



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

31 May 1990

## Thursday, 31 May 1990

Planning, Development and Infrastructure - standing committee .....	1895
Motor Vehicles (Dimensions and Mass) Bill 1990 .....	1895
Motor Traffic (Amendment) Bill 1990 .....	1902
Education .....	1902
Personal explanation .....	1922
ACT greenhouse strategy .....	1923
Questions without notice:	
School consolidations .....	1930
Royal Canberra Hospital .....	1932
School consolidations .....	1933
Priorities Review Board .....	1936
Transport ministers conference .....	1938
Royal Canberra Hospital .....	1939
School bus services .....	1940
Greenway recycling facility .....	1941
Fire brigade ties .....	1941
Teachers' remuneration .....	1942
Hospital redevelopment .....	1944
Assets and debt - committee of inquiry .....	1946
Assets and debt (Ministerial statement) .....	1953
World No Tobacco Day (Ministerial statement) .....	1956
Postponement of business .....	1965
Director of Public Prosecutions Bill 1990 .....	1965
Director of Public Prosecutions (Consequential Provisions) Bill 1990 .....	1967
Publications Control (Amendment) Bill 1990 [No 3] .....	1967
Personal explanations .....	1969
Business Franchise ("X" Videos) Bill 1990 .....	1971
Taxation (Administration) (Amendment) Bill (No 3) 1990 .....	1974
Rates and Land Tax (Amendment) Bill (No 2) 1990 .....	1974
Water Supply (Chemical Treatment) (Amendment) Bill 1990 .....	1975
Adjournment:	
Tourist commissioners .....	1976
Education policy .....	1978
Death of Capt Reg Saunders .....	1979
Education policy .....	1980
Education policy .....	1982
Health promotion .....	1982
Health promotion .....	1984
Answers to questions:	
Emergency assistance (Question No 110) .....	1987
Travel expenditure (Question No 130) .....	1988

**Thursday, 31 May 1990**

---

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

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE  
Reference**

**MR DUBY** (Minister for Finance and Urban Services) (10.30): I move:

That:

- (1) the proposed 1990-91 new capital works program be referred to the Standing Committee on Planning, Development and Infrastructure for inquiry and report;
- (2) if the Assembly is not sitting when the committee has completed its inquiry the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, this motion is that the proposed 1990-91 new capital works program be referred to the Standing Committee on Planning, Development and Infrastructure for inquiry and report by 8 August 1990, and it contains other provisions to cover the possibility of the Assembly not sitting at that time. It is necessary for the capital works program to be referred to that standing committee and for that committee to report to this Assembly by that date so that the program can be included in the budget session.

Question resolved in the affirmative.

**MOTOR VEHICLES (DIMENSIONS AND MASS) BILL 1990  
Detail Stage**

Consideration resumed from 20 February 1990.

Clauses 1 to 37, by leave, taken together.

**MR DUBY** (Minister for Finance and Urban Services) (10.32): I seek leave to move two amendments together.

31 May 1990

Leave granted.

**MR DUBY:** I move:

Clause 3, page 4, line 19, omit the proposed definition.

Clause 35, page 16, lines 12-13, omit "officer" and substitute "inspector".

The proposed Motor Vehicles (Dimensions and Mass) Bill 1990, which has been before the house for some time, seeks to regulate the dimensions, loads and weights of heavy vehicles which use Territory road assets. Among its provisions are those that give inspectors appointed under the Bill and police officers power to, among other things, inspect a vehicle to see whether its equipment or load complies, if the inspector or police officer has reasonable grounds for believing that the vehicle is one to which the Bill applies.

A number of amendments have been circulated in my name, the purpose of which is primarily to allay fears held in various sections of the transport industry about what are seen as unnecessary police powers. As police already have powers under other legislation to stop the driver of any vehicle suspected of breaking the law, it is unnecessary to provide them with additional powers, specifically mentioned in this Act to weight test vehicles. Therefore, all references to "police officer" contained in the Bill are to be removed. There will be no net additional costs incurred. Basically my amendments omit the word "officer" and substitute the word "inspector" in the various clauses of the Bill.

Amendments agreed to.

Clauses, as amended, agreed to.

Clause 38

**MRS GRASSBY (10.34):** I move:

Page 17, line 15, add at the end the following subclause:

"(2) A person other than the owner or driver of a vehicle who loads the vehicle, or causes or permits the vehicle to be loaded, in a way that results in the commission of an offence against section 32 or 33 when the vehicle is driven upon a public street or in a public place is guilty of an offence punishable, on conviction, by a fine not exceeding \$3,000."

I met with the Minister, Mr DUBY, on many occasions about this Bill and I was very grateful that he understood the problems that we had with some of the people who were affected by this Bill.

In my speech during the in principle debate, I mentioned that the Transport Workers Union and the ACT Tippers Association had raised a number of problems with the Bill. Some of those problems were solved after Mr Duby gave an undertaking about the way in which the law would be implemented.

This amendment, which I understand the Government will support, deals with the situation where a driver may have little control over the loading of a vehicle. In the presentation speech I mentioned two examples which I would like to outline in more detail today. I mentioned the case of supermarket delivery trucks. Members may not realise that the Bill provides for a maximum loading on each axle of a vehicle. This means that, depending on the design of a truck, the position of the load can make a difference between overloading or loading within the law. In the case of the supermarket delivery truck, it is usual for the wholesaler supplier to load the truck in order that deliveries may be made as they come up. If half the load consists of toilet tissues and the other half consists of canned food, then it is easy to understand that the position of the load on the truck will determine which particular axle is overloaded.

As it stands, the Bill places all responsibility on the driver and owner of the truck, and it may be very difficult for a driver to refuse to carry an excess load. In this business everybody knows that, if one deliverer will not carry the load, then someone else will.

The other example I gave was that of the mudcarters. On a building site, the contractor will estimate the number of truckloads it will take to remove soil from the site but, if the load includes rocks, clay, or earth that is wet, then there can be a big difference in the weight of the truckload. Of course, the builder does not wish to pay for extra truckloads in order to keep each of them within the weight limit. This is a situation where it can be difficult for the driver even to know what weight is being loaded, let alone stop the overloading.

The idea behind this amendment is to place some responsibility on the people who load the vehicles and their employer. It is not my intention that we should have inspectors running around prosecuting the people who load trucks, but this amendment will mean two things: first, truck drivers will be able to say to whoever is loading their truck that the new law means they, too, must be careful about the load. The drivers will feel more confident about insisting on controlling their loads. I believe the second effect of this amendment will be to make employers more careful about loading practices. I feel that, with the cooperation of the department, it is likely that we will see employers issuing instructions to their staff about not overloading trucks.

31 May 1990

This amendment has been discussed with the Transport Workers Union and the Federated Engine Drivers and Firemen's Association. As I said, at no time did we have any problem with the Minister on this. He quite understood the situation of these people and was in agreement that there should be a way to get around this. I thank the Minister for his help in this way.

**MR DUBY** (Minister for Finance and Urban Services) (10.39): At the outset let me say that the Government has no objections to this amendment by Mrs Grassby, but there are some things that I would like to read into the Hansard during the passage of this Bill. I have already enunciated the Government's intention of removing all reference to police officers and specifying that inspections shall remain the exclusive province of inspectors appointed by the Registrar of Motor Vehicles. That amendment, which we have already passed on some clauses and which we will pass on other ones, brings that arrangement into effect. Naturally, as I said, normal police powers relating to traffic regulations and so on will continue to apply.

The Transport Workers Union also wanted to formalise implementation procedures by including a reference to the procedures manual in this Bill. While it appeared initially that this could be accomplished by an amendment, the Law Office advises that this is not appropriate. I understand that reference to an administrative manual, such as proposed by the TWU, would need to include the proviso that adherence to its procedures was not essential in order to mount a successful prosecution.

In these circumstances, a legal reference to the manual would have no meaning as it would confer no rights and impose no obligations. I have advised the Transport Workers Union that, although the proposed mechanism to formalise the manual is unsuitable, the spirit of our agreement will be honoured. I have given that undertaking to Mrs Grassby as well. In simple terms, this means that my officers will consult with the industry on appropriate inspection procedures that will make compliance more straightforward and offenders more easily detectable.

For example, a standard-sized body for that section of the industry known as "mudcarters" will be agreed with the pavement management section of the Department of Urban Services. Bodies of the agreed size, to be agreed in consultation with the industry, will be stamped and checked each year at registration time to ensure continued compliance. A truck with this stamped body will be deemed to comply with the requirements of the Act. This has been referred to in discussions as "no spill, no bill". This does not mean that a vehicle will not be checked to determine its weight in situations where a vehicle is carrying an obviously heavy load or there are indications of other obvious overloading.

Two other matters that do not require any amendment to the Bill have also been the subject of discussion. I believe it is appropriate to remind the Assembly of these to illustrate that the Government has welcomed consultation with the industry and has taken a number of measures to alleviate its concerns.

Firstly, I have agreed that there will be a phasing in period for implementation of the Bill, during which time only flagrant offences will be prosecuted. This period will extend for no more than six months from the date of commencement of the new Act and will enable the industry to become familiar with its requirements. During this period my department will actively publicise the new requirements and do its utmost to ensure that all members of the industry are familiar with their rights and responsibilities.

Secondly, existing registered vehicles will be issued with a permit annually to operate in accordance with the terms of their current registration. A permit under section 28 of the Act applies to vehicles which are not in accordance with part II of the Act, which deals with dimensions and design of vehicles. Vehicles which have high tare weights and which are associated with "no spill, no bill" will be handled individually with terms and conditions specific to each permit.

It is envisaged that this practice, which would continue for a limited time, would vary according to such matters as the age of the vehicle. My department will negotiate details of this arrangement with the industry. The legislation has been developed in consultation with the industry and the Opposition, and my department will continue to be responsive to legitimate concerns that that industry may have. Officers of my department will maintain a close working relationship with those affected by this legislation in its implementation.

Mrs Grassby has now circulated that amendment to clarify clause 38 of the Bill which creates an offence in relation to the loading of a vehicle in contravention of clauses 32 or 33. The Government accepts and welcomes this amendment.

**MRS GRASSBY (10.43):** Again I thank the Minister for this. There was a problem with the "no spill, no bill" because the unions and the mudcarters still felt that, as the matter was only going to be put in a manual, it could be changed at any time. I pointed out to them, as the department had pointed out to me, that the legislation could be changed at any time too. In this life we cannot expect anyone to promise us that we will be happy for the rest of our lives. Likewise, nobody can promise that the legislation will not change.

After discussions with the union and the Mudcarters Association, we agreed that the Minister had been very lenient and very helpful on this Bill, as had the

31 May 1990

department. We had many, many discussions on this matter and, at the end of these, the unions agreed that they had come out of it extremely well, particularly as the reference to the police had been removed.

This was a particularly sore point. The unions felt that it should be an inspector from the department and not the police who had the right to do the weighing. It was pointed out that the police had this power to pull them up at any time, but the point now was that they would have to call on somebody from the department and they felt that they would not be victimised in any way.

I thank the Minister for this and, as I say, the union and the Mudcarters Association did realise that they had done extremely well. There was one little sticky point that could not really be changed, but by and large I think they will agree that they have a good deal out of this legislation.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of the Bill, by leave, taken as a whole.

**MR DUBY** (Minister for Finance and Urban Services) (10.45): I seek leave to move the amendments as circulated together.

Leave granted.

**MR DUBY:** I move:

Clause 41 -

Page 17, line 39, omit "officer", substitute "inspector".

Page 18, line 1, omit "officer", substitute "inspector".

Page 18, line 4, omit "officer", substitute "inspector".

Page 18, line 12, omit "officer", substitute "inspector".

Page 18, line 14, omit "officer", substitute "inspector".

Page 18, line 18, omit "officer", substitute "inspector".

Page 18, line 25, omit "officer", substitute "inspector".

Page 18, line 36, omit "officer", substitute "inspector".

Page 18, line 41, omit "officer", substitute "inspector".

Clause 42 -

Page 19, lines 26 and 28, omit "officer", substitute "inspector".

Page 19, line 32, omit "officer", substitute "inspector".



Clause 43 -

Page 20, line 1, omit "officer", substitute "inspector".

Page 20, line 4, omit "officer", substitute "inspector".

Page 20, line 9, omit "officer", substitute "inspector".

Page 20, line 16, omit "officer", substitute "inspector".

Page 20, line 21, omit "officer", substitute "inspector".

Page 20, line 28, omit "officer", substitute "inspector".

Clause 45 -

Page 21, lines 11 and 13, omit "officer", substitute "inspector".

Page 21, lines 18 and 23, omit "officer", substitute "inspector".

Clause 46 -

Page 21, lines 28 and 29, omit "officer", substitute "inspector".

Page 21, line 33, omit "officer", substitute "inspector".

Page 22, line 8, omit "officer", substitute "inspector".

Clause 47, page 26, line 7, omit "officer", substitute "inspector".

Clause 48, page 26, line 11, omit "officer", substitute "inspector".

Clause 52, page 28, line 14, omit "officer", substitute "inspector".

Clause 56 -

Page 29, line 17, omit "officer", substitute "inspector".

Page 29, paragraph (1)(b), lines 18 and 19, omit the paragraph, substitute the following paragraph:

"(a) he or she was, on a specified day, an inspector; and".

Page 29, lines 20-21, omit "the officer", substitute "he or she".

Page 29, line 26, omit "officer", substitute "inspector".

Page 29, paragraph (2)(a), lines 27-28, omit the paragraph, substitute the following paragraph:

"(a) he or she was, on a specified day, an inspector; and".

Page 29, lines 29-30, omit "the officer", substitute "he or she".

As I said, these are basically housekeeping amendments. They remove the provision relating to police officers that Mrs Grassby and I discussed earlier. The amendments are self-explanatory and have been agreed with all parties in the Assembly.

Amendments agreed to.

31 May 1990

Remainder of the Bill, as amended, agreed to.

Bill, as amended, agreed to.

### **MOTOR TRAFFIC (AMENDMENT) BILL 1990**

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

That this Bill be agreed to in principle.

**MR DUBY** (Minister for Finance and Urban Services) (10.48): I wish to explain to the house that this Bill was debated concurrently with the Motor Vehicles (Dimensions and Mass) Bill on 20 February.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **EDUCATION Ministerial Statement and Paper**

Debate resumed from 3 May 1990, on motion by **Mr Humphries**.

That the Assembly takes note of the following paper:  
Education - Ministerial statement, 21 March 1990.

**MR MOORE** (10.49): It gives me a great deal of pleasure to be able to comment on an educational statement at this stage when education is clearly of so much interest to the community of Canberra. One of the things that is most interesting to me is that the ministerial statement on education reflects the attitude of the Alliance Government in its approach. Its approach starts with some preamble, which is mostly historic, followed by the ACT budget. Its approach follows the standard procedure of determining how much money you have and then looking to see what you are going to do about education within that area.

What is wrong with the approach of determining what you want to achieve and then attempting to work out the amount of money you have available? We see very little in the start of this statement about the quality of education. Certainly, in the third paragraph the Minister talks about the ACT school system being the most highly evolved. He says that the Government appreciates the excellence of the system, on which it will seek to build. But there is no attempt to qualify or quantify that excellence, and I am

beginning to wonder whether Mr Humphries really understands the concept of quality at all, or what he means by quality. I shall finish this speech by asking him to state for us what he means by quality education. He now has a few minutes to think about that and prepare an answer.

Historically, it is a highly evolved system which has been developed by parents. What we have seen is first the Labor Government and now this Liberal Government setting about the dismantling of the system that was developed by parents and bringing back a hierarchical system with full control in the hands of the Minister and his bureaucracy. That changing face of education is most obvious when we see references to the parents as "clients", whereas during the existence of the former Schools Authority parents were always regarded as "partners".

This is most significant and I think it is important that people should realise the difference in concept between parents as partners and parents as clients because it is about power. Parents as partners means a sharing of power; parents as clients indicates that the power lies with the department and the Minister, who will give the clients what they want to give them. That is a major move from what this system was all about. If we have the most highly evolved and excellent system, why do we want to drag it down in this way to the level of other States?

Mr Humphries has now come into the chamber. Did you hear the question that I posed earlier in my speech, Mr Humphries? I will repeat it later, but I wanted to give you enough warning. My question was: what do you really mean by "quality of education"? It is a term that you have used quite often, especially when you talk about retaining the quality of education. That is something that I would like you to quantify, qualify and explain for us in your reply.

I turn to the question of the ACT budget. It seems to be very difficult for us to find figures in terms of the ACT budget. We hear about 18 per cent overfunding from the Grants Commission and serious other overfunding since that time, despite some of the changes that have been made. That is an overfunding compared to the States.

I think it is reasonable for us to ask how our States compare with other Western countries. Are we overfunded compared with the rest of the world? Our current wave of thinking is in terms of being the clever country. If we are going to be the clever country, we cannot consider dragging ourselves down to the level of other places. We cannot be dragged down by the Grants Commission or by the Federal Government if that moves us further down the hierarchy of Western countries in terms of the funds that we spend on education and the quality of education that we return to our children.

31 May 1990

One of the most important things is to recognise - and I understand the Federal Government is doing so - the value of our teachers and to stop the brain drain from our schools. At the moment our quality teachers are finding that they simply cannot afford to remain in schools. In fact, on Sunday an old colleague of mine told me that on Monday he was starting work with the Department of Defence. This man had a PhD in physics and was an absolutely wonderful teacher, but he simply could not afford to remain in teaching; he could not afford to continue putting in incredible hours and getting paid at that sort of level. Far better for him to become a public servant and work in the defence area.

There is an old poster around that compares the Australian defence forces with our education system and points out how interesting it will be when our values are sorted out - when, in order to buy a bomber, we will need to hold fetes and so forth, as we do to raise funds for our schools. This is not particularly relevant to the Government here on a local level but, in terms of our overall concepts and priorities, it is rather important.

In terms of the community participation that the Minister mentioned, I think it is most important that he should look very carefully at what his department is doing in referring to the parents as clients. He should try to re-establish the notion of parents as partners because of the difference in the power arrangement and who is doing what for others.

With reference to literacy and numeracy, the Minister talks about monitoring. Monitoring is important; we need to know where we are and where we stand. But there was no comment as to exactly how we should attempt to improve literacy and numeracy. Of course, this is something that teachers work on constantly and it is something that is monitored by the Australian Council of Educational Research. This monitoring indicates that our schools have been improving in that area over the last 30 years, despite what an occasional businessman or Defence Force person comes out and says. I must add that it is ironic that in the last line of the section on literacy and numeracy there is reference to a community-wide consultation process and the word "community" is misspelt.

**Mr Wood:** We are waiting for a paper on this. It should be out soon?

**MR MOORE:** Of course; at any time.

I will just move on quickly to the curriculum policy statement. Here is the emphasis that I was looking for:

The statement will emphasise the partnership in curriculum between the Department and the school community.

Partnership in curriculum alone is not enough. We need that partnership between the department and whoever is in government, between the parents and the department. The quote continues:

The statement will provide a curriculum planning environment that will emphasise high standards of teaching and learning, consistent with the Government's policy ... The statement ... will identify three priority concerns: firstly, essential learning outcomes; secondly, essential learning processes; and, thirdly, essential areas of knowledge and experience.

In that, we may be well on our way, Mr Humphries, to a definition of "quality" in terms of curriculum. However, we will be very interested to see how you define "curriculum".

I think it was very important that the Minister actually singled out high schools. We are very aware that

certain sectors of our education system are recognised throughout Australia as being highly advanced - and the college fits into that category. However, while our high school system compares very favourably with those of the other States we would like to see it much improved. I shall be interested to see how the approaches that the Minister has outlined here are developed - and in the past they have been developed through the high school principals and so forth - and how he, in turn, will play his part in improving the high school situation.

The statement refers to preschools in terms of closing and rationalising, but there is nothing about quality - nothing at all about how we could improve the quality, however the Minister defines it, of our preschool education. That is not such a bad note to finish on, as I am running out of time. I hope Mr Humphries will answer my question and tell us how he defines "quality" in those areas. His reply would be greatly appreciated.

**MRS GRASSBY (10.59):** The ministerial statement on education, which we are debating, was thrown up as a smokescreen to take up the time of the parliament and to divert attention from the real intentions of this anti-education Government. The statement purports to outline a number of measures - and this is terribly important to the people outside - supposedly designed to improve education in the Territory. Yet, while the Minister was reading his speech, he knew that the plans he had put in place would seriously reduce the quality of education provided for children. He claims to support the education system but his actions are entirely destructive. The community unanimously has told him so, yet he persists in his attack on the system.

I do not believe that the measures to close so many schools, with all the destructive unrest that they will

31 May 1990

bring, are based on budgetary needs. The Follett Government brought down a responsible and balanced budget, in keeping with the need to adjust and reduce the level of Commonwealth support, without any thought of closing even one school.

The decision to close up to 25 schools has almost nothing to do with the budget. It has everything to do with the Liberal Party's ideology. The Liberals are using the budget as an excuse to implement their longstanding policy of destroying public education. They are following the same Liberal agenda as Mr Metherell, the Minister for Education in New South Wales. To the dismay of their fellow members in the community, the Residents Rally members of the Assembly, in a passive alliance with the Liberals, are meekly agreeing with this ideological attack on the community.

At least I can acknowledge that the Liberals are following their beliefs. It is their policy to do this sort of thing. We have seen it in every government that they have had in every State, and when they have been in government federally they have done it there also. However, I have nothing but scorn for the Residents Rally members, who have shamelessly gone against their election commitment to increase the funding for education. You only have to look at their policies to see this. At a meeting I attended last night, a member of the Residents Rally executive said that her executive did not agree with the Government's education policy. However, she added that she would not speak on behalf of the Residents Rally MLAs - which goes to show that the Residents Rally executive does not agree with those policies but unfortunately it has no say over its MLAs.

Just over a year ago they urged increased funding. Now that they are partners of this Government, they are quite happy to attack the system. Two of the Rally members have spouses in the education system, and I wonder whether those members would express here the arguments that must be presented to them by their spouses. The Residents Rally has lost all honour and all support. The sooner it withdraws from the scene or is rejected by the ACT population, as will surely happen, the better Canberra will be. At least the No Self Government Party was committed to the destruction of self-government. In the education sector, its negative policies are being effectively implemented.

