



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 June 1990

Tuesday, 5 June 1990

Questions without notice:

Greenhouse gases	1989
Ministerial responsibility	1989
Educational standards	1989
School transport	1991
Grants Commission	1991
Sale of school sites	1992
Melba Flats	1993
Liquor licences	1993
Baby health centres	1994
School closures - impact on suburbs	1994
School consolidations	1996
Watson psychiatric hostel	1997
Share transfer duty	1997
School consolidations	1998
Melba Flats	1999
Organ transplants	2000
Alliance Government's environment strategy (Ministerial statement)	2001
Appointment of an ACT Auditor-General (Suspension of standing and temporary orders)	2008
Appointment of an ACT Auditor-General (Ministerial statement)	2013
Kaine Alliance Government (Matter of public importance)	2015
Scrutiny of Bills and Subordinate Legislation - standing committee	2034
Planning, Development and Infrastructure - standing committee - report of the redevelopment of the <i>Canberra Times</i> site	2035
Statutory Authorities (Audit Arrangements) Bill 1990	2043
Publications Control (Amendment) Bill 1990 [No 3]	2044
Business Franchise ("X" Videos) Bill 1990	2075
Taxation (Administration) (Amendment) Bill (No 3) 1990	2076
Adjournment:	
Democracy in China	2086
Tiananmen Square memorial	2089
Democracy in China	2090

Answers to questions:

Consultants (Question No 79)	2093
Consultants (Question No 126)	2097
Delegation of legal powers (Question No 151)	2098

Tuesday, 5 June 1990

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

QUESTIONS WITHOUT NOTICE

Greenhouse Gases

MS FOLLETT: My question is directed to Mr Kaine as Minister for the environment, especially as it is World Environment Day. Can he tell the Assembly what are the major greenhouse gases produced in the ACT and what has his Government done about them, particularly since his statement in the Assembly on 26 April?

MR KAINE: Mr Speaker, I am not a scientist and I do not know what the particular gases are but, as I have indicated in our environment policy statement and as will be mentioned in the statement that I will be making later today in terms of implementing that policy, the Government has that matter under control and will take whatever action is within its power to prevent the use and dissemination of those gases in the ACT.

Ministerial Responsibility

MR MOORE: My question also is addressed to the Chief Minister. Last Tuesday in question time I asked about the criteria applied to Mr Duby and Mrs Nolan with regard to resignation from their positions. With reference to Mrs Nolan - and it is in the Hansard - you replied, "I did not apply any criteria to Mrs Nolan. She chose to resign her position". Would you answer yes or no: did you request Mrs Nolan's resignation?

MR KAINE: Mr Speaker, no, I did not.

Educational Standards

MR WOOD: Mr Speaker, I direct my question to the Minister for Education. Since he is so keen about cost-effectiveness, I take it the Minister has read a statement by Dr Peter Price about the exceptional productivity of ACT government schools. He said:

One of the best indicators of the output quality of our system is the success of Year 12 graduates

5 June 1990

in securing jobs and higher-education places ... A recent Commonwealth Department of Education survey shows that the ACT performs at double the national average in this regard. Mr Humphries, do you agree with Dr Price's evidence that, on the basis of the Grants Commission's alleged overspending on education in the ACT, the performance of our schools represents a productivity almost 70 per cent above average?

MR HUMPHRIES: Mr Speaker, it is difficult to comment in detail on the evidence Mr Wood is quoting from Dr Price concerning these things.

Mr Wood: This is part of the debate.

MR HUMPHRIES: Yes, I am sure. I have seen indications of that high quality in our school system and I acknowledge and support that. In fact, I released a document a few months ago at the Dickson College referring to some of the success that the ACT education system has had in producing graduates who not only go on to higher education but also achieve job success.

I am also aware that the ACT has one of the highest, if not still the highest, youth unemployment rates in Australia. I accept that, in certain respects, our education system performs exceptionally well. I also accept, however, that it is not so brilliant, so perfect, that it cannot be improved. It is my ambition to secure improvements in our education system without causing concern to the community or causing any serious loss to the quality of the system overall.

MR WOOD: Mr Speaker, I have a supplementary question. Do those improvements mean the closure of schools? Are you aiming to improve schools or close them?

MR HUMPHRIES: I am aiming to improve schools. This may involve the closure of schools. The Government has indicated its belief that it is possible to achieve both those things at once. That, of course, will depend very much on the way in which it is done and the way in which the Government addresses the financial considerations underpinning the need to find money in our school system. I think Mr Wood has had ample evidence of the Government's intentions in this regard. I can assure him that educational priorities will come to the fore and we will ensure in the long term that the ACT education system is sustained as much as possible, irrespective of the diminishing of our financial base.

School Transport

MRS GRASSBY: My question is to Mr Humphries. What does Mr Humphries believe is a reasonable distance for five- and six-year-olds to walk to schools?

MR HUMPHRIES: Mr Speaker, Mrs Grassby is asking me for my opinion on the distance that a five- or six-year-old ought to be able to walk to school. I do not pretend to be an expert on the distance that a five- or six-year-old child might walk in any direction to any particular activity or place. I am aware that at the present time the guidelines applicable for the provision of school buses indicate that a child is expected to walk if that child lives within two kilometres of his or her primary school.

As far as I am aware, that was a guideline in place under the previous Follett Labor Government. To my knowledge, there has been no change or adjustment to that since this Government came into office. I suppose, therefore, that I have inherited an expectation on the part of the education system that a child of five or six should be able to walk two kilometres to get to school.

Grants Commission

MR JENSEN: Mr Speaker, my question is to the Chief Minister. I refer the Chief Minister to a statement made by Mrs Kelly in a radio interview this morning, with regard to matters raised in the assets and public debt report tabled last week. She indicated that this should be referred to the Grants Commission for examination for special revenue assistance. Can the Chief Minister advise how long the Grants Commission would take to report and whether this procedure would necessarily be in time to overcome the ACT's financial difficulties in the 1990-91 budget? Further, what would be the result for Canberra if the commission could not report before the ACT's 1990-91 budget?

MR KAINE: Mr Speaker, Mr Jensen's question is an interesting one because I did hear part of what Mrs Kelly said on the Pru Goward show this morning. It seemed pretty obvious to me from what I heard that Ms Kelly has not the faintest idea of how the Commonwealth Grants Commission does its work or what its terms of reference are. The fact is, Mr Speaker, that the terms of reference of the Commonwealth Grants Commission in its normal annual assessment of special purpose and general purpose grants confine it to recurrent expenditure. It does not deal with capital - yet Ms Kelly was talking about the report on the assets and public debt of the Territory. They are capital items, and those matters do not formally fall within the purview of the Commonwealth Grants Commission.

There are two aspects to the answer to the question. If the Commonwealth Grants Commission could have its terms of reference changed for the inquiry which it is about to undertake - and my understanding is that that report is due in March of next year - I suppose it is arguable that the Grants Commission might accept an amendment of its terms of reference in this case to take on this unusual task as part of its annual assessment. Assuming that it reported in March, it would be most unlikely that the Commonwealth would deal with that report before the end of the fiscal year in June, which would mean that we would be going into the 1991-92 fiscal year without the faintest idea of what revenues would flow to the ACT from the Commonwealth. We would be in an impossible situation because we would not know how much we could expect to receive as a result of that review.

The other thing that could be done is that we could ask the Minister, since she has raised the question, to make a special referral to the Commonwealth Grants Commission that it conduct a special inquiry into the assets and debt position of the ACT - the capital aspects of our situation. We would need a response much earlier than the March deadline, however. I would suspect that the Grants Commission would find it impossible to take on two simultaneous inquiries in connection with the ACT at once and to report on either investigation in sufficient time for us to know what our financial situation going into the fiscal year beginning July 1991 would be. My guess would be that in either case we would not know what our financial position going into that fiscal year would be and in either case that would be disastrous for our budgeting.

Sale of School Sites

MR CONNOLLY: Mr Speaker, my question is directed to Mr Humphries in his capacity as Minister for Education. Mr Humphries, when school sites are sold after their closure, will the sale include the green space adjoining schools; that is, the playing fields and parks which form part of the school precincts?

MR HUMPHRIES: Mr Speaker, it is not really a question that is appropriately directed towards me. I am certainly responsible for schools as schools but not for the disposal of disused or decommissioned school buildings. I think that question should more appropriately be addressed to another Minister, probably the Chief Minister in these circumstances.

MR CONNOLLY: By way of a supplementary question, can it be answered by any Minister on the front bench?

MR SPEAKER: I will not allow that question.

Melba Flats

MR STEVENSON: My question is to Mr Duby, and it concerns the proposed demolition of the Melba Flats and the problems this is causing for businesses in the Melba shopping centre. The complex originally housed about 1,000 people and is now down to 150 to 200; that is, during the last 12 months. Would Mr Duby mention when the demolition will begin and when it will be completed and also when redevelopment will start and be completed?

MR DUBY: I thank Mr Stevenson for trying to give me the honour of having dealings with this matter. This is a matter which can rightly be referred to the Minister for Housing and Community Services, Mr Collaery, as his department is in control of the recommission of the Melba Flats and the attendant problems which may well flow from that.

Liquor Licences

MS MAHER: My question is to Mr Collaery as Attorney-General. I refer Mr Collaery to a recent large advertisement in the Canberra Times calling upon liquor licensees to renew their licences and to pay up existing debts. Would the Attorney indicate whether there is currently any administrative problem in this area and what is the significance of the advertisement.

MR COLLAERY: I thank Ms Maher for the question. It is a matter of public interest that advertisements of that nature appeared and I do wish to inform the house that there were, as of the time of that advertisement last week, a number of licensees who had not paid their renewal fees and had not paid assessments due. I am advised by the authority that, as of 1 June 1990, 13 licences have lapsed due to a failure to pay the second yearly instalment. I would remind the house that when licensees get into that position they can only secure a licence back under the Liquor Act by fully paying all moneys due, not only those during the assessed period but those for the broken period that would normally be in the third instalment.

Notices were sent out to all of those people on 12 and 18 April 1990. In addition there were those advertisements that Ms Maher mentioned on Saturday, 26 May; Wednesday, 30 May; and Friday, 1 June 1990. These were expensive advertisements reminding licensees that the second instalment was due on or before 1 June 1990. I am satisfied after discussing the matter with the Gaming and Liquor Authority, or rather securing details from it, that the circumstances are that the licensees in question have apparently ignored or have been unable to settle the amounts outstanding. The amounts outstanding, I should inform the house, vary between a low of \$103 and a high of

\$12,000. They include two supermarkets and a number of well known restaurants or discos. This is perhaps indicative of current trading difficulties. I am waiting to have further advice from GALA as to what this unprecedented situation implies for ACT revenue.

Baby Health Centres

MR BERRY: My question is directed to the Minister for Health, Education and the Arts, Mr Humphries. I hope that we can get an answer to this question because we have not had much luck this afternoon. Will the Minister be closing baby health centres that are located adjacent to preschools or schools that will be closed?

MR HUMPHRIES: Once again, Mr Speaker, Mr Berry is seeking information on decisions that have not been made. I have no plans to close any baby health centres at the present time. I cannot categorically rule out that that issue might be explored in the future. There is, I recall, some indication from the Priorities Review Board that these issues should be considered. I fully appreciate the political sensitivity of making such decisions and therefore I would need some convincing that such decisions ought to be made. However, I will not pre-empt that decision. If Mr Berry is seeking for me to rule out particular options arising out of the Priorities Review Board then the answer is that I will not.

School Closures - Impact on Suburbs

MS FOLLETT: My question is to the Chief Minister and it relates to the Priorities Review Board. Mr Kaine, the PRB report states that Downer is showing ageing characteristics and needs revitalisation. It makes that statement in arguing for the old school and its associated green space to be used for urban infill. I would ask: do you agree that ageing characteristics are associated with suburbs when schools are closed and, therefore, that school closures destroy the social diversity of our suburbs?

MR KAINE: This is a very interesting question, Mr Speaker. It seems to require a matter of opinion rather than what the Government might or might not do in connection with any recommendation that comes from the Priorities Review Board. Probably the observation of the board that the suburb is showing ageing characteristics is fairly accurate. I bought a house in Downer in 1961. That is nearly 30 years ago, so obviously the subject is showing some signs of ageing. I think the thrust of your question was: what is the impact of closing a school in a suburb like Downer? I will express an opinion. I think that, when a suburb like that ages, the school is really not needed for educational purposes because the number of students falls below a

reasonable number. I am not in the education business so I do not know what a reasonable number is. Presumably, the school population in any suburb as it ages will fall off to the point where there is not the number of students presenting at that school to allow it to continue to run as a viable school.

Decisions then have to be made about what you do first of all with the students. I think this is one of the problems that the Minister for Education is currently facing. I do not know whether Downer is one of the schools or not, but you have to make up your mind what to do about the students. You have to take their interests and their concerns into account when you decide to dispose of them to other schools. You have to see how they are going to get there and what effect this will have on their socialisation as children and growing adults. I believe that that is something that this Government is conscious of and is taking care of.

The second aspect of the question is: what do you do with the physical facilities after you have relocated the children somewhere else? That is very much a function of how that suburb is situated for other kinds of community resources. If it is poor in community facilities for meetings of groups of ageing people and special interest groups who live in that suburb, it might be that the school facility should be retained as a community facility and turned to those other community uses. That would be a matter of gauging the demand and the need, and they are not necessarily the same thing.

Downer, of course, has been served recently by the establishment of a new community centre. It had, in my view, been deprived of that kind of facility for many years when other newer suburbs were being provided with them. There has been a new community centre built on the outskirts of Downer - between Downer and Dickson - in the last year or so. In fact, it was opened only a matter of months ago. So there would not be a very strong argument, probably, for saying that Downer, as a suburb, ought necessarily to retain that school for community purposes. Private enterprise might decide to continue to use it for educational purposes. A group might be looking for educational facilities and perhaps that school could be made available to them on suitable arrangements so that it could continue to be used for educational purposes. It may help to revitalise the suburb in the future. There are many uses to which you could put such a facility.

