. There is a very complex series of dynamics there - for example, the industrial relations side of matters. Do we have a unified police force? Do we employ civilians under the Public Service Act, together with people under the Australian Federal Police Act, or do we amalgamate the lot and have them all under one lead? Do they have fixed-term appointments?

I have had discussions with the Australian Federal Police Association on issues. There is the funding issue. A ballpark figure of \$42m has been given to us as the cost of policing. No responsible Treasurer would simply accept a suggestion that the Commonwealth will give us a bill of that nature every year, and we have needed to conduct careful negotiations at officer level. Those negotiations have recommenced following the Federal election period, and I am advised that the working party has put together all but the final financial arrangements which will go shortly to a steering committee. That steering committee is to meet the week after next, and it is expected that at that penultimate meeting it will prepare and finalise a report which will be given to me and Senator Tate. The target date, I can inform the house, is still 1 July for the takeover of the police function. There may be some slippage. Any slippage would be in the interests of the ACT, not against them.

I will give you an example. One unresolved aspect is whether we go into an individually itemised billing relationship for police functions - that is, the Commonwealth bills us for this function and so many man hours - or whether we have a separate appropriation process, so that the AFP identified police element would prepare its estimates and present them through government in the usual way that any departmental head presents estimates for a branch. That is the preferred position of this Government.

As a further illustration of the progress made to date in this area, I can inform the house that the Commonwealth has tentatively proposed - nothing resolved yet - that it absorb permanently or pro tem the indirect costs of having the Australian Federal Police force in the ACT. In other words, we will pay the salaries of our police officers in a number of situations - superannuation aspects are being resolved at the moment - but the shared costs of having headquarters staff and other arrangements may well mean that there will be an indirect contribution by the Commonwealth. The advice is that the negotiations are proceeding smoothly and constructively, and interesting outcomes will result.

Mr Temporary Deputy Speaker, I intend to table some reports giving an example of the effective de facto relationship between this Government and the Assistant Police Commissioner, AFP, who is detailed in separate premises already, discretely, to take over ACT policing. A large variety of reports come through. For instance, one that is of topical interest is the report on the use of the police move-on power; I will table that. But, more importantly, we need to have a community police force. The police are currently conducting a survey to monitor community policing needs. I am very happy to table the survey and advice that I have received from the Assistant Commissioner of Police. I will do that shortly.

Financial arrangements for policing are critical, and I expect that the Chief Minister or another speaker will address those issues. I am in no way being non-consultative on these issues. Mr Moore laughs. (Extension of time granted)

Given the Federal election period and the way these negotiations proceed, I do not believe that I can bring along 40 good citizens to sit in on the working parties' discussions. As Mr Berry would appreciate, a number of discrete and necessary industrial relations negotiations are going on as part of the package. I assure the house that I am satisfied with the progress of the working parties to date in this matter.

The aim is to secure the police by 1 July, and it will significantly assist negotiations if the Commonwealth gets a clear message from this Assembly that it is keen to have

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a strong, effective police force sensitive to community requirements in the ACT. The consultative mechanisms already in place address issues such as the move-on powers, as I said, motor traffic penalties, the policing of major events such as Summerfests, for which there is a separate working party with the promoters in the community, Australia Day, the wine and food frolic and other matters. It is effective day-to-day consultation, and I am in the process of ensuring that Mr Connolly is appropriately locked into and briefed in the customary fashion on those issues.

I am disappointed that this MPI has been put on as if there is some default on the part of the Alliance Government in this matter. After all, we have had the ball up one end of the field for a certain period in government, and the Opposition had it for the rest of the period. I do not want to draw any aspersions, only to say that we both have had about the same amount of time, and I do not believe judgment is due yet. Certainly no-one should blow the final whistle, because it is in the interests of the whole community that these matters be effectively resolved.