Let me relate the Labor Party commitment. It is clear that no schools should close. We are committed to the neighbourhood schools. We made this promise before the election and in Government we kept this promise. We have demonstrated that we mean what we say. The speeches of the Government members in this debate indicate why education is so threatened. Mr Humphries, of course, has declined to talk about his real agenda.

The confusion the Government has created about the vacant places in schools demonstrates my point. After Mr Humphries proposed a figure of 13,000, he was challenged by Dr Kinloch, who thought it was closer to 9,000. Once again, Mr Kaine firmly put his junior colleague in his place. When he spoke, the Chief Minister accepted Dr Kinloch's figures and said that Mr Humphries' figures were "a bit rubbery". The Chief Minister and the Executive Deputy for education have told the Minister for Education that he cannot get his figures right.

In return, at a public meeting Mr Humphries refuted a statement by Mr Kaine that the quality of education must deteriorate as a result of the Government's proposals. I do not mind that those opposite are an unhappy bunch but I do mind that this Government is causing so much damage in the education sphere. Mr Humphries was challenged about the figure of 13,000 places at a meeting, and I acknowledge his fortitude in attending; I have been to some of those meetings and the people are certainly very angry. He does not know, the community does not know, perhaps no-one knows where that figure came from and how it was established. Maybe the department knows, but it is not telling the Minister.

It seems likely that the rooms that are put to sound education use are included in the figures, but, apart from that, it is not useful to use the concept of vacant places. If the vacant place rates were expressed as a number of rooms it would be more understandable and the spaces would be more readily identifiable.

In keeping with the earlier policy statements about the importance of school autonomy and community participation, Mr Kaine's speech made further reference to those valued concepts. This is what Mr Kaine espouses, but what does he do? In the most significant education measure for 15 years, he proposes to exclude the public from any decision making process and any debate. School closures will be imposed on the community, and the Government does not want to hear the voice of the people. That is obvious when one attends these meetings.

Decisions will be made without reference to those concerned, other than giving them the ability to comment on the curriculum. There will be no opportunity to defend the schools of which people in this community are so proud. In many instances, the Government has shown that it has no intention of allowing the participation of ACT people in any of these activities. It should be honest and remove the words "autonomy" and "participation" from its policies and speeches.

Mr Speaker, let me examine further the Government's misunderstanding of the meaning of "autonomy". In his speech Dr Kinloch claimed that there were consultations through the ministerial consultative committee which he chaired. I respect the people on the committee and the

31 May 1990

bodies they represent. I was not aware that it was functioning with Dr Kinloch as chairperson. Perhaps I missed a statement to that effect. I believed that the Government was bringing down a green paper on the subject and I wonder where it is. We would all like to see it.

The Government said that it wanted an autonomous body, and yet it installed the Executive Deputy for education in the chair. How can such a body be autonomous? This is a further indication of the confusion that has occurred as a result of the creation of positions of Executive Deputies.

Dr Kinloch acknowledged the worth of the criteria for a good school proposed by Mr Wood and we thank Dr Kinloch for that. But why are those criteria not included in the list presented by Mr Humphries? Dr Kinloch is Executive Deputy for education. While I do not believe the position is worth much, surely Dr Kinloch should have taken some steps to ensure that Mr Wood's sensible proposals were added to the list. If the man believes something, why does he not act upon it?

Of course, the Residents Rally says it believes in spending more money on education, but it will not do so. Dr Kinloch spoke of some schools needing a better temper and better morale, suggesting that their small size was causing this problem. Can Dr Kinloch not see that any problem they have is caused by the threat to their existence? They know that no matter how high a quality of education they reach, no matter how enthusiastic they are, no matter how excited the school children are about their work, those schools will still be closed down. They know that the Government does not want them. That is obvious. Can members opposite not realise that the Government is creating the problem of temper and morale?

The introduction of self-government should have been a time when we acted further to improve our excellent school system. That was certainly the policy that the Labor Government adopted. (Extension of time granted)

Everyone has acknowledged the quality of the system, yet the Government's actions not only are damaging to the system but are also obscuring the need for improvement in a number of areas. We often repeat the view that we have an excellent system, a model that the rest of Australia should be following, but we are in danger of overlooking significant problems that require closer attention.

For example, our high school presentation is envied by the rest of Australia. Why are we not keeping it and improving it? As far back as 1983, a review of high schools concluded: "Our judgment is that too many schools are finding difficulty keeping pace with the changing needs of students". The review added that, despite the very good work, there was evidence of some poor teaching and weak leadership.



The then Schools Authority reviewed the high schools in 1989, identifying a number of problems, including student alienation, teacher stress and curriculum deficiencies. I expect that the Education Department is attending to these problems and that they are well known. They should also be the focus of wider debate in the community and this Assembly. This is where we should be concentrating our energies - building the strength to maintain this as the best education system in Australia, not destroying it.

We ought to be concentrating on producing a higher quality of school graduates who have been able to reach their potential in those abilities which will ensure that the ACT has a vital human resource to sustain its strong economic community. We depend on our school graduates for the future and they depend on us. We must not let them down. We must realise that we have more people staying at school in the ACT than in any other State in Australia. We must not destroy our education; we must put more money into it. We must not close down schools.

People come to this city because of our education system. When I was still Minister for Housing and Urban Services I attended a Christmas party with the Chief Minister. He defended education; he said that more money should be put into education, not taken away from it. He also said that, if other parts of our community had to suffer in order to keep our education system, then they would have to suffer. Mr Kaine, where are your words now? It worries me that it is easy to say this in opposition, but you have to carry it out when you get into government. The people will say, "By their deeds we shall know them". At the next election I think the people will tell them.

**MR COLLAERY** (Attorney-General) (11.12): I thought for a moment that, if Mrs Grassby did not have time to finish her speech, I might borrow it from her and use it as sort of a joke session because just with a few different prefixes I could say things like: "What did the Follett Government do for education when it had seven months?".

**Mr Wood:** We did not close any schools, did we?

**MR COLLAERY:** Mr Speaker, I could supply Mr Wood with plenty of feedback that came in, month after month, tearing holes in the Follett Government's lack of commitment to education. What did successive Labor Governments do to education? We know that. These are not rhetorical questions. We have seen the lack of application, the inability to take a holistic, global view of education. All that Mrs Grassby could do in today's debate was run off her cheap shots at the Residents Rally, but the Labor Party - and I trust that when people read Hansard they will dwell on this - goes from day to day, from one short-term electoral view to another. It is building itself up for its destruction in 1992 and we all know that. All the newspapers across this country realise the Hawke Government is doomed in 1992. Doomed with it are the outdated ideas

31 May 1990

of collectivisation and centralism that go with Labor philosophy that went off the rails in the last 10 years.

Certainly, Mr Speaker, the Residents Rally is treading a rocky road at the moment. Who wants to deny that? Who can deny the fact that hard decisions do produce reactions from the people? The Residents Rally will support a proper rationalisation and restructuring of the education system to improve the quality of education, to improve the nature of the community based system of schooling in the Territory and to improve the morale of our teachers.

Award restructuring and other proposals alluded to by the Minister will ensure that, as Dr Kinloch said in this Assembly not long ago, the teachers' salaries reflect their true worth. No people in this Assembly are better placed to say that than Dr Kinloch and me. We rarely have the company of our spouses before midnight, week in and week out, when they are correcting essays and other projects for their students. Teachers work enormously long hours, they are not well accommodated, they do not have plush offices, and I invite - - -

**Mr Wood:** I fit into that category too.

**MR COLLAERY:** Certainly, Mr Speaker, I accept that Mr Wood, though not one of our spouses, is certainly one of our friends and has been - - -

**Mr Wood:** No; my spouse does the same thing. That is what I am trying to say.

**MR COLLAERY:** I thought I was receiving a proposal, Mr Speaker, but obviously my hopes are dashed! In any event, we must accept that, when Mr Wood was a teacher, he was extremely diligent. It is unfortunate that he did not carry that diligence - - -

**Ms Maher:** His wife is a teacher too.

**Mr Wood:** That is what I have been trying to say to you.

**MR COLLAERY:** Is that what you are saying? Well, certainly, it goes without saying that Beverley Wood would fit into that category and she would know how important it is to put pressure on her marvellous spouse to help with a constructive debate on the education issue.

To move away from personalities, it is very clear that the Follett-Whalan Government did not adopt an education strategy. I received an anonymous envelope in the house yesterday. It contained a very large green pill. I am not sure which member of the house sent it to me and I certainly will not take it. It is probably the education pill that the Labor Party did not want to swallow. I have no doubt in the world that, when we get to 1992 and our friends opposite are all deciding which way to go - harakiri or hemlock - I can make this little pill available to them.

**Mr Berry:** It was lithium for both the people speaking.

**MR COLLAERY:** Mr Berry has said it was lithium so that he could get up the ladder quicker. But I assure you, Mr Speaker, that will be a long time before the ALP is back up the ladder in the ACT.

**Mrs Grassby:** You want to bet? You should go to some of the meetings, Bernard.

**MR COLLAERY:** We have a very smart population. You might have scored some good points in the last couple of weeks, Mrs Grassby, but that will not change anything. You certainly insulted a member of the Rally executive in your speech. She has informed me that she never said any such thing.

**Mrs Grassby:** I beg your pardon; she did so.

**MR COLLAERY:** In any event, I am not going to involve myself. It is all hearsay. Neither you nor I know the truth of that matter, Mrs Grassby. The fact of the matter is that the Residents Rally has been around for years - you forget that; you think we are some phenomenon that just came in during the Assembly election campaign - and we have always been committed to the idea of neighbourhood schools and believe that no school in the ACT should close until all alternatives have been considered and the school community - students, parents and teachers - have had an opportunity to discuss the proposal and make recommendations on future ramifications.

The truth of the matter is that Mr Humphries has issued suggested criteria for school restructuring and the debate should continue. But in the new style of Labor - and Ben Chifley would certainly turn in his grave on that hill outside Bathurst - there is not to be a debate. Opposition members are getting straight into that sort of nonsense rhetoric, going out on the band wagon and having their hirelings at meetings to make comments and break up the proceedings.

Mr Speaker, this ministerial statement by Mr Humphries certainly does develop a strategy for education. It has been well received within the teaching sphere, I can assure Mrs Grassby. There is a need to attend to the salaries and conditions of teachers - the great people in this system who carry out the real work, the people whom we have skimmed over in this debate so far. The Teachers Federation has endorsed this Government's broad aims of ensuring that there is proper budget appropriation for the school system, that there is a degree of autonomy for schools and, above all, that the centrist policies developed under Labor do not continue.

During the election campaign the Residents Rally rejected the concept that a traditional bureaucracy should control

31 May 1990

schooling in the ACT government and private sectors. The Rally will re-establish a coordinating policy body for all schools and TAFE. Certainly there is evidence of a conjoint process within the political groupings of this Alliance. Opposition members cannot deny that. They can read the little pink booklet, which Mr Connolly is now doing, and they can get some good ideas from that. They will see that this supposed vast ideological breach is wrong.

We heard the former Chief Minister, in her new style, which Mr Kaine and I have both witnessed recently, giving a press interview last night. She deliberately altered the impact and the content of a vote taken here in the Assembly yesterday. Ms Follett said - and her words are on the record - that the Rally had abandoned all principle and it was going along with the school closure program. There was not a vote taken on that matter yesterday. Her words were a reflection on a vote taken in the chamber, a most improper reflection. There was certainly a very clear and deliberate attempt to mislead the public in that interview she gave to the ABC. It was shameful.

On the same day, I believe another press release was issued saying that the Chief Minister had done something he had not even said, let alone done. That is a measure of how the Labor Party is operating out of this Assembly - cheap shots and sharp, smooth little moves on media releases. You will not see the Alliance Government grouping doing that. We are happy to debate out front all the issues between us. You have heard Mr Humphries speak, you have heard me speak, and you know that our education policies are conjoint - that there should be a full and wide-ranging debate, on budget grounds and on quality of education grounds, about the restructuring of our education system in the light of the current demographic changes.

I endorse the release of this statement by Minister Humphries and I suggest that, if the Opposition is capable of constructive debate, it should move on and see that this Territory's education system continues to be excellent.

**MR BERRY (11.23):** The first matter I wish to deal with is the irrelevant Deputy Chief Minister, because the Residents Rally is a spent force; it is finished. We were told that last night by a member of the Residents Rally executive, and there was another demonstration of it this morning on ABC radio when Mr Collaery said that he was running with the Liberal agenda. That is quite clear because, as he read out from that relic of the past - the Residents Rally policy - the Rally remains committed to the idea of neighbourhood schools. Now it clearly supports the closure of them in accordance with the Liberal philosophy espoused in the outline of priorities for improved public sector management, which says:

In this context the neighbourhood school concept inevitably demands expenditure of resources for

what might be considered to be relatively minor benefits of convenience, based on demands of the past.

That might well refer to the Residents Rally, because it is a thing of the past; it is finished. As Ms Douglas told us last night, it is finished, because even the members of the executive are distancing themselves from the three members who have ratted on the people who elected them and have thrown in their lot with the big "K" conservative Government opposite, as Mr Moore said - the Government, I should add, that has misled the community.

I am very happy that today this Government and the Chief Minister opposite are not prepared to challenge the fact that they have misled the community. Yesterday they ranted and raved about it being out of order and called on their "Liberal" friend to take me to task, but there is not a word today which seems to indicate some acceptance of the fact that they have misled the community in relation to education. For example, they have said that they need to save \$100m, but they have not even done their sums. This Chief Minister, who is also the Treasurer, has not even done his sums. He admits that over and over again. He is the one who relies on throw-away remarks in another house and does not even do his sums in the ACT context. He cannot be bothered. The figure of \$100m is a convenient figure for the Chief Minister and all of his cohorts to mislead the people of Canberra with.

**Mr Duby:** We flushed you out, Wayne.

**MR BERRY:** You are the one who has been flushed out. We know all about those little puffing habits - short breaths!

Mr Humphries does not know how much he wants to save, he does not know how he is going to save it, but he wants to strike terror into the hearts of those concerned with education in the Territory by talking about closing 20 to 25 schools. It is just as well that people at meetings do not carry tomatoes, otherwise Mr Humphries would be in deep trouble. The Minister does not know the answer on the savings that he wants and he does not know how he is going to get them. He wimps out. All he can say is, "Budget Cabinet will make the decision; I don't really know; it's not my fault". The Minister has demonstrated in question time that he does not even know the cost of closing 20 to 25 schools. He has already refuted that the Chief Minister was correct in saying that education standards were going to fall.

**Mr Kaine:** I never said that.

**MR BERRY:** I refute that. I was a witness to it; the Chief Minister told a meeting of accountants that education standards would fall.

**Mr Kaine:** I did not.

31 May 1990

**MR BERRY:** You did. You said that education standards would fall. Mr Humphries said he refuted that. Look at all the chooks on the fence! There is a fox around. They are in disarray and there is disagreement in their ranks because Mr Humphries will not accept the word of his Chief Minister that education standards will fall.

**Mr Jensen:** Stop telling lies, Wayne.

**MR SPEAKER:** Mr Jensen, I request that you withdraw that comment.

**Mr Jensen:** I withdraw it.

**MR BERRY:** Mr Speaker, this Government is devoid of social conscience. It has no sense of social justice, and I think that was made very clear by Mr Collaery this morning because he is obviously running with the Liberal agenda. There will be no changes. This Government opposite, in its entirety, has a psychological bias against social justice.

One of the interesting things about the schools debate is that the excellence of our education system is reflected by our high retention rates. A quick calculation demonstrates that our high retention rates, when compared with the Australian average, cost this Government about an extra \$9m per year. This Government has made it clear, and rightly so, that the high retention rates are not under attack, although I am not sure that some of their business colleagues would agree with them. The high retention rates are not under attack - at least that is their public position. Who knows what is going on behind closed doors? The Government intends to prune the roots of the education tree. It will get stuck into the base of it - the primary schools and the high schools. That is what this Government is on about - reducing education in the ACT to the lowest common denominator.

This Chief Minister says education standards will fall; the quality of education in the ACT will deteriorate. This Government has been found out. The people are rising against them and rightly so. This is only the tip of the iceberg as far as community reaction is concerned. The Liberals opposite have been found out. The Residents Rally, of course, is no longer an event in politics in the ACT and the No Self Government people never were.

Mr Speaker, the most important issue that has been overlooked in all this debate is how this Government has not considered the interests of small business in relation to the closure of schools. Mr Humphries told us yesterday he had not even bothered to work out the impact on small business

- - -

**Mr Collaery:** You really think small business is with you?

**MR BERRY:** What I am concerned about, Mr Collaery, is that the people who keep saying they support small businesses have ratted on them, in the same way as they ratted on the people who elected them. This Government has not even taken the time to inquire as to the effects of school closures on small business. More importantly, and again from a social justice point of view, this Government is ripping the guts out the communities where schools play an important role. Twenty to 25 schools and 20 to 25 communities have been targeted.

**MR STEVENSON (11.33):** Mr Speaker, understandably, people in Canberra are concerned about education predominantly and they are concerned about school closures. I think there is one major area that we should be vitally concerned about - the standard of education that our children are getting and, indeed, that we ourselves received. There are many questions that I feel have not been fully answered.

The first question is: do we know how good our education system is? What valid criteria are there for measuring the advancement of children through our schools? How do we know that their ability to apply what they learn is being measured? Indeed, when we look at ACT schools, how do we know that ours are better - or worse - than schools in New South Wales? Where are the practical and valid criteria for measuring these things?

When we look at standards of education there are some glaring inconsistencies in our education system, not only in the ACT specifically but also in Australia as a whole. One of the most amazing things that I have ever noted about our education is that in all the time we spend in such a system we are never taught how to study effectively. It might sound a little unusual that someone could be in an education system for 12 years or longer and never effectively learn how to study. If anybody here thinks that children are taught how to study effectively, let me tell them that I have dealt with a lot of children and far more adults, and I believe that generally people do not know how to study effectively. For example, anyone who attempts to study anything without a dictionary is merely playing at it. If you do not understand the words, you certainly cannot understand the concepts.

It is quite often said that there are certain concepts that we do not understand. There has never been a concept that people have not understood; it is simply a word or words within that concept. One of the things that we should do with our education system and any other area in which people are required to learn is make sure that they have the basic building blocks of how to learn. That would start simply enough with a dictionary. It may sound simplistic, but the importance of that is absolutely paramount. For example, in the Inner London Education Authority, which probably has more kids than the whole of Australia, children selected at random were given a one-week course. During that course, the children's reading

31 May 1990

age increased by a year and a half on average - a year and a half in just seven days. Those children were taught how to study correctly.

Let us look at the principle of education in the ACT. There is far too little practical application required in our system. I think that to try to teach someone mathematics or geography or science or chemistry as a subject does not make a great deal of sense. Why are these things not taught from an application point of view, a practical point of view? Why are we not teaching children from the viewpoint of applying something? If you want to teach them mathematics, why not teach them to build something and then they will realise that you need to be able to measure, you need to be able to understand multiplication and so on, with a practical viewpoint.

If you want to teach them a language, why not teach them its practical application? If they were to travel overseas to go to motor races or to look at environmental concerns or any one of a million other things, they would like to be able to talk to people when they got there. Then we could work back from that viewpoint to give them the motivation for learning. I think most people here understand that few of those who go through the education system have a genuine motivation for all the subjects that they learn.

On the question of important things that are taught - or not taught - at school, I find it absolutely incredible that people do not know about the Australian Constitution. Yet that is something that is absolutely vital to just about everything that happens in Australia. It is not only children who do not know about the Constitution. You would be very hard pressed to find any child in Canberra who could tell you what the Constitution is. If you found anybody who knew anything about the word "Constitution", that person would probably describe it as "an Act". Indeed, the Constitution is not an Act. The Constitution Act is part of the Constitution, but there is a great deal more. It includes the Magna Carta, the Bill of Rights of 1688, the writ of habeas corpus, common law and a number of other things.

**Mrs Grassby:** And the first one did not include Western Australia.

**MR STEVENSON:** Western Australia - in retrospect, perhaps quite wisely - decided not to join the Federation of Australian colonies at the time of the Constitution and it was not until some time later that it did. Later still, Western Australia tried to get out of it again, interestingly enough. Who would know that? Where is that taught at school? Where are these absolutely vital points of our Constitution taught? As I said, not even adults know about it, and I dare say some people in this Assembly refer to the Constitution Act incorrectly as being the Constitution. In dealing with young people, I find that many of them could be described as being semiliterate. I



think that the education standards are very bad indeed and we should make a major effort to raise them.

I would like to turn for a moment to the Minister for Education, Mr Humphries. Rather than give him heat - because he has had enough of that - I make a point that Gary has had the courage to go along to meeting after meeting and bear the brunt of a very strong emotional reaction from people in Canberra. I do not say that is right or wrong; nevertheless he repeatedly has gone along and not shirked that duty. It is a duty and we should all accept the responsibility to bear the heat, together with the accolades. Unfortunately, it has been the case that practically nothing Gary says will satisfy people. They only want to hear one thing - that the schools are not going to close. I admire the man for having the courage to go along, and that should be acknowledged. He is in a difficult position. I honestly believe that he is trying to do the best he can.

Mr Berry mentioned a short while ago that the concerns of businesses were not being looked at in this debate. From the point of view of the economics of the whole thing, I think it is important to look at that aspect. We should be creating a haven for small businesses in Canberra. That would enable businesses here to flourish and prosper and would entice businesses from other States to come to the ACT and new businesses to start.

It is unfortunate that the Alliance recently introduced a Bill into this Assembly, yet to be debated, that would work against that happening by spreading the net of stamp duty. In reality, the whole thing should be done away with. This is a very short-term grab. Perhaps the only logical way that Canberra is going to get out of its economic nightmare is by supporting small business - not so much by doing things for it, but by not doing things to it. The free enterprise spirit in Australia, the entrepreneurial spirit, will do marvellously well if left alone. Let us get the regulations off businesses. Let us stop taxing them to death.