If the thrust of the question is to determine whether the Government is really thinking about the consequences of decisions that might result in the closure of schools, the question has failed because the Government is aware of all of the ramifications of it. The Government is considering all of those ramifications and, if it is ultimately determined that the Downer school is one that should close, then these alternative uses will be considered before the final disposition of the school.

5 June 1990

MS FOLLETT: I have a supplementary question, Mr Speaker. Mr Kaine seems unaware that the Downer School was closed in 1988.

Mr Kaine: Well, why did you ask me the question?

MS FOLLETT: The reason I asked you the question was to ask whether, in regard to the Priorities Review Board report, you would agree that when a school does close it consequently changes the social diversity in our suburbs.

MR KAINE: If that was a supplementary question, Mr Speaker, I think I answered the question in general terms because what I said related to any school. Those are the very factors that the Government is considering in looking at the criteria which Mr Humphries has identified and which will be applied before any school is closed. The alternative uses for that school will be considered in particular in terms of other forms of community use. So the answer to the question still holds.

School Consolidations

MRS NOLAN: My question is to Mr Humphries, again in his capacity as Minister for Education. The ACT Government justifies the school consolidation program on the basis that there are some 13,000 surplus places in ACT government schools. How is this figure determined, and what action has the Minister taken to ensure that the figure is accurate and therefore the program is justified?

MR HUMPHRIES: Mrs Nolan asks first of all how the surplus capacity figure was determined.

Mr Wood: We were asking this two months ago and you would not tell us.

MR HUMPHRIES: If Mr Wood would like to listen, he will hear now. The answer, Mr Wood, is that the capacities of individual schools are based on the number of teaching areas and the availability of support spaces such as libraries, craft areas and staff studies. In the case of secondary schools, the availability of specialist facilities such as science laboratories is also an important factor. The 13,000-plus surplus spaces were derived by subtracting the number of student enrolments from the number of spaces available. This does not include surplus transportable classrooms. I have said all that before.

The second part of the question Mrs Nolan asked was: what action have I taken to ensure that the figure is accurate and, accordingly, is the program justified? In the last few weeks the Department of Education has revised those figures to assess whether or not the figure of 13,000 or

13,500 was accurate. That revision has been conducted in consultation with the schools, and I can now confirm that we have a figure for capacities in schools in the ACT with which every primary and high school in the Territory agrees. In other words, there is no disagreement between the department and the schools as to what is the figure for surplus capacity in the schools.

The current figure of surplus places in primary and high schools is 10,205 based on individual capacities. There are some 1,250 of those places occupied by outside tenants. There are also 1,168 surplus places in secondary colleges and 1,737 in preschools, making a total of 13,110. That figure is accurate. I believe the data confirm that the Government is on firm ground in proposing a school consolidation program. The excess capacity is an expense that the ACT community can ill afford and it should be addressed.

Watson Psychiatric Hostel

MR MOORE: My question is to Mr Humphries as Minister for Health. Can the Minister inform the Assembly whether discussions are currently being held to establish the viability of converting the Watson psychiatric hostel in Antill Street, Watson, to a privately funded institution? If there are such discussions, can the Minister either make public the nature of those discussions or else reassure the Assembly that this facility will remain a government funded establishment?

MR HUMPHRIES: I am not aware of any discussions surrounding the future of the Watson Hostel. I have visited the hostel and I was not apprised at that stage of any proposed changes to its status. I will, of course, take the question on notice and supply Mr Moore with any information concerning any proposed changes as soon as possible.

Share Transfer Duty

MR STEFANIAK: My question is to the Chief Minister. Chief Minister, is the Government to appeal to the High Court in respect of the Federal Court's decision upholding an appeal against the Commissioner of Taxation's decision to assess Bell Resource Holdings for share transfer duty of \$1.626m in 1986, as reported in yesterday's Canberra Times? Will the Commonwealth be asked to refund the duty it received and paid into consolidated revenue if the High Court challenge is unsuccessful?

MR KAINE: The answer to Mr Stefaniak's question essentially is yes. Special leave has been sought to appeal the decision of the Federal Court which held that

the Commissioner of Taxation had wrongly assessed a transaction for duty. The Federal Court has overturned the decision of the Administrative Appeals Tribunal which upheld the commissioner's decision to raise the assessment. In fact, a decision is not yet required as to whether to approach the Federal Government in respect of liability for repaying duty received by the Commonwealth and meeting court costs which have been awarded against the commissioner. Obviously that will also be considered at the appropriate time.

School Consolidations

MR WOOD: I direct a question to Mr Humphries, and it relates to his 13,000 excess capacity. Since outside tenants like the Noah's Ark Centre, which does such a wonderful job, are now identified as part of that excess capacity, what do you propose to do with these tenants if you relocate children who have been displaced into those rooms?

MR HUMPHRIES: In circumstances where these tenants are appropriately housed elsewhere under arrangements provided by the ACT, of course the Government will consider appropriate ways of housing these particular tenants. I cannot indicate what tenants might be dislodged until I can name to you which schools will be closed. It would be unfair for me to start indicating which particular schools - - -

Mr Wood: Yarralumla is one of those small schools.

MR HUMPHRIES: Well, whether it closes or not, Mr Wood, I really could not say, and that would not be a matter on which I would speculate at this stage. I do think it is worth pointing out, however, that it is not the function of the ACT Department of Education to be providing accommodation space to a range of community groups in the ACT. That is not the primary function of the Education Department, and particularly it is not the function of the ACT's education budget. If accommodation is to be provided it should be provided in a way which does not cost the education budget any money, unless, of course, that particular tenant has some purpose or function related to education, in which case some different considerations are required. I can assure Mr Wood that, where there are arrangements where the ACT ought appropriately to be responsible in some way for the housing or accommodation of particular tenants, it will seek to make alternative arrangements if those people are dislodged.

MR WOOD: I have a supplementary question, Mr Speaker. I hope we would have a concern for the Noah's Ark toy library and some other groups like that, but my supplementary question is: where does the rent from these groups go? Does it go directly to the Education Department to be used

in our schools or as some part of the Education Department budget?

MR HUMPHRIES: Mr Speaker, first of all I share Mr Wood's concern about the Noah's Ark toy library. Of course that is important and I do not pretend I am not concerned with it merely because I cannot supply Mr Wood with detailed answers about what will happen to it at this stage. I understand that rent collected from the use of educational buildings does go back to the Department of Education at the present time. Whether that is always a net plus to the department and therefore to the education budget is a matter which I cannot say. I suspect that in many cases the buildings are rented out at less than commercial rates because there simply are not any alternative suitable tenants available. I will, however, undertake to get back to Mr Wood and give him any more information about the tenancy arrangements that he might require.

Melba Flats

MR STEVENSON: My question is to Mr Collaery. It concerns the dramatic downturn in trade - 25 per cent - at the Melba shops caused by the proposed closure of the Melba Flats. Would the Attorney-General please indicate when the demolition will be commenced and completed and when redevelopment will be commenced and completed?

MR COLLAERY: I thank Mr Stevenson for the question though I could have said that the business side would be answered by Mr Duby. The Melba Flats redevelopment is one of the largest and most ambitious public housing redevelopment schemes attempted in the ACT. Indeed, I am advised that it is of the same dimensions as the classic Woolloomooloo redevelopment that took place in Sydney some years ago. Minister Grassby put the process under way and I sealed the actual arrangements.

Originally there were 460 dwellings in the complex, as I recall. I am not aware whether the figure of 1,000 people is correct but, be that as it may, I was advised last week that demolition on stage 1 is imminent and arrangements are currently being made to ensure that when the demolition commences provision will be made for public access to the demolition site to enable the public to purchase recyclable material. There has been consideration of that issue. So that might up the business in the area, Mr Stevenson, but of a different kind and for a short period.

I should inform Mr Stevenson that Melba Flats themselves will not be rebuilt in the same place. A proposal is being discussed at the moment with the Uniting Church which is on the periphery of the original Melba Flats area. It is in the context of a joint development between the Uniting Church and the Housing Trust for a block of up to 50 aged persons units, but we need to study the social implications of a block of villas that large at this stage.

These considerations are under way and may result in some amelioration of those shopping concerns that you have mentioned. The Government is conscious of the effect that the Melba redevelopment will have on the local shopping community, but this is an issue that was resolved before the Alliance Government came to power. It is clear on the face of it, given the level of vacancy at the Melba Flats in recent years, that the Melba Flats have been declining over the years as a source of local business. In fact, more than 100 flats have been vacant for some considerable time.

Organ Transplants

DR KINLOCH: My question is to the Minister for Health. I would really like to ask him about lung transplants, but I do not think that is necessarily within his area of expertise, so I will go immediately to the organ of the week. The organ of the week is the kidney. I refer the Minister to the fact that this is Kidney Week and cases have been reported in the media suggesting that the delay in the provision of human organs has threatened lives. I ask the Minister: what is being done to facilitate the availability of human organs for organ transplants?

MR HUMPHRIES: I thank Dr Kinloch for his thoughtful question on organs. I am aware that this is Kidney Week. The Australian Kidney Foundation is highlighting the need for Australians to be aware of the warning signs of kidney disease, including things like blood in the urine, severe pain in the loin or swelling of the legs and face. Perhaps Dr Kinloch has experienced some of these things in recent days in connection with a different illness. The foundation does suggest that early medical assistance should be sought in these circumstances.

I share Dr Kinloch's concern on the issue of organ transplants. When both kidneys fail, of course, a kidney transplant is often the most appropriate response. I have to say, Mr Speaker, that morally I doubt people's right to deny access to their physical remains when that effectively denies other people access to vital organs for their health. It is very important that the public be encouraged to make their organs available for transplant and that processes be established which facilitate the speedy identification and utilisation of the donated organs. I would urge all members of the Assembly to fill in and carry in their wallets or purses an organ donor card, should that be required if they were involved in an accident or an untimely early death.

My department is well advanced in the development of an ACT organ donor notification scheme. Officers of the department have been developing materials such as a donor card with an accompanying red sticker for placement on

drivers licences and associated explanatory pamphlets. Once the material has been reviewed, the stickers will be printed and distributed. I expect to launch the scheme around the middle of this year.

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

ALLIANCE GOVERNMENT'S ENVIRONMENT STRATEGY
Ministerial Statement and Papers

MR KAINE (Chief Minister), by leave: Mr Speaker, I would like to announce the release today of the Alliance Government's strategy for maintaining and enhancing the ACT environment in the 1990s and beyond. We have chosen World Environment Day to release this all-important document to highlight the Alliance Government's commitment to maintaining environmental quality in the Australian Capital Territory. World Environment Day is recognised around the world as an occasion when attention is focused on environmental issues and when governments and communities are drawn together in mutual concern for the quality of life on this planet.

Today people will highlight and examine environmental problems and they will agree on the pressing need for all manner of change, but in many parts of the world environmental degradation will continue unchecked. The nature of the environmental problems that confront the world is such that the setting aside of one day a year can be no more than a token acknowledgement of an ever-present and ever-growing problem. The very fact that a World Environment Day is celebrated at all at least shows that concern for the environment has made itself felt at the political level. It shows that the environment is now on political and social agendas at all levels of government and society. In the past, lacking integrated and comprehensive policies, governments reacted to community demands for solutions in an ad hoc way, devising solutions to particular issues as they surfaced. Environmental debate tended to focus on single issues rather than on the achievement of long-term objectives.

As understanding of the interdependence between humans and the environment has grown, we have come to realise that the only effective way to resolve environmental problems is to develop long-term plans that chart and coordinate the direction of a wide range of actions. The community will no longer accept superficial responses to the environmental issues that we face. It is essential that governments take the lead in maintaining and improving our environment.

Mr Speaker, the Alliance Government accepts this responsibility. We released a comprehensive environment policy some months ago, and today I am launching a comprehensive and detailed strategy that will take

5 June 1990

management of the ACT environment into the twenty-first century. The strategy is built on our policy and sets out the steps by which the Government will achieve its long-term plan for the protection and enhancement of the unique ACT environment.

Our long-term plan is expressed in the targets which this Government, in partnership with the community, will strive to achieve. It sets out the actions the Government will undertake. It also identifies many of the substantial achievements to date in the management of the ACT environment. In nature conservation, I announced today the most comprehensive gazettal of reserves since the initial establishment of Namadgi National Park in 1984. This very substantial enhancement of the reserve system will help ensure preservation of the ACT's native plant and animal species in their natural habitat.

Soil conservation is one of Australia's major environmental issues today. The ACT Government has accorded a high priority to activities during the year and the decade of land care. Programs are already in place for land capability assessment, total catchment planning, integrated farm planning and the development of education packages on land care for all ACT schools.

In pollution control, we have significantly strengthened pollution control legislation and have taken steps to increase public awareness of pollution issues in the ACT. Mr Speaker, there are two principles that are fundamental to this strategic plan: firstly, that environmental responsibility transcends artificial boundaries and that the global implications of local actions must be acknowledged; and, secondly, that there must be an effective partnership between the Government and the community if we are to maintain and enhance the environmental quality of the ACT.

With respect to the first of these principles, the ACT is a relatively small Territory with an already high quality natural and built environment. By good fortune we have escaped much of the damage that urban development and expansion can inflict on the natural landscape. The ACT is uniquely placed to become a model to the rest of Australia in its management of the environment. We do not experience the difficulties of urban pollution and coastal management that the States and other Territories must deal with. Nonetheless, the ACT can show by example that a high level of environmental quality is achievable and sustainable.

The Government will not ignore the surrounding regions of New South Wales. The standards of environmental quality should not differ between the south-east region of New South Wales and the ACT simply because of a political boundary. The New South Wales Premier and I have given a commitment to cross-border cooperation. Accordingly, we in the ACT must ensure that in achieving our internal goals we do not compromise those of New South Wales in the surrounding regions.

While the regional aspect of environmental protection is a high priority for the Government, the ACT's part in the wider global context is also addressed in the strategy. The Government has already produced a report about the development of an ACT strategy to respond to the greenhouse effect. That report sets out proposals for modifying the impact of associated climate changes and explains the possible effects on the Australian Capital Territory. It is imperative that members of the community have the opportunity to respond to the issues raised and the initiatives proposed in the greenhouse strategy and that they understand fully the urgency and importance of the issue.