I want to give some idea of the issues that we need to think of in this context. Firstly, the Commonwealth Grants Commission says that the number of police per thousand of population is higher in the ACT than in the States. A question for us is: will that mean a Grants Commission penalty because we have more police than other States, just as one may say that we have more teachers, if that is correct? Mr Wood might correct me on that. They are issues to consider. Our salary levels are higher, for example; the number of motor vehicles per head of police force person was higher than in other States when the review was conducted in the last two years. In the ACT the cost per staff member - that includes policemen and support staff members - in 1987-89 was \$44,135, 10 per cent above the Australian average. There are issues of economy of scale. There are the beginnings of effective implementation, I am advised, of a financial management improvement program - that famous acronym, FMIP - in the police force. They are issues on which I seek advice and which need to be resolved. They are not matters on which anyone in government could argue seriously we are delaying activity in any way. There is no lack of consultation, in my submission, on these issues.

Mr Temporary Deputy Speaker, so far as the financial arrangements are concerned, the process of adequate identification of the level of resources has been going on, but has been a contentious issue, for several years between the Commonwealth and the ACT. The ACT Treasury has had discussions with the AFP on this aspect to ensure: that agreement on estimates of resources is actually applied to community policing; that we identify the assets involved; that there is established a financial base and a methodology for reviewing this base in the future where estimation procedures are involved; that there be completed

a financial evaluation of the community policing program currently being undertaken by the AFP as part of its normal management review; and, further, that Commonwealth and ACT governments will complete negotiations on a financial agreement once the costing work has been finalised. I stress that; we cannot finalise an agreement until the costing work has been finalised. That has been extraordinarily complex. If you were to see the ream of papers supporting the Commonwealth saying where it derived its \$42m bill from, you would understand what I am speaking of.

I intend to fully brief members of the Assembly on these matters and also to ensure that the industrial relations aspects of these matters are handled carefully and prudently, particularly issues surrounding police superannuation which, from the Treasury point of view, in terms of takeover and cost to the community, may be to the detriment of other services in the community. Finally, I welcome the chance to say that to this particular area the Alliance Government is giving a great deal of interest and emphasis.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Collaery, will you pass to the Clerk the papers that you propose to table, please.

Mr Berry: I would like to raise a point of order, Mr Temporary Deputy Speaker. In relation to standing order 54, Mr Collaery, in referring to the parliamentary practice of not mentioning the judiciary, went on to mention the good judge, but in particular he describes some remarks of the good judge as rambling remarks. I think both the reference to the judge and the reference to the judge's remarks in that form should be withdrawn.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I do not believe I heard that term used by Mr Collaery. I believe also that Mr Collaery referred to practice in the House of Representatives in relation to discussions of the judiciary. I am not aware of any use of the term "rambling" by Mr Collaery during his speech. I suggest that you misheard that.

Mr Moore: On a point of order, Mr Speaker; this refers to standing order 275.

MR TEMPORARY DEPUTY SPEAKER: Do you have a point of order, Mr Moore?

Mr Moore: Yes, 275, which mentions "any question relating to procedure or the conduct of business of the Assembly not provided for in these standing orders". It was not necessary for Mr Collaery to refer to the practice to which he drew attention because it is clearly defined in 54.

MR TEMPORARY DEPUTY SPEAKER: I will take advice on that.

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MR COLLAERY: Mr Temporary Deputy Speaker, I claim to have been misrepresented, and I wish to make a short personal explanation.

MR TEMPORARY DEPUTY SPEAKER: Mr Collaery, I wish to clarify one thing. In relation to the indication by Mr Berry that you used the term "rambling" in relation to the Chief Justice, can you tell the Assembly whether that was the case?

MR COLLAERY: Mr Temporary Deputy Speaker, I used no such word. I read from a prepared speech. It is absolutely outrageous that this has occurred and may well be reported. This has been done deliberately, in my view, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Mr Collaery, I do not believe that is appropriate.

Mr Berry: On a point of order; I raised a legitimate point of order, Mr Temporary Deputy Speaker.