I think most people understand that the bureaucracy is too top-heavy with people in the administrative side as against people actually producing. We need to focus attention on this. Let us use the knowledge that is contained within the public service, within the public area, and within this Government to work together to achieve our aims.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (11.43): It is remarkable that this debate, which Mrs Grassby said was only a smokescreen, has attracted such a large number of speakers - - -

**Mr Wood:** She meant your statement rather than this debate.

**MR HUMPHRIES:** Well, okay; the statement I made indicating all the initiatives the Government was considering in the

31 May 1990

area of education nonetheless attracted such a large number of speakers that I think it is a testament to the fact that this was not a waste of time, this was an important debate, and the comments from those opposite really did not have any foundation. It is also remarkable that not one of the speakers from the Labor Party opposite appeared to refer to the contents of the paper. There are many important matters outlined in it, such as the ACT's schools council proposal, the literacy and numeracy discussion paper, school review - - -

**Mr Stevenson:** I thought I mentioned things like that.

**MR HUMPHRIES:** Yes, indeed. Both Mr Moore and Mr Stevenson made reference to these things but none of the Labor Opposition members referred to them. They were obviously more interested in scoring a few cheap points in respect of the issues that they think will attract some votes. They might be very sorely mistaken. I want to refer to the comments of some of the speakers in the debate. Mr Moore indicated that we should not be tampering with a good system.

**Mr Moore:** That is not what I said at all.

**MR HUMPHRIES:** Well, the effect of what you said was that we should leave well enough alone, and I think that that is a sentiment which has been expressed in many other areas of this debate and should be commented upon. If we fall into the trap of assuming that our education system is perfect or nearly perfect, we will inevitably reach the stage where the excellence of our system ossifies and the strengths of our system become weaknesses. In those circumstances it is important to be constantly reviewing the direction and the qualities of our system to see whether there are ways of improving and enhancing them. Already I know that there are weak points in the ACT's education system.

One of those weak points is undoubtedly our high schools. There is strong support in the community and elsewhere for our primary and preschool systems, for our secondary college system unquestionably, but there is certainly some concern about the direction our high schools take. That is not a reflection on the quality of the teaching and study going on in our high schools but on our need to ensure that we provide for some models of improvement in that process of development.

In addressing the point that Mrs Grassby made about the need for improvement in other areas it is important that we do prioritise, not just as between education and other areas of government spending but within areas of education. We have to work out what is important and what is less important, what needs money spent on it and what does not require so much money spent on it. I personally take the view that bricks and mortar are not what education is principally about. I think that we should be concentrating on the quality of education in the classroom. The exact

location of the classroom is, in that sense, very much a second priority.

I have also heard some comments from Mr Moore on the literacy and numeracy aspect of the paper. He commented that the paper ignored the question of how we should actually improve literacy and numeracy and then he talked about monitoring or matters associated with discussion of the issues. That is a very interesting and ironic comment because it was not so many weeks ago that Mr Moore came to see me to plead for funds for the continuation of the drug indicators project. The drug indicators project is all about monitoring and collecting information about the drug problem in Australia, and in the ACT specifically. It seems to me that in order to be able to make improvements, you must be able to understand the nature of the problem. That is exactly what we are talking about with the literacy and numeracy green paper. The analogy is a pretty precise one, and I think Mr Moore ought to reflect on that.

I had to laugh when Mr Berry made his reference to small business. He seems to think that suddenly there is an opportunity for him to cash in as the champion of small business. I think that, every time any small businessman toys fondly with the idea of supporting Labor on the basis of its being the champion of small business, we ought to remind him of the many references that have been made in recent weeks by members opposite to the need to increase taxes on business.

As far as Labor members are concerned, the answer seems to be to hit people with more taxes and charges and particularly hit business. I very much doubt whether that is any comfort to those people, but I think Mr Berry ought to think very carefully before he goes down the path of being the champion of small business.

The remark by Mr Moore, that we are dismantling our education system and taking it back to a hierarchical structure, also deserves some very serious comment. I emphatically repudiate that comment. We are not restoring a hierarchical structure in our education system. In fact, I believe that we have announced very clearly our intention to go in precisely the opposite direction.

On this side of the house we firmly support - and Mr Collaery has made reference to this in his remarks - a system of education which closely reflects the aspirations of the community and which is closely tied in to decisions at the grassroots level on how education should be proceeding and how it should be managed. There are two clear indications of that in this paper. One is our intention to reintroduce a participative model of community participation in education through a schools council. That is exactly what I believe will do most to repudiate the hierarchical structure to which Mr Moore refers and which I believe has not been a good model for education in the ACT.

31 May 1990

The other thing that the Alliance Government is firmly committed to is school based management, a system which allows schools to make important decisions about the management of their resources. I went to a meeting last night at a school where I discussed with the principal afterwards issues such as that and he gave strong endorsement to that concept of school based management. He asked me why we were taking so long; why this was not being promoted more quickly. I indicated the need for the school community to be consulted about the way in which this would occur and that was why there had been some reluctance to press ahead too quickly.

I should put on the record that the Council of Parents and Citizens Associations is not entirely enthralled with the idea, but I believe that the indications from others in the community are that we need to proceed with a model such as this with all speed because it is an important way of again reducing the hierarchical nature of our educational system.

Mr Moore asked whether education was overfunded. Certainly, the answer to that must be no; but, as I said before, we have to consider not just whether we are spending money on education but what it is within education we are spending money on. Personally, I resent wasting money in this area. I resent spending money on things that do not directly contribute to the quality of education and I believe we have to ensure that, if we are spending money in particular areas, we do so in a way which directly enhances the quality of the education in the system.

Even those opposite in the Labor Party would acknowledge that, because when they were in government they saw fit to cut education spending. They saw fit to reduce spending on aspects of education, apparently in the belief that they could do so without affecting the quality of education. I assume that they would not have made those cuts if they did not believe that. We also believe it is possible to cut without reducing quality. The issue is not whether we do that; the issue is how.

**Mr Berry:** But why do you want to cut it when you do not know how much you want to save?

**MR HUMPHRIES:** I will come back to your point, Mr Berry. Mr Moore also made reference to a "brain drain" in education. I fully endorse that comment. There is a brain drain. There is a need to enhance the quality of teaching and of teachers and therefore it is necessary to look at ways of doing that. Obviously, we cannot get away from the question of money; we simply have to offer teachers better money. There are meetings in Melbourne tomorrow when education Ministers will discuss that very issue and the ways in which we can provide that kind of enhanced model. I have to say that the ACT is very well placed in that regard because in many respects it is the best paying State for teachers. (Extension of time granted)

We are in the best position relative to other States and I think we ought to retain that lead. I would like the ACT always to provide the best package to teachers because in those circumstances we would be better able to weather the storms that from time to time blow through the education system when particular teaching areas face shortages.

For example, at present in Australia there is a severe shortage of maths and science teachers. For that reason it is important that the ACT retains a competitive edge and is able to attract those sorts of teachers. It is true that at present the ACT does have a sufficient supply of those teachers and therefore we need to preserve that kind of edge. There is a push nationally for there to be a national benchmark for teachers' salaries. Whether that would mean the ACT could not retain an edge, I do not know. That is an issue I will be raising in Melbourne tomorrow.

Mr Moore also asked me to indicate how I would define the quality of education. Mr Stevenson made reference to that in his remarks and indicated that there was a certain trap in attempting to be too analytical or too prescriptive about a definition of quality. The point, of course, about our present education system is that in the ACT particularly many people see many different things in the system and prefer and choose particular items that they believe are of greater quality than others. It is obvious, for example, that some people choose the non-government system over the government system because they see a quality argument there. People choose particular schools within the government system because they see quality arguments between those schools.

I made reference yesterday to the fact that despite the constant support from members opposite for the neighbourhood school principle, as presently defined - and there are other definitions of it - - -

**Mr Connolly:** Mr Collaery supported that this morning.

**MR HUMPHRIES:** The point I am making, Mr Connolly, is that there are different definitions of that concept. I also support the neighbourhood school concept, but I do not believe that "neighbourhood" should necessarily be defined as the NCDC planned suburbs.

It is worth noting that there are choices being made all the time in our education system and, despite members opposite supporting the neighbourhood school principle, about a quarter of all government school students do not go to their neighbourhood school. This is an indication that many parents, and presumably also many students, choose things available elsewhere than at their local neighbourhood school. That is an important point. If we say that the neighbourhood school principle, as presently defined, is essential to the quality of education, what do we say to those parents who do not choose the neighbourhood school?

31 May 1990

**Mr Moore:** They can afford to. That is what I would say to them.

**MR HUMPHRIES:** Not necessarily. Many people make choices for all sorts of reasons and not just money. I think it is a mistake to assume that money is the only factor in that arrangement. What I think is the most important aspect of quality in our system is choice - the capacity for parents to find a range of options available within our education system. I hope that we enhance and preserve as much as possible the strength and reality of that choice.

Mrs Grassby keeps referring to the fact that the Follett Government had no plans to close schools. I have to remind her and her colleagues again and again that the Follett Government did make plans to close preschools. I ask those opposite to indicate to me what is so different about preschools that they can be closed without affecting the quality of education when just the suggestion of closure of a single ordinary school affects it. For members on this side of the house to suggest that is apparently a heresy. There is a funny sort of inconsistency there.

I suspect that members opposite were simply caught out at the right time. They seem to be rather lucky in that they did not get any further down the track. Of course Ms Follett has told public meetings that her Government would never have gone any further with education cuts. I do not believe that and I do not think that many people in the ACT believe it either.

Question resolved in the affirmative.

#### **PERSONAL EXPLANATION**

**MR MOORE:** I claim to have been misrepresented. Mr Humphries, in referring to my speech, indicated that I did not accept monitoring of educational numeracy and literacy. That is not at all what I said. I do accept monitoring, but the point I was making at the time was that all the Minister had included under numeracy and literacy was monitoring. What about some statements about how we can improve numeracy and literacy?

**ACT GREENHOUSE STRATEGY**  
**Ministerial Statement**

Debate resumed from 3 May 1990, on motion by **Mr Kaine**:

That the Assembly takes note of the following papers:  
ACT Greenhouse Strategy - ministerial statement, 26 April 1990;  
Developing an ACT Strategy to Respond to the Greenhouse Effect.

**MR WOOD** (11.59): The business we are discussing is the Government paper on strategies to handle the greenhouse effect. No-one in this house will dispute the urgency of this debate or the importance of this paper to the ACT community. Two matters in particular have focused the attention of the community on the importance of the environment. These are the greenhouse effect and, along with it, the depletion of the ozone layer. In years gone by, as people endeavoured to focus the community's mind on the importance of the environment, action was not always rapid in coming. But, now that there is a genuine fear in the community about the greenhouse effect and the ozone layer, people are much more inclined to listen to those voices of concern about the environment. So great is the acceptance in the community of the need to nurture our environment and do nothing to damage it that even the Liberal Party is acknowledging the strength of the argument of the greens.

I want to stress to this Assembly that the community will accept strong policies, policies that will have a considerable impact on people's lifestyles. I believe that the Government could be less cautious than it has been in this paper. Let me give a couple of examples. In discussing the question of energy conservation in buildings, the paper says "requiring the incorporation of thermal insulation in new buildings".

That is good. We have no arguments about that. I assume that the word "requiring" means exactly that - that the building code will be altered so that all new buildings in this Territory, both domestic and commercial, will have a set standard of insulation incorporated. I take it that is what that word "requiring" means, that it is not just a soft word.

I think that the community now has reached the stage where it will sacrifice the en suite, the family room or the study so that the money can go into insulation. We see fine large homes - indeed, they are much too large - being built. The sellers put out a great list of the features of those homes and, of course, to keep the price down they leave out insulation - in many cases, insulation that cannot be put in at a later stage. I think that we should sacrifice the hitherto high selling points of en suites and so on and demand that that insulation go in. But I think

31 May 1990

the Government could also take a harder line in relation to that section which says "encouraging developers to ensure that residential streets, and the layout of blocks, will where possible allow for home owners to make maximum use of passive solar construction techniques".

The word I do not like there is the first one, "encouraging". I think that the word should be "requiring". I do not think it is too difficult to do that and I believe the community will accept it. There should be a planning requirement that houses are oriented to the sun. I do not think that is very hard. What we need are long, narrow blocks. The angle of that block depends on its orientation to the sun. It is no great trouble. In some streets, you will have houses long to the street; in others they will be narrow to the street or in various other alignments. There is no great trouble in drawing up the plans. That should not be "encouraged" in our planning approvals; it should be "required".

Under present arrangements, the land is sold off to developers. Whether it goes to developers or is restored to government agencies, it is no great trouble to carry out the planning in that mode. Then we could take the further step of saying that, not only is insulation required for the house, but the house design must be such that it accommodates the energy available from the sun. There are simple requirements that can be built into the building code to do that. That should not be a matter of encouragement; it should be a matter of requirement.

I want to discuss some of the matters associated with transport. The document mentions the promotion of public transport, and that is great. Let us acknowledge first of all that in Canberra our great problem is that, in the rapid growth after the last war, there was no concept of the greenhouse effect and this city was designed to be a city for cars. We are now faced with that. It is going to be very difficult to change it; for example, to change the traffic arrangements to Tuggeranong. It is too late to question whether we should have put in that eastern parkway. We are stuck with this arrangement and it is a problem.

In the future, we are going to build Gungahlin. I believe that everyone here hopes that Gungahlin is many, many years down the track. We want it as late on the scene as possible. Indeed, we do not have to follow the mode of looking for development. The way this city can be sustained is not through population growth. However, inevitably, many years down the track, Gungahlin will be developed.

If we are to take the Government's document seriously, we must completely change our ideas of how Gungahlin is to be planned. I know that already the suburb is substantially under way on the planners' drawing boards and it is no different in concept from Belconnen or Tuggeranong. It is



designed for the car. We have to change that. This document on the greenhouse effect should be the planning document at the basis of it all. We cannot be serious about this document or our attack on the greenhouse effect if we allow Gungahlin to be planned in the way that other suburbs in this city have been planned. We cannot justify this document or the seriousness of our intent if we build, as is presently planned, 10 lanes for motor traffic from Gungahlin into the city and elsewhere. The two simply do not go together.

Our planners need to go back to their drawing boards, tear up the documents they have already and start planning for a light rail. I know that some attention has been given to that. I do not believe it has been serious enough. We should start from the basis of saying to the planners that, when the suburb is fully developed, communication will be by light rail. Planning should proceed from that.

I do not deny that roads will need to be built but, if we plan for 10 lanes of traffic, we are doing a disservice to the people who will live in Canberra in the future. We cannot have 10 lanes of vehicles, even with buses, pouring out of Gungahlin into other suburbs. It is no great trouble to design a light rail.

I acknowledge that it will not come into effect and it will probably not be taking passengers until the suburb is almost completed. We certainly cannot start with a light rail - we do not have any way of financing that - so there will be road communications. At this stage I do not think that we need any more than four lanes of highway down there, but we will need to phase that into light rail in the longer term, when the population in that area can sustain that system. Perhaps we could build roads of a certain standard and then the light rail would come in over the top of those roads so that it would replace the highways. The important element is to see that once Gungahlin is up and running at its maximum population, or near it, the light rail system comes into use. That is the only way to go.

That is the rhetoric of this Government and I believe it will be the rhetoric of any other government - the next Labor Government - that we want to do everything we can in this relatively small community to attack the problem of the greenhouse effect. (Extension of time granted)

Let us see that our deeds match our words. I shall only mention these briefly because they have been well canvassed in this house. I think Mrs Grassby made some comments yesterday about closure of the Ainslie tip. We should not close that because we are sending people on much longer journeys in their cars and we do not want people to drive their cars. That is just one course that we should be following if we are to have a comprehensive package of environmental measures that we want to take up.

31 May 1990

What about big bins? This document supports recycling. We want to reduce the amount of waste that goes to the tip. We do not want to create methane, for example, a problem mentioned in the document. Methane is as serious a pollutant of the environment as anything else. We have to encourage recycling, so let us not go down the big bins path. I know that no decision has been taken in this Assembly yet, but let us not go down the path of big bins.

Finally, if we want to put our money where our mouth is, we need to put some money into education. The document simply says "people have to be educated" - that is, the community at large and the community growing up in the schools. In the schools we do not need to do a great deal because so much has already been done. If you have children in any of the schools here, government or non-government, you will know that they have brought home projects on the environment. There is no question about that. Nevertheless, schools do need something in the way of curriculum resources and perhaps something in the way of in-servicing - not vast amounts. The greater amount of education perhaps needs to be directed at the older generation.

In conclusion, I would add that the greatest work in environmental protection in Australia is being done in our schools. Along with the fear of the community about the ozone layer and the greenhouse effect, what is happening in our schools is a major factor in changing the views of Australians.

**MR STEVENSON (12.12):** Mr Speaker, the two coldest years recorded in the history of the planet were 1975 and 1978. This, combined with a number of other factors, caused widespread concern by scientists around the world that we were entering an ice age. Was there any evidence for this? Indeed there was. In its April 1989 edition, the Scientific American magazine reported a decline in the mean global temperature between the years 1940 and 1965. In February 1989 the US Under-Secretary of Energy, Donna Fitzpatrick, stated that there had been a long downward slide in temperatures from about 1949 to the mid-1960s. The US Under-Secretary stated, not surprisingly:

That slide induced many people - serious scientists and even our serious Congress, to conclude that we were in danger of slipping into another ice age ...

Indeed, in January 1975, as reported in *The Greenhouse Trap*, by John Daly, an Australian, the US National Academy of Sciences published a report entitled "Understanding Climate Change: A Program for Action", which stated:

There is a finite possibility that a serious world-wide cooling could befall the earth within the next 100 years.

The reasons they gave to support this warning were: firstly, global climate was already cooling, which was certainly true at the time; secondly, the exceptional warmth of the 1880 to 1940 period was highly abnormal and could not be expected to last, and indeed it did not; thirdly, climatic changes in the past have followed clear cycles. This is the Milankovich mechanism, named after a Yugoslav mathematician who determined that the major problem was caused by the geometrical ratio of the sun to the earth. They said that there were clear cycles and we could thus anticipate the return of a colder climate soon.

In 1976, as a result of these concerns by members of the scientific community that the earth was undergoing a continuous cooling trend, the Australian Academy of Science conducted an investigation into climatic change. The committee report of its investigation stated in summary:

We conclude that there is no evidence that the world is now on the brink of a major climatic change.

On 24 June 1988 the Phoenix Gazette in America, in a front page editorial, reported a study by two Arizona State University researchers. The study, of weather data recorded between 1920 and 1985 in small towns throughout the United States, showed that temperatures had declined by 0.5 degrees Celsius over the past 65 years.

So did the popular media do anything about this? Indeed, it did. There were headlines with such words as "Ice age imminent". A number of books were written; for instance, *The Cooling* by Lowell Ponte; *Ice* by Sir Fred Hoyle, which discussed the grave concern about the coming ice age; and in 1974 *The Weather Machine* by Nigel Calder, a British scientist.

Did that have any effect? Yes, indeed, it did. He was one of the senior scientists in the UK in these areas, and a four-hour television documentary was filmed, based on the book. Actually, we had a four-hour TV documentary recently in Australia. Was it on the environmental concerns of the greenhouse effect? I seem to recall so.

What they discussed at that time was the grave concern about the imminent collapse of society as we know it, caused by the coming ice age. That was just over a decade and a half ago. So what action should have been taken to handle the problem of too much heat escaping from the atmosphere? Well, I do not doubt that at the time there must have been calls to keep in all the heat we could. Perhaps someone may have suggested that any gases that collected re-radiated heat after it was absorbed from the earth would be mandatory to use, not only when we normally would but perhaps as a morning ritual to make sure that there was enough up there and that the coming ice age would not flood the lot of us.

31 May 1990

What an interesting statement. What do we have now? In June 1988, an American, Dr James Hansen, reasonably acknowledged as an expert at the time, told US Government hearings that serious droughts in America at the time were definitely caused by the greenhouse effect. He said, "We can state with 99 per cent confidence that current temperatures represent a real warming trend rather than a chance fluctuation". If anybody knows anything of science and he thinks that is science, he should study the field. That is not science. That is absolute nonsense.

**Mr Connolly:** It is a hoax like the Holocaust, eh, Dennis?

**MR STEVENSON:** That is an interesting comment from one of the Labor people. Wayne Berry made another comment a bit earlier - something to do with socialist greenies. It is true that there are such people, but there are also a lot of other people who are gravely concerned about our environment. Mr Wood said that even the Liberal Party has decided that there are some concerns with the environment. Not only the Liberal Party, but also even the Labor Party has decided that the environment is a wonderful political viewpoint. Graham Richardson so decided, not so long ago, at a Lorne Fabian meeting.

It is interesting to note that a lot of people have been jumping on the environmental band wagon for some time. I am only too happy to jump on band wagons all the time, because band wagons are usually being pushed by the people. As I have stated, I represent the people, and, if they push a band wagon, they can collect me up in it any time they like - in most cases.

About a quarter of a century ago, I was a founding member of the eco-action environmental group in Sydney. Indeed, more than 20 years ago I was studying the effect of gases and other emissions on the ozone layer.

**Mr Berry:** That was at the Church of Scientology, was it?

**MR STEVENSON:** No, it was done at Sydney University actually. At that time I was looking particularly at world-wide concerns that supersonic transports - Concorde specifically - would destroy our society as we knew it. I think we all recall the nuclear winter. It is not an uncommon thing for these matters to be presented to people and picked up by the popular media. True scientific statements which are totally distorted and misrepresented in the media do nothing else but scare the life out of people. So it was with the ice age scare, not true.

If you read the scientific literature, you find out that fluctuations occur in climate fairly regularly, but they tend to go in longer cycles over periods of thousands of years. But it is not a story to say that the ice age is coming in 5,000 years; you have to say, "The ice age is imminent". Indeed it is. From 1940 to 1980 the temperature of the globe decreased by 0.3 degrees Celsius. (Extension of time granted)

Let us have a little look at what scientists around the world say about Dr James Hansen and his 99 per cent confidence. Dr Fred Wood, senior associate in the Congressional Office of Technology Assessment, stated, "This is an extreme position not held by most. Most of the scientists that I have talked to, including many mainstream scientists who do their research in detection" - not just collecting details from a book, but out there collecting data - "do not agree with Hansen".