In addition to the greenhouse initiatives, the Government is also taking steps to deal with ozone depleting substances. As part of our responsibility as a member of the Australian and New Zealand Environment Council, the Government has begun drafting legislation to regulate the use of ozone depleting substances in the ACT. This legislation will conform with the guidelines set out in the national strategy for ozone protection and will be developed in consultation with affected industries. Development of both these initiatives has been carried out, not in isolation but as part of a comprehensive program for the management of the environment.

I now turn to the second underlying principle that I mentioned: to maintain and enhance the environmental quality of the ACT. Individuals, community and Government must work in partnership. There must be mutual cooperation, where the Government develops policies that reflect the concerns of the community and where the individuals in the community support those policies by complementary changes to their lifestyles. The Government can develop programs and policies and set up a framework for change, but it is ultimately up to each of us to change our habits and ways of life to reduce our impact on the environment. We have a responsibility to ourselves and our community to try to conduct our lives in an environmentally conscious manner.

To enable people to make environmentally responsible decisions and judgments, they must be informed about issues and the environmental consequences of their actions. By providing information and encouraging the adoption of environmentally sound practices, the Government can give members of the community the means to contribute to our environmental quality. A major emphasis in this environmental strategy is on community education. Measures include an environmental education policy for all ACT schools and the continuing direct involvement of government agencies in community education.

The strategy also includes a section that sets out the specific changes that individuals can make in their daily lives to contribute personally to improving the ACT

5 June 1990

environment. It is easy for people to feel powerless when confronted with global issues that involve governments of other countries or large corporations. We should not underestimate, however, the power of the consumer and the individual. Collectively the actions of individuals will become the actions of communities and of nations. By adopting the methods and practices that are set out in this section of the strategy, individuals can contribute in a meaningful and practical way to maintaining the quality of the ACT's environment.

A second aspect of the relationship between the Government and the community is the participation of the community in the decision making process. The Government has already adopted this approach in releasing for public comment the various Bills in the planning and environment legislation package and the greenhouse paper. The planning legislation package also allows opportunities for community involvement in the planning process and provides avenues for appeals and challenges. Similarly, I extend an invitation to the community to comment on the initiatives set out in this strategy on the environment. The Government will ensure that community views are considered in the ongoing environmental management of the ACT.

This strategy is not an inflexible or final statement. Our environment management plan for the ACT recognises that, as knowledge and technology advance, our policies and programs will be reviewed, evaluated, and if necessary updated. This will ensure that the Government's responses continue to be relevant, timely and effective. The Alliance Government is committed to establishing a balance between conserving natural ecosystems on the one hand and meeting human needs and aspirations on the other.

The policies and initiatives outlined in this strategy will provide the framework and incentives which will enable the Government and the community to work together to achieve this balance. Through common action, the targets of the strategy will be achieved and the already high quality of the natural and built environment of the ACT will be maintained and enhanced for the benefit of future generations. I present the following papers:

Alliance Government Environment Strategy -
Ministerial statement, 5 June 1990.

The ACT - Caring for our Environment - Environment Strategy for the 1990s - report, dated 5 June 1990.

I move:

That the Assembly takes note of the papers.

MS FOLLETT (Leader of the Opposition) (3.16): World Environment Day once again focuses our attention on environmental matters. It allows us to reflect on the successes and the problems of the past year and to look at

the tasks ahead of us. I think the first thing to be said on the second World Environment Day since self-government is that self-government itself has provided many opportunities to tackle environmental problems but it has also brought responsibilities. Self-government has given the ACT the chance to tackle environmental issues with the priority that the Canberra community considers they deserve. I therefore welcome Mr Kaine's statement that he expects the environment to be treated as a joint project between the community and the Government but I should say that, if their relations with the community in regard to education, the Ainslie Transfer Station or the Royal Canberra Hospital are anything to go by, then I do not expect the community to have a great deal of confidence in them on the environment either.

World Environment Day, of course, does focus attention on the fact that environmental problems do require expenditure which must compete with other priorities in any government's budget. I intend today to outline some of the local environmental issues and to talk about the action which has occurred in the past or which should now be taken.

The area of air quality and air pollution is a very good demonstration of the connection between local and global environmental questions. We are fortunate in the ACT to have high air quality most of the time but there are significant air pollution problems at some times of the year. For example, along some busy roads during winter the airborne lead levels exceed National Health and Medical Research Council guidelines. Calm weather during the winter can also sometimes produce visible air pollution problems with the smoke from domestic fires. It is clear that the reliance on private vehicles for transport, which creates many of the local problems, is also a major contributor to greenhouse gas emissions.

Several weeks ago, when I spoke on the Government's greenhouse strategy paper, I suggested that the ACT should conduct an audit of greenhouse gas emissions similar to that undertaken in Western Australia. I repeat my call for that sort of an audit. Members may also recall that last year the Labor Government committed itself to ensuring that the leaded petrol delivered to the ACT is of the low lead or city type rather than the country high lead variety which we have been receiving. I would be interested to know whether the current Government has pursued that matter.

Last October, the Labor Government's transport strategy included the announcement of measures which would promote the use of public transport and multiple occupancy of cars. I believe that measures such as free parking for multiple occupancy vehicles, which the current Government has also supported, will contribute to tackling air pollution problems.

5 June 1990

Turning to the area of water pollution, I think that we should all acknowledge that we are fortunate in the ACT to have a high standard of sewerage treatment at the Lower Molonglo Water Quality Control Centre. We are frequently reminded of this when we see reports of what happens at Sydney's beaches. But we do have local water pollution problems. First, there is the problem of urban run-off into the lakes and the nutrient enrichment and algae growth problems which that brings. Urban run-off may also have been a contributor to the mystery of the dead fish in Lake Tuggeranong which Mr Duby has never satisfactorily explained. I think he was asleep at the time. There is also evidence of a continuing problem of heavy metal pollution from the Captains Flat mine.

Any discussion of water could not be complete without mentioning water conservation. All too often water is not treated as the valuable resource that it really represents. We are a lucky community, with a high standard of water quality and with a reliable supply, but it is vital that this resource should be conserved. Members may also recall that I spoke on this during the greenhouse debate. It is a pity that the only mention we have had of water conservation from the Government so far has come in the Priorities Review Board report where it was motivated more by saving money than by any concern about environmental issues.

The urban run-off problems which I mentioned also affect the quality of the ACT's soils. It is just as unproductive for urban soil to be washed away into the lakes and streams as it is in rural areas. Whilst we have got some idea about rural land degradation, there is a need also to identify precisely what the scope of the problem is and how we can tackle it in the ACT. There is also a clear need in parts of the ACT for a revegetation program to protect and enrich the soil. That brings me to the subject of our parklands. The Labor Party welcomes Mr Kaine's announcement today of the gazettal of reserves. We believe that this announcement is quite consistent with the approach that we took in government, for example, when Mrs Grassby declared the Bimberi Wilderness area. While in government we also decided to cease the use of rainforest timber.

We should be aware that there is again a cloud on the horizon for our forests. Unfortunately, the Priorities Review Board has approached the pine forest issues from the point of view of profit rather than responsible management. Of course, the Priorities Review Board approach epitomises the difference between the current Government and our own. We believe that it is the Government's responsibility to manage the ACT's resources in the best overall interests of the ACT community and, of course, the Liberals will always be more concerned with private profit. I suggest that the Assembly should be vigilant about the management of all ACT forests, whether they are native or pine plantations. As large consumers of resources from outside the Territory, we have a responsibility that goes beyond our own borders.

There is still scope for improving the recycling of forest products, and I hope that we will be able to build on the trials of recycled paper which I commenced a year ago. I note, however, that with the closure of the Ainslie Transfer Station this Government has apparently not provided any alternative paper recycling facilities on the north side.

Earlier I mentioned the need to plant more trees. This is not only desirable from a soil conservation point of view but it can also be a contributor to tackling greenhouse questions as, particularly in their early years, trees are a valuable absorber and fixer of atmospheric carbon. While wood fires are undesirable as a major local polluter, it is unlikely that we will totally eliminate this form of heating in the near future. We should therefore investigate the possibilities of native fuel hardwood plantations to ensure that our firewood needs are not helping to defoliate the rest of the country.

There are many other resource questions that any responsible community needs to remember. I have said before that we should discourage the excessive use of non-renewable resources. I believe that the pricing structure for domestic energy sources like electricity and gas should be examined with a view to discouraging waste. This should not mean price increases for average domestic users but it should be possible to introduce a pricing mechanism which both protects average users of domestic power and penalises those who are simply wasteful.

The need to conserve resources should also lead us to take further steps to encourage public transport use and to introduce reasonable standards for energy efficiency and building design. In addition we can look at regulating excessive consumer packaging and also at promoting increased recycling of plastics. I was particularly pleased to announce at this time last year that the ACT was now using recycled plastic in park benches.

In conclusion, I believe that the environment issues will really show the difference between a government with an accountant mentality and a government which acts for the public interest and the public good. There is a great danger that environmental issues which do not provide an obvious dollar benefit to the Government or the community will suffer in the Government's current round of budget destruction. With the exception of today's announcement, we have seen little real action from the Government in environmental matters. For example, I ask: where is the environmental impact legislation which has been promised as part of the planning package, and indeed where is the planning package?

Members interjected.

5 June 1990

MS FOLLETT: Mr Speaker, I maintain my point that we are yet to see the Government introduce these important pieces of legislation. On this side of the house we will always support progressive environmental policies and statements. We do not want to turn the environment into a political battleground, but actions always speak louder than words, and there has been very little action so far from the current Government to protect the ACT's environment.

Mr Speaker, we do have the Alliance's policy and we now have their strategy but, while we have an environment Minister who has been unable to answer a single question on the environment and is even unable to name a single greenhouse gas, my colleagues and I will continue to fear for the ACT's unique environment.

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

APPOINTMENT OF AN ACT AUDITOR-GENERAL

MR KAINE (Chief Minister): Mr Speaker, I ask leave of the Assembly to make a ministerial statement.

Leave not granted.

Suspension of Standing and Temporary Orders

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

That so much of the standing and temporary orders be suspended as would prevent Mr Kaine making a ministerial statement on the appointment of an ACT Auditor-General.

MR BERRY (3.27): I would like to put the Government on notice that, in future, when clear notice is not given to the Opposition of matters which are going to be raised as ministerial statements, then leave will not automatically be granted. The reason for this is that the Government is obviously struggling in its performance in this house and, of course, it has sought on a number of occasions to fill the business paper with sometimes meaningless statements.

Mr Speaker, the appointment of the Auditor-General is not the issue in question. The issue in question is whether or not the Government has the common decency to inform the Opposition of what it intends to do by ministerial statements, as is the practice in other places and in particular in the Federal Parliament. Mr Speaker, this is a government that operates by misrepresentation. It operates by stealth and it operates by duplicity.

Mr Kaine: On a point of order, Mr Speaker; I understand that this debate is on the question of the suspension of

standing orders. I suggest that Mr Berry should confine himself to that question.

MR BERRY: Mr Speaker, the Chief Minister need not worry. I will be confining myself to that issue. One of the issues, of course, is the way the Government misrepresents the actual position. It operates by stealth and with duplicity.

Mr Kaine: On a point of order, Mr Speaker; this is one of the continuing assertions of the Opposition, that we misrepresent. We do not, and I would like that withdrawn.

MR SPEAKER: No, I overrule that objection, Chief Minister. Mr Berry, please proceed. Please get to the point.

MR BERRY: The issue is that this Government tries to pretend that the business paper is full and it does so by including longwinded ministerial statements, sometimes unnecessarily longwinded. One of the examples I will give you is the three-week-old event that was reported in a recent statement by Mr Humphries in relation to nurses. It was three weeks old, for heaven's sakes. What it boils down to is that the business paper is not filled and the Opposition is not going to stand idly by while the Government fills the paper with longwinded and unnecessarily long ministerial statements to fill the newspaper.

Mr Speaker, this matter has had to come to a head because of the secrecy of this Government. All they have to do is to make sure that they advise the Opposition so that we can deal with these matters where practicable as they arise. One of the examples of the Liberal philosophy which has flowed through into the members opposite was when Menzies said to Calwell one day when Calwell asked Menzies what was going on in relation to ministerial statements - - -

Mr Jensen: On a point of order, Mr Speaker; I get the distinct impression that Mr Berry is debating the issue and not debating the suspension of standing orders.

MR SPEAKER: No, that objection is overruled. Mr Berry, please stick closer to the point.

MR BERRY: Mr Speaker, Menzies told Calwell that nothing was on that day, so Calwell took off to do some other business and was not able to be in the house. That was the day that Menzies gave the commitment to put troops into Vietnam. These are the sorts of secrets that Liberals keep in relation to the business that is before this house. What we want is notice of what the members opposite are about to do by way of ministerial statements. We are not going to sit idly by while you fill up the business paper with longwinded ministerial statements.

MR COLLAERY (Deputy Chief Minister) (3.33): You know, if I were in court, I would win this one hands down, because I

5 June 1990

now quote from Hansard, page 2307. This occurred on 1 November 1989. I well remember the day, Mr Speaker, because, as Mr Berry would know from the lapsing nature of the Labor Party, that is All Souls' Day. Mr Berry got up after question time on 1 November 1989 and he decided to give a ministerial statement. The Hansard starts off:

Mr Kaine: This'll be a ripper.

... ..

Mrs Grassby: With bated breath.

MR BERRY: Waiting with bated breath and I - - -

Mr Humphries: He needs better health.

Then you launched into a statement, Mr Berry, that is six Hansard pages long of close print. I make that 3,600 words. Then your late esteemed colleague Mr Whalan stood up on the same day and immediately afterwards, Mr Berry - - -

Members interjected.

MR COLLAERY: Just listen. Mr Speaker, you can deliver the sentence in a minute. I just want to convict the witness. Then Mr Whalan stood up, and between pages 2313 and 2315 - and that was the day when Mr Whalan spoke clearly and concisely - he only occupies another - - -

Mrs Grassby: On a point of order, Mr Speaker; I understood that Mr Berry was saying we were not given notice.