MR COLLAERY: These are union tactics. I do not think anyone heard me use that description.

Mr Berry: One of the things with trade union movements is that the character has to be generally good, and you would not be allowed in.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Berry, what are you doing at the moment? Are you raising a point of order or debating the matter?

Mr Berry: I am raising a point of order.

MR TEMPORARY DEPUTY SPEAKER: On what basis, Mr Berry?

Mr Berry: Mr Temporary Deputy Speaker, you gave Mr Collaery the opportunity to debate the issue, and I wish to raise the point that those words, I think, would offend the ordinary person in the street in the context of these - - -

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, please resume your seat. The point that I made, Mr Berry, for your information, was in relation to whether Mr Collaery made the statement that you claim he made. Mr Collaery has indicated to the house that he did not make that statement, and I indicate that the matter is now closed. Mr Collaery, do you wish to raise a point of order or something?

MR COLLAERY: I wish to make a personal statement, Mr Temporary Deputy Speaker. I claim to have been misrepresented.

Mr Moore: At the end of the debate.

MR TEMPORARY DEPUTY SPEAKER: Do it at the end of the debate. Tender the documents.

MR COLLAERY: A most regrettable event has occurred. I trust the media do not report - - -

MR TEMPORARY DEPUTY SPEAKER: One moment, please, Mr Collaery. I will take advice on that. Mr Collaery, I understand that you wish to table those papers.

MR COLLAERY: Yes.

MR TEMPORARY DEPUTY SPEAKER: You may do so, as you indicated. If you wish to make any comments about personal misrepresentation, you can do so at the end of the debate.

MR COLLAERY: Thank you, Mr Temporary Deputy Speaker; I am indebted. I now table the following papers:

Australian Federal Police -

Community survey - Copy of a letter from Assistant Commissioner B. Bates, Australian Federal Police, to Mr B. Collaery, Attorney-General, dated 26 April 1990, together with an AFP media release and survey form.

Review of move-on powers - Letter from Assistant Commissioner B. Bates, Australian Federal Police, to Mr B. Collaery, Attorney-General, dated 20 April 1990, together with Police Regional Instruction 10/89 and Annexures.

MR CONNOLLY (4.06): Mr Temporary Deputy Speaker, I rise generally to support the matter of public importance. Mr Collaery may not be able to remain present in the chamber while the Opposition makes these remarks, but he can no doubt read them later. The Opposition welcomes the statement by Mr Collaery that the review of the ACT court structure will not proceed at the breakneck pace previously anticipated but, rather, will be referred to the law reform committee of the Australian Capital Territory for a longer process of deliberation and a consultative process in which all sectors of the ACT community, both those directly affected by this proposed major reform - the legal profession, the courts and the magistracy - and wider sectors of the community can take part.

We are not here debating the merits of the reform proposed by Mr Collaery. Rather, we are debating the form in which those reforms and proposals were announced. Today the Curtis inquiry is being referred to as merely a discussion paper, but in my examination of both the media statement and the brief to Mr Curtis the term "discussion paper" does not appear.

When that announcement was made it was taken by important sectors of the community, including the Law Society - Mr Phelps is reported in the paper this morning - and the Chief Justice, as a concrete proposal locking into the New Zealand system. Indeed, after reading the brief to Mr Curtis it is abundantly clear that he is instructed to

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report on the merits of the New Zealand system. The Canberra Court is referred to repeatedly as an alternative to the magistracy.

I do not propose to enter into the merits of the debate between the Attorney-General and the Chief Justice. Mr Collaery referred the house to House of Representatives Practice and the longstanding convention that the merits or demerits of an argument with the judiciary generally not be canvassed. He then went on to canvass those issues. Our concern and the concern of all members of the community, and the reason why there must be a matter of public importance discussion on this issue today, are that in two days the Canberra community has seen headlines in its major morning newspaper referring to a dispute between the Attorney-General and the Chief Justice.