Dr Patrick Michaels, professor of environmental science at the University of Virginia and a member of the executive board of the American Association of State Climatologists, has rejected the claim that there is a global warming resulting from man-made emissions of greenhouse gases.

In January 1990, just this year, National Oceanographic and Atmospheric Administration scientists, Karl, Baldwin, Burgin and others, reported on a study of temperature measurements at 1,219 stations in the US taken between 1900 and 1984. They reported that they could find no long-term upward trend in temperatures.

In Australia, Dr Edward Bryant, senior lecturer in the department of geography at Wollongong University, stated that there was no reliable evidence of global heating. He said:

There is certainly no evidence that established a warming trend ... the greenhouse scenario cannot address the fact that our present temperatures are only returning to the values of the 13th century when there was little large-scale, global industrialisation and certainly no greenhouse gas build-up.

Indeed, the current proponents of the greenhouse effect cannot explain the decrease in global temperatures from 1940 for some four decades, using their theory. Conveniently, that is left aside.

Dr Jeremy Marais, of the Scripps Institute of Oceanography of La Jolla, California, who is acknowledged as the "dean" of climatologists in the USA, stated:

I think we can write off what is sometimes claimed, that the greenhouse effect is here now. I don't believe that it is here at all yet.

It should be said that indeed the earth has a greenhouse effect. If it did not, we would be boiled to a crisp. But the question is whether we have a warming trend. The scientific evidence shows that we do not. Dr Kevin Trenberth of the National Centre for Atmospheric Research in Colorado was reported as saying that the warming trend had been exaggerated. I could go on and on highlighting the difficulties and the lack of science in this area, but

31 May 1990

a minute and a half will not allow me to do so. So let us have a look at who is responsible.

We understand that the major media organisations are indeed responsible for presenting all sorts of scares to the public, as I have already illustrated. We well remember that fossil fuels were going to run out - some said that by 1990 there would be no more. If you check your research you will find that we now have more recorded fossil fuels available on this planet than ever before in the history of man. I do not say that we should waste it, but that is the truth of the matter.

On 22 May 1989, the Sun newspaper reported that Senator Graham Richardson was proposing to find ways for the Commonwealth to assume State powers on environmental laws. He suggested a referendum to transfer State powers to the Federal Government.

**Mr Berry:** Is that a good idea?

**MR STEVENSON:** No, indeed it is not, as you should well understand. That is what the Constitution Act was all about; it delineated just how far Federal power could go. I think that Lord Acton said it better than anybody else and I do not need to repeat his statement. We need to be wary about ever larger control. When I get another chance to go into this field in more detail I will welcome it. We need to do something about studying the truth of the matter before we take economic and legislative measures.

Debate adjourned.

**Sitting suspended from 12.28 to 2.30 pm**

### **QUESTIONS WITHOUT NOTICE**

#### **School Consolidations**

**MS FOLLETT:** Mr Speaker, I would mention that we have the students and some staff from St Bede's School in the chamber with us today. My question is to the Minister for Education, just for a change, and I refer the Minister to the Education Department's assessment that the closure of primary schools in 1988 produced gross savings of \$200,000 per primary school. Can the Minister inform the Assembly what additional costs were imposed on the administration of the enlarged remaining schools? What other costs, such as transport, were imposed on the community as a result of the school closures?

**MR HUMPHRIES:** What Ms Follett means by "imposed on the community" is a bit hard to ascertain. I assume she means things like additional costs entailed on the part of parents in taking their children a bit further to school than might otherwise have been the case, or whatever.

**Mr Wood:** And refurbishment and the like.

**MR HUMPHRIES:** No, I do not think that is what Ms Follett is referring to.

**Ms Follett:** No.

**MR HUMPHRIES:** I think that those sorts of costs are extremely hard to quantify since we do not know - nobody knows - how many children are dropped at school by their parents and how many walk themselves. We know how many are bussed, in general terms. I will have some difficulty supplying Ms Follett with the information on that score, but I will do my best.

In terms of other direct on-costs, there are some additional costs entailed in having a slightly larger school, as I made quite clear from the outset. I cannot give Ms Follett details of what they might be; obviously it depends on which particular school is involved. Ms Follett referred to the five schools that were closed at the end of 1988. In those circumstances, of course, there were some costs associated with the increase. It is very hard to identify just what those costs were.

**Mr Wood:** But you will not even try.

**MR HUMPHRIES:** Well, it is very difficult to quantify those sorts of things, Mr Wood. It is very hard in a changing environment to work out what things flow from the fact that there are more students there and what things flow from other factors. As you are well aware, schools change on a daily basis almost as particular challenges arise to be met and so on. I will attempt for the benefit of Ms Follett to indicate what additional costs of the kind she refers to are quantifiable and identifiable, and I will provide that information at a later time.

**MS FOLLETT:** I ask a supplementary question. It is on much the same topic. Could the Minister inform the Assembly when he will be providing the figures requested by Dr Frances Perkins, which I believe have been promised on a number of occasions? Obviously they would help in the community's awareness of the financial issues involved in school closures.

**MR HUMPHRIES:** This is not, strictly speaking, a supplementary question, Mr Speaker, but I will answer it. The information is being worked on at the present time by officials from the Department of Education, the ACT Treasury and at least one other academic from the Australian National University. I had the opportunity of meeting Dr Perkins last night and discussing some of the issues with her. I have undertaken to provide her as quickly as possible with the background and the raw information that she requires to work further on her figures.

31 May 1990

I have instructed the Education Department to provide that information as soon as possible. I do not know exactly what the information is or exactly what difficulty there is in obtaining it, but I can assure Dr Perkins and the Leader of the Opposition that the information will be obtained as quickly as possible and, if required, supplied also to members of the Opposition.

### **Royal Canberra Hospital**

**MR JENSEN:** I refer the Minister for Health to comments by a member of the Opposition, reported in the current issue of the Tuggeranong Valley View, that the closure of the Royal Canberra Hospital will seriously affect the residents of Tuggeranong. Is this the case?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Jensen for that question. As soon as I heard him refer to someone from the Opposition stirring up trouble, I immediately thought of Mr Berry. Indeed, this is so in this case. Mr Berry's comments have displayed a fairly simple-minded logic. Apparently he thinks that, if you reduce the number of hospitals from three to two, you must be reducing the number of accident and emergency services by a third, from three to two as well, or by some other reduction that is known only to his arcane mind.

In educational terms, it is rather like a child thinking that a long, thin glass contains a greater volume than a short, fat glass, even though they both contain the same amount. I can assure the Assembly that the Government is not destroying accident and emergency services. The Government's plans will lead to implementation of the hospital services available to all the people of Canberra, and particularly the people of Tuggeranong. The irony of the article appearing in the Tuggeranong Valley View is that the people of Tuggeranong will be the big winners from this arrangement. They will have as their closest major public hospital a major trauma centre.

**Mr Berry:** They will share fewer emergency services.

**MR HUMPHRIES:** The logic of Mr Berry again is hard to comprehend. I will make some things clear about this process. First of all, the Woden Valley Hospital accident and emergency service will expand to become the major trauma centre during 1991, next year, and Royal Canberra Hospital's casualty section will close after that occurs. Calvary's casualty section will be expanded to become a comprehensive 24-hour casualty section comparable to the service currently provided in Woden Valley, and this will occur before the Royal Canberra Hospital service is closed. With the availability of two strategically located high-level facilities, the Government will enhance health delivery in the ACT.



**Mr Berry:** But you can fit in only so many people.

**MR HUMPHRIES:** I am sorry that Mr Berry seems to want to display his ignorance about health services. There will be two major accessible casualty sections available in Canberra, Mr Berry.

**Mr Berry:** How much bigger will they be?

**MR HUMPHRIES:** They will be the same size. They will be providing the same sorts of services to the people of Canberra. The size is now important. Apparently, if it is not the same size, we are getting short-changed or something.

**Mr Berry:** Well, how many beds can you put in there? That is what it amounts to.

**MR HUMPHRIES:** There are not any beds in a casualty section, Mr Berry. You only have holding beds while people move off to some other part of the hospital.

**Mr Berry:** Have you ever lain on one? I have been in it.

**MR HUMPHRIES:** Mr Speaker, the ignorance displayed by this former Health Minister is absolutely appalling. As far as Tuggeranong residents are concerned, the casualty section for their area clearly will improve. The local service will now be a major trauma centre. Mr Berry has been caught out trying to frighten the people of Canberra once again. I have to say that it does really denigrate the democratic process when oppositions go beyond their normal task of keeping the government on the straight and narrow and simply say things designed to alarm, confuse and strike fear in the hearts of people in the ACT community. There is no role for that in this community or in this Assembly, and I urge the Opposition to repudiate Mr Berry and keep him in line.

### **School Consolidations**

**MR MOORE:** My question is also to Mr Humphries as Minister for Education. On ABC radio this morning during the 10.00 am news, Dr Kinloch apparently raised himself from his sick bed and said.

I am in there to make sure that we do not close schools merely for the sake of raising money. I think the only school that could possibly be closed is if there was an educational reason for doing so. Now I have yet to be convinced that there are educational reasons. I believe in the next two months or so the community should make its views known very forcefully and a consultative committee will be there to hear those views, and I

31 May 1990

believe it is likely that, if anything, we will not close schools.

I would ask you therefore, Minister: is it true that no schools are likely to close, or is it true that there is a split in the Alliance, despite Mr Collaery's denials as reported in this morning's paper? Furthermore, Minister, since you defined quality in education as being about choice in this morning's debate on the ministerial statement on education, does that not further reinforce Dr Kinloch's statement that no school will close, since parents clearly enjoy having the choice to send their children to neighbourhood schools?

**MR HUMPHRIES:** I have heard so often members of the Opposition, and I include Mr Moore in that description, abusing the process of question time by asking questions based on so-called quotes taken from people in particular instances, whether at public meetings, on public occasions or - - -

**Mr Moore:** I rise on a point of order. There is a clear imputation of untruth there and I ask him to withdraw it. I quoted from it, and it will be recorded in Hansard. I am quite happy to pass it across to you so you can read it.

**MR SPEAKER:** Order! Mr Moore, please do not debate the issue. Mr Humphries, I am not sure what Mr Moore is objecting to but, if there was an imputation there, please withdraw it.

**MR HUMPHRIES:** No, I am not either, Mr Speaker, but the point I am making is that Mr Moore and his colleagues on the Labor benches are more than capable of distorting and taking out of context things that are said by particular people. What happened yesterday was an excellent example. We had Mr Berry saying that the Chief Minister told some group or other that we knew educational quality was going to decline in the ACT. Those sorts of distortions and half-truths are typical of those opposite, and I have no intention of commenting on a quote which I have not directly heard but which may well, for all I know, be quoted out of context and which I have not seen. I will certainly take Mr Moore's question on notice and I will ensure that, if any comment or modification of what I have said needs to be made, I will make it. But, as far as I am concerned, I am going to read the comment for myself, listen to it for myself, and talk to Dr Kinloch myself.

**MR MOORE:** I wish to put a supplementary question. I claim that Dr Kinloch said, "I believe it is likely that, if anything, we will not close schools". Is that true or untrue? Do you agree with that statement that "if anything, we are not likely to close schools"?

**MR HUMPHRIES:** Mr Moore is simply trying to ask his question in a different fashion. I have already indicated that I will take it on notice. He is asking me whether

what Dr Kinloch said was true or not true, and I am not going to answer that question until I see what Dr Kinloch said for myself.

### **School Consolidations**

**MR CONNOLLY:** My question is directed to the Minister for Education. Minister, you stated last week at Taylor Primary School that new criteria would be released on school closures. Will those new criteria contain criteria previously put forward to you by the Education Department but not released for public consultation? When will the new criteria you referred to be released and what consultation processes will follow that release?

**MR HUMPHRIES:** Mr Speaker, there seems to be some confusion on the part of Mr Connolly about the way in which this process is proceeding. The whole purpose of putting out criteria for public consultation and debate entails hearing what the community has to say about those criteria. When Mr Connolly asks me whether the criteria contain particular things when they have been amended or modified by the community, he rather assumes that I am not going to be paying attention to what the community says about what is in those criteria. If that were the case, there would hardly have been any point in my engaging, in the last three weeks and the further two weeks, in public consultation and debate about this issue.

**Mr Kaine:** That is what the Labor Party did though, you see, so they think you are going to do the same.

**MR HUMPHRIES:** That is quite understandable, and I think that people might expect from experience of the previous Government that we are not about real consultation but in fact we are. We are here to listen to what the community has to say about the criteria. Therefore, I cannot tell Mr Connolly or members of the Opposition what the criteria are going to look like finally, because that is what we have put out to the community for its comment. That is what the community will be telling us about. Those additional criteria will be released for the public to see and those criteria will be the criteria on which the Government then proceeds to close schools. Naturally, the community will make comment on those criteria. However, as I have indicated before, at some point the Government has to make a decision based on those criteria. There will not be an endless round of criteria, discussion, closure, criteria, discussion, closure, et cetera, et cetera.

**Mr Berry:** On a point of order, Mr Speaker; a bit of brevity might help with the answers to these questions.

**MR HUMPHRIES:** I am sorry that Mr Berry feels the heat so badly.

31 May 1990

**Mr Berry:** You just said you do not know. That is fine. Sit down.

**MR HUMPHRIES:** I did not say I do not know. I said that there is not an answer yet. You want answers to things that are not facts yet. I think the situation is quite clear, Mr Speaker. The process of consultation will have to be a genuine one, and when it is concluded I will then be able to release the criteria for the edification of Mr Connolly and others.

### **Priorities Review Board**

**MS MAHER:** My question is directed to the Chief Minister. In view of the concerns which have been expressed regarding the possible impact of some of the recommendations of the Priorities Review Board, will the Chief Minister make clear why it is necessary for changes to be made to the way services are currently provided to the ACT community?

**MR KAINE:** First of all, Mr Speaker, I would like to comment, in connection with that question, that some of the initial reaction to the Priorities Review Board's report, in my view, has been a little bit emotional and ill-considered because I think it has been assumed by some people in the community, and probably stoked up by some members of the Opposition, that the decisions are, in fact, those of the Government.

They are not decisions of the Government at all. It is a report that has been put to the Government. It makes some 120 recommendations. The Government will look at those recommendations and will consult with the trade unions, community groups, our own employees and other interested people to determine which of those recommendations should be adopted and to develop an implementation plan to put them into effect.

Some of the emotional reaction that has come out so far is ill-considered and, I think, an unreasonable response. But I think the thrust of the question is: why is it necessary to make changes in the way we provide our services to the community? The simple, blunt response to that is that we cannot afford to continue to deliver them at the same cost as we are currently incurring.

**Mr Berry:** How much?

**MR KAINE:** We come back to the \$100m again, Mr Berry. If you do not believe your former Finance Minister at the Federal level - - -

**Mr Berry:** Have you checked the figures? You have not even bothered.

**MR KAINÉ:** He did check the figures, Mr Berry, and I did too.

**Mr Berry:** No, you did not.

**MR KAINÉ:** I did too, because it was on the advice of his department that he made that comment. If Mr Berry had bothered to go to a convention that was held in Canberra 12 months ago during the election for this present Assembly, he would have heard a first assistant secretary of the Department of Finance - I believe his name was Thorn - deliver a very learned paper in terms of the financing of the ACT.

**Mr Berry:** Since you have been Treasurer, have you checked the figures?

**MR KAINÉ:** Yes, I have, and I am relying for the time being - - -

**Mr Berry:** On that bloke 12 months ago. I rest my case.

**MR KAINÉ:** He was a senior officer of the Commonwealth Department of Finance who delivered a paper and who said even then that, in his view, the gap between revenues and expenditures in the ACT was far greater than the \$76m previously identified by the Grants Commission; in fact, it was then of the order of \$100m. If you do not believe a senior officer of the Commonwealth Department of Finance, if you do not believe a Labor Minister for Finance advised by his department in much more recent times, then I do not know whose authority you are going to accept. So the answer is, yes, in my belief, that gap is something of the order of \$100m. Despite your assertions about my qualifications as a treasurer - I will stack mine against yours any day - I happen to be a fellow of the Australian Society of Accountants. You do not get to be a fellow of the Australian Society of Accountants if you are a dumb lawyer. Mr Speaker, I was not referring to any lawyers on my side.

**Members** interjected.

**Mr Moore:** Will you withdraw it?

**MR KAINÉ:** No, I do not withdraw it. I am making the point that I do have credentials in accountancy and I have a lifetime of qualification by experience as well.

**Ms Follett:** On a point of order, Mr Speaker; I refer you to standing order 118, which says that the answer shall be concise and confined to the subject matter. I do not think dumb lawyers were the subject matter, although it is a great debate.

**MR KAINÉ:** Mr Speaker, if the would-be deputy Leader of the Opposition - - -

31 May 1990

**Ms Follett:** Have you ruled on my point of order?

**MR SPEAKER:** Yes, I asked Mr Kaine to be concise.

**MR Kaine:** If the would-be deputy Leader of the Opposition is going to raise the question, I am going to answer it. The fact is that we have a discrepancy between our revenue expectations on the one hand and our expenditure on the other. We have to reduce. I am prepared to concede to Mr Berry that the \$100m is probably a bit fuzzy. It might be \$120m when we finally do the figures, but the fact is that there is a major discrepancy and we have to deliver services at a much lower cost.

That is why I sought the advice of the Priorities Review Board. That is why we are looking at 120 or so recommendations that it has put to us. That is why its report includes matters such as consolidating our schools, reducing the number of public hospitals, and addressing the organisational arrangements of the Administration so that we can be much more efficient in the way that we deliver the services. The net result of it all will be to deliver services at the same standards as they have always been delivered - perhaps even better - at a considerably reduced cost compared with what we have incurred in the past.

### **Transport Ministers' Meeting**

**MR BERRY:** Mr Speaker, this is the third question from the Labor Party in 40 minutes because of all the waffling from members opposite. My question is directed to the Chief Minister. I refer the Chief Minister to an article in today's Sydney Morning Herald which says that, at the transport Ministers' meeting in Perth last Friday, Mr DUBY's attention frequently wandered and he was in a torpid state. Has the Chief Minister determined whether Mr DUBY was asleep at the conference for most of Friday morning because he was exhausted from the long journey to Perth or for some other reason? What action will the Chief Minister take to prevent Mr DUBY from continuing to bring the ACT into disrepute?

**MR Kaine:** Mr Speaker, firstly I have not read the Sydney Morning Herald. Secondly, I was not in Perth when Mr DUBY represented the Government there. I think what Mr Berry would like me to do is to express an opinion on something written by some journalist from the Sydney Morning Herald. I have no intention of doing so. I do not know what he said and I was not there at the time.

**MR BERRY:** I have a supplementary question for the Chief Minister who does not care about the ACT.

**Mr Kaine:** I did not say I did not care. Stop misquoting me.

**MR BERRY:** If Mr DUBY is a responsible representative at ministerial councils, as you have said, why was it necessary for Mr Jensen to accompany him to Perth in a clear breach of the Government's own guidelines on attendance by Executive Deputies, or could he not be trusted out by himself?

**MR KAINE:** The question as usual from this gentleman is predicated on an incorrect basis. Mr Jensen's attendance was not in breach of our instructions on Executive Deputies. Executive Deputies may attend with their Minister in lieu of a departmental adviser where they have special qualifications to do so, and he attended in that capacity strictly in accordance with the arrangements for Executive Deputies.

### **Royal Canberra Hospital**

**MR STEVENSON:** My question is to the Chief Minister. It concerns his statement on radio yesterday that it does not matter how many signatures are received against the closure of Royal Canberra Hospital - indeed, over 41,000 have been presented to this house - because the hospital will be closed anyway. In Switzerland, when the Government wanted to build autobahns, the people said they wanted hospitals, and indeed hospitals were built. Notwithstanding the multimillion dollar shortfall of funds - - -

**MR KAINE:** I am quite happy to answer the question, Mr Speaker, but I do not think I have to put up with a statement as well.

**MR SPEAKER:** Have you posed your question, Mr Stevenson?

**MR STEVENSON:** Yes. Notwithstanding the multimillion dollar shortfall in funds and the fact that the Federal Government allowed the hospital to be run down, will the Chief Minister indicate that the people quite reasonably should have a right to say where their funds will be spent?

**MR KAINE:** Mr Speaker, what I said was that the signatures on petitions do not translate into dollars, that to keep the Royal Canberra Hospital open requires tens of millions of dollars, that we do not have that money, and that I do not know where it can come from. It cannot come from my present revenue base; therefore, the hospital must close. I think, if you check what I said, you will find that is almost an exact restatement. I think that is a very logical statement that simply follows from the facts of life. People can sign petitions, they can express their wish. I can understand their motives in doing so, but it does not produce the tens of millions of dollars that are required to keep the Royal Canberra Hospital open.

I also said that, if the person who made the call and the people who supported that view were prepared to go to the

31 May 1990

Prime Minister and ask him to release to us the money that should have been spent in the hospital in the first place so that we can now spend it and keep the hospital open, I would be prepared to reconsider. That is a fact.

**MR STEVENSON:** I have a supplementary question. Yes, I heard the report yesterday. I am fairly certain that I heard that it does not matter how many signatures are received - I will certainly check that matter - but the reason that people were not really going to be heard on that issue was money. Looking at the fact that a majority of Canberrans do not want to obtain loot from lust, would the Chief Minister indicate whether a number of Canberrans can be heard in this area if they submit a petition?

**MR KAINE:** If this Assembly is of a mind to change its view from what it expressed quite recently, that it will not support banning of this material, then of course I will look at the options there also.

### **School Bus Services**

**MR WOOD:** Mr Speaker, I direct a question to the Minister for Education. If in the certain event that under his administration some schools will close, will he undertake to provide bus transport in those circumstances?

**MR HUMPHRIES:** Mr Speaker, of course we have to provide bus transport to schools and of course the Government accepts responsibility for that. I have to say that the Government is at the present time reviewing the arrangements for bussing of school students. I believe there is significant capacity for us to improve the way in which we deliver those services. There is no question, however, of continuing to maintain services as they are presently structured.