MR COLLAERY: I am coming to that.

Mrs Grassby: I thought that was the point.

MR COLLAERY: This is not a point of order, Mr Speaker.

Mrs Grassby: I would rather have Mr Speaker tell me I do not have a point of order than you, Mr Collaery.

MR SPEAKER: Order! Relevance please, Mr Collaery.

MR COLLAERY: The relevance of what I am saying, Mr Speaker, is that Mr Berry states that he was not given notice. I say, on advice given to me from the Government whip, that he was told on Friday that there was to be a ministerial statement and he was told this morning that there was to be a second one. Mrs Nolan advised me of that just now. I point out the gross hypocrisy of Mr Berry's protestations when I put to you that a whole section of an afternoon session was taken up with national better health programs by Mr Berry and a statement on the industry assistance program by Mr Whalan. This was on 1 November 1989. You are in a glasshouse, Mr Berry. We totally reject this argument. It has been totally and comprehensively demolished. The man should hang his head in shame and let us get on with the business of governing the Territory.

MR CONNOLLY (3.35): Mr Speaker, the point that the Opposition is trying to make here is a very simple one. The Government should grasp it and should appreciate the point. The point is this: as a matter of simple courtesy the Government ought to advise the Opposition that it is going to make a ministerial statement and it should give the subject of the ministerial statement. You did that quite properly in relation to the environmental statement and the Opposition quite properly gave you leave. You indicated there would be another statement, subject or cause unknown, and the Opposition has taken the opportunity to object to that, to place on the record our firm request - and indeed insistence - for simple parliamentary courtesy. If the Government cares to investigate this matter with the officers of this house or the officers of any other house they will find that this is the invariable practice in both the Federal house and all other houses in Australia.

Mr Berry's reference to Mr Menzies and Mr Calwell was noteworthy because that is one of the few examples recorded in Federal Hansard where a government failed to advise the opposition of the subject of a ministerial statement. It is not much to ask - a simple courtesy, a simple notification of the subject of the ministerial statement.

We are not objecting to the Government making ministerial statements. They are generally important matters of Government business and they ought to be raised in the house. That is the purpose of a ministerial statement. The Opposition ought to be able to respond to them. That is the purpose of an opposition. It simply aids the efficient running of the house if ordinary parliamentary decency is complied with.

I believe that in the Federal house the standard practice is two hours' notice of the subject of a ministerial statement. It is not a lot to ask, Mr Speaker. It simply involves a telephone call. There would be very few circumstances, I would suggest, where the Government would be unable to provide two hours' notice, but in those rare circumstances this Opposition would be unlikely to criticise it. For example, the other day we had the Supreme Court decision on the Gowrie Hostel case - a matter of considerable importance to both the Government and the Opposition. That decision was handed down at 2.30 in the afternoon as question time started. Had Mr Collaery sought leave to make a statement on that matter the Opposition would have granted it to him. Clearly, we could not have expected Mr Collaery to give us advance notice of that decision because, not being a clairvoyant, he was not able to know what that decision would be.

It is a simple matter of courtesy. This Opposition is making the point very firmly that this parliamentary courtesy ought to be complied with because, like all other parliamentary practices and courtesies, it is designed to aid the efficient running of the house.

5 June 1990

I would ask the Government to think very seriously about this matter. Mr Jensen is in an agitated state referring to alleged practices under the previous Government. All members of this house came to the house new. Parliamentary practice in this house is continuing to develop and probably will continue to develop for the coming few years and with changes of government. We are asking the Government to think seriously about its practice here. Let us get it right for the future. Let us do in this chamber what governments and oppositions do in every other chamber in Australia and exhibit the simple courtesy of a phone call to the Leader of the Opposition or the manager of Opposition business and say, "Today we want to make two statements: the Chief Minister on environment; the Chief Minister on the appointment of an Auditor-General". The Opposition clearly would then give leave and we could proceed to more important business. It is a simple matter of courtesy, Mr Kaine. We were not told the subject; that is the important point.

If you are not prepared to observe that common decency and common courtesy, the Opposition will be forced to continue refusing leave. Let us do away with this nonsense. Let us conduct ourselves like civilised people, as they do in every other parliament in Australia. Let us have the courtesy of giving notice of both the intention of making a statement and the subject matter and then we can get on with important business.

MR KAINE (Chief Minister) (3.40): Mr Speaker, I moved the motion but I did not speak to it and I think that Mr Connolly's tirade deserves a response. He used the words "courtesy" and "decency" literally a dozen times during that speech. He was not here, so he does not know that in the seven months during which the Opposition was in government they never once consulted me as Leader of the Opposition on their ministerial statements - never once. That is a matter of fact, Mr Connolly. You talk about decency and courtesy. Let us have a little bit of it.

Mr Berry: You were a bit slow as an opposition; you should have objected.

MR KAINE: This is a huge joke, is it not, because you have been caught out, Mr Berry? You raised this question. You have been caught out. You never once in seven months consulted us on your ministerial statements. Furthermore, Mr Speaker, never once when we were in opposition did we refuse a Minister leave to make a ministerial statement. You get up and you talk about decency and courtesy. You humbug!

Question resolved in the affirmative.

Ministerial Statement and Paper

MR KAINE (Chief Minister) (3.41): Since we have now courteously and decently allowed the Chief Minister to make a statement I will proceed to make it, despite Mr Berry's objections.

Mr Speaker, I believe that it is incumbent on me to advise the Legislative Assembly concerning the arrangements which the ACT Government has recently agreed to on the appointment of an ACT Auditor-General and the operation of that office from 1 July 1990. This represents a further and very significant milestone in the development of the ACT Government's administrative independence from the Commonwealth.

In essence, the arrangements will mean that from 1 July 1990 the ACT Government will no longer have to rely on the Commonwealth Auditor-General's Office to undertake external audit responsibilities for the ACT Government. Instead, the establishment of an ACT Auditor-General's Office will ensure accountability to the Legislative Assembly and the ACT community on the financial management and administration of Government programs.

External audit services to the Australian Capital Territory are currently provided by the Australian National Audit Office with the Commonwealth Auditor-General undertaking the role of the Auditor-General of the Territory as provided for under section 14 of the Commonwealth's ACT Self-Government (Consequential Provisions) Act 1988. The Commonwealth Auditor-General agreed to this arrangement on the understanding that an Auditor-General for the Territory would be appointed as a matter of priority - a priority, incidentally, that the former Government did not take any notice of.

The current ACT audit legislation is based to a large extent on the Commonwealth model. This was agreed to in large part in recognition of the Auditor-General's dual role and the perceived difficulties that he considered he would encounter in administering legislation that was significantly different from the Commonwealth Act, particularly as it would be for only a short duration. At the time, I am sure that he did not expect that it would be of one year's duration either.

Section 6(1) of the Act provides that there shall be an Auditor-General of the Territory. The position may be held on a permanent or acting basis. Section 6(2) of the Act provides that the Auditor-General shall be appointed by the Executive. Section 7(1) of the Act provides that a person appointed as Auditor-General holds office for a period not exceeding seven years but is eligible for reappointment. Section 14(1) of the Act allows the Executive to appoint a person to act as ACT Auditor-General during a vacancy in that office whether or not an appointment has previously been made to that office. A person who is appointed to act shall not continue to act for more than 12 months.

5 June 1990

The Government has decided that the position of ACT Auditor-General should be filled from 1 July 1990. This will further reinforce the fact that the ACT is responsible for its own destiny and will ensure that the ACT Auditor-General has jurisdiction for the full term of the 1990-91 financial year. There are also administrative and budgetary benefits to commencing the office at the start of a financial year.

An acting appointment of ACT Auditor-General would have an advantage, in that the occupant could provide valuable input to the ACT Public Accounts Committee, which is expected to report during 1990-91 on the principles relating to appropriate financial administration and audit legislation for the Australian Capital Territory. An acting appointment from 1 July 1990 could assist the Public Accounts Committee in accelerating its consideration of these matters. The Government's response to the report of the committee and its development of new financial administration and audit legislation may alter the currently perceived role of an ACT Auditor-General. This could be taken into account for any subsequent permanent appointment, which the Government intends should take effect by 1 July 1991.

The Government has therefore decided that an acting ACT Auditor-General be appointed, under section 14(1) of the Act, from 1 July 1990 until 30 June 1991. The Government's view is that the ACT Assembly and community require an Auditor-General who will give priority to ACT agencies, whose requirements may not be fully met under existing arrangements.

The Commonwealth Auditor-General will lose all existing powers in respect of ACT matters on 1 July 1990. The Government has therefore decided that certain operational arrangements should be put in place for the Office of the ACT Auditor-General for the 1990-91 financial year. These arrangements are designed to ensure the ACT Auditor-General's Office undertakes those audits which allow full statutory financial accountability requirements under ACT legislation. These arrangements will not diminish the level of statutory accountability which would have been provided by the Australian National Audit Office had existing arrangements continued.

Other major responsibilities of the office in the first year will be related to providing assistance for the current ACT Public Accounts Committee inquiry, contributing to the development of a new legislative framework for the ACT Auditor-General and permanent establishment of the office. To facilitate the establishment and maintenance of an ACT Auditor-General's Office, the ACT Treasury will enter into negotiations with the Commonwealth for the transfer of associated financial capacity. These negotiations will aim to achieve agreement with the Australian National Audit Office on the transfer of ongoing

financial capacity and with the Commonwealth Department of Finance in relation to the one-off establishment assistance.

The remuneration and allowances of the Auditor-General can be determined either by regulation or by the Remuneration Tribunal. In view of the timing, the Government proposes that a regulation be made in the first instance, followed by a submission to the Remuneration Tribunal. The Government considers that the final level of remuneration and allowances should be determined at arm's length from the Government by the Remuneration Tribunal. That will reflect the independence of the Auditor-General, in some respects, from Government.

The Government proposes that a further ministerial statement will be made to the Legislative Assembly by June 1991 on the future role and functions of the ACT Auditor-General's Office. It will have regard to the outcome of the current Public Accounts Committee inquiry and the requirements of ACT audit and financial administration legislation, and also to the appointment of a permanent ACT Auditor-General.

Mr Speaker, the Office of the ACT Auditor-General is fundamental to the proper and effective accountability of financial administration for the Territory. The occupant has a primary responsibility to undertake audits of ACT Government organisations and programs, and to report on the outcomes of those audits.

Through the exercise of these responsibilities the ACT Auditor-General will play a significant role in ensuring that the highest levels of financial accountability are maintained for ACT Government programs and to enable the appropriate level of scrutiny by the Legislative Assembly, by the Executive and by the ACT community.

Mr Speaker, I present the following paper:

Appointment of an ACT Auditor-General - ministerial statement, 5 June 1990

Mr Speaker, I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

KAINE ALLIANCE GOVERNMENT
Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Mr Berry proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

5 June 1990

The continued attack by the Kaine Alliance Government on the fabric of ACT society.

MR BERRY (3.49): This Government has set out to impose the Thatcherite philosophy of the Liberal Party on services in the ACT. Of course, the Residents Rally party, or its members here, have pretended nothing has gone wrong with their promise to the electorate. The Chief Minister has made it clear that he is not interested in the views of the residents of the ACT.

I must say, Mr Speaker, in looking at an earlier speech by the Chief Minister where he talked about mutual cooperation, there seems to be some hypocrisy in the way that he operates in the Assembly. He said in a speech today:

There must be mutual cooperation where the Government develops policies that reflect the concerns of the community and where the individuals in the community support those policies by complementary changes to their lifestyles.

Well, what hypocrisy!

Mr Kaine: And that is exactly what we do, old chap. That is exactly what we do.

MR BERRY: What hypocrisy, when we look at what you are doing to the education and health systems.

Mr Kaine: We have not done anything to it, yet.

MR BERRY: Oh, you are not going to do anything?

Mr Speaker, the Chief Minister has made it clear that he is not interested in the views of the residents of the ACT and he has demonstrated the hypocrisy of the Liberal-Residents Rally coalition Government opposite. Last week, over 41,000 signatures on a petition to save the Royal Canberra Hospital were presented in this Assembly and the Chief Minister has made it clear that these views will not be heeded. I see that he is leaving the Assembly now because the blowtorch is on the belly and he cannot cop it.

Mr Speaker, today thousands of concerned members of the community rallied against the proposed cuts recommended by the Priorities Review Board - the outrageous cuts that were proposed by the Priorities Review Board - but this Government, of course, will not listen to them either because it is not interested in community views. It has made that clear, despite the warm words of the Chief Minister this morning.

Mr Kaine: I am back, Mr Berry and Mr Speaker.

MR BERRY: You should be embarrassed about walking out on such an important issue.

The rally was called to protest against their plans for the ACT, but this Government did nothing, not a thing. It would not even talk to the people affected by its decisions - the workers in the ACT. It was not even interested. You did not make one attempt, Mr Kaine, to negotiate an industrial settlement when massive disruption was first threatened as a result of the Government's action.

Is this another reason, Mr Chief Minister, to consider sacking Mr Duby? He is the Minister responsible for industrial relations. He could not even drag himself out of his chair long enough to attempt to negotiate a settlement which would prevent the massive disruption which occurred as a result of this morning's rally. What it boiled down to was that this Government has adopted the antagonistic approach one can expect from Liberals. It intends to do nothing about the improvement of industrial relations in this Territory; in fact it would provoke them to promote its own ends.

What it boils down to is that this mob are going to spend all the time between now and the next election in their bunker. They will never go out to see the effects of their drastic cuts and answer the cries from the people. There was some talk about closing down the workshop over at Kingston, and for the first time I heard reported through the media that the Chief Minister had bothered to go over and have a look at what he was going to do.

This is a government of ineptitude. The Minister for Finance and Urban Services, Mr Duby, the one who has been in the headlines lately, said again on radio today that none of the recommendations had yet been implemented. This is another case of the left hand not knowing what the right hand is doing. On 1 June the Chief Minister said that decisions had been made on only a few of the board's recommendations. This is just another example of the shonky way this Government operates, another example of the shonkies opposite.