Community confidence in the administration of justice in this Territory and these proposed reforms could not be maintained if this dispute were allowed to continue. The proposal for reform involves an inquiry by Mr Lindsay Curtis. This Opposition has no objection to the personnel involved. Mr Curtis is a most distinguished member of the legal profession, a former deputy secretary in the Federal Attorney-General's Department, with a long involvement in administration of higher courts throughout the Commonwealth, and would be an eminent person to use as a consultant or a commissioner on a Law Reform Commission inquiry into the general future of the ACT court structure.

We were concerned, rather, that we were to be locked into this Canberra Court model, the New Zealand model, and that the profession was complaining through the pages of the major newspaper that it had not been consulted, and the judiciary was complaining that it had not been consulted. The impression was there for the community that this is another reform that is merely shooting from the hip. Now it is a proposal, and you tell the community about it after you have signalled your intentions.

If we are now to have a Law Reform Commission reference, that will provide adequate time for this very important and, in some issues, rather technical and arcane question to be considered at length, with input from those who are technically and professionally interested and from the community. I hope that Mr Collaery suggests to his law reform committee that it adopt many of the practices that have been adopted in the past by the Federal Law Reform Commission - holding public meetings, circulating discussion papers and getting the full community, rather than merely the profession, involved.

The Attorney-General referred in his remarks to a briefing which he provided to the Opposition, to me and to members of the Opposition staff this morning. We appreciate the convention of offering and accepting briefings from Ministers. It is an appropriate way to proceed. Of course, that cannot, as Mr Collaery mentioned, lock in the

Opposition to a bipartisan approach on all issues, and I am sure that on reflection he would not really expect that, but it can assist the deliberations of this house. It cannot prevent us, nor should it - nor, I am sure, would Mr Kaine expect it - raising issues of public concern. When the judiciary is in apparent conflict with the executive it is a matter of public concern.

After the matter was raised by the Opposition yesterday at question time, in remarks to the house last night and in public remarks to the media in the last few days, the apparent turnaround or back down from the quick report by 30 June, with Mr Curtis locking into a New Zealand-Canberra Court model, to a Law Reform Commission inquiry is welcomed, albeit a retreat forced under pressure in the house and in public.

The Attorney indicated in his remarks frustration at the opposition that confronts a law reformer. We on this side of the house would dispute that the way of reform is necessarily full of frustration. If a reform is proposed, particularly on such an important issue as the future structure of the court system, the appropriate course is to announce that the issue is to be examined. We need to look at the future of the court structure in the ACT, then open the matter for debate in the community, bringing in both the profession and the community generally, not announce a particular model, a consultant to report within six to eight weeks on that model, clearly announced as the favoured model, and give the impression that the Government is locked into that position.

If the Attorney were present - I am sure that Mr Kaine, who is present, would do this - he would say that they are not locked into that model. It is an inexperienced government and one whose competence could be questioned that leaves the clear impression that that is so. If you want reform, if you want to bring the community with you, you have to make it clear at the outset that the options are open. You have to make it clear at the outset that you are wanting to bring everyone into the reform process. If you announce a favoured proposal, give a short deadline and leave the impression that that is the degree of consultation that is appropriate, you cannot then expect the community to be with you when the community reads that significant figures in the interest groups affected - in this case, the Law Society and the judiciary - and all other areas of government administration announce opposition to what, perhaps mistakenly, they see as a locked-in position.

The retreat from the Curtis inquiry as the sole means of consultation and the announcement of a Law Reform Commission inquiry is a much more appropriate method, in our view, of dealing with a matter which is of crucial concern to the community and over which, at the end of the day, the Opposition and the Government may have very few differences. We may well emerge from that Law Reform Commission process with a proposed new court structure that

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members both on this side of the house and on the Government benches agree is the most appropriate and efficient.