It is important that we provide that service because it is an important part of access to schools themselves and an important part of the element of choice of which I spoke this morning in the debate on my statement on education. I cannot tell Mr Wood just what services will be maintained, if that is what he is asking. I cannot guarantee that the structure of the service to whichever schools remain open will be identical to the structure that has gone on before. Obviously, with a new school structure we have to make modifications. I see no reason to reduce overall the quality or the quantity of bus services to our schools. However, like many other questions that are on the tip of Mr Wood's tongue, this question will have to wait until the exact number of schools to close is known and they are identified and so on before we can actually answer those questions in full.

**MR WOOD:** We would wish, Minister, that you knew more about all the implications of school closure before you acted so



hastily. Can I take it from your answer, which I thought was not very definite, that you will undertake the purchase of new buses when you need to in order to transport the children further distances to their new schools?

**MR HUMPHRIES:** No, Mr Speaker, Mr Wood cannot take that. It may be that we can use existing buses better to transport students. It may be that we need not use government buses at all to transport students. There is a whole series of issues currently being examined in order to provide a more efficient expenditure of money on school bus services. We will have to ensure we are providing the best possible use of the money we are spending in this area. That is the object of the Government's present endeavours.

### **Greenway Recycling Facility**

**MRS NOLAN:** My question is to Mr DUBY in his capacity as Minister for Urban Services. I understand a recycling centre will be built at Greenway in the Tuggeranong Valley. What facilities will be at the centre and how is it proposed to operate the centre? When is it hoped to have the centre open?

**MR DUBY:** I am pleased to be able to confirm that a recycling facility will be built at Greenway to service the recycling needs of the people of Tuggeranong, just as one is being built at Mitchell to service the recycling needs of the people of the inner north. The facility at Greenway will provide for the recycling of paper products, glass, PET plastics, aluminium cans and recycled oil. The facility will be of an upgraded design, with improved access, and will be aesthetically compatible with its surroundings. Funds for this project will be available in the new financial year, and construction is expected to be completed by December of this year.

### **Fire Brigade Ties**

**MRS GRASSBY:** Mr Speaker, my question is to Mr DUBY, who today is sporting a necktie with the ACT Fire Brigade's emblem on it. How much did the Fire Brigade spend purchasing such non-uniform items, and to whom are the ties given?

**MR DUBY:** I am afraid that I simply do not know how much the ACT Fire Brigade has spent on accoutrements such as Fire Brigade ties. I believe they have other souvenirs and mementos which they hand out to people of import who visit them. As I have said, I do not know how much they cost and I do not know when these ties were produced, but I do know this one is out of stock, so it may well have been produced prior to my being Minister for the Fire Brigade. I shall seek that information and get back to Mrs Grassby as soon as possible.

31 May 1990

**MRS GRASSBY:** I have a supplementary question. Will the Minister give an undertaking that he will require the Fire Commissioner to justify the expenditure on give-away ties against the Fire Brigade's requirement that the firefighters are issued with firefighting boots which do not conform to Australian standards on safety footwear and which would not be allowed on any ACT building site?

**MR DUBY:** I do not regard the provision of ties and give-aways - if you want to call them that - or mementos, as being of a spurious nature. I think they perform a very useful service in the brigade in raising morale, et cetera. In relation to the equipment which is supposedly under standard and which is supposedly supplied to the firemen, it is my understanding that that equipment was originally provided as a result of a working party which was led, I believe, by the FFU. If there is a difficulty there, by all means I shall investigate it, but I think at this stage there is no need for concern.

### **Teachers' Remuneration**

**MR STEFANIAK:** My question is to the Minister for Education. In the context of the tight budgetary situation being faced by the ACT, can the Minister inform the Assembly what impact that is having on teachers' remuneration?

**MR HUMPHRIES:** I think the very unfortunate result of the debate over the school consolidation proposals is the failure to recognise the contribution that teachers make to educational quality. The Alliance Government does not accept that the greatest determinant of educational quality is the location of a school in the community or even the number of empty places in the classroom, rather it is the quality of the teaching staff in those schools. In all areas of Government the ACT is finding that quality costs money. We must ensure that we maintain a remuneration package which ensures that the ACT continues to enjoy the services of a dedicated, professional teaching staff.

As the Government has come to rationalise the education budget, we have deliberately turned to the capital fixed costs of the system rather than squeezing teacher remuneration. The Teachers Federation lodged an application in the Industrial Relations Commission for a further 3 per cent increase in salaries in line with the wage fixation guidelines. At a hearing on 19 April this year, the Government and the federation presented a joint submission encompassing efficiencies to enhance public education, and I am pleased to say that the commissioner has agreed to the increase which is effective from 26 April. I find it ironic that as the Government strives to protect the teaching service from the - - -

**Mr Berry:** On a point of order, Mr Speaker; again, I raise the issue of the length of these responses. They are ministerial statements, not answers to question.

**MR HUMPHRIES:** It is no longer than any other question I have answered today or any other day.

**Mr Berry:** But all of your answers have been the same.

**MR SPEAKER:** Order! I might just point out that we do better than any other assembly or parliament in Australia in respect of the number of questions for the time given.

**MR HUMPHRIES:** I find it ironic that, as the Government strives to protect the teaching service from the impact of budget constraints, it is the Labor Party that is more concerned about the preservation of capital resources. I have to remind the Opposition that we can spend each dollar only once. If we are prevented from saving money through school consolidations, the money which goes to maintaining empty desks in schools will have to come out of other budget items. There are few saving options in education. Salaries make up 76 per cent of public education expenditure, of which 80 per cent goes to teachers. Clearly, teachers' salaries would have to be considered as a savings option.

**MR SPEAKER:** Ms Follett - the Chief Minister.

**Mr Stevenson:** On a point of order, Mr Speaker; I was clearly on my feet before anybody else.

**MR SPEAKER:** Thank you, Mr Stevenson. Again, I will point out to all members that I attempt to give everyone at least one question. If there is another question to be given, it will then go to the Leader of the Opposition. I will always give the call to the Chief Minister when he rises at the same time as any other member in the Assembly.

**Mr Moore:** On a point of order, Mr Speaker; I refer to standing order 44. You had already called Ms Follett and she was on her feet before the Chief Minister was. I wonder whether you would now give her the chance to ask her question?

**MR SPEAKER:** Thank you for your direction on this matter, Mr Moore. I call the Chief Minister.

**MR KAINE:** Thank you, Mr Speaker. I request that - - -

**Mr Berry:** On a point of order, Mr Speaker; Mr Moore has raised a relevant point of order. The fact of the matter is that it requires you to give Ms Follett the call.

**MR SPEAKER:** Order! That is not the situation at all. In this Assembly the Chief Minister will always be given preference on a call if he stands at the same time as somebody else. Thank you for your observation, Mr Berry.

31 May 1990

**Mr Moore:** On a point of order, Mr Speaker; standing order 44 states that when two or more members rise to speak the Speaker shall call on the member who rose first. Ms Follett rose first, you called her, and then - - -

**MR SPEAKER:** Order! I believe it is appropriate that the Chief Minister is called if he stands at the same time as another member. He stood at the same time - - -

**Ms Follett:** But you called me. It is an understandable mistake. You had called me.

**MR SPEAKER:** I realise that I did not notice that the Chief Minister was getting slowly to his feet. Under the circumstances - - -

**Mr Kaine:** I defer to the Leader of the Opposition.

**MR SPEAKER:** Thank you. Under the circumstances, please defer to Ms Follett. I will always call the Leader of the Opposition before other members of the opposition if they stand at the same time.

### **Hospital Redevelopment**

**MS FOLLETT:** I have a question for Mr Humphries as Minister for Health. Mr Humphries, on Tuesday in this Assembly you announced the closure of 50 private hospital beds at Calvary Hospital, the closure of 60 public beds at Royal Canberra Hospital and the opening of 60 public beds at Calvary. I ask you: what processes have been undertaken to plan the transfer of beds? How many jobs were involved in the staffing of the 50 beds at Calvary? How many jobs were involved in the staffing of the 60 beds at Royal Canberra Hospital? How many jobs will be involved in the staffing of the 60 new beds at Calvary? Can you guarantee preference to public hospital staff? How can you do that when the Government does not, in fact, employ staff at Calvary?

**MR HUMPHRIES:** Mr Speaker, first of all may I say that Ms Follett has asked a number of questions which are obviously going to have to be taken on notice. She should not seem surprised or shocked when I say that. The second point to make is that Ms Follett has ignored a number of things that I have said over the last few days. Of course, Ms Follett has not always been in the chamber for much of that time. That probably explains why she missed some of the comments I made. She will, for example, have ignored or overlooked the fact that I made a statement earlier this week in which I clearly indicated that the Government intended to move towards bringing Calvary Hospital staff into the same public service arrangements as staff at Royal Canberra and Woden Valley Hospitals. That certainly answers the last part of the question she asked.

She must also have overlooked the responses I gave to earlier questions, or certainly earlier statements I made, about the redevelopment process and the way in which that is proceeding. She should be aware that I announced some while ago that the Government was appointing a committee responsible for managing, or at least for overseeing, the clinical and related matters concerned with the redevelopment of the hospital system. This committee will, inter alia, examine questions relating to the transfer of services from one hospital to another. This committee will be meeting in the near future. Its work will begin very shortly. Already planning is going on at a bureaucratic level for some of the transfers and transitions being referred to by Ms Follett, and I will keep members of the Opposition abreast of developments in this area. I cannot, of course, answer questions about the number of jobs related to particular activities or particular bed numbers without further information, so I will provide that information to Ms Follett on notice.

**MS FOLLETT:** I have a supplementary question. I have heard what Mr Humphries has said about bringing the staff of Calvary under the same sorts of provisions as other staff. Therefore I would ask: what is the impact on the association which currently runs Calvary Hospital, which has a clause for its association that says, "The Association shall have the right to require its staff to comply with the medico-moral principles set out in the Association's Articles of Association"?

**MR HUMPHRIES:** Mr Speaker, that is a question that really depends on the result of negotiations between the ACT Department of Health and Calvary - - -

**Ms Follett:** Either they are the same or they are not. You said they would be the same.

**MR HUMPHRIES:** That is a question that has to be negotiated between the department and Calvary Hospital.

**Mr Berry:** You do not know? Have you not addressed this issue?

**MR HUMPHRIES:** The answer has not been determined yet, Mr Berry. You want to know what time it is going to rain tomorrow. I do not know those sorts of answers. When we have information to give you, I will let you know.

**Mr Berry:** For six months you have been there and you have not found out.

**MR HUMPHRIES:** There is not an answer to the question yet. You are asking about future facts.

**Ms Follett:** You said they would be on the same conditions.

31 May 1990

**MR HUMPHRIES:** I did not say that, Ms Follett. What I said was that the Government was negotiating to arrange for these arrangements to be put in place. When I have concluded these negotiations I will happily advise you of the product of the negotiation.

**Mr Berry:** How long will it take?

**MR HUMPHRIES:** I do not know how long it will take, Mr Berry. If you want to know all these sorts of things you obviously should have a crystal ball rather than be coming to question time.

**Mr Berry:** I knew.

**MR HUMPHRIES:** I am sure you did. In answer to another question that Ms Follett alluded to, I think I forgot to answer the first part of her question. There will be preference of employment given to public hospital employees. I can indicate that already.

**MR KAINE:** Mr Speaker, I think that we have allowed question time to run considerably longer than the allotted time and I request that any further questions be placed on the notice paper.

#### **ASSETS AND DEBT - COMMITTEE OF INQUIRY**

**MR BERRY:** Mr Speaker, I move that so much of standing orders - - -

**Mr Kaine:** Mr Speaker, I was on my feet. He cannot say that he was on his feet before me this time.

**MR SPEAKER:** Order! Mr Berry, I thought you were raising a point of order.

**Mr Berry:** I thought you would call on the Clerk to go on to the next item of business, so I thought I would get in before the Clerk was called.

**MR SPEAKER:** Order! Mr Berry, please resume your seat. The Chief Minister was on his feet. Please proceed.

**Mr Berry:** Not bad, Mr Speaker.

**Mr Kaine:** He is too good for you.

**Mr Berry:** He is good for you fellows.

**Mr Collaery:** On a point of order, Mr Speaker; Mr Berry has just said you were good for us. That is really an imputation of partiality in your decisions. I ask that he be instructed to withdraw those words.

**MR SPEAKER:** Please withdraw, Mr Berry; I think you are under stress.

**Mr Berry:** Mr Speaker, if I withdraw, it would have the imputation that you were bad for them and I would not like to say that you were bad for anybody.

**MR SPEAKER:** Thank you for that. I want an unqualified withdrawal, please, Mr Berry. Would you please withdraw the comment.

**Mr Berry:** Mr Speaker, if you are asking me to move a vote of confidence in you, then that is something I would have some difficulty with; but I will withdraw the imputation.

**MR SPEAKER:** Order! You have not complied with the request.

**Mr Berry:** I withdraw any imputation.

**MR SPEAKER:** Thank you.

**MR KAINE** (Chief Minister): Mr Speaker, I seek leave to make a ministerial statement in connection with the report on the assets and liabilities of the Territory.

Leave not granted.

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

**MR KAINE** (Chief Minister) (3.13): Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Kaine from making a ministerial statement on the report of the Committee of Inquiry into the Assets and Public Debt of the ACT.

I must say it is unheard of for a Minister to be refused permission.

**MR BERRY** (3.14): The reason why the Labor Opposition has opposed this is that the Labor Party wishes to extend question time. I got to my feet as quickly as possible to raise that issue but was prevented from doing so. We want to interrogate the Government further. This is a government that has shrunk at the thought of interrogation. Today was a grand example of the tactics that they use to ensure that they are not interrogated fully. It is the tradition of parliaments throughout the world that question time is a time when the Opposition can properly interrogate the Government and discover, for the purposes of the community, what the Government is on about.

Mr Speaker, today there were 11 questions answered by the Government. I can recall, and I am sure the Chief Minister

31 May 1990

would recall, that on occasions many more questions were answered by Labor when in government. In fact, on one occasion the then Chief Minister, Rosemary Follett, fielded 19 questions - that was without the questions that were asked of the other Ministers. Mr Speaker, that was because Labor would accommodate interrogation and was not frightened of it. The Government opposite is terrified of interrogation. It is quite easy to see that because of the lack of information that has been in their responses to the questions put to them by the Labor Opposition - waffling, extended answers and ministerial statements. Ministerial statements have become the order of the day. Ten questions were answered by the entire Government from all of the members opposite.

Mr Speaker, I am not responsible for the tardiness of the Chief Minister. If he wants to waffle on all day and not come forward with any information, I cannot help that. If he is slow off the mark, that is a problem for the Chief Minister and the Government, not the Labor Opposition. It is not a problem for the Speaker, but it is a problem for the people of the ACT because the Minister and his Government avoid interrogation. What needs to happen is that, as a result of that interrogation we can use the information that we glean in pursuing our proper role as an Opposition; that is, to keep the Government in line.

There were 10 or 11 questions answered today. This is an outrageous performance by the Government in comparison to the performance of Labor when it was in government. There were 19 questions fielded in question time by the then Chief Minister herself; that was without the other Ministers.

**Mr Kaine:** I have matched her performance since I have been here.

**MR BERRY:** I think you have got a long way to go. There are ways and means of explaining that, but they would probably be out of order in this place.

Mr Speaker, the issue that is before the house is the suspension of standing orders to allow the Chief Minister to give his ministerial statement. It is true that it is not common for the Labor Party to oppose leave being granted, but in this case, because of the tardiness and the tiredness of the Government opposite, it was necessary. It was also necessary because the Chief Minister needs to understand that such matters as suspensions of standing orders to accommodate Opposition wishes may well become more the order of the day because of his own behaviour in relation to yesterday's issue about scrutiny of the Government. It was very carefully avoided by the Government to save embarrassment, because they were embarrassed. They were found out. I can understand why they are twitchy. I can understand why the Chief Minister is twitchy. It is sometimes embarrassing to be interrogated but this is an important issue and it is important that this motion is not carried.



**MR HUMPHRIES** (Minister for Health, Education and the Arts) (3.19): Mr Speaker - - -

**Mr Moore:** I raise a point of order, Mr Speaker, regarding standing order 44.

**MR SPEAKER:** Mr Moore, please return to your seat. I will make a statement for your education. My priority is to allow across the floor comment in this house - one member from the Opposition matched by one member from the other party, the Government. Please understand that I will always do that.

**Mr Moore:** Mr Speaker, can you tell me which standing order you are referring to? Standing order 44 makes it quite clear that it is the first person to his or her feet.

**MR SPEAKER:** Thank you, Mr Moore, for your observation.

**Mr Moore:** Mr Speaker, on a point of order; I said standing order 44. Would you refer me to the standing order on which you base that statement? This is what you request from any other member of this house.

**MR SPEAKER:** Mr Moore, if you question me again I will ask for your removal.

**MR HUMPHRIES:** Mr Speaker, may I say that your ruling is entirely appropriate and proper, and I think this is very much to the point of the issue that Mr Berry has raised in refusing to grant leave to the Chief Minister today in this unprecedented fashion. The issue is all about equity in the chamber and the access of members on both sides of the chamber to particular participation during the course of debates and question time in this Assembly. It is the view of not just this parliament but other parliaments in Australia and, indeed, in the Westminster system around the world that questions are to be distributed equally around the chamber proportionate to the membership of the parties in the chamber.

Mr Berry says that there were 11 questions asked today. I do not know whether that is true or not. When he gets embarrassed he interjects and he makes frivolous comments and that is - - -

**MR SPEAKER:** Order! Let me make an observation to clear the air on this matter. There were 16 questions asked, 12 by the opposition.

**MR HUMPHRIES:** Thank you very much, Mr Speaker, I appreciate that additional information. I wonder who can count and who cannot count. Mrs Grassby was counting. That explains it. Say no more.

**Mrs Grassby:** I tell you what, Mr Humphries, I would be able to add up a lot better than you can.

31 May 1990

**MR HUMPHRIES:** Yes, but not on this occasion, Mrs Grassby.

We saw, Mr Speaker, four questions asked by the Government despite the fact that the Government parties hold 10 seats of the 17 seats in the Assembly. Despite that fact the opposition had 12 questions - - -

**Ms Follett:** No, we did not.

**MR HUMPHRIES:** Mr Speaker was counting them. If you think he is wrong, Ms Follett, then I suggest you - - -

**Ms Follett:** I think he is wrong; I think he has made a genuine error.

**Mrs Grassby:** He is counting supplementary questions. They are not questions.

**MR HUMPHRIES:** All right. Let us assume for argument's sake that it was only 11 questions. Let us just take Ms Follett's position. There were 11 questions from the whole Assembly. Seven therefore came from the opposition and four from the Government parties, despite the fact that the Government parties have 10 members in the chamber and the opposition all together, including Mr Moore and Mr Stevenson, have only seven seats. Under any Westminster system, that is a disproportionate number of questions from the opposition. You have no right to complain about the treatment you are getting at the hands of this Speaker. Mr Speaker, I think, with great respect, that suggestions that you are not doing your job properly are totally false and you are certainly entitled to take action against people who make those sorts of claims.

The reality is that you on the opposition benches have had more than fair treatment. You have had plenty of questions over every question time since this Government came into office, and what is more, the answers to questions have been considerably shorter. The questions that I have known - - -

**Mrs Grassby:** Not yours. They went on and on like ministerial statements.

**MR HUMPHRIES:** You have not let me finish, Mrs Grassby.

**Mrs Grassby:** No, I will not, because that is a lie.

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

**MR HUMPHRIES:** Mr Speaker, the questions asked in this chamber are being answered in a shorter fashion than those being answered in the Federal Parliament, and I worked there for a while. It is certainly the case that the answers that we give here are shorter than those. I suggest that some of the members opposite go and wander up the hill one day and just hear what goes on there and see how long the answers to questions are there.

**Mrs Grassby:** I am not interested in what happens up the hill. I am interested in what happens here. You seem to worry all the time about what happens up the hill.

**MR HUMPHRIES:** We provide shorter answers than your colleagues on the hill do.

The second point is that, almost invariably, questions asked by the Opposition have supplementaries attached to them, frequently not in proper form, frequently not proper supplementary questions, frequently simply tacking on a new issue - a completely unrelated issue - for the sake of getting a second question. I think when we talk about seven questions coming from those opposite we should really talk about more like 14, because that is how many they have had today. Government members do not take supplementary questions. You have had twice as many as you have even claimed to have.

**Mrs Grassby:** You cannot count. There were only two supplementary questions asked.

**MR HUMPHRIES:** There were more than two supplementary questions, Mrs Grassby. Almost every member who asked a question asked a supplementary question.

**Mr Doby:** And a supplementary on the supplementary.

**MR HUMPHRIES:** Yes, and we sometimes get supplementaries on supplementaries. Before our hearts bleed too much for the members opposite we ought to bear in mind that their cryings and their cravings and so on are a little bit self-serving.

**MR MOORE (3.24):** I wish to support the Government on this particular issue because I think that what we have got here is a situation where the Chief Minister should have been granted leave, as quite clearly he has an important statement to make to the house. I think it was rather churlish of Mr Berry to challenge that and not give him leave in this particular instance.

I presume that the problem stems from the fact that the Chief Minister was standing at the end of question time and remained standing. To refer back to the other day when a censure motion was being brought up, there is then no opportunity for the Opposition members to have a chance to get to their feet to put the censure motion. I presume that this was the cause of the problem in the original case.

I feel, Chief Minister, that if you would return to your seat at the end of question time when you ask that further questions be put on the paper this would be the appropriate way to handle this situation. Then the Speaker could see who was on his feet first or, using his ruling, which is clearly different from what I read in standing orders, he

31 May 1990

would then automatically go to the Opposition. He has just described his system as going to one side of the house and then the other side of the house. I think that that is the point of the problem here.

Clearly, today when the Chief Minister is putting forward a major statement it is quite appropriate that he be granted leave in the normal fashion and I think that should have happened. Let me say this about question time as an impartial judge: I consider the questions to be answered much more thoroughly and to the point under this Government, particularly with Mr Humphries. Of all days, today he did take a question of mine on notice but I think it is perhaps only the second time that this has happened. I think that this happened regularly with the Labor Government, whereas this particular Government has attempted to answer the questions fully and offer somebody else a chance to have a say.