They are a bunch of shonkies, Mr Speaker. On the one hand you have got a so-called senior Minister, whose credibility has been severely battered in recent times, who has said that none of the recommendations have been implemented, and the Chief Minister says some of them have. I saw several thousand people out at the rally this morning and I tell you what, Mr Kaine, it was a good thing that you did not turn up there because you would have been embarrassed too.

The same Minister - I refer to Mr Duby - said on radio yesterday that his experience with convictions for drink-driving offences equipped him better for the job as Minister responsible for road safety in the ACT.

5 June 1990

Mr Duby: Hands-on experience.

MR BERRY: Here he goes, bragging about it, bragging about "hands-on experience". He says, "I have been taken into custody for drink-driving offences; therefore I am in a better position to make judgments about road safety in the ACT". What hypocrisy! What a joke! What a joke this Government is!

Mr Duby: The trouble is though, Wayne, the joke is on you, mate. You are in opposition.

MR BERRY: Indeed we are, Mr Speaker, and I am rather proud not to be associated with the group of grubs opposite.

The implications for other areas of government are intriguing if the logic that has been announced by Mr Duby is followed. I can see the Chief Minister grinning through all of this because he knows he has creamed the Residents Rally. This mob have gone - the Residents Rally. He has creamed them. He has picked up some of their votes - the ones he lost last time. You ought to be looking concerned too, Mr Collaery, because you are dead in the water.

Mr Speaker, I will just take this logic of hands-on experience further. Does the Minister responsible for corrective services have to be an ex-prisoner, perhaps in the ministerial wing of the new Collaery gaol, Mr Speaker? This is the sort of logic from the Government opposite. Does the Minister responsible for planning have to be a failed architect? Under the sort of logic that Mr Duby has announced, the only two people who are qualified to be Ministers in the Government are himself in relation to road safety and Mrs Nolan as Treasurer.

Mr Speaker, this is the sort of government that the people of Canberra are concerned about. They are concerned about a government which they are embarrassed about because their interstate friends and relations criticise this Government - and rightly so - because of its behaviour. The Canberra community feels deeply ashamed about this Government and it wants it out. Mr Speaker, people are a wake-up to the phoney messages of Messrs Kaine, Duby, Collaery and Humphries. They are a wake-up to all of this.

One of the phoney messages they have been sending out is in relation to a letter from the greatest Prime Minister in Australia's history, Mr Hawke. It is very interesting that the best the Leader of the Federal Opposition can do is criticise Mr Hawke for being 60 years of age. We see here a Chief Minister who is 62 years of age. I wonder whether the Leader of the Opposition would criticise the Chief Minister opposite for his age. It would be a waste of time because he is not in the same ballpark as the greatest Prime Minister of all time.

There has been a misrepresentation about this letter because this letter from the Prime Minister to the Chief

Minister opposite has some very important and positive messages in it. You refuse to accept that. While you refuse to accept the very important and positive messages which are contained in this letter it is a demonstration that you are not fit to negotiate at the Premiers Conference for funds for the ACT. You are not fit to negotiate. You have ripped the guts out of this place by your behaviour. The people of Canberra are a wake-up to you. They have had enough of you.

This letter clearly says "whether the ACT could continue to require special revenue assistance after its inclusion in the general revenue grants pool would need to be assessed at that time" - referring to the Grants Commission. It also says that the aim of the review by the Grants Commission is to determine the level of overfunding for the ACT and to provide the two governments with the information necessary to determine those transitional arrangements. Mr Kaine has not said anything about that. Mr Kaine has misrepresented the facts again, in the same way as he has misrepresented the facts when he keeps homing in on the so-called \$100m debt. He has not even done the figures.

All we have to do is look at this Government's attack on the health system. A strong, viable public health system is an integral part of the fabric of this society. It is important, as is a strong education system - and the fact that this Government is ripping the guts out of that is one of the reasons why the Canberra community has no confidence in this Government.

Mr Kaine: I challenge you to read the paragraph where it says that 30 June next year is the deadline.

MR BERRY: It has already been tabled. You do not have to worry about it. The Minister for Health announces the closure of Royal Canberra Hospital and at the same time announces the establishment of a new 150-bed private hospital on the north side of the lake. He announced the give-away of 25 obstetric beds to the private sector, and he is ripping the guts out of the public health system.

Mr Humphries then starts to implement his plan by stealth. In Royal Canberra Hospital, a hospital which is supposed to have 443 beds, we find from the Australian Medical Association that there are only 277 open. The Minister claims that only 60 beds are closed, but then we find out that the Government view on how many beds are open is 310. Never let the facts get in the way, Mr Kaine. The figures just do not add up. For this Government the figures never add up. One of the things that does compute when we discuss this Government is the contempt this Government holds for public services.

We are faced right now with the spectre of patients and their medical practitioners being turned away from our public hospitals. The beds are full; they cannot fit another one in. Mr Speaker, this Government will very soon

5 June 1990

claim, "We have made the books balance at last", but the important question is: at what cost? If you have got a problem with your back or your neck and you are on the waiting list, you could wait as long as 11 or 12 months, and it has all been created by privatisation. It is only a matter of time before a resident of Canberra dies because of this Government's mismanagement of the hospital system.

Mr Humphries announced costings for his plan for the destruction of the public hospital system that were known to be incorrect, and he added birthing centres, a convalescent home, a hospice and a crisis centre. Why? Because he had to choose costings that were different from Labor's and he was prepared to deceive to accomplish that. He included uncoded promises to keep the remnants of the Residents Rally who are happy enough to dump their mandate and cheat on those who elected them. But what he did not do was cost the promises because, if he had coded the promises, it would have added up to roughly the same as it would to keep the hospital open.

Mr Speaker, it is no good for this mob to rush off to find an additional set of costings just to suit their ends. The fact of the matter is that nothing ever adds up when they put their hands on it.

Mr Kaine: We are using the same figures as you had. They came from the same source.

MR BERRY: Thank you very much. They are using exactly the same figures as we were using, and what they have done is misrepresent the costings for the closure of the hospital. It is a fraudulent distortion of those figures and it is just to keep the Residents Rally onside until their use-by date expires.

It is a great pity that Mr Humphries is not here at the moment, because we would be able to get an indication about what has happened to the multi-party planning system. The Minister has no credibility. Last week, on his own admission, he informed us that he had misled this Assembly. He repeatedly refuses to provide the costs, savings and expenditure arrangement which will flow from the decimation of our public health and education systems.

MR COLLAERY (Minister for Housing and Community Services) (4.04): I thought that with a matter of public importance of this dimension the Opposition might have addressed and made some general philosophical statement about the nature of the fabric of ACT society, including the relevance of ACT society, the way the city is planned and developed and the way the social fabric has covered the land, and that the Opposition would have taken a comprehensive look at the performance of the Alliance Government. It has not done that. Its keynote speaker has gone on with a lot of rhetoric that we have all heard here, week in, week out, in session.

I do not propose to address that aspect. I want to talk within my portfolio areas of responsibility about what we have achieved. But, before I do that, let me tell Mr Berry, through you, Mr Speaker, that the Rally will be back here in 1992. It will be very clear within a very short period of time how divided this Labor group is and where their Federal colleagues will be consigned at the next election.

In the area of housing and community services, as soon as the Commonwealth-State housing agreement was opened for signing - the agreement which controls the whole fabric of public housing - we as a government moved to sign it. We were the first State or Territory to do that. We did that within days of its being open for signature. That was done in the interests of the people of the ACT.

Further, we implemented a series of housing accommodation schemes, not least of which are those directed towards young singles under the singles share accommodation scheme. Further, we prepared, redrafted and released our coordinated responses to the Burdekin inquiry into homeless children. We have appointed a youth housing officer to coordinate and improve the delivery of housing assistance to young people. We have released a keynote discussion paper for community comment, outlining a range of proposed initiatives to expand housing options for older people.

If you believe the Alliance Government is falling into disrepute or in any way falling out of public favour, I draw your attention, Mr Deputy Speaker, to the range of meetings being held by persons of an older generation in Canberra in relation to that community discussion paper dealing with the very important concerns of their future housing options.

We have also established in the housing area, which deals with the fabric of society and the subject of this matter of public importance, a policy cell to ensure continuation of a program of housing policy review and evaluation of public housing assistance programs. We have prepared a draft joint Territory-Commonwealth rental assistance plan, as required under the CSHA. This plan has been discussed with a wide range of community representatives.

Further, we are progressing work in a whole range of areas, a number of which I discussed last week with Federal Minister Brian Howe and other housing Ministers in Australia and New Zealand. They cover a whole range of tenant participation issues, a tenants bond protection scheme, a progressive equity participation scheme, a chance for people to find accessible and affordable housing, a basic, fundamental task that the Follett-Whalan Government did not tackle for favour of their own agenda, which was principally in a number of big business areas.

We are looking at a number of schemes with financial institutions regarding the establishment of a private

5 June 1990

sector rental housing trust. Over a five-year period we estimate that this will increase the supply of private sector rental dwellings by up to 500. We have also moved to review appeal avenues for public housing clients; we have looked at administrative arrangements throughout that area of the housing trust; we have established task forces to deal with rental arrears and counselling and to look carefully and compassionately at debt recovery.

We have compiled a comprehensive list of potential public housing redevelopment sites as part of our strategy of attending to the aged persons accommodation imperatives of any responsible government. Since we came into government we have engaged a consultant to develop a long-term strategy for the future management and improvement of public housing flat complexes, many of which have been neglected over recent years of Federal Labor governments. No initiative in that area was taken, to my knowledge, by the Follett Labor Government. We are finishing a review of rents charged for public housing, and we have employed an independent commercial valuer to look at the comparable market rent structure of the entire stock of rental dwellings to ensure that there is equity and access. (Quorum formed)

I am indebted to my colleague Dr Kinloch for making up the numbers for a depleted Opposition bench.

Mr Speaker, I am sure people have noted the sincere and impressive work being done by the Alliance Government in the public housing area. I do not believe we have sustained any significant criticism or attacks in the community sector or otherwise on those issues.

I now move to a number of community program areas. I refer to initiatives where we have started to look at a whole range of things. We have accepted that the Narrabundah child-care centre should achieve a viable enrolment. It has done that, and it has remained open with the direct assistance of my bureau. A 25-place occasional child-care service commenced operation at the Majura Community Centre in April 1990, and a considerable emphasis within my portfolio has been put on child-care requirements.

We have given significant funding packages in a number of areas. Not the least was my personal decision to increase funding by over 24 per cent in the areas of youth homelessness, youth health, youth workers, and supporting food programs such the soup kitchen run by the Hari Krishnas for homeless youth.

They are decisions across a whole range of issues - youth mediation services; crisis resolution services; refits in a number of centres; community centres; youth centres; funds given to the Havelock House community to refurbish the dining hall and to make it truly a community meeting place; endorsements of funding under the home and community care scheme; extension of funding in a whole variety of areas;

and swift attention to the accommodation needs of psychiatrically disturbed offenders or persons accused of offences.

We inherited a vast range of problems, most of which in the community services and housing area the Follett-Whalan Government had not even attempted to tackle. We are working our way through those sincerely with the social fabric of the city in mind. I believe that the assumption in this matter of public importance that we are attacking the fabric of society is fatuous and absurd. It is full of hypocrisy. As an example of that hypocrisy - and I trust the media will note it - there was recorded in Hansard on 1 November 1989 a motion moved by my colleague Mr Humphries deploring, among other things, the damaging speculation that the Follett-Whalan Government proposed to close preschools in Canberra, despite a lot of opposition. The speeches in that debate must set new benchmarks for hypocrisy.

Let me read some words from my esteemed colleague Mr Wood at page 2341 of Hansard. When dealing with closures of three schools, and having said that we have to face realities, that Tuggeranong is developing and so on, he said:

We have to recognise that nothing ever stays the same, therefore our system of preschools cannot ever stay the same. We have to adjust to meet the changing circumstances.

He went on to say:

It is a difficult issue ... it requires understanding of the changing demographic and social needs, and that is occurring. The Government has shown that it is responding in a most responsible and competent manner.

Mr Berry, in that same debate about closing preschools, defending his Government, went on to say this - and it was typical of his ideological approach - at page 2347:

I can assure you, Mr Humphries, there is no way that we are going to neglect the frontier suburbs in Tuggeranong. This is precisely the outcome that Mr Humphries wants in order to protect the nice, cosy Liberal areas in the inner suburbs in Hawker and Weetangera where the vote is higher for the Liberal Party. Does he care for the people out in the frontier areas, the people who live in places where the trees are still only two feet high?

Then he goes on to quote some statistics about preschool vacancies in central Canberra and in his conceived Liberal areas of Canberra. I cannot believe, Mr Speaker, the hypocrisy of the final statement by Mr Berry at page 2348, and I read it into the record:

5 June 1990

In conclusion, I think that in an ideal world we would all like to provide a preschool on every corner, but we cannot do that. When the population contracts, a responsible and prudent Government must take steps to respond and to ensure that the community gets the best use of the limited resources which are available to it.

What the Government has been saying no more nor less mirrors those sentiments, but cynically and in a hypocritical fashion the Labor Government has sought to get some mileage in an attempt to destroy one of the community based parties here, the Residents Rally.

Labor's own education policy was predicated in part on school closures. Labor even had a special section in its election policy for school closures. All that this Opposition could take us to task for was the manner in which we have gone about things, not the substance of the debate. That Opposition members have been able to twist the community is in no small measure due to their totally socially irresponsible approach to being in opposition. That was reflected by the vague and vacuous sentiments that Mr Berry made in speaking to this matter of public importance. It would be important if a government attacked the fabric of society, but the Alliance Government is sustaining that fabric, doing its very best to look after the society that we live in.

The people of the ACT are intelligent and aware. Our efforts will be recognised in 1992, not in terms of the short-term electoral point scoring that has gone on in recent weeks. Some of the people who scoff and laugh will have those laughs and scoffs wiped off their faces when we go to the election in 1992 as a responsible, socially aware, sensitive and humane government.