The goals announced by Mr Collaery are not ones with which we would quibble; efficiency and openness of the administration of justice is an ideal that would be shared by members of both sides of the house. But, if you want to achieve that in an important and sensitive area such as this, you need to be much more careful in your process of consultation. This is not the way to do it. The Attorney's protestation of frustration is not, I would put to the house, a condemnation of his critics but rather a condemnation of his understanding of the consultative process. You have to be open at the outset. You cannot announce your objectives and expect the community to swing behind you. Mr Temporary Deputy Speaker, we welcome the change in policy announced by the Attorney today and will support the process of inquiry by the Law Reform Commission.

MR STEFANIAK (4.15): I was delighted to hear the comments made by the Attorney-General, Mr Collaery, and some of the comments made by Mr Connolly in this debate. As Mr Collaery has indicated, the paper that is to be prepared by Mr Curtis is a discussion paper. He has announced today an extended process in relation to the various proposals regarding the ACT court system. We are meant to take over the Magistrates Court on 1 July and the Supreme Court in 1992. The process that he has announced today, I think, is most welcome, and I look forward to being informed of further progress in relation to this very important matter which affects the ACT. It is very important because one of the fundamentals of our democratic system is the system of justice. It also has relevance in terms of such matters as the cost involved, because justice is not a cheap process, and it will not be cheap for the ACT.

My remarks will be confined basically to the ACT taking over the responsibility for policing from the Commonwealth. The Commonwealth retains for the time being the responsibility for policing in the ACT. That is due to be taken over by us on 1 July. It is for Senator Tate to propose suitable arrangements for the provision of police services, which this Government will then consider. The Attorney-General has outlined a number of discussions that have taken place to date and a report, which we all eagerly look forward to seeing, that will be handed down in several weeks.

Mr Wood: Surely it is for us to propose. I would have thought it would be what we want.

MR STEFANIAK: We need to ensure that these arrangements are appropriate, Mr Wood, for the ACT community and that the Government is able to determine the manner in which the police services are required for the benefit of the ACT community. In the ACT we are very lucky to have a local

police force. Many members of the AFP who are stationed in Canberra have grown up here and are well aware of the problems in the Territory or, if they were not born and bred here, they have served for a lengthy period in the Territory and enjoy policing here. We are rather lucky in that we have a home-grown police force in Canberra which, I think, rightly is regarded as the best in Australia.

Another important consideration, Mr Temporary Deputy Speaker, is the cost of policing. To date, we have been somewhat in the dark as to exactly how much it will cost to provide police services in the ACT. Whilst I concede that it is not a simple matter to arrive at a really accurate figure, discussions and negotiations between the ACT and the Commonwealth have been taking place since last year, and the Commonwealth has still not provided us with a definite figure.

Members will recall that at the Estimates Committee meeting last year a figure of \$41m or \$42m was bandied about as being the cost of providing policing services in the ACT. You heard the Attorney-General today indicate that approximately \$42m is what it costs to run the police force in the ACT. Negotiations are continuing in relation to who exactly is going to pay what. I believe it would be irresponsible of this Government to contemplate any arrangements for the provision of police services without knowing the full financial implications. It is therefore important to proceed cautiously, and it would be much better to extend what is, after all, an artificial deadline of 1 July than be too hasty in agreeing to arrangements which may in future prove to be detrimental financially and to the efficient and proper policing of the Australian Capital Territory. Here we have another situation in which the Federal Labor Government should be honouring its obligation in granting self-government to the Australian Capital Territory by providing the necessary funds so that we can effectively govern ourselves. In the area of policing I think that is very apparent.