**MR STEFANIAK (3.27):** I was going to rise on this one because Mr Berry has made this point about not letting the Chief Minister make a ministerial statement which is somewhat unprecedented. It is normal that Ministers are able to make ministerial statements at this point in time. Mr Berry has had a great whinge about the Opposition not being given enough time for questions. They had 40 minutes today. I can recall on one instance the Chief Minister allowing close to an hour. We have regularly gone past 3 o'clock.

Mr Berry, amongst the members of the Opposition, has been particularly vocal in the last three or four months about saying that this Government has got no business, yet I note with interest that a lot of the time of this Assembly since February has been taken up by spurious points of order, spurious suspensions of standing orders and time wasting tactics by this Opposition when we could have got on with business. We have a fair bit of business here today. I see eight Bills which are going to be introduced today which are on the notice paper. We have order of the day No. 1 in relation to the National Aquarium project and two ministerial statements. Let us get on with it.

**MR COLLAERY (Deputy Chief Minister) (3.28):** I wish to add a couple of points to this debate. Firstly, the Opposition's tactics today are exactly the same as those they have employed at all of the school meetings - destructive, non-constructive and delaying. Secondly, Mr Speaker - - -

**Mrs Grassby:** You were not there. How would you know?

**MR COLLAERY:** You would be surprised which ones I have been to. Secondly, Mr Speaker, there is a report to be delivered by the Chief Minister of extreme importance to the public and I trust Mr Berry appreciates that he has kept the media waiting half an hour unnecessarily.

**MR SPEAKER:** Order! The time for the debate has expired.

Question resolved in the affirmative.

### **Ministerial Statement and Paper**

**MR KAINE** (Chief Minister): Today I would like to present to the Assembly the report of the Committee of Inquiry into the Assets and Public Debt of the ACT. As members will recall, the report is in response to an Assembly motion of 28 September 1989. That motion required the Government of the day to commission an independent audit to determine the assets transferred to the Territory on self-government and the public debt associated with those assets. The need to identify the value and condition of our public assets and the extent of the public debt is of critical importance to the whole administration and financial management of the Territory. I sought to initiate this inquiry when this Assembly first sat in May 1989 and it was my motion, passed over the opposition of the then Government, which the Assembly passed on 28 September 1989.

Fundamentally, an incoming government, as with any business, must know what it owns and what it owes. The financial records inherited from the Commonwealth were not able to tell us this. A similar approach was adopted by Premier Greiner in New South Wales, and the resulting Curran report has proved to be a landmark in that State in terms of asset management.

Turning to the report itself, Mr Speaker, there are five principal issues which the report identifies. These are: the need for more effective identification and accounting for assets within government; the need for the central development of asset management policies; the extensive backlog of repairs and maintenance when the assets were handed over by the Commonwealth; the underutilisation of the existing asset base; and endorsement of the ACT's position both with respect to the debt profile to be assumed on self-government and the declaration of sites as national land by the Commonwealth.

Mr Speaker, the single most significant finding of the committee is that, although the Commonwealth has handed a large number of assets to the ACT, the condition of those assets was frequently poor, there was a significant backlog in repairs and maintenance, and many assets were underutilised.

Let me cite some examples. The committee was advised that the maintenance backlog for major buildings exceeds \$26m. For the Institute of TAFE, it was over \$2m, and for parks and conservation, it was \$3m. For our road system, the shortfall in maintenance expenditure has been identified as nearly \$30m. These are the liabilities, which are called "assets", that have been inherited from the Commonwealth.

31 May 1990

In many cases both the number and the condition of the buildings and infrastructure elements at self-government were completely unknown. We are now faced with the budgetary and administrative tasks of rationalising assets. We must also devote more resources to those that we retain in order to restore them to a condition of good repair.

The committee found that the Commonwealth had an obligation to provide financial assistance to the ACT to help it in this task, and I can only agree with that. Clearly the Commonwealth had no coordinated perspective for its administration of the Australian Capital Territory. While one area was well funded for the construction of major assets such as roads and buildings, considerably less funding was allocated to their maintenance and there was no clear management policy for the long-term utilisation of the asset base.

One of the very many benefits of self-government is that we are looking at the ACT as a whole and bringing a balance between the quality of services, the quality of assets and sound administration generally. Mr Speaker, I am pleased that Justice Else-Mitchell's committee also supports the ACT's position on a range of matters that have already been taken up with the Commonwealth. One of the most important of these is the question of debt. The committee has concluded that the ACT should not be burdened by some notionally calculated historical level of debt. Instead, the committee has considered that the ACT should be treated in the same way as the Northern Territory was at self-government. It should only have a debt liability for its commercially based functions such as electricity, water and sewerage, and housing.

The committee also found that the Commonwealth has an obligation to provide financial assistance to the ACT to meet a range of liabilities, including the past long service leave entitlements of its employees. Importantly, the committee has also come out in support of the ACT in its attempts to recover large amounts of land that were held back by the Commonwealth on the eve of self-government. These include Gowrie Hostel, the National Convention Centre and large tracts of land suitable for residential development which are currently occupied by the CSIRO. The Government is also seeking to have the Commonwealth transfer large areas of defence land which would also be suitable for residential development.

Mr Speaker, the report has vindicated the position that has been held by members of the Government since before self-government, particularly the Liberal Party and the Residents Rally. An incoming government simply must know the answers to the two fundamental questions: what do we own, and what do we owe? I am therefore grateful to the committee for providing answers to these two questions and to so many other issues relating to the accounting for and management of assets, debt and other liabilities.

In accordance with the motion of the Assembly last September, the report should now be referred to the Public Accounts Committee for consideration. While I look forward to the outcome of that process, the Government has decided that a number of matters require a prompt response.

In view of the committee's criticism of past Commonwealth administration of the ACT and the inadequate level of financial establishment assistance, which are recurring themes throughout the report, I have written again to the Prime Minister. In that correspondence I have drawn his attention to the findings of this independent committee of inquiry and I have sought, in the strongest possible terms, a more equitable financial deal from the Commonwealth.

The Government has asked Treasury to give priority to those recommendations which fall within the ambit of accounting policy and the development of a budgetary strategy for overcoming the backlog of repairs to our assets. The committee raises a number of issues concerning the underutilisation of assets and the establishment of asset management policies. These recommendations will be incorporated in the implementation processes which I have already announced for the report of the Priorities Review Board. Indeed, the Else-Mitchell report warrants close attention by the community, and I am writing to major organisations seeking their comments on it.

Mr Speaker, I have pleasure in tabling the report. In doing so I would like to thank, on behalf of the Assembly, these members of the committee - Mr Justice Rae Else-Mitchell; Dr Brian Galligan, deputy director of the centre for research on Federal financial relations of the Australian National University; and Mr Ian Mackintosh, partner in charge of the Canberra office of the accounting firm of Coopers and Lybrand - for their efforts and the fine manner in which the committee has pursued its task. I am also pleased to note that the committee expressed its particular appreciation for the contribution of the secretariat, and I add to that my Government's thanks. I present the following paper:

Assets and Debt - Committee of Inquiry - report, dated May 1990.

Mr Speaker, in accordance with the Assembly's motion of 28 September 1989, I move:

That the report be referred to the Standing Committee on Public Accounts for inquiry and report.

**MR MOORE (3.37):** Mr Speaker, I will speak to this straightaway. To go to the Public Accounts Committee is an appropriate method of dealing with this and I must say that I am delighted that the report has been completed. Clearly, this should be bipartisan, in the sense that it is important for all members of this Assembly to know the

31 May 1990

extent of our debt and the extent of our assets. I think it is very important that it now go to the Public Accounts Committee for scrutiny so that it can then report back to the Assembly and we can determine the value of the committee's report.

Question resolved in the affirmative.

### **WORLD NO TOBACCO DAY Ministerial Statement and Paper**

**MR HUMPHRIES** (Minister for Health, Education and the Arts), by leave: I would like to thank the Assembly for so graciously giving me leave to inform members about World No Tobacco Day and associated activities and government initiatives in the ACT. World No Tobacco Day is a World Health Organisation initiative first held in 1988. World No Tobacco Day, celebrated annually on 31 May, calls on smokers to abstain for 24 hours and aims to encourage governments, communities, groups and individuals to be aware of the problems associated with the use of tobacco and to take appropriate action. To facilitate this the World Health Organisation proposes a theme for special consideration and action each year. For 1990 the theme is "childhood and youth without tobacco". I notice that the members of our Assembly who smoke have left the chamber - I sincerely hope not to light up. I will encourage them both - there are only two, I am pleased to say - to engage in a period of abstention for today, being World No Tobacco Day.

Children can be the victims of tobacco from the moment they are born, and even before. Adults expose children to risks which they believe concern only themselves: women who smoke during pregnancy, putting the foetus at risk, and adults who smoke when they are with babies or small children, increasing the risk of respiratory or ear infections. The adverse effects of smoking on pregnancy range from low birth weight to an increased incidence of spontaneous abortions, prematurity and stillbirths and neonatal deaths. Long-term effects on the child include impaired physical and intellectual development. There is a link between passive smoking in childhood and a wide range of health problems, especially those of a respiratory nature. Bronchitis and other respiratory illnesses are significantly more common in the first year of life if a child has one smoking parent and even more common if both parents smoke. Admission rates to hospitals for respiratory problems are up to three times higher for children of smoking parents.

It is important that adults recognise the effect that their smoking can have on children. Aside from the direct effects due to exposure to tobacco, children whose parents smoke are more likely to smoke themselves. Children look to parents and adults as role models. If parents,



teachers, health professionals or individuals with a high profile - for example, those in the music industry - smoke, then children will see smoking as acceptable behaviour.

The Alliance Government has already demonstrated its commitment to addressing the problems associated with adult smoking through its decision to expand the ACT Quits smoking cessation service from a part-time to a full-time service. As a result of this decision, specialist information and smoking cessation services will be accessible to a wider range of individuals in the ACT community.

The statistics on cigarette smoking amongst young people are alarming. For example, in Australia each day more than 500 school children smoke their first cigarette. Each year 70,000 teenagers become regular smokers. If present smoking trends continue, 256,000 boys and 159,000 girls who are now under the age of 14 will die before their time because they smoked. Tobacco use has adverse health effects even with infrequent use. There is no completely safe level and form of tobacco use.

Children and youth need to recognise that you do not need to smoke to have fun. To help achieve this, the 1990 Rock Eisteddfod in the ACT is being sponsored through the health promotion fund in conjunction with the "quit for life" campaign. The Rock Eisteddfod is a friendly competition covering several States and the ACT. It provides high school students with an opportunity to produce a piece of live entertainment which expresses a theme of their choice through rock'n'roll music. The competition presents an anti-smoking theme in a positive environment and is enjoyed by both participants and audience alike.

Education on smoking and health issues is an important part of any activity aimed at smoking control. Education as part of a comprehensive program can prevent the onset of tobacco use and produce a reduction in smoking levels in adults and children. The ACT Health Department has been instrumental in developing and implementing peer education programs aimed, in part, at preventing tobacco use in school students and other youth. To assist those already dependent, I recently approved a grant to the ACT Cancer Society to establish a quit smoking program for adolescents. The program will be offered to secondary college students throughout the ACT and will provide encouragement and support to teenagers wishing to give up smoking.

The non-government sector has a vital role in complementing the Government in its provision of preventive and treatment services. As part of the activities to publicise World No Tobacco Day in the ACT, the Australian Council for Health, Physical Education and Recreation, the ACT Cancer Society, the ACT branch of the National Heart Foundation and the Alcohol and Drug Service of the ACT Department of Health have joined forces to educate the public on the benefits of

31 May 1990

not smoking. Information desks and displays have been set up at the Tuggeranong Hyperdome, Woden Plaza, Belconnen Mall and the Canberra Centre with the themes of smoking prevention and cessation. The Canberra Association on Smoking and Health has set up a display at Parliament House.

Indeed at lunchtime, Mr Speaker, I was fortunate to go down to Woden Plaza and officially launch World No Tobacco Day there and also use a machine called a vitalograph which measured my heart-lung capacity. I was pleased to note that my capacity exceeded that of Mr Dean Lance from the Canberra Raiders.

Earlier this year I announced the Government's intention to introduce legislation into this Assembly to further restrict tobacco sales, promotion and advertising. I am pleased to advise the Assembly that the draft legislation covering these areas will be introduced for the Assembly's consideration next week. Many of the legislative proposals to be introduced will be specifically targeted at reducing the exposure of children and young people to tobacco products and advertising. The association of smoking with adventure, fun, risk taking, sporting and social success has a particularly harmful effect by encouraging children and young people to take up smoking.

The legislation will ban the advertising of tobacco products in all places in the ACT except in the print media and at the point of sale. The Federal Government will eliminate print advertising of tobacco products throughout Australia from the end of this year. In addition, the legislation will increase the legal age for purchasing tobacco products, increase fines for sales to minors, increase controls on vending machine placement and bans on confectionery and toys designed to look like cigarettes or cigarette packages.

World No Tobacco Day is a day of mobilisation. As a community we are not doing enough to prevent or control smoking. Some measures, such as those I have just outlined, can be taken by governments. However, the smoking problem will only be resolved when it is seen as a problem for all sections of the community. It is the responsibility of all to demonstrate a commitment to the eradication of health problems related to smoking and to ensure that children's health will not continue to be jeopardised by tobacco, one of the greatest causes of preventable disease and premature death.

Mr Speaker, I present the following paper:

World No Tobacco Day - ministerial statement, 31 May 1990.

I move:

That the Assembly takes note of the paper.

**MR MOORE** (3.47): I thought I would say a few words on this particular subject. A number of people say that tobacco is one of the most addictive drugs that we have. It is very interesting that our methodology in dealing with this very addictive drug is to use the sorts of strategies which Mr Humphries has outlined here and on previous occasions and which Mr Berry had also indicated before him would be a Labor approach. That method is to apply more and more restrictions to make it more and more difficult and to encourage people, particularly with education and so forth, away from using this particular drug which has significant ill effects.

By and large, I think that this is a good opportunity for us to sit back and have a look at this approach to dealing with drugs by making sure that there is a severe restriction on them. We should consider using this approach on other drugs as well. For example, alcohol, which is very readily available at the moment, could also go through a series of further restrictions so that access is difficult. Of course, education goes with that.

One thing to note about cigarettes and tobacco products is that we have been particularly successful as a society in reducing the amount of tobacco used. We should look at our methodology and we should try to apply that methodology to other drugs as well.

**MR BERRY** (3.49): I am happy to rise today on World No Tobacco Day to talk about what is a very important issue not only for Australia but also for the rest of the world, and in particular in these times for the Third World. There are, of course, tens of thousands of avoidable premature deaths per year. It is significant that the Federal Government funds anti-smoking campaigns under the national campaign against drug abuse and the drug offensive. That is a great initiative of the Federal Government. It recognises the serious role of tobacco addiction in this country.

As somebody who grew up in an era when it could have been argued that it was antisocial not to smoke, I was a smoker for many years, as was everybody in my family. I am happy to say that my father and mother have given up smoking - last time I was up there anyway - after 50 years of addiction to the dreaded weed. That was not until my father suffered from a serious heart ailment and was forced to have bypass surgery. With the magic of medicine, if we can describe it that way, he has recovered very well. But there is no doubt about it; like many other people my dad was affected to a large extent by tobacco. It is a curse, not only from a personal point of view for those who are affected by it but for all of those who are not smokers and who have to pay quite a lot in tax into the health system to assist in repairing illnesses that have occurred as a result of tobacco addiction. It causes the loss of production and, of course, some other tobacco related diseases.

31 May 1990

Recruitment to tobacco smoking is often targeted at the young - particularly young women - because once you catch them with a couple of smokes you have got them for a long time, as those who have smoked know. Then we are heading towards the ruination of our health. Problems include premature ageing and deterioration of the health of those around them. Anybody who does not smoke and attends a licensed club these days will notice the smoke-filled atmosphere and perhaps even suffer a little bit of anxiety from the effects of breathing somebody else's tobacco smoke.

Labor has a good record in relation to this. We initiated the tobacco argument in this Assembly and I am quite proud to have been involved in that. We set in place the taxes to raise money for the health promotion fund. That was one of the things that we were able to do that I am sure will make a mark on the health of many people in the ACT. I hope that it also makes a mark on the social acceptability of smoking because, after all, that is where a lot of the money needs to go. It needs to go in the direction of education and promotion through all sorts of organisations for health in the community.

We were keen to get this legislation before the house but time overtook us and we were not able to do so. In opposition I indicated at a very early stage that it was my intention to introduce a private member's Bill to continue with the struggle to deliver better health for Territorians. We would have done that had we not been blocked from having the legislation drafted because of the Government's indication that it was going to introduce legislation.

We have not yet seen that legislation. I know I prepared and sent drafting instructions to the appropriate people in the Administration about midway through December but here we are at a stage where, whilst those drafting instructions have been held up by promises from the Government that the legislation would be introduced, we have no legislation before the house. This means that six months have been lost and I just wonder how many people have taken up smoking in those six months - how many young people. We know that many would have died assisted by the effects of tobacco addiction and many would have given up, but the real problem for society is those that have taken it up in that period. I think the six months that have passed could be measured as a loss to the delivery of public health services and health promotion in the Territory.

The revenue which was put aside went into the health promotion fund. That fund is not yet fully operational, although the Minister has seen fit to release some of the money for projects which have not come under the sort of scrutiny one would expect to be the case when the fund is operational. I know that the Minister has now set up an advisory group to advise him in relation to the

distribution of those funds, but it strikes me as quite odd that that advisory group has been set up without proper consultation in the community.

When I learned that this was to be set up I heard that there were a number of names that had already been agreed to and I thought I would find out who had been consulted on this issue. I wrote to well over a hundred sporting organisations around the Territory and I found that none of them had been consulted. I arranged some community meetings so that we could get some information to the Minister about our concern over that. The Minister, of course, has said that he has consulted fully on this issue but it is clear that he has not. He said that he had taken my views into account when he made the decision about the appointment of certain persons to that board.

**Mr Humphries:** It does not mean I accept them.

**MR BERRY:** The Minister has never heard my views about the people who are on that advisory body. He has never heard my views. The Minister has misled yet again.

**Mr Humphries:** Misled what?

**MR BERRY:** Mr Speaker, he has misled the Leader of the Opposition for a start when he said that he had taken my views into account. He has not even had them.

**Mr Humphries:** I have taken your views into account.

**MR BERRY:** You have not even had my views.

**Mr Humphries:** What about the meeting upstairs? Do you recall?

**MR SPEAKER:** Order! Mr Berry, please!

**MR BERRY:** Mr Speaker, the fact of the matter is that my views were never canvassed by the Minister in relation to any of the individuals that he appointed.

**Mr Humphries:** Who told me you wanted a union representative on the committee?

**MR SPEAKER:** Mr Humphries, please! Order!

**MR BERRY:** Mr Speaker, the token consultation that has been undertaken by the Government is appropriate for a capital "K" conservative government - according to Mr Moore, and I agree with that.

**Mr Kaine:** Since you are ultraconservative it must suit you just fine and dandy.

**MR BERRY:** Sit down, sit down, sit down. Mr Speaker, there is no point having a committee if it is not controllable and you must therefore appoint those people who you think

31 May 1990

will represent your own views better. It would be inappropriate, of course, to have the views of the Labor Party expressed in any way, or to have a fear of them being expressed in any way, by the appointment of some people! The Minister did not appropriately consult. I must say, Mr Speaker, that it is a pleasure today to get to my feet a year from when I last spoke. (Extension of time granted)

This is an issue that is important not only for the people of the ACT but for the people of Australia. It is a matter of record that Labor took the initiative, took the ball and ran with it and got the issue going and was well on the way to the introduction of legislation. I remember Mr Collaery's enthusiasm for anti-tobacco legislation and I just wonder what he has done to try to prod this tired Minister along in relation to it - this tired Minister, Mr Humphries.

Mr Speaker, the issue is about getting this legislation before this house and getting it on the statute books. Mr Humphries has yet to produce this legislation, yet the Government still stands in the way of private members' legislation before this house. It is just a matter of stealing thunder. It is not an issue about delivering health services to the people of Canberra. It is not an issue about delivering better health promotion services to the Territory. It is not an issue of delivering a considered response to the introduction of tobacco legislation. It is mere politicking.

This Minister has held up the introduction of legislation. This Government has held up the introduction of anti-tobacco legislation by its churlish blocking tactics in relation to the drafting of private members' legislation, its interference in the drafting of private members' legislation, and as a result more people in the ACT will suffer.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.01), in reply: Mr Speaker, I have to respond to some of the things that Mr Berry has said on this matter. I regret that it was impossible for him to be gracious on this particular matter. It is a matter on which we have considerable agreement. We have considerable bipartisan agreement across the chamber on what needs to be done, yet Mr Berry still seems to be incapable of acknowledging any sharing of responsibility or benefit from this kind of process. I think his embarrassment is because he had planned to touch down with that ball, he was forced to pass it and it is now going to be someone else who touches down with it. He just feels chagrin about the fact that he cannot be the man who actually does it.

**Mr Berry:** That is a bit churlish.

**MR HUMPHRIES:** I think you are being churlish, Mr Berry. I think the Assembly should be reminded that neither I nor Mr Berry was the first person to get this all up and running.

This is a particular issue that began way back in 1978. The discussion paper that gave rise to this legislation coming in next week was born back in 1978. Ever since then there has been the question: who is going to pass the Bill? The Alliance!

The reality is that this is the situation. We have seen a long period during which this issue has progressed and it is only now coming to fruition. Mr Berry seems to think that his short stewardship of the health portfolio gives him some right to see this thing all the way through to the end. He does not understand the processes of a democracy, obviously. He has referred to the fact that the Government did prevent his drafting a private member's Bill, using public resources, along the same lines as the Bill being drafted by the Government. I think that a simple explanation of what occurred will indicate very clearly that to have taken up Mr Berry's suggestion that there be two Bills in almost identical form drafted by the same drafting section would have been an absolute and utter waste of the public money that Mr Berry, obviously, is so happy to squander.

**Mr Berry:** Where is yours?

**MR HUMPHRIES:** If you had been listening when I made the statement, Mr Berry, you would have heard what has happened to the Bill.