MR WOOD (4.18): Mr Speaker, this matter of public importance focuses on the Government's attack on the fabric of ACT society. I do not think any aspect of Canberra and the way it is constructed is more important to people in this town than their education system. That has been long demonstrated.

I suppose, if there were any other aspect that would be regarded as of equal importance, it would be that of our environment and the extensive green spaces that take up so much of this city. To me, as I have lived here over quite a number of years, these are the two most important aspects of Canberra. Canberra has a particular respect for education. It gives education absolutely its highest priority, and on that matter the ALP agrees with the Canberra community.

I have long been interested in this matter. While I was not here when campaigns started, I have read extensively on it. I will give you some background, because it may be

important for you in coming to recognise how the community feels about education. In the mid-1960s there arose a strong element of discontent in the community about the existing education facilities. It was believed that the quality of the system was simply not good enough. A 10-year campaign commenced before a high-quality system was achieved.

That required, to a very large degree, a separation of our education system from New South Wales. It resulted from the dissatisfaction that was evident in Canberra about the shortage of resources, large class sizes with inadequate staffing, and some perception of lack of teacher quality that accompanied administration from New South Wales. There was also a great deal of concern about the curriculum, which in those days in New South Wales was severely restrictive, traditional and not appropriate to that era.

The people who were agitating - and the Canberra Times played a very large part in that debate - saw the opportunity for the ACT to provide a national leadership in education. They saw that the ACT could be a model for the rest of Australia in teacher training, exams, assessment and curriculum, and they set out on that path. It took 10 years and the advent of the Whitlam Government to achieve that end. Indeed, there was established a very high quality education system. It was independent from New South Wales and indeed, in large measure, from the Government. It had generous resources and it was of high quality. The community had fought for it. It was what the community required. They would take nothing less. That remains the case today. The Government is now discovering that fact. I think it was unaware of that priority before it embarked on its course to close up to 25 schools.

In the 10 minutes at my disposal I will not go into all the arguments aimed at pointing out how essential it is, on the one hand, to give our children a high-quality education system and, on the other hand, to provide the ACT with a high level of human resource. I want to mention briefly some evidence of that high-quality system which came to my notice the other day - as I am sure it came to Mr Humphries' notice - from a Dr Price, who looked at certain of our statistics and pointed to what a high-quality system it is. We have a much higher productivity - and that is surely a term the Government can understand - from our education system, even allowing for its higher than average cost. That can be demonstrated in his terms in high levels of students securing jobs and of going into higher education. It can also be demonstrated, as it frequently is, by looking at the high retention rates in our secondary colleges.

In answering a question today, Mr Humphries made some comment about the high levels of youth unemployment. That says more about the lack of opportunities for our school leavers in this fairly largely government town than it does about the quality of our education system.

5 June 1990

Mr Jensen: Whose fault is that?

MR WOOD: Well, it is the fault of Canberra, is it not? It is something that has grown up with Canberra, and it has developed largely since the Government went out of the business of employing substantial numbers of young people.

This system that I have described, albeit briefly, developed out of pressure in the community. Following the Government's actions to downgrade the quality of our education system, to diminish our society, that Government is now feeling that same pressure.

The Minister for Education did not come into this chamber at the outset of this Government about six months ago with debates, with objectives, concerning education. I would think this is always the first step - to establish your objectives, debate them in the parliament, and set the framework for where you want to go. Mr Humphries' rhetoric says that he aims for a quality system, but even the rhetoric is poor, no more than a few lines. We have not had a debate initiated by Mr Humphries in this chamber on educational philosophy, on the objectives of education, the things that really count in education. I hope when he speaks shortly, as he may do, he will not try to hold up the ministerial statement he made a month or so ago as being part of that.

Mr Humphries: Well, it was. What do you call it then if it was not that?

MR WOOD: No, that statement was a smokescreen, Mr Humphries. That is exactly what it was, as my colleague Mrs Grassby said at the time.

We say so often that we have an excellent system in the ACT, a model for the rest of Australia, as it has been. It worries me that we say it so often, because in many ways that commendation of the system obscures the debate that we should be having on some of the weaknesses in the system. Indeed, there are areas of relative lack of strength, if you like. It has been mentioned before, and it is well known, that high schools here are suffering the same pressures as high schools across Australia.

We ought to be examining them in some greater detail. We ought to be assessing what more can be done to improve the quality of education there. We ought to be looking at the documents that the then School's Authority published as it examined the problems of high schools. This is just one area of some weakness in our system that we are not attending to in sufficient detail in this chamber because we are having to focus on the campaign simply to save our schools. I wish that we could direct our attention to these other areas.

We want to build on the quality system that we have. We want to be looking at and debating in this chamber ways to educate our children better, to make them more inquisitive, to continue making them more and more enthusiastic about their schools and about learning. We ought to be debating the ways to make them more knowledgeable. In this age it is very important that our children be more adaptable as society changes so rapidly. I suppose, on that last factor, the Government is achieving something, because it will certainly make our children adapt to changes as they move from school to school.

The community is saying to this Government, "You are making fundamental, unacceptable and destructive changes to our education system. You are making changes to the fabric of our society that the community will not accept". I can assure the Government that the community will see that it does not achieve those negative aims.

MR DUBY (Minister for Finance and Urban Services) (4.27): Mr Speaker, today is an unusual day. The Opposition has sought to raise as a matter of public importance "the continued attack by the Kaine Alliance Government on the fabric of ACT society". I guess an indication of just how much public importance Labor members place on it is underlined by the fact that throughout this debate the Leader of the Opposition has been continually absent and Mr Berry, the Deputy Leader of the Opposition, has skulked away after his outrageous claims in opening this debate.

Mr Humphries: It is his motion.

MR DUBY: It is his motion, indeed. Mrs Grassby obviously does not find anything worth laughing at in this debate, so she is not here. The only persons who have been present throughout this debate in its entirety from the Opposition have been Mr Connolly and Mr Wood. It gives an indication of just how much importance they place on this supposedly important issue and of how much waste of time they are prepared to inflict upon the people of the ACT in their unjustified attacks upon this Government, based almost invariably not on fact or on substance but on ideology.

One of the things we have to do in this debate, if we are going to try to answer this complaint that there is an attack on the fabric of ACT society by this Government, is simply to look at what this Government has been achieving in the time it has been in power since last December. Mr Deputy Speaker, one can look through the list of things that fall within my area of responsibility - frankly, I have had only a short time today because I did not put much importance on this matter myself - and jot down a few of the items that we have been able to address.

It is amazing to look at this list and see how many things were simply too hard, too difficult, required decision making, and therefore naturally were unable to be fulfilled by that motley crew opposite. The first, I suppose, would

5 June 1990

be the asbestos removal program. As we all know, the asbestos removal program has been an absolute scourge on the ACT. We were left in a dreadful financial position by the world's greatest Prime Minister, as he was described by Mr Berry earlier today.

The Federal Labor Government said, "We don't give two hoots about what's happening in the ACT. It's your problem. You try to make some good out of it". Well, that was too hard for the Labor Government when they were in power here; that was just something that they could not face the responsibility of doing at all. It is this Government that has bitten the bullet and has negotiated. As a matter of fact, the first achievement of this Government was to negotiate removal of asbestos from Canberra, to the tune of some \$40m, which was long overdue. Is that, I ask you, Mr Speaker, attacking the fabric of society? Of course not.

I look at other things that have gone through, things that we have fixed that the other side had left in a bad and parlous state. We have only to remember the train service fiasco that was in place when we arrived here. It was up to the ACT Government to negotiate with the New South Wales Government and to fix that service. We provided the ACT with a better train service than we inherited from the previous Government. In matters of transport, Mr Speaker, I guess there are other areas, too.

Mr Wood: Like what? Tell us about them.

MR DUBY: One that has been pooh-poohed by the Opposition - and actually I will remind Mr Wood of this - was the removal of commuter parking from Reid, Braddon and Turner, the inner north suburbs here, which was an absolute scourge on the residents of the inner city. I can remember to this day, Mr Speaker, talking to those opposite and saying, "What are we going to do about this dreadful situation that is afflicting the residents of the inner north?". Do you know what their answer was? It was, "We don't care. The people who are parking there come from Tuggeranong and they vote Labor. The people of the inner north do not vote for us, so we do not care about them". That was the response we got; that is the sort of response we can expect.

There have been other things that we have achieved that they could not do. I refer to things like the introduction of telephones on the parkway, which apparently was too hard for the previous Labor Government. We have introduced the seniors card to provide senior citizens with the facility to travel.

Mrs Grassby: You've done a great job on the train service! We've hardly got one now.

MR DUBY: Mr Deputy Speaker, you will notice from the interjections that the pack has come back from the waiting room. I wonder what they have got out there in that little cocktail cabinet. Anyway there we go. The seniors card

provides the citizens of the ACT with a possibility to enjoy better recognition of the fruits of their labours over the years.

This Government has established the Tourism Commission, which goes right against what the other people would like to do. Remember the days when the Tourist Bureau was the personal plaything of the previous Minister, Mr Whalan, who used it for nothing but political advantage and "good news". I miss Mr Whalan in this place because, in debate, he left that lot for dead. Compared to the debates and terrible tirades we hear from this crowd, he was a good debater. He put up logical points. That lot over there could not win a debate with a revolving door, and that is a fact.

Look at the other things we have done. Only today the Chief Minister announced the gazettal of extensions to Namadgi, the Murrumbidgee Corridor, the Jerrabomberra Wetlands and Tidbinbilla Nature Reserves, things which show that we are providing services that the people out there in the community really want and desire. I could go on with other lists here. I have got a pile of them if they want to hear, including introduction of compulsory motor cycle rider training, legislation for the disposal of waste, occupational health and safety legislation - - -

Mrs Grassby: Oh, God! I had that up and going before you became Minister.

MR DUBY: What I was going to say before I was interrupted was that these are things which are supposedly endorsed by the Opposition. Yet somehow, because they were passed under our stewardship, they are now an attack on the fabric of ACT society. What a load of codswallop! It is absolute bloody rubbish.

Mr Kaine: You mean ordinary rubbish.

MR DUBY: Yes, by goodness.

Mr Moore: Now that we have got onto the subject of rubbish, talk about Ainslie tip.

MR DUBY: And that is another thing. Today's newspaper tells how the people of the north side have granted approval for the new plastic bins for the recycling centres that this Government is establishing right throughout the city, something which was on the too-hard list for that crowd over there. I suppose, when you talk about an attack on the fabric of society, the fabric of society is based on economic security, the reality and the feeling that people are going to have jobs in the future.

Mr Collaery: Homes.

MR DUBY: That is right, and homes. It is based not on fatuous ideology. When you look at the record of those

5 June 1990

people opposite in trying to protect ACT assets, where do they stand? It is an abysmal record. Where was the voice from the people opposite when they were in government on issues like the Gowrie Hostel? It is up to this Government to take on your big business mates who are going to flog it off to the Abeles of this world and try to retain those assets for the community.

Mr Jensen: Yes, rip-off merchants, like they did to Belconnen Mall.

MR DUBY: Exactly. Much is made of the PRB and the review of assets. I would say that it would have been irresponsible of us not to have undertaken those sorts of reviews. The Labor Government when it was in power in this place lived in the dark. It did not know what the facts were. The actions of Labor members in the last six months indicate that they have now gone down with the mushrooms.

There have been complaints from previous speakers about us attacking education. I would like to reiterate that we are not attacking education. We are ensuring that the people of the ACT receive the best possible education system available. Under the previous maladministration we were subjected to from those opposite, there would have been an inevitable downgrading and all those things that would have followed from the horrendous economic situation they were leading us into. Mr Berry had the gall to mention the Royal Canberra Hospital, which was a shambles under his stewardship and an absolute disgrace.

The Government's aspirations relate to the need to address practical concerns. Unlike our Labor predecessors, we do not seem to respond to elements of big business or big unions. We are in tune with the needs of the broad community, the average family and the small business.

MR CONNOLLY (4.38): Mr Deputy Speaker, I rise this afternoon to support this matter of public importance relating to the fundamental attacks on the fabric of Canberra society by the actions of the Alliance Government. In this debate I will be referring again, as did my two predecessors, to the attacks of this Government on the ACT education system because we believe that is fundamental to the fabric of society in the ACT.

Mr Collaery, in his response, suggested that he hoped to hear a more philosophical approach from Opposition members on what they meant by the "fabric of society". Well, we have consistently explained to members opposite how central education is to the fabric of this society and I will endeavour once more for slow learners to repeat it this afternoon. But, before doing that, I refer to the points raised in defence of this Government, because essentially it was running through a list of items that have been put on the agenda and developed by my colleagues on this side of the house. Most of those proud initiatives on housing and on urban services that were referred to by both Mr

Collaery and Mr Duby were initiatives that my colleague Mrs Grassby had developed during her stewardship of housing and urban services. We will see how the Government's proud boasts on housing stand when the Priorities Review Board's recommendation to sell off the stock of surplus public housing is implemented. There is plenty of time for these proud statements today to be judged by the Canberra community.

Let me return to the central issue of education. I am sure the Government is getting tired of the Opposition returning to this subject. Let me assure you that the Opposition is not getting tired of raising it. The community demands that we raise it, and every member of this Opposition will continue to raise it until the Government gets the message. Members opposite have only got to go out into the community to get that message. They would only have had to walk a block down the street to get it this morning.

In preparing myself to take on one of the responsibilities that our leader, Rosemary Follett, gave me in the shadow ministry of planning, I had occasion to re-read a work that I had first read while an undergraduate student of Adelaide University. It is a work with which I am sure Mr Collaery, who is not here at the moment, would be very familiar, as no doubt would other perhaps thoughtful members of the Government. The work that I am referring to is that seminal work by Professor Hugh Stretton - now of Adelaide University but sometime of Oxford and the ANU - *Ideas for Australian Cities*, first published privately in 1970 but regarded now as the fundamental work on Australian urban design, one of the few truly original works of political philosophy developed in Australia and a work that marked a turning point in the way Australians see cities.