Mr Collaery also indicated interim arrangements which are in place to keep the Government informed of all matters relating to policing in the ACT. There are regular consultations, as he indicated, at senior officer level between the Government Law Office and the Australian Federal Police. There is a clear indication that the focus of the ACT component of the AFP is directed to the priorities of the ACT community and the ACT Government. Members may also be aware that the police officer in charge of the ACT region is now addressed as the Chief Police Officer of the ACT. I think we are lucky to have a man of the calibre of Brian Bates who will effectively be our Chief Police Officer when the police force is taken over. We are also lucky in having a police force, the ACT component of the AFP, which is geared to community policing, servicing the needs of the ACT community. As I have indicated, we will be taking over a very efficient police force when it comes over to us. As Mr Collaery

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indicated, the Alliance Government is committed to having a strong, effective police force in the ACT.

One disturbing aspect occurred today which I think must worry the police and the citizens of the ACT. They really must ask themselves: just how committed is the Opposition to a strong, effective police force in the ACT? How committed is it to the effective policing of the ACT when it introduces a Bill to get rid of what are widely regarded as very effective move-on powers? I am glad Mr Collaery has tabled the report of Assistant Commissioner Bates in that regard. I hope the Opposition will read that very carefully and, upon reading that, withdraw the Bill which does nothing to engender confidence either in the community or among the police who will be coming over to us shortly. I look forward to seeing the report to which Mr Collaery referred.

I am heartened by the comments made by Mr Connolly about the briefing provided to him and other members of the Opposition by Mr Collaery in relation to this matter. This is something on which we all need to work together to ensure an efficient transfer of policing functions from the Commonwealth to the ACT. I commend to the Assembly a bipartisan approach to that, as much as is physically possible in this place. As I have indicated, it may well not happen on 1 July, but I anticipate that it will happen shortly thereafter, and it behoves us all to ensure that we get the best possible service from the police when they are handed over to this Territory.

MR WOOD (4.22): In his speech today, once again the Deputy Chief Minister cautioned us to be careful in what we say in this chamber about the judiciary and, it seemed to me, court structures. I have heard this on a number of occasions in this Assembly. I believe I speak responsibly when I stand up, and I will continue to do so, but I do not believe that the courts, the magistrates and the judges are beyond debate. That is argued from time to time, especially by Mr Collaery.

It is just two months before we take over responsibility for police and justice. That is what I was going to say. But we have slippages. A changed date is probably now inevitable, and it is wise. We should not hasten into it. But what has been happening all this time? We sought information, but nothing much goes on. Mr Collaery made it quite clear in his speech that departmental officers, ACT and Federal, have been talking. He also made it quite clear that that talking is his definition of consultation. That is all there has been. He tried to claim - I wrote down his words at the time - that there had been consultation. Yet all he could say for it was that departmental officers have been talking; they have been negotiating. He used as an excuse the recent Federal election. Yet at no time did he suggest that he had endeavoured to have ministerial discussions with Senator Tate. So I do not know that the Federal election really

had anything to do with it at all. Because we gave him extra time, my time has been cut.

I am pleased that the police are undertaking a survey of the ACT community on policing and crime. That is important. I commend them for doing that, and I will be interested in the outcome. I have met some ACT Federal Police officers in committee sessions on a number of occasions. I am very impressed with them. I believe we have a good service. It ought to get better. I disagree with Mr Stefaniak who said that the Federal Government will make the proposal about how we are to be policed. I think that is exactly the wrong way to go about it. We are the ones who ought to make the proposal. It is our police force. It is our community. We should take the initiative. The police, I believe, are doing that in some measure by this survey that they are undertaking. That was one of the measures that I wanted to cover when I recently proposed a committee, some action in this parliament, to look at those aspects. It was just one that we were going to look at. It was a means of consultation but, like so many other proposals, it was rejected by this Government.

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

AUDIT (AMENDMENT) BILL 1990

Debate resumed from 26 April 1990, on motion by **Mr Kaine:**

That this Bill be agreed to in principle.

MS FOLLETT (4.25): Mr Temporary Deputy Speaker, the Labor Party will not be opposing this Bill. It is a minor mechanical amendment that is required to allow the ACT Government's semi-government borrowing program to proceed and, in particular, it provides legislative support for the registration of ACT Government securities.