**Mr Berry:** Tell us again.

**MR HUMPHRIES:** No. If you were not listening you can listen some other time. You read the Hansard.

The drafting of two identical Bills is obviously a waste of valuable public resources, and that is why the Government declined to allow Mr Berry to draft his Bill at the same time as an identical Government Bill was being drafted. I also wonder, Mr Speaker, where the drafting instructions that Mr Berry issued to the Government drafter on those occasions came from. I wonder whether he used information that came into his hands as a Government Minister in order to supply those drafting instructions. I, of course, have not seen those instructions - they are confidential in terms of what Mr Berry's Bill would have said - but I just wonder where that information would have come from. I see he remains silent on the subject. Probably silence is an admission of guilt in this situation.

**Mr Berry:** If you give me leave to speak again I will tell you.

**MR HUMPHRIES:** You do not normally require leave to interject, Mr Berry.

Mr Berry referred to a six-month delay. There is no six-month delay. The difference between the time that he would have brought his Bill in had he been in Government and the

31 May 1990

time that I am bringing my Bill in now that I am in Government is probably nil. As well as providing for time for that Bill to be drafted, I have used the last six months to consult widely on the implications of that Bill. It ought to be noted that some of the consultation I have been engaged in has led to conflict between me and the Chief Minister and the tobacco industry. That ought to be noted.

The fact is that Mr Berry has aided and abetted the tobacco industry in this regard by adding fuel to the fire that there has not been proper consultation. The very words used by the tobacco industry have added fuel to that fire and assisted them to make the impression, in the eyes of the community, that in some way the Government's course of action was not the right one. He knows it is the right one because he gave instructions for an identical Bill to be drafted.

**Mr Berry:** Why did you not consult with me on the tobacco industry? I would have told you what to do with it. It had already been told to go away.

**MR HUMPHRIES:** Mr Berry, I think I have just explained the reason why the Government did not consult with you - because of the way you have carried on. Now, the reality is that the Government did consult with Mr Berry. Mr Berry, of course, does not tell the Assembly but I will tell the Assembly that some weeks ago I invited Mr Berry and others in the group that he had organised to come up to the fifth floor and have a meeting to discuss the composition of the advisory committee on the health promotion fund.

**Mr Berry:** A token consultation.

**MR HUMPHRIES:** "A token consultation", says Mr Berry. In fact, that consultation led to my appointing one of the people that Mr Berry brought with him to the health promotion fund advisory committee. So much for the token consultation!

**Mr Berry:** Did you consult with the arts community? How many arts community people did you consult? Tell us that. Give us the numbers.

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

**Mr Berry:** No; come on, give us the numbers.

**MR SPEAKER:** Mr Berry, if you insist on interjecting we will use the standing orders against you.

**MR HUMPHRIES:** Mr Speaker, I conducted that consultation. I certainly heard Mr Berry's views on the composition of the committee. Mr Berry, for example, said he believed that there ought to be a trade union person on the committee. That was a view put to me by no-one else but Mr



Berry. I heard that view. I considered the view. In the end I rejected it. Mr Berry cannot now claim, when he comes to the Assembly, that I have not taken consideration of his views. I have not accepted his views, but that is quite a different thing. I think his understanding of consultation is clearly different from mine.

I want to put on the record very firmly that there has been considerable consultation on this Bill. It has been through six months of very considered and deliberate consultation - sometimes very heated consultation. I have had repeated meetings with organisations, including the Tobacco Institute, particular tobacco companies, the Restaurant and Caterers Association, and a whole range of people in that category. I think that Mr Berry's claim that he would have had his Bill up some time ago is very much like his claim that he would have had an ambulance levy in place by 1 January this year. We all know that there was no time for that. It is a pipedream to claim that he could have had that Bill up in time. We all know that he could not.

Mr Speaker, I think that the ALP is embarrassed. They are clearly embarrassed. They know that they have missed the chance to touch down and it will be the Alliance Government that touches down with this particular goal. I think he should be more gracious about the fact that the ACT is now getting legislation of the kind that it needs. He should accept that the legislation is the right legislation and be gracious enough to admit it publicly.

Question resolved in the affirmative.

#### **POSTPONEMENT OF BUSINESS**

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

That orders of the day Nos. 4 and 5, Executive business, and order of the day No. 1, Assembly business, be postponed until a later hour this day.

#### **DIRECTOR OF PUBLIC PROSECUTIONS BILL 1990**

**MR COLLAERY** (Attorney-General) (4.09): Mr Speaker, I present the Director of Public Prosecutions Bill 1990. I move:

That this Bill be agreed to in principle.

On 1 July this year the ACT Government will acquire responsibility for the criminal law and the criminal justice system, apart from the administration of the Supreme Court. On the same day modifications already made

31 May 1990

to the Director of Public Prosecutions Act 1983 of the Commonwealth to remove offences under Territory laws from its coverage will come into effect. Currently prosecutions under Territory laws are carried out by the Commonwealth Director of Public Prosecutions under the Commonwealth Act.

This Bill, Mr Speaker, proposes legislation to replace the Commonwealth Act in relation to Territory offences. It generally mirrors the Commonwealth Act which the courts, the legal profession and others involved in the criminal justice system are well familiar with. It also shares its underlying principles with corresponding State Acts. The Director of Public Prosecutions is an independent statutory office responsible for prosecuting criminal offences in the name of the Crown. The director's statutory independence ensures that prosecution decisions are perceived to be and are, in fact, made according to legal considerations and are free from political influence. All Australian jurisdictions, apart from South Australia and Western Australia, have established independent prosecuting authorities.

This Bill establishes the statutory office of the Director of Public Prosecutions, describes the functions of the office, outlines the respective roles of the Attorney-General and the director in the prosecution process, confers necessary powers of discretions on the director and makes ancillary provisions for the administration of the criminal justice system in the Territory.

Although the director has a statutory independence in the carriage of particular prosecutions, the Attorney-General, as first law officer of the Crown, remains ultimately responsible for the administration of justice in the Territory. The Government has the right and duty to set the general policy framework of criminal prosecutions. The Bill therefore provides a mechanism for the Attorney-General and the director to consult with each other and for the Attorney-General to issue formal directions or guidelines to the director. These directions or guidelines will be general in character: they may not specify action to be taken in particular cases. The Bill requires them to be made public by being tabled in this Assembly.

The establishment of the Director of Public Prosecutions will not diminish the Attorney-General's established powers to institute prosecutions, nor will it affect the capacity of other officers of the Crown or even private citizens to prosecute summary offences. The director has a discretion to take over prosecutions started by someone else, apart from the Attorney-General, and either continue them in his or her official name or bring them to an end. This is an important discretion, common to all Director of Public Prosecutions legislation, which ensures that private prosecutions are in the public interest. The director does not have a discretion to take over prosecutions which the Attorney-General has commenced unless the Attorney-General has first asked the director to do so.

The establishment of an independent prosecuting authority is an important element of the machinery of government and therefore I commend this Bill to the Assembly. Mr Speaker, I present the explanatory memorandum for the Bill.

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

**DIRECTOR OF PUBLIC PROSECUTIONS (CONSEQUENTIAL PROVISIONS) BILL  
1990**

**MR COLLAERY** (Attorney-General) (4.14): Mr Speaker, I present the Director of Public Prosecutions (Consequential Provisions) Bill 1990. I move:

That this Bill be agreed to in principle.

On 1 July 1990 the ACT Government will acquire responsibility for all prosecutions in the ACT. A separate Bill, the Director of Public Prosecutions Bill, has just been introduced to provide legislative support for this function. This consequential provisions Bill will enable prosecutions commenced by the Commonwealth before the new ACT legislation comes into effect to be continued by the ACT Director of Public Prosecutions. It will also amend eight other Acts to remove provisions which require a nominated official, usually the Attorney-General, to consent to prosecutions for offences created in those Acts. These provisions were originally inserted to provide some control over certain summary prosecutions which could be instituted without the direct knowledge of the Government. Since the Director of Public Prosecutions, who acts on behalf of the Crown, has the power to intervene and discontinue inappropriate prosecutions that someone else has started, these consent provisions are superfluous. Mr Speaker, I present the explanatory memorandum for this Bill.

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

**PUBLICATIONS CONTROL (AMENDMENT) BILL 1990 [NO. 3]**

**MR COLLAERY** (Attorney-General) (4.16): I present the Publications Control (Amendment) Bill 1990 [No. 3]. I move:

That this Bill be agreed to in principle.

It is just over one year since the ACT became self-governing, and in that time we have witnessed at least three debates in this Assembly on the matter of restricted publications. The ACT as a community inherited this system from the Commonwealth and has had to address the vexed question of whether to ban X-rated videos. The public

31 May 1990

interest in this matter is not confined to the debates in this Assembly. There have been public rallies here in the ACT and broad media coverage of the issues. Hundreds of letters have been received by members of the Assembly from ACT residents and from correspondents in other parts of Australia. Members have also received personal representations from residents and others.

The Government has been disappointed with the apparent poor level of understanding of the issues surrounding X-rated videos and what appears to be the lack of vigorous action from the Commonwealth and the States in addressing this matter through their own legislative controls. There are no simple answers to this complex matter and no single jurisdiction such as the ACT can solve the problem. It requires a national approach. At the moment, the ACT is being asked to be everybody's keeper.

The Commonwealth has reserved to itself the power to make laws with respect to the classification of materials for the purposes of censorship. So far as the ACT is concerned, it is the Commonwealth alone which determines what is permissible in publications, including films and videos. The Commonwealth could revise its classifications and refuse to classify as X-rated films and videos which contain consenting, sexually explicit material, or the Commonwealth could create a subclassification of, say, "RV" for films and videos which portray senseless and gratuitous violence. The Commonwealth is ideally placed to impose a more restrictive regime on films and videos as, apart from its classification function, it also has exclusive control over all imports from overseas.

As a member of the Standing Committee of Ministers Concerned with Censorship Matters, I have given notice that I want the matter of controls over X-rated material considered at the national level. I understand, for example, that there is a large trade in the illicit videos in those States which have laws banning the sale or distribution of X-rated videos. I am advised that the origin of this material is not necessarily from the mail order outlets in the ACT. I gather that a large percentage of the material is being made in at least one of those States.

Mr Speaker, the issue of mail order is another example as exclusive authority for the control of the postal system rests with the Commonwealth. It is open to the Commonwealth to tighten controls over the use of the postal system for the distribution of what is, to some people, offensive material. However, I do not exclude the role that the ACT can play in this matter of controls over restricted publications.

The Publications Control (Amendment) Bill 1990 [No. 3] introduces the following measures: restriction of the sale and distribution of X-rated videos to the industrial areas of Canberra - Fyshwick, Hume and Mitchell; tighter controls

over the distribution and display of advertising material associated with these publications; as an additional condition to sale, to specify that video outlets and the like shall be obliged to check orders against, say, a birth certificate, passport or a drivers licence; and creation of an offence of assisting a minor in obtaining a restricted publication.

Mr Speaker, these measures contained in the Publications Control (Amendment) Bill 1990 [No. 3] are designed to tighten up an industry that the Assembly has rejected banning. The Alliance Government is prepared to act now and it will continue to lobby the Commonwealth to consider more fully what is really a national issue. This Bill will ensure that a more responsible attitude is taken towards the sale and distribution of X-rated material, at least in the ACT.

The Alliance Government has, however, recognised the concerns expressed to it about the availability of this material. There is a need for concern if this material is visible to minors and uninterested adults. That is why the Government has responsibly prepared this Bill to deal with these issues.

This Bill represents a balance between the right of those who demand this material and those who would rather not be confronted by it. The Alliance Government is prepared to deal with this problem in a responsible manner. It will not just turn its back on this difficult social issue. The measures contained in this Bill, such as restricting the availability of X-rated videos to the industrial areas of Fyshwick, Hume and Mitchell, tightening controls over advertising material, requiring proof of age, and creating a further offence of assisting a minor to obtain a restricted publication, will lead to a more responsible and regulated industry.

The attempt to accommodate all concerned is further illustrated by the inclusion of a transitional provision in the Bill to allow video outlets not in Fyshwick, Hume and Mitchell to dispose of current stocks of X-rated videos on a wholesale basis. The sale or hire of X-rated videos to the public will be restricted to Fyshwick, Hume and Mitchell from 1 July 1990. Mr Speaker, I present the explanatory memorandum for the Bill.

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

### **PERSONAL EXPLANATIONS**

**MR BERRY:** Mr Speaker, I seek leave to make a personal explanation.

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

31 May 1990

**MR BERRY:** I do. Mr Speaker, this issue arises because of a comment that Mr Humphries made in relation to the motion which was before the house noting his statement on World No Tobacco Day. Mr Humphries misrepresented my position in relation to the claim that I was the only one who had called for a trade union representative on the advisory committee for the distribution of the health promotion fund. Mr Speaker, that suggests that I would move in some way without consulting the trade union movement and move in such a way that would discredit the trade union movement or discredit my relationship with the trade union movement.

Mr Humphries has very clearly misrepresented the position in relation to that matter. In fact, Mr Humphries has misled the house. Mr Humphries well knows that there has been a submission put to him, in addition to my views, from the - - -

**Mr Jensen:** On a point of order, Mr Speaker; standing order 47 states that a member who claims to have been misunderstood or misquoted cannot introduce new matter or debate the matter, which is what Mr Berry is doing here. He should say what he has to say, and sit down.

**MR SPEAKER:** Thank you for your observation. Mr Berry, I believe that, if you wish to claim that a Minister has misled the house, you must move so with a substantive motion. Therefore I ask you to withdraw those comments.

**MR BERRY:** Mr Speaker, I move that this house takes note that Minister Humphries has misled the house.

**MR SPEAKER:** Order! I will take advice on that matter.

No, you will have to put that on notice in writing or seek leave or move a motion to suspend standing orders. Therefore that motion that you just put is not valid. Would you conclude your statement on how you have been misrepresented, withdraw the statement on the misleading of the house and then move a substantive motion, please, Mr Berry.

**Mr Collaery:** Mr Speaker, I might assist the house by indicating that my colleague Mr Humphries is prepared to withdraw the offending statement. That may assist Mr Berry.

**Mr Humphries:** Mr Speaker, if I could make a personal explanation of my own I might be able to allay the need for Mr Berry - - -

**MR SPEAKER:** Do you seek leave to make a personal explanation.

**Mr Humphries:** Yes.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, Mr Berry did refer to a letter I received from Mr Charles McDonald from the Trades and Labour Council. I had overlooked and forgotten that letter when I made my remarks earlier today to the extent that there was a reference in my earlier remarks that I had not received representations from other sources that there should be trade union representation on the health promotion fund advisory committee. I concede that I was wrong; that I misled the house in that sense. I apologise to Mr Berry and to the house and indicate that it was merely an error of my memory more than a deliberate attempt to mislead the house.

**MR SPEAKER:** Thank you, Mr Humphries. I am not sure where that leaves us. I will take advice on it.

**Mr Berry:** I withdraw any imputation.

**MR SPEAKER:** Thank you. Do you wish to conclude your statement or is that it, Mr Berry?

**Mr Berry:** Mr Speaker, I am happy to have it as a matter of record that Mr Humphries has acknowledged those matters which I have raised. I congratulate him on the gracious way in which he approached the issue.

**Members:** Hear, hear.

#### **BUSINESS FRANCHISE ("X" VIDEOS) BILL 1990**

**MR DUBY** (Minister for Finance and Urban Services) (4.27): Mr Speaker, I present the Business Franchise ("X" Videos) Bill 1990. I move:

That this Bill be agreed to in principle.

This Bill will establish a business franchise in relation to the X-rated video industry in the ACT. Following the defeat of the recent Bill to ban the sale of X-rated videos in the ACT, the Government has seen a need to tackle the X-rated video issue on two fronts: firstly, to amend the ACT Publications Control Act to tighten regulatory measures applicable to the sale and distribution of X-rated videos and associated material, which Bill has just been introduced by my colleague the Attorney-General; and, secondly, to introduce a business franchise scheme, the purpose of which is to raise revenue from the industry while at the same time providing an additional level of regulation. The Bill which I am now presenting covers the second issue.

X-rated videos are produced in the ACT from copyright master tapes mainly manufactured and purchased from overseas. These are either sold at the wholesale level to retail outlets or sold and hired out at the retail level. Most manufacturers in the Territory produce copies of

31 May 1990

imported master tapes and are also wholesalers, while retailers include the mail order or retail arm of manufacturing and wholesaling businesses, independent adult shops, video shops and other sundry outlets, such as newsagencies, pharmacies and petrol stations.

According to the evidence given to the Commonwealth Joint Select Committee on Video Material by the Adult Video Industry Association, the adult video industry is a significant manufacturing industry in the ACT and a substantial employer.

The proposed Act, which has been based on the provisions of the Business Franchise (Tobacco and Petroleum Products) Act 1984, will require all persons who wish to sell or hire X-rated videos from the ACT to be licensed. Licences are initially granted for one month and thereafter must be renewed each month on payment of the appropriate licence fees. The proposed Act is similar to that introduced by the previous Labor Government, with two notable exceptions: firstly, the proposed ad valorem licence fee is set at 40 per cent rather than 20 per cent; and, secondly, applicants will be required to pay an up-front ad valorem licence fee on initial application and then prior to the granting of each monthly licence, which will ensure that opportunities for avoiding the payment of fees are minimised.

A wholesale licensee will be required to pay a \$50 monthly fee in respect of each premise plus 40 per cent of turnover on the sale or hire of any X-rated video. A retail licensee will only be required to pay a \$50 monthly fee in respect of each premise provided all X-rated videos are purchased from licensed wholesalers. Retailers purchasing X-rated videos from unlicensed wholesalers - for example, a Northern Territory wholesaler - would be required to pay 40 per cent of the value of those purchases.

The taxing of the sale just prior to retail sale and hire will mean that the Territory will be taxing the same sales figures as are taxed by the Australian Taxation Office for sales tax purposes. Such records are, therefore, currently maintained by the industry.

The Bill provides strict conditions for applicants to meet before the commissioner may grant a licence. The commissioner must be satisfied, on reasonable grounds, that the applicant is a suitable person to hold a licence. In this regard the commissioner is required to take into consideration a number of matters including whether the applicant has contravened a provision of the Publications Control Act or has been convicted of an offence punishable by a fine of not less than \$10,000 or imprisonment for a period of not less than one year.



### Adjournment

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

**MR DUBY:** Licences will also specify the premises from which the sale or hire of any X-rated video may occur. Any breach or change to the conditions upon which a licence was granted would allow the commissioner to cancel that licence. Wholesaling or retailing X-rated videos without a licence will attract strict penalties. These are \$5,000 or two years' imprisonment for natural persons engaged in unlicensed wholesale and \$2,000 for natural persons retailing without a licence. Corporate bodies convicted of offences may be fined up to five times these amounts.

Mr Speaker, it should be clearly understood that this Bill does not have the effect of legalising or legitimising X-rated videos. The industry has been operating legally for a long time and is subject to controls established by the Commonwealth. While this Bill places certain obligations and restrictions on the industry, it should be emphasised that it is primarily a revenue measure.

Regulation of the industry also occurs through the operation of the ACT Publications Control Act. The Publications Control Act provides a strict regulatory and penal code which restricts the publication, advertising, sale, hire and distribution of X-rated materials, including videotapes.

The Government is concerned to ensure that there is effective regulation and control of the industry, especially in relation to minors. My colleague Mr Collaery, in his capacity as Attorney-General, introduced legislation to provide for a range of measures to impose tighter controls on the industry.

In conclusion, this Bill seeks to impose a tax on a well established ACT industry. The scheme will operate to raise revenue in much the same way as the sale of petroleum and tobacco products in the Territory. Business franchises now contribute significantly to the ACT's revenue and in the 1990-91 financial year \$24.6m is expected to be raised, of which \$4m is estimated to come from the franchise scheme established by this Bill. Mr Speaker, I now present the explanatory memorandum for the Bill.

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

31 May 1990

### **TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 3) 1990**

**MR DUBY** (Minister for Finance and Urban Services) (4.34): I present the Taxation (Administration) (Amendment) Bill (No. 3) 1990. I move:

That this Bill be agreed to in principle.

This Bill amends the Taxation (Administration) Act 1987. The Act provides a consolidated system for the administration of Acts dealing with taxation in the Territory. Amendments to the Act are required to facilitate the administration of the Business Franchise ("X" Videos) Bill 1990. The amendments will give tax officers the power to inspect and, if necessary, seize any X-rated video that a tax officer believes to be connected with an offence against the tax law. This is seen as a necessary deterrent to illegal trading activities within the Territory.

The amendments further expand existing provisions to ensure that all moneys due to the Territory in relation to X-rated videos are received. The commissioner will be able to request information in respect of each application for an X-rated licence and levy penalty tax on a person who fails to renew a licence but continues to trade. These last two amendments will also apply to licences granted and renewed under the Business Franchise (Tobacco and Petroleum Products) Act 1984. I now present the explanatory memorandum for the Bill.

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

### **RATES AND LAND TAX (AMENDMENT) BILL (NO. 2) 1990**

**MR DUBY** (Minister for Finance and Urban Services) (4.37): Mr Speaker, I present the Rates and Land Tax (Amendment) Bill (No. 2) 1990. I move:

That this Bill be agreed to in principle.

This Bill amends the Rates and Land Tax Act 1926. The Rates and Land Tax Act provides for the imposition of municipal rates and land tax in the Australian Capital Territory. The Act is being amended to alter the urban, rural and land tax rates for 1990-91. Additional debt recovery and housekeeping measures are proposed which will complement the initiatives introduced last year by way of the early payment discount arrangements and interest charges on overdue accounts, and further improve administrative arrangements under the Act.