Prior to Stretton's work, it was fashionable to denigrate suburbia and to say that suburban areas are merely a wasteland. Stretton argued that Australian cities can develop a pattern for enlightened civilisation in the suburbs, and he took Canberra as his model. He developed in that work, in great detail, the way the neighbourhood school concept became so central to Canberra's planning and was central to the development of the community in Canberra.

Mr Jensen: It still is.

MR CONNOLLY: "It still is", says Mr Jensen. Well, I hope that is the case and I hope it still is in 18 months' time when you people have seen the light and given up on your proposal to close 25 schools. I am sure that, when you close your 25 schools, that neighbourhood school plan will be in tatters, unless of course we adopt the marvellous lateral thinking of Mr Collaery, and perhaps Mr Jensen agrees with this. Mr Collaery said the other day, "It is all a question of definition". So there will continue to be neighbourhood schools; it is all a question of definition. Well, no doubt, as I have said before, the new

5 June 1990

definition of neighbourhood school is "the last remaining public school open nearest to where you happen to live".

Mr Collaery: I also mentioned Stretton's book to you, too. So give me the credit for that.

MR CONNOLLY: Indeed, Mr Collaery; in your absence I did, in fact, say that I was sure that you had some years ago, like myself, read Stretton's book and it was influential on the way you look at urban planning. The point to remember about Stretton's book and the point that repays study is that careful analysis and the demonstration of the way the neighbourhood school concept is central to the development of the community. You establish the school, you establish the recreational and sporting facilities around it, you establish the local shops nearby, you establish the community around it, it is all either within walking distance or a short ride on public transport. It develops a new community.

Ms Follett has demonstrated time and again in this Assembly what has happened in some of the inner north suburbs where a school has been closed. You will no doubt say, "That school was closed under the Federal Labor Government and we are not accountable for that Government". It is true that five schools were closed, but you are going to close 25, and we can now see what has happened when those schools were closed. We can see what has happened to Downer. We can see how Stretton's theory of the Canberra community is borne out in practice. While that school was operating, that community was functioning, alive and vigorous, along the lines described by Professor Stretton.

Once the school is closed, the community withers; the commercial centre that is based on the school fades away; the community ceases to exist in the sense of a vigorous neighbourhood community that was Stretton's ideal for suburban planning. Instead, there is the danger that the community will slip, as Stretton described, into the dreariness of a dormitory suburb - the affliction of urban planning, or bad planning, in the major metropolitan capitals. Is this what the ACT is to turn into? This is our concern and this is what we mean by the destruction of the fabric of society in Canberra - the abandonment of neighbourhood schools which are central to vigorous, lively urban communities in the suburbs and the turning of those communities, by the destruction of the neighbourhood school concept, into mere dormitory suburbs. Hopefully, while urban green spaces remain, they will not be dreary dormitory suburbs - but perhaps they will be sold off, too.

Urban green space is the other crucial issue to this destruction of the fabric of the Canberra community. As we have said and continue to say, it is not just shutting schools down, it is not just the deprivation of educational opportunities that we are concerned about; it is the destruction of the urban green space and this terrifying prospect of flogging it off for urban infill and development.

The other planned city that I am familiar with is Adelaide. That is comparable because, like Canberra, it was planned by a visionary, Colonel Light, in 1836 and it was planned to include extensive areas of urban green space, the parkland belt surrounding the city. Many times in the 150-odd years that Adelaide has been in existence as a city, short-sighted local politicians have suggested selling off areas of that urban green space. There have always been pressing economic arguments for doing that but they have always been defeated. Today's generation of Adelaide's residents are grateful for that, just as the next generation of Canberra residents will be grateful to this Labor Opposition for stopping your plans to flog off urban green spaces in Canberra.

The same thing is happening in Sydney in Centennial Park. It struck me how visionary that development was and how, so often over the years when that inner urban area of Sydney was regarded as a mere slum and worthless, it would have been so easy for those lands to have been sold off by local and State politicians for a quick buck or a quick quid. They did not, and there has been no suggestion of doing that until Greiner started talking about selling Moore Park and the showground areas. Those proposals are being vigorously resisted by the Sydney community, just as the Canberra community will continue to resist the proposals to sell off urban spaces around the Canberra schools.

Future generations will never forgive the present batch of short-sighted politicians if they destroy this. Rally members in particular must stand up and defend this attack on the fabric of society. As we said the other day, the Rally policy is clearly committed to the neighbourhood schools concept, and I quote from that commitment:

No school should close until all the alternatives have been considered and the school community has an opportunity to discuss the proposal and make recommendations.

That is irreconcilable with Mr Humphries' proposal that, once the criteria are announced, schools will close; there will be no consultation. The fine ideology in this pink booklet, the Rally policy, has faded away. Like the Cheshire cat, all that is left is the pink booklet and - dare I suggest it - the pink in Mr Collaery's tie.

MR KAINE (Chief Minister) (4.48): Mr Deputy Speaker, the Opposition continues its frantic attempt to terrify the community out there by raising these spectres of selling off the urban green space. They have got nothing constructive to contribute, but they say, "Let us terrorise the people and let us beat up this issue of what this Government might be going to do". This was Mr Connolly's first attempt at it. He did a good job, but he failed.

5 June 1990

I am absolutely astounded that the Labor Party has brought this matter up as a matter of public importance today, because the biggest attack on the fabric of this community is the attack by the Commonwealth Labor Government on our financial situation. That is where the attack on the fabric of society is coming from, and that is where the major penalty is going to be paid.

Even their own Federal member, their own Minister, from the Canberra electorate acknowledged that this morning when she said that the matter should be referred to the Commonwealth Grants Commission to have it resolved because the Commonwealth does not want to know about it. Let somebody else solve the problem. That is Labor's problem, and those opposite want somebody else to solve the problem for them.

MR DEPUTY SPEAKER: Order! The time for debate on this subject has expired.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report

MS MAHER (4.48): I present report No. 8 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and seek leave to make a brief statement on the report.

Leave granted.

MS MAHER: The report I have just tabled details the committee's comments on nine Bills. They are the Publications Control (Amendment) Bill 1990, the Business Franchise ("X" Videos) Bill 1990, the Taxation (Administration) (Amendment) Bill (No. 3) 1990, the Registration of Interests in Goods Bill 1990, the Registration of Interests in Goods (Consequential Amendments) Bill 1990, the Director of Public Prosecutions Bill 1990, the Director of Public Prosecutions (Consequential Provisions) Bill 1990, the Rates and Land Tax (Amendment) Bill (No. 2) 1990, and the Water Supply (Chemical Treatment) (Amendment) Bill 1990. Pursuant to the committee's resolution of appointment, this report was circulated to members this morning. I commend the report to the Assembly.

MR CONNOLLY (4.49): Mr Deputy Speaker, I seek leave to make a brief response on this report.

Leave granted.

MR CONNOLLY: I think Hansard should record that Professor Whalan worked tirelessly through the weekend to prepare his expert commentary for the committee members. We are always grateful for Professor Whalan's comments, but we are particularly grateful to him for having worked through the weekend to provide them to us.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE -
REPORT ON THE REDEVELOPMENT OF THE FORMER CANBERRA TIMES SITE**

Debate resumed from 1 November 1989, on motion by **Mr Collaery**:

That the report be noted.

MR KAINE (Chief Minister) (4.51): Mr Deputy Speaker, it is now some seven months since the Standing Committee on Planning, Development and Infrastructure reported on the redevelopment of the former Canberra Times site.

Mr Wood: Seven months!

MR KAINE: Mr Wood comments that it is seven months. The previous Government could not make its mind up; it kept putting it off and refused to make a decision. So do not talk to me about the time delay, Mr Wood. Talk to your own contemporaries who refused to take a decision on the matter. The previous Government did not have the intestinal fortitude to take a decision. The implementation of the recommendations of the committee - - -

Mr Berry: Settle down. You are a bit tetchy.

MR KAINE: Well, you were one of the culprits. You would not make up your mind.

Implementation of the recommendations of the committee was deferred pending the provision of the data which the committee recommended be obtained concerning the impact of development on traffic, parking, public transport and pollution levels and the handing down of the decision of the Federal Court of Australia. The Federal Court dismissed the appeal by Concrete Constructions against the decision of the ACT Supreme Court not to approve a lease purpose clause change for the former Canberra Times site.

It is to be noted that the role of the Federal Court was to determine whether the primary judge in the Supreme Court of the Australian Capital Territory made an error in the exercise of the discretion conferred on him by the relevant legislation; it was not to re-examine the evidence which was before him and determine whether it would have decided the case in the same or a different way. By majority decision, the Federal Court held that no such error had been made. It is also to be noted that the decision given by the Supreme Court was based on the facts which emerged from the evidence given in the case and the circumstances which existed at the time the decision was made.

5 June 1990

In reaching its decision now, the Government has paid particular attention to the reasons for the decision given by His Honour Mr Justice Kelly in the Supreme Court and has reviewed the matter in the light of the current data provided in response to the committee's recommendations and the circumstances which exist at the present time.

In its report the standing committee supported a process whereby the Government should accept the surrender of the existing lease of the former Canberra Times site and the issuance of a new lease for the site that would allow its redevelopment predominantly as commercial offices. But the committee recommended the following safeguards: firstly, before approval was given for further Civic redevelopment, the Government should give a firm commitment to introduce parking restrictions in all residential streets within walking distance of Civic, and those restrictions should be in place before the building is occupied.

The second was that, before the Government gave approval for the redevelopment of the former Canberra Times site, data should be provided on the impact of the development on traffic, parking, public transport and pollution levels and that the data be published together with an assessment of likely impacts and be subject to public comment. The third safeguard was that the Government should undertake an assessment of the impact of the sale of country grade leaded petrol and that, if a significant reduction in the level of airborne lead could be achieved, metropolitan standards should be imposed. Also, the committee placed a further condition on its approval of the development, that the Government locate Administration employees in a manner consistent with the principles of the dispersed plan.

The Government has previously addressed the first and third of the committee's safeguards. In January 1990 restrictions on all-day parking in Braddon, Reid and Turner were announced, and the question of leaded petrol is being separately pursued. The Government has taken steps to disperse Government employees from Civic, with staff moving to Tuggeranong and to other locations.

The principal safeguard put forward by the committee required environmental assessment of the proposed redevelopment of the former Canberra Times site. The likely impact of the proposed development on traffic, parking, public transport and pollution levels has been assessed by four different studies - two by the Interim Territory Planning Authority, which has conducted its own Civic centre environment monitoring report; and, secondly, by the ITPA through commissioning Denis Johnston and Associates to assist it make an assessment of the environmental impact of the Canberra Times site redevelopment. There has also been a report done by Purdon Associates on behalf of the lessees, and there is a report by the Department of the Arts, Sport, the Environment, Tourism and Territories pursuant to the Environment Protection (Impact of Proposals) Act 1974. The Government published these findings last month.

All four assessments are consistent one with another, and if the development is permitted to go ahead it will do so against a background of reduced air pollution, no indication of any increase in traffic noise levels, and significant improvement in traffic and parking provision. Further, the proposed development would have only a minimal effect on the factors that I have mentioned.

I mention particularly the assessment conducted by the Interim Territory Planning Authority which, in summary, has found as follows: the development of the site will be well within the environmental and transport capacity of Civic; in the vicinity of the site, the absolute values of all pollutants are well within the guidelines set down in the Civic Centre Policy Plan; analysis of the effects of the proposed Canberra Times development indicates that the increases in pollutant concentrations are very small at locations where peak concentrations occur; and redevelopment will have only a minor impact on traffic and parking in and around Civic, and the approximately 160 additional public transport users can be accommodated on existing public transport.

In respect of the Environment Protection (Impact of Proposals) Act 1974 conducted by the Department of the Arts, Sport, the Environment, Tourism and Territories, I have been advised that that department has assessed information provided by the proponent, Concrete Constructions Pty Limited, and the Interim Territory Planning Authority in the context of the two court decisions relevant to the proposal; that is, the Supreme Court decision of 21 July 1989 and the Federal Court decision of 13 March 1990. I have also been advised that the Minister for the Arts, Sport, the Environment, Tourism and Territories has advised that no significant advantages would be gained by further formal assessment under the Environment Protection (Impact of Proposals) Act 1974. Accordingly, the preparation of an environmental impact statement or public environment report will not be required to satisfy the object of that Act.

In the light of this unanimity of views, the Government has decided to accept the surrender of the former Canberra Times site leases and the regrant of a lease that will permit the redevelopment of the site. The redevelopment may have a maximum gross floor area of 16,000 square metres, of which no more than 14,000 square metres shall be offices. That decision is subject to the payment of betterment and the meeting of development conditions to be formulated by the ITPA.

I make clear that the Territory Government will not permit the proposed office space to be used for Territory Government purposes and I expect the Opposition to give a similar undertaking. I also expect the Commonwealth will comply with the certified National Capital Plan and not permit its departments or agencies to occupy the proposed building.

5 June 1990

The Government has also considered a suggestion that it review the claim by Concrete Constructions that no alternative uses of the site would be financially viable. The Government considers that that matter was put to the standing committee and taken into account in its findings.

There have been recent media reports that have been associated with the redevelopment of the Canberra Times site, the Mobil service station and the Griffin Centre. The Government has given in principle support for the construction of a community centre in the vicinity of the existing Griffin Centre which will incorporate activities undertaken by the occupants of the Griffin Centre in a practical way. A conceptual drawing of how this might be achieved has been prepared and is available for public examination.

I have directed the Interim Territory Planning Authority and the Office of Industry and Development to jointly prepare a development plan for this precinct, in consultation with the Housing and Community Services Bureau, following on from the Canberra Times site redevelopment that I have just announced. That development plan will be made available for public consultation at an appropriate stage. Pending development of the new community centre, the security of tenure for current occupants of the Griffin Centre will be guaranteed through the grant of a further occupation licence.

Mr Deputy Speaker, in making its decision about the Canberra Times site, the Government asserts that this decision should not be seen as a precedent by other developers wishing to change existing lease purpose clauses. As I have previously mentioned, the forthcoming legislative changes will provide a basis for lease purpose clause changes that balance the need for progressive and well thought out redevelopments and the need to preserve our environmental amenity. It is the view of the Alliance Government that such balance will encourage our local economy but retain that amenity that makes the ACT such a pleasant and healthy place in which to live and work.