However, the Bill raises the issue of the Government's semi-government borrowing program for 1989-90. In late November I was very pleased to hear from the ACT Treasury that it was unlikely then that the full semi-government program, as outlined in my budget, would be required. It had become apparent by then that ACT Electricity and Water would be able to fund its entire capital program internally and would require no borrowing at all.

This would have meant that the total borrowing program in 1989-90 would be reduced to, at most, \$24m compared with the budget estimate of \$32.5m and the Loan Council's limit last year of \$43.3m. Of course, at this stage we do not really know whether we remain in that position. On the occasions that I have questioned the current Treasurer, Mr Kaine, on the issue, he has given what is pretty well his standard response on any issue: "Why should I tell you anything? If I want you to know, I'll tell you

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in my own good time".

On this occasion, I can understand Mr Kaine's reticence on the issue, because the tensions between the Treasurer and the Minister for Finance must be enormous and causing him some pain, I imagine. Members whose memories go past last December might remember Mr Duby criticising me roundly for not using all of the allowed borrowing limits. He said, "It would be far better to borrow. The impact on future budgets of servicing this sum is negligible". That is what Mr Duby said on the last budget.

So I have assumed, probably without any justification whatsoever, that Mr Duby might stick to those words. He has not stuck to anything else, but there is always a first time. If he does stick to his guns on that issue, it puts him entirely at odds with the Treasurer, whose aversion to borrowing we all know about; it amounts to an obsession.

Given the closed nature of this Government, my guess is that we will have to wait until the end of this financial year to see who wins this battle. Will Mr Duby stick to his guns? Will he maintain his rage from last year? If he does and if we see a \$32.5m borrowing level, we can count that as a win for Mr Duby. On the other hand, if we see \$24m as the borrowing level, then obviously Mr Kaine's view has held sway, which is the outcome that I would expect. Either way, I think that under this Government it is the people of Canberra who lose and who will again be kept in the dark on this matter, as we have been.

As I said, Mr Temporary Deputy Speaker, we do not oppose this Audit (Amendment) Bill. It is a fairly mechanical matter and is a provision that needs to be put through the Assembly to allow the ACT Government's semi-government borrowing program to proceed.

MR DUBY (Minister for Finance and Urban Services) (4.29): We have just heard another typical speech from the Leader of the Opposition. Strangely enough, this is a Bill which she supports, but she still manages to use it to have a good old bitch about everything around the place.

Mr Temporary Deputy Speaker, the Audit Act amendment is a requirement arising from the ACT Government's current and future years' semi-government borrowing programs. The Territory will need to have inscribed stock regulations put in place to enable the Treasurer to control inscribed stock issued on behalf of the ACT Government.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Collaery: Mr Berry is asleep, Mr Temporary Deputy Speaker.

Mr Berry: Mr Temporary Deputy Speaker, I claim to have been misrepresented.

MR TEMPORARY DEPUTY SPEAKER: In relation to what?

Mr Berry: Mr Collaery, in his usual foul way, declared - - -

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I think we will take that up after we have gone through the process.

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

Question resolved in the negative.

PERSONAL EXPLANATION

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, do you claim to have been misrepresented?

MR BERRY: Yes, precisely.

MR TEMPORARY DEPUTY SPEAKER: Please proceed.

MR BERRY: Mr Collaery claimed that I was asleep. I can tell you, Mr Temporary Deputy Speaker, that I am the one who knows whether I am asleep.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I think you have made your point. Please resume your seat.

Mr Berry: I just want to make sure that Mr Collaery is called to order when he does those sorts of things in future.

Mr Collaery: You did not think of that earlier.

Mr Berry: Well, Mr Collaery was found out in his defamation earlier.

Mr Collaery: Mr Temporary Deputy Speaker, on a point of order; Mr Berry has - - -

MR TEMPORARY DEPUTY SPEAKER: On what basis is your point of order, Mr Collaery?