The Bill provides: the municipal rates for 1990-91 to be 1.312 per cent of unimproved value for land in the city area and 0.656 per cent of unimproved value for rural land; land tax to be levied at the rate of 1 per cent of unimproved value; the continued charging of interest on unpaid rates and land tax accounts which the amendments of last year inadvertently discontinued after 30 June 1990; the interest rate set down in the Act for unpaid rates and land tax accounts to continue to apply on judgment debts in line with section 31 of the Taxation (Administration) Act 1987 rather than being substituted by a lower charge imposed under section 228 of the Magistrates Court (Civil Jurisdiction) Ordinance 1982; the Commissioner for ACT Revenue to recover outstanding general rates, land tax, and relevant interest payments from the debtors of defaulting rates and land tax payers, which provision already applies to other revenue laws under section 43 of the Taxation (Administration) Act 1987; the purchaser/transferee of a lease to notify details of acquisition of land to the Commissioner for ACT Revenue; and for the dates of applying rates and land tax charges where land values have been changed because of clerical error or change of circumstance to be, in the case of a clerical error, the date that would have applied had the error not occurred, and, in the case of any change in circumstance, the date of that change in circumstance.

Mr Speaker, I now present the explanatory memorandum for the Bill.

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

#### **WATER SUPPLY (CHEMICAL TREATMENT) (AMENDMENT) BILL 1990**

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.41): Mr Speaker, I present the Water Supply (Chemical Treatment) (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, four weeks ago in the Assembly the Standing Committee on Social Policy sought to have the reporting date on the fluoride inquiry extended to allow it to take into account the view of Australia's foremost medical research body, the National Health and Medical Research Council. The council is at this stage awaiting an evaluation by the United States national toxicology program of a recent study on chronic toxicity and carcinogenicity of sodium fluoride. The Assembly quite properly agreed to this request, and the reporting date has now been extended from 31 May 1990 to 29 November 1990.

Last year the issue of fluoridation of the ACT water supply was hotly debated by the Assembly, and the decision to remove fluoride without reasonable consultation and a proper investigation created an adverse public response.

31 May 1990

For this reason the Chief Minister - who was then the Leader of the Opposition - introduced the Water Supply (Chemical Treatment) Bill to allow fluoridation to be reintroduced until the matter had been fully investigated by the committee and the Assembly had received and responded to the report.

This legislation was passed on 18 October 1989 and acted to suspend part VIIIA of the earlier Electricity and Water Act which itself was passed on 27 September 1989 to prohibit the addition of fluoride to the water supply. The suspension applies only until 30 June 1990. A situation now exists that will result in fluoridation in the water supply ceasing from 30 June 1990 unless this Assembly further amends the legislation passed on 18 October last year.

The community has already made it clear that it feels strongly about the need for proper consideration of this issue prior to a final decision. Therefore, it would be irresponsible not to maintain fluoride in the water supply until we have had the opportunity to consider the committee's report, which can now be expected on or prior to 29 November 1990.

I therefore present this amendment to the Water Supply (Chemical Treatment) Act which extends the suspension of part VIIIA of the Electricity and Water Act until 28 February 1991. By this date, I would expect that the Assembly would have had the opportunity to fully debate and resolve the issue. Mr Speaker, I present the explanatory memorandum for the Bill.

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

#### **ADJOURNMENT**

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

That the Assembly do now adjourn.

#### **Tourist Commissioners**

**MR MOORE** (4.43): Mr Speaker, I would like to talk this evening on the matter of tourist commissioners. It has come to my attention that the Government is in the process of making decisions about appointing people as part-time tourist commissioners in the Australian Capital Territory. The process when people have been appointed to boards within Mr Humphries' portfolio has been to notify Assembly members of those people that he has decided he might well appoint. I have greatly appreciated that practice, and at this stage I do not think I have had any objection to the people on the list that he has presented each time that I have looked at it.

It has been drawn to my attention - I do not have this as a fact, but I am still going to present it in the Assembly because it did not come from anyone within the Assembly - that one of the people proposed as a tourist commissioner is Mr Don Allen of Reid. Mr Allen is, or certainly was, a member of the executive of the Residents Rally - I do not know whether he currently is - and, from a Residents Rally perspective, I see him as one of the prime movers at the party level of arranging the coalition between the Liberal and Rally parties. Since that is the case, one must ask whether his proposed appointment - if it is a proposed appointment, and I hope we will have a response on that matter - is appropriate or whether it is his payout, his payola, his reward for getting together the Liberal Party and the Residents Rally.

Mr Allen certainly was very keen to ensure that such an alliance took place, as it did take place, and in some ways I think it is a great victory for him that it has taken place and that he has been able to work with Mr Leedman to be able to achieve that. Those sorts of qualifications are not appropriate, as I see it, for somebody to be appointed as a tourist commissioner.

I am aware that Mr Allen has worked in the tourist industry for a long time, not only in Canberra but also in the Northern Territory and other places. I am aware that he is now - he certainly was until a short time ago at least, and probably still is - the manager of Narellan House in Canberra. I am also aware that he is a major anti-casino campaigner. I wonder how people in the tourist industry in the ACT will welcome having somebody who is an anti-casino campaigner appointed as a tourist commissioner, as one of the members of that commission, if that is to be the case.

We are asking for the Government to ensure that they make an open decision and consult with other members of the Assembly on the suitability of such people. When they assess the matter of suitability, Mr Allen may well be suitable, but it is appropriate for us and for the community to be aware that this is not simply a pay-out, a payola, a reward for services rendered for establishing the Alliance Government. That is simply not a good enough reason for somebody to be appointed to that sort of position.

There are many people in the tourist industry in this Territory who have given tremendous service, who are the high-fliers of the tourist industry. They are the people who should be appointed to this commission if there is to be one and if Mr DUBY in his portfolio area is prepared to share with us, as his colleague appropriately does, the suggested appointments in the tourist area. Tourism is well recognised as being one of the most important areas in Canberra for assisting us in getting on our feet financially. If the Government is really so concerned about the finances of the Territory, then I think it is

31 May 1990

appropriate that everything that is done in this sort of area is totally above-board.

### **Education Policy**

**MR CONNOLLY** (4.49): Mr Speaker, in this evening's adjournment debate I would like to return to the theme that the Opposition has been continually stressing throughout this week, and that is the threat to the ACT education system. Despite the best efforts of this Opposition throughout question time every day this week, we are still unable to provide to the people of this Territory clear answers as to what is the fate of the education system. We seek facts and figures but they are not forthcoming. "Don't know, can't tell you" seems to be the standard response.

But this afternoon we did seem to get some degree of certainty. We had a clear reaffirmation by Mr Collaery of the Residents Rally policy, which is that the Rally remains committed to the idea of neighbourhood schools. Mr Collaery today strongly reaffirmed this as the policy of himself and of the Government. The response from the Education Minister, Mr Humphries, eagerly endorsed by Mr Collaery, was that it is a question of definition.

Mr Collaery's definition of neighbourhood schools today, he tells us, may differ somewhat from the definition of neighbourhood schools when the Rally policy was written. Today, the definition of neighbourhood schools would seem to mean those schools left in the neighbourhood after the Alliance Government has closed all other schools. This is an appalling attempt to rationalise a commitment to neighbourhood schools in 1989 to a commitment to school closures in 1990.

Despite this contradiction on the question of what is a neighbourhood school, the one other factor that we seem to have got out this week is a clear assertion that schools will be sold. Not only have we had the Priorities Review Board document which clearly calls for school closure, and yet another nail in the coffin this afternoon with the committee of inquiry into assets which again recommends school closures on the spurious grounds of oversupply of school facilities, but the cat was really let out of the bag by Mr Jensen. Despite the attempt to persuade the Canberra community that schools which are closed will be diverted to other uses, to community uses, and the attempt by Dr Kinloch, as reported on the media this morning to suggest that perhaps no schools will close at all, Mr Jensen really let the cat out of the bag by saying, "We won't flood the market". We were asking, "When will schools be sold; will there be a fire sale?". "No", said Mr Jensen, "we won't flood the market", clearly indicating that there is a vast supply of government property from the education system which will be sold, albeit perhaps not

sold all at once. You would not be concerned about flooding the market if you were selling only one or two properties.

The concern of flooding the market presumably could come only from a strategy of massive divestiture of government assets. It is the consistent theme that comes from the reports presented to the Government. Despite our best efforts we cannot get a clear statement, but gradually, bit by bit and slip by slip, the Opposition is being able to draw the picture. We are able to remove the clouds and the fudge that we get through question time and, by these little slips from the Government, we are able to see the clear picture, the clear agenda, which is massive sale of government resources.

Those slips have enabled us to inform those members of the Canberra community who are constantly asking us to get the Government to state its case of what the true agenda is. The true agenda, as we have said, is frightening for the citizens of Canberra and for the public education system.

### **Death of Capt. Reg Saunders**

**MR STEFANIAK** (4.52): Mr Speaker, about two months ago this house had two motions of condolence for two very well known Australian and Canberra citizens, one of whom was Mr Gordon Yuill, a personal friend of my family. That caused me to look at the House of Representatives Practice on motions of condolence. I noted that, apart from the mention made of members of the House of Representatives in the Senate, the Governor-General, the Prime Minister, and also former prominent senators and members of that house, it also refers to other prominent citizens. For the House of Representatives, at page 351 it states:

From time to time condolence motions may also be moved following the deaths of distinguished Australians, heads of government of Commonwealth countries or foreign countries, and other distinguished persons overseas whose achievements are considered to have some direct relevance to Australia.

Accordingly, I was delighted to see that we have introduced that practice here, Mr Speaker. I felt it was a matter which perhaps your office could follow up, because regrettably there have in recent times been a number of deaths of prominent Canberra citizens. I refer to one prominent Australian and Canberra citizen who died recently and who perhaps could well have been the subject of a condolence motion. I refer to that very well known Australian, former Captain Reg Saunders, the first Aboriginal officer commissioned into the Australian Army.

31 May 1990

Reg Saunders was a longstanding commissioned officer in the Australian Army. He was the first Aboriginal commissioned. He was a long-time resident of Canberra. I knew Reg. I went through school with one of Reg's children. He lived only a block away from where I lived in Narrabundah, and I knew Reg, his wife and his family well.

Reg was commissioned in World War II. He had a distinguished career, initially as a non-commissioned officer. He spent, I think, about 12 months behind enemy lines in Greece, avoiding capture. He was commissioned in the field, a very rare instance in those days, the first Aboriginal officer commissioned. His military service continued in Korea, where he took part as a captain in the famous battle of Kapyong, one of the greatest battles Australian troops have ever been involved in. He continued his service for several years after that, and then retired from the Army.

**Mr Jensen:** The battle was on Anzac Day.

**MR STEFANIAK:** Indeed, as my colleague Mr Jensen says, that battle was on 24 April, continuing to the 25th, Anzac Day. Mr Jensen was a former member of that particularly famous battalion, the Third Battalion, Royal Australian Regiment.

Reg Saunders, when he left the Army with the rank of major, continued his distinguished service in Canberra, and was one of the original members of the Department of Aboriginal Affairs, to which he gave an immense amount of service during his time in Canberra. He passed away earlier this year. As a person who was privileged to know Reg Saunders and his family, I would like at this stage, belatedly though it might be, to give my condolences and have them recorded in this house. On that note, I certainly commend to you, Mr Speaker, the idea of our expressing condolence for prominent Canberra citizens, which I am delighted to see this Assembly is starting to introduce.

### **Education Policy**

**MR JENSEN (4.55):** Mr Speaker, I did not propose to speak here this afternoon in this debate but I think it is appropriate that I should do so in view of the fact that Mr Connolly has sought to reopen the education debate. I think he is about to get a boomerang in relation to that. Labor members continue to continually misrepresent the true situation on the education debate.

**Mr Berry:** I rise on a point of order. I think, if the issue of misrepresentation is to be raised, it should be done by substantive motion.

**MR SPEAKER:** I believe the word is acceptable.

**Mr Berry:** I will withdraw that.



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

**MR JENSEN:** You are just trying to take up my time, Mr Berry. All right, let us move on. There have been attempts by the Labor Opposition to continue this practice, assisted by their Federal Labor colleagues, of distorting the debate. My reference to flooding the market, which Mr Connolly mentioned, was to show how stupid such a statement was. It shows how desperate the Opposition is to seek to score cheap political points on this issue. Clearly, Mr Speaker, no organisation, no government, no business organisation would be seeking to do that. As my colleague Mr Humphries has said, any proposal that comes forward to close schools would be done over a long period of time.

Let me make some comments about the Labor Party's policy in this area. They have been doing some talking about the Residents Rally policy just recently. Let me refer to their comments about education. Because the emergence of the Residents Rally is such a threat to the Labor strategists and the established political order, Labor members have decided to cynically exploit the strong protective feelings we all share about the education system. Despite the clear endorsement in the ALP election policy of school closures being an acceptable option, Rosemary Follett and her MLAs have shielded their policy from debate by creating a hypocritical smokescreen. They have accused the Rally of abandoning an election commitment. Let me quote from their election commitment on this issue. It says:

School closures: The ALP is committed to the neighbourhood school concept and to the freedom of parents to select a government school of their choice for their children. In general, no school will be closed or amalgamated unless the school community agrees. If circumstances arise where the educational viability of a school due to significantly declining numbers needs to be examined, we will ensure thorough and genuine consultation with the community based on recognised procedures. We are serious about our policy of participation.

I wonder whether members opposite, when they go to these meetings, have been prepared to read this policy out in the public debate, because that policy clearly shows that there is support for the possibility of closure of schools in the ACT. But no, Mr Speaker, they continually have to say, "We are not going to close any schools", as they did on the preschool issue. We recall when Ms Follett was required, because of pressure from the Rally at the time, to reverse her decision in relation to the preschool issue and call for a review of the preschool issue, a review that we clearly see is due to report back in June this year.

31 May 1990

So we see once again the sheer hypocrisy on the part of the Opposition. Its members seek to misrepresent the position as far as our policies are concerned, but they are also misrepresenting their policy as well out in the public arena and they should be damned forever for that.

### **Education Policy**

**MR WOOD** (5.00): Mr Jensen has just read some very familiar words. As education spokesman for the ALP, I wrote those words. They were accepted in the usual ALP policy forums and conferences. What Mr Jensen did not do was to read out the entire statement that I presented, which went on to say that in the first term of this parliament no schools would be closed. That is exactly what Rosemary Follett in government did: she proposed that no schools should be closed.

Mr Humphries, in other speeches, does not recognise the quite significant difference between schools and preschools. So when I said that no schools were to be closed, I was quite accurate, and there was a variation in the case of preschools. We do not argue about that at all. Mr Jensen, when you take our documents, you would do yourself a favour if you would take the complete lot of them. I will give you the full draft of what I said at the media launch and on other occasions in our election campaign when we made it emphatically clear that no schools would close.

I want to comment further on what Mr Connolly said because I intend to be persistent about this. The Government is committed to school closure. Not on educational grounds are these matters to be examined, but on grounds of saving. I am going to keep asking Mr Humphries not to do it on the hope or on the thought of what he can save. If he is to take the very drastic step to close a school, he should know exactly what it is he will be saving. I ask him to please understand exactly what those savings will be, and I encourage him to pursue the studies that are around and undertake his own studies to determine the position.

I believe that the savings are not worth the loss of benefit when a school is closed. Indeed recent studies, I regret to say, outside the Education Department and the Government suggest that there are no savings. This has to be examined most carefully. Please, Mr Humphries, will you make absolutely sure you know what you can save if and when you close a school.

### **Health Promotion**

**MR BERRY** (5.03): Mr Speaker, I rise in this adjournment debate to talk about the issue of consultation, because the

position was misrepresented in some of the statements that were made by Mr Humphries earlier today. He uses the term "consultation" quite loosely, but its true meaning is in the Labor philosophy, that it is done on the widest base and the views of all of the participants are fully taken into account.

In relation to the health promotion fund, it became clear at the outset that Mr Humphries had engaged in that which is typical of conservatives - that is, some selective advisings rather than true consultation. He then made a judgment about how certain people might be appointed to this board.

We found out that a number of sports bodies and an equally large number of arts bodies have not been consulted. We pulled the sports bodies together and found that they had not been consulted, and their decision was that, besides small and larger sports groups being represented, arts groups and the trade union movement ought to be represented. As a facilitator of the transmission of their wishes to the Minister, I went to the fifth floor of this building and assisted in conveying that message to the Minister. It seems that he has not interpreted it too well.

The labour council made it clear to the Minister that they wished to be represented on this body, and I will come back to the reasons why in a moment. I am pleased to see that the Minister made an admission that he had not intended to mislead the house, and he did so graciously. But that mistake pales into insignificance when compared to his refusal to accept the nomination of the Trades and Labour Council for that very important health promotion body.

I suspect that the reason why the labour council has not been received can roughly go along the lines that the Government, having received a letter from the labour council, thought the matter too hot to handle because it had come from a union. It was in the true tradition of little "I" liberalism which the Minister claims to represent.

**Mr Kaine:** What you do not know, Wayne, is that I have your labour representatives in and out of my office all of the time.

**MR BERRY:** Yes, I got a letter from one the other day who was having a bit of a giggle about what you said.

**Mr Kaine:** They can giggle.

**MR BERRY:** They were laughing, actually. They are not allowed to laugh in here because that would disturb the Assembly. They go outside and have a good laugh. Mr Speaker, the issue is about the Trades and Labour Council and all of its affiliates having a say in health promotion in the ACT. The Trades and Labour Council is already

31 May 1990

involved in health promotion. It has good credentials in that respect. It is involved in the healthy cities Canberra project, a recognised health promotion organisation; the National Heart Foundation's healthy workplace programs, which it does at workplace level; and its annual pickets -  
- -

**Mr Stefaniak:** That was a Freudian slip!

**MR BERRY:** You would not know too much about pickets. The Labour Council promotes health at its annual picnics as well.

This Government by its actions, and particularly by the actions of the Minister for Health, has frozen out from representation on the health promotion fund advisory committee 50,000 ACT workers and their families in relation to the allocation of those funds. That is an absolute disgrace and it shows the level of consultation in which this Government and particularly its Health Minister are involved. Ministers treat consultation with contempt, and I think it is about time they changed their views and put the cards on the table about consultation.

### **Health Promotion**

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (5.08): Mr Speaker, I think it is important to respond to some of the things that Mr Berry said. Mr Berry seems to say that consultation is not consultation unless the person consulting accepts all the views of the person that he is consulting with. He put to me that there should be an arts representative on the committee. I accepted that recommendation, and an arts representative now appears on that committee. He has put to me that there should be some person other than those persons whom I was considering for sports representatives on the committee. I accepted his advice and accepted the appointment as a member of that committee one of the people that he brought to see me.

The third thing that he put to me was that there should be a union representative on that committee. I did not accept that advice. Now Mr Berry says that, because I did not accept everything he said to me, therefore I was not consulting with him properly. I should make it clear - - -

**Mr Berry:** I never discussed any of the people with you.

**MR HUMPHRIES:** Mr Speaker, I discussed with Mr Berry the issue - - -

**Mr Berry:** None of the individuals.

**MR HUMPHRIES:** Mr Speaker, I heard Mr Berry in complete silence and I think that he should reciprocate in that regard.

**MR SPEAKER:** I agree with that. Mr Berry, you had your turn. Please proceed, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I did not accept that there should be a union representative on the committee, which is a committee to do with health promotion. I accept that there is some connection, some link one could make, between health promotion and the union movement but there is also in the same regard a connection that could be made between health promotion and many other aspects of our community.

One could equally argue that there should be a link between health promotion and youth; health promotion and women; health promotion and the home; health promotion and consumers; health promotion and food; health promotion and transport. All those sorts of issues could be raised. Indeed, if I were to appoint a union representative to the committee on the basis of what Mr Berry said, I would also presumably be compelled to appoint an employer representative, because the same workplace issues that affect unionists also affect employment and employers.

In the circumstances, it is impossible to completely reproduce all the possible permutations on a small committee. It was, therefore, the case that I did not accept that piece of advice from Mr Berry. If he believes that all the advice that he tenders to me must be accepted in full or I have not appeared to be consulting, I am afraid he will find that on many occasions on those terms I am not going to consult. It is obvious that the standard he sets for this Government is considerably higher than the standard he set for himself when he was a Minister in the Follett Government. In the entire time that he was a Minister, I was consulted only once on any appointments he proposed to make. I do not believe any other members of this Assembly were consulted on any wider basis than that. If he now complains about the quality of consultation he is receiving, I think he ought to ask himself just what standards he set for himself while he was in office.

**Mr Berry:** I did not misrepresent what I was doing. I had no intention of consulting.

**MR HUMPHRIES:** Well, an admission!

Question resolved in the affirmative.

**Assembly adjourned at 5.13 pm until Tuesday, 5 June 1990, at 2.30 pm**

31 May 1990

**Blank page.**

**ANSWERS TO QUESTIONS**

**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**ACT LEGISLATIVE ASSEMBLY**

**Emergency Assistance**

**QUESTION NO 110**

Mr Berry - asked the Minister for Housing and Community Services -

In respect to the emergency assistance guidelines released by Welfare Branch in January 1990 (a) have the guidelines been withdrawn for correction; if so, (b) when will they be reissued and if not, why not and (c) what measures will be undertaken to ensure consultation takes place before they are reissued.

Mr Collaery - the answer to the Members question is as follows:

- (a) and (b) The guidelines were withdrawn for amendment in March 1990 and were reissued to all Community Welfare Branch staff on 4 April 1990.
- (c) Amendments were made to the guidelines to reflect changes made by the Departments of Social Security and Veterans Affairs to their funeral benefits provisions and these Departments were consulted before the guidelines were reissued.

1987

31 May 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Travel Expenditure**

**QUESTION NO 130**

Ms Follett - asked the Minister for Finance and Urban Services -

What amount has been provided for travel and travelling allowance for each agency within the Ministers portfolio.

Mr Duby - the answer to Ms Folletts question in respect of the Department of Urban Services programs is as follows:

The Department does not allocate funds for specific items such as travel and travelling allowance within its budgets at program level. Operational managers notionally allocate funds consistent with their recurrent budgets and in line with internal priorities. Estimated allocations for each program are as follows:

Tourism \$63,100  
Parks and Conservation 117,400  
- Forests 11,500  
Public Transport 70,700  
Transport and Engineering 123,300  
Urban Fire Services 63,100  
Government Services 45,700  
- Building Assets Management 13,400  
Planning and Resource Management for  
the Department of Urban Services 19,800 .  
TOTAL FOR THE DEPARTMENT 510,600

Note: Travel allocations are made to cover approved attendance at conferences, training and development seminars and courses, and meetings at various levels with interstate agencies.

1988