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Mr Collaery: I claim that Mr Berry made a completely insulting reference to me. He said that I had made a defamatory statement about someone. I ask that he be directed to withdraw it.

MR TEMPORARY DEPUTY SPEAKER: Are you claiming to have been misrepresented, Mr Collaery?

Mr Collaery: Yes. I ask that he be directed to withdraw those comments.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I believe it is appropriate for you to withdraw those remarks.

Mr Berry: I withdraw them.

AUDIT (AMENDMENT) BILL 1990

Debate resumed.

MR DUBY: The interruptions from the somnambulist opposite have now - - -

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Collaery! Order, Mr Berry!

Mr Berry: Well, he is having a bit of a shot, too.

MR TEMPORARY DEPUTY SPEAKER: Both of you settle down and let Mr Duby get on with his speech.

Ms Follett: On a point of order, Mr Temporary Deputy Speaker; Mr Duby just referred to a member as a somnambulist. I require that he withdraw that.

MR TEMPORARY DEPUTY SPEAKER: I did not hear that remark.

Mrs Grassby: I did.

MR TEMPORARY DEPUTY SPEAKER: Mrs Grassby, please! Mr Duby, the Leader of the Opposition has indicated that you have used an insulting term, I believe.

MR DUBY: Mr Speaker, I must admit that I referred to Mr Berry as a somnambulist.

Ms Follett: On a point of order, Mr Temporary Deputy Speaker; Mr Collaery was required to withdraw his remark about somebody being asleep. Mr Duby, quite blatantly disregarding your previous ruling, has made the same assertion.

MR TEMPORARY DEPUTY SPEAKER: I was just getting to that, Ms Follett. Mr Duby, will you withdraw that remark, please?

MR DUBY: Yes, I do withdraw the remark, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Thank you. Mr Duby, please proceed.

MR DUBY: There is no question that Mr Berry was walking anywhere.

Mr Berry: On a point of order, Mr Temporary Deputy Speaker; that was fairly well qualified, I think.

MR TEMPORARY DEPUTY SPEAKER: Mr Duby, I believe that probably was a bit - - -

MR DUBY: I withdraw it unqualifiedly.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Duby. Please proceed.

MR DUBY: The amendments to the ACT Audit Act which are proposed in the Bill before the Assembly will give the ACT Government similar borrowing powers to those enjoyed by the States and the Northern Territory. Because of the lead times involved in loan raisings, it is imperative that appropriate legislative requirements are put in place at an early date to enable the 1989-90 borrowing program to proceed prior to 30 June 1990.

Section 61 of the Commonwealth's Australian Capital Territory (Self-Government) Act 1988 provides the authority for the Territory to borrow money on the open market and to regulate by legislation in terms of these borrowings. The Audit Act currently does not provide the complementary powers to enable regulations to be made. Mr Temporary Deputy Speaker, this Bill seeks to make this provision and also establishes a prudent legislative framework within which the borrowing program will operate. I commend the Bill.

MR KAINE (Treasurer) (4.35), in reply: I would like to thank most of the members for their contributions to this debate on the Audit (Amendment) Bill, principally the ones who did not say anything, because their contribution was probably the greater.

I believe that we now have legislation which sets in place a prudent framework of control for the ACT semi-government borrowing program both in this year and in future years and, in response to the comments of the Leader of the Opposition, a prudent borrowing program which the Treasurer of this Government will ensure keeps our public debt at a level that we can afford, in terms of our ability to service and repay it. I know that the Labor Party would go for a full-blown borrowing program that would leave future generations with a massive debt to service and repay. This Government will not put the people of the ACT in that position.

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The ACT inscribed stock regulations will now be finalised as a matter of urgency, pursuant to this amendment, and the ACT's very prudent borrowing program for 1989-90 will proceed immediately these regulations are in place.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.37 pm