MR CONNOLLY (5.00): The Opposition wishes to respond briefly to this statement by the Chief Minister. At last, after seven months, we have a decision on the Canberra Times site, but still unfortunately no Bill has appeared to regularise planning appeals in Canberra. That in itself is a failure, but of even more concern is the fact that, despite assurances, the Griffin Centre site appears to be earmarked for development.

The lack of adequate appeals legislation was one of the issues cited most prominently by Mr Collaery in his speech on 5 December last year on a motion of no confidence in the Follett Government. He castigated the Follett Government for, in its six months in power, producing two Bills for public exposure on planning and land management but not producing a Bill on planning appeals.

In a couple of days' time, this Government will have been in office for precisely the same length of time as the Follett Government. In the Follett Government's six months in office, starting from scratch, it was able to prepare and produce for exposure two draft Bills on planning and land management and to develop work on an appeals Bill. In the same period in office, all this Government has been able to do is to re-release the Follett Government's Planning and Land Management Bill.

It has failed conspicuously to answer its own demands that appeals legislation be introduced. Yet again the need for an adequate planning appeals system is fundamental in the pink booklet. Like Chairman Mao with the red book, we so often find ourselves waving the pink booklet in this chamber. It was central to the Rally demands. It has failed to occur. We see yet again that the Rally policy falls out badly in the dealings of this Alliance Government, and the Liberal Party agenda takes the way.

Until there is adequate planning appeals legislation in this Territory, fiascos like the Canberra Times redevelopment will continue. Almost inevitably, this decision announced today will be subject to appeal in the local courts by one or other group dissatisfied with the decision. The problem will drag on until legislation is introduced. The lack of such legislation was a central factor in the no-confidence motion of December last year, and how ironic it is that after seven months nothing has changed and there is still no legislation.

The other matter of grave concern to the Opposition in this statement is the announcement that the Griffin Centre will, after all, be redeveloped. There was grave community concern in Canberra over the fate of the Griffin Centre, which is home to many small and large community groups that do so much to add to the diversity of the social fabric of Canberra. There are many groups, ranging from the Embroiderers Guild to the Genealogy Society, that operate in the centre and add, with their thousands of members, to the way we live our life in Canberra.

The people who use that centre were concerned at the rumours. Those rumours emanated, I believe, from Mr Doby's office, where a spokesperson was reported to have said, "The site will be worth a few bob. We boast that it will be flogged off, worth a few bob more". Well, we will be most concerned if the raising of a few bob and the flogging off of community assets occur at the expense of the community groups.

It is all very well to say, "We hope to develop another community use site", and to say, "The tenants will be given some security until that new building is completed", but unless the community groups can be guaranteed tenure at an appropriate rate of rent and can be guaranteed continued access to cheap and convenient accommodation - not Rolls

5 June 1990

Royce accommodation because that is not what the Griffin Centre groups want, but cheap, convenient, centrally located accommodation - and unless that can be demonstrated to the satisfaction not of this Opposition but of those community groups themselves, we will be very concerned.

That was not the position at the Griffin Centre the other night at a meeting at which Mr Jensen attended - and I have to give him credit for that. Unless those community groups are satisfied with this proposal, we would be most concerned that it could involve yet another assault on a valuable community asset and, to echo remarks made some minutes ago, yet another attack on the social fabric of Canberra.

MR MOORE (5.06): I think this is a very sad day for the community, and it is a particularly sad day for the Residents Rally, unable to remember what they were originally about. The Canberra Times site was always part and parcel of one of the activities the Residents Rally was involved in. It is a very strange thing indeed that this Government should snub the Supreme Court decision, because that is exactly what has happened and that is how it will be seen.

There is a great deal of rhetoric in Mr Kaine's speech to try to justify the fact that perhaps this has not happened, but the reality of the situation, and the way it will be seen by the court, is quite clearly that the court refused an application and that the Government then overrode that decision. The Government overrode a tremendous amount of time and effort put in by not only members of the court but also members of the community in preparing their affidavits, in preparing their case, in briefing their counsel and in being there through the case. That put a tremendous strain on individual members of the community who were taking a particular stance for the good of the whole community.

The ACT Government publication Environmental Assessments relates to the proposed redevelopment of the former Canberra Times site. It includes a summary of local environmental impacts prepared on behalf of Concrete Constructions by consultants, which concludes that another office block will not make the peak traffic and parking problems much worse than they are already. This is what the Kaine Government, which has been always anxious to bypass the Supreme Court's veto of the proposal, has been waiting to be told. It was commissioned by the Government; they were delighted to see it. Of course, an extra 700 or so workers will not make an immense difference to peak period traffic, the pollution, the parking problems already being encountered by the 28,000 now working in Civic.

Let me point out that this is the size of the original application. The original application to the Supreme Court has not been changed at all. This Government, in looking at the Supreme Court's decision, in dismissing Justice

Kelly's decision, in dismissing the Federal appeal, has left it exactly as the original application: 14,000 square metres of offices plus another 2,000 square metres. So that is what in terms of a work force? Operatively, one takes a figure of probably five workers to 100 square metres. So we are talking about roughly 700 spaces, adding 700 or so workers to the 28,000 now working in Civic. We have a response by the Government that says, "It is okay; we are not going to put any Territory workers in there and we are going to ask the Commonwealth not to put any of its workers in there".

This Government has asked the Commonwealth a lot about money and it has not responded to that. Why would the Commonwealth respond to this? That is just simply head-in-the-sand stuff, and those opposite know it.

Mr Kaine: It is in the National Capital Plan, and you know that, too.

MR MOORE: Of course I do, but this is just simply head-in-the-sand stuff. After years of encouraging speculative office building in Civic - and about 60 have been built in recent times - the NCDC admitted in 1987 that congestion and delay showed that some roads had already reached the limit of their capacity. It found that, unlike shops, hotels and community buildings, offices created the most severe problems for peak period transport and parking.

The current 1989 Civic Centre Policy Plan offers any number of development and redevelopment opportunities in Civic, enough to accommodate upwards of about 70,000. That figure is well beyond the planned limit of Civic, which is about 27,000 as stipulated in the gazetted Metropolitan Policy Plan - and you know that, too. The 1989 Civic Centre Policy Plan, despite its irresponsibly generous opportunities for office redevelopment, says that there is a need to conserve scarce resources for uses for which there are clear public benefits. The Supreme Court seemed to agree when it turned down the office block proposal, holding that it would not be in the public interest, that the whole community would suffer.

The environmental assessment reports - these reports that you have so happily relied on - are careful not to claim that there will be any public benefits, economic or otherwise, from another office block, only that the adverse environmental effect would be marginal. The same could be said for each of the last 60 office buildings and the next 60.

One of the great ironies about this report is a letter at the back from David Simmons, Minister for the Arts, Sport, the Environment, Tourism and Territories, referring to Mrs Kelly saying that there is no need for any further action under the Environment Protection (Impact of Proposals) Act 1974. What a turnaround! Mrs Kelly, as chair of the Joint Parliamentary Committee on the ACT when it allowed a

5 June 1990

further application to go ahead with the section 38 development, which is now the Canberra Centre, said at the time that we needed a full environmental impact statement of Civic to assess the whole thing. We still have not had it.

That is your attitude to the environment and you make this decision on World Environment Day. I say, "Shame on you for choosing this day!". Then you produce this booklet which has very, very little in it apart from verbiage, with the exception of the passage on parks which I accept as very important.

Mr Jensen: Well, you had better tell us, Michael, otherwise people will not know. Which bits do you like?

MR MOORE: Keep your mouth shut, Jensen.

MR SPEAKER: Order!

Mr Jensen: I am sorry, Mr Speaker.

MR MOORE: I accept Mr Jensen's apology.

MR SPEAKER: Please proceed, Mr Moore.

MR MOORE: So what we find here with this particular site is that a comprehensive assessment of the prospects for Civic demanded by the Joint Parliamentary Committee on the ACT in 1987 has never been carried out. Mrs Kelly does not think an environmental assessment is necessary for the new office block proposal. She believes the ACT Government should thoroughly investigate the developer's claim that there is no prudent or feasible alternative to building more offices before granting approval. So now the Alliance Government has made its decision. It made its decision, I suppose, on the words of the Supreme Court judgment, that environmental factors are to take precedence over what men of business would see as the commercial imperative.

I will quote that again because it is World Environment Day. Justice Kelly said, "Environmental factors are to take precedence over what men of business would see as the commercial imperative". The Government has reversed that. The commercial imperative has now taken precedence over environmental factors and you use these spurious arguments here that do not hold any water whatsoever to present that. What we have in this environmental statement - those opposite know it well, and Mr Jensen knows it very well - is a situation where they look very, very closely at a very narrow perspective on the particular area, as opposed to Justice Kelly's decision which looked at a very broad impact on the rest of Canberra and the need in respect of offices in Tuggeranong. Remember, Mr Jensen, when you used to speak about how we needed development in Tuggeranong and not in Civic. There was a time when you used to present that as part of your election platform.

Mr Jensen: I still do, Mr Moore.

MR MOORE: Yes, I know you say things. The Rally always says things and never does anything that it says. There is a lot of saying in here and a little bit of doing.

Mr Jensen: There is doing in there, Michael.

MR SPEAKER: Order, Mr Jensen!

Mr Jensen: I am sorry, Mr Speaker.

MR MOORE: I accept your second apology, Mr Jensen. It is time you apologised to the people of Canberra, Mr Jensen, and I want to remind you of something that you once said in the election. It was something along these lines: "When we become as other politicians, let us know and we will resign". I say to you, to Dr Kinloch and to Mr Collaery, "On that premise it is time to resign". It is time for the Residents Rally members to resign from this Assembly.

Let us go back to the Canberra Times site. What we have is a situation where a precedent is set, where men of business and the commercial imperative are going to take precedence, and the same will apply to each further application for development that comes up. There is one at the moment before the Supreme Court which I cannot talk about, I imagine, because of sub judice regulations. I am not familiar with them, so on second thoughts I shall refrain from speaking on that matter. However, let me say that this will be seen by the people of Canberra for what it is. It is a snubbing by this Government of the Supreme Court and its decision. It is overriding a decision that was made on logical and rational grounds, as was perceived on appeal. This is a shameful day for this Government and for the Residents Rally.

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

STATUTORY AUTHORITIES (AUDIT ARRANGEMENTS) BILL 1990

MR KAINE (Chief Minister) (5.17): Mr Speaker, I present the Statutory Authorities (Audit Arrangements) Bill 1990. I move:

That this Bill be agreed to in principle.

The Bill has three purposes. They are, firstly, to effectively reinstate the financial arrangements for public authorities under the ACT Audit Act - arrangements that were in force under the previous Commonwealth Audit Act; secondly, to enable public authorities to prepare financial statements for the pre-self-government period in 1988-89 and preserve the power of the Commonwealth Auditor-General to audit those statements; and, finally, to require heads of administrative units to prepare unitary financial statements for the period from 11 May 1989 to 30 June 1990.

5 June 1990

Prior to self-government, ACT public authorities were generally subject to the provisions of the Commonwealth Audit Act in relation to their banking and investments, the keeping of proper accounts, auditing and the preparation of annual reports and financial statements. This requirement was severed by the Commonwealth's ACT Self-Government (Consequential Provisions) Act 1988.

The amendments contained in this Bill reimpose an obligation on the authorities to operate under audit legislation, namely our own Audit Act 1989. The authorities are required to report for the period 11 May 1989 to 30 June 1990. Exceptions to this are the ACT Electricity and Water authority, the Gaming and Liquor Authority and the Legal Aid Commission which, because of their enabling legislation, will still report on a full financial year basis, and also the ACT Institute of TAFE which reports on a calendar year basis. At the same time the Bill resolves a transitional difficulty by requiring the authorities to prepare financial statements for the pre-self-government period and puts beyond doubt that these statements are subject to audit.

Finally, the Audit Act 1989 currently specifies that the aggregate financial statement for the Territory is to be prepared for the period 11 May 1989 to 30 June 1990. No such provision was included in the section relating to unitary financial statements which, unless amended, would cause heads of administrative units to prepare statements for the first 51 days of self-government. Clearly such reports would be both resource consuming and largely irrelevant. The Auditor-General also expressed concern at the excessive demand that it would place on his office. Mr Speaker, I present the explanatory memorandum for the Bill.

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

Sitting suspended from 5.20 to 8.00 pm

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

Debate resumed from 31 May 1990, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR MOORE (8.00): Mr Speaker, the business of X-rated videos is once again before the house and the matters presented in this particular Bill are hardly any different from those in the Bill that I presented. There are a few additions that could well have been made as amendments to my Bill, so I will be speaking in support of the Bill in principle. Similarly, I will speak in support in principle of the other two Bills that deal with X-rated videos.

I do note that a major distinction between this Publications Control (Amendment) Bill and my own is that this one does not attempt to include R-rated movies at all. Therefore, we seem to have illustrated clearly the Government's perception that, while restrictions are important for X-rated movies, it does not feel the need to make any move at all on violent movies. I must say that I find that somewhat disconcerting because I would have thought that most of my colleagues in the Alliance Government would be particularly concerned about violence. That concern about violence is a far greater concern than the issue of explicit sex. I am disappointed to see that that issue has not been dealt with here.

Rather than attempt to confuse the two issues, I will accept that the Government may have in train something that deals with violent movies. I would be quite happy to make another attempt to restrict the access to R-rated movies. I wonder why the Government felt it appropriate to distinguish between X- and R-rated movies. I hope that we will receive a reply on that.

The second matter that is of most concern to me is what I would call the indecent haste with which these Bills have been brought on. They were tabled only on the last sitting day and here they are already being brought on as business. There is great concern about this because, clearly, a commitment has been made to this community that there will be time to consult and to understand the ramifications of each one of these Bills.

Whilst this particular Publications Control (Amendment) Bill contains a series of subjects that have, in effect, been discussed before, it is a matter of concern that there has not been the opportunity for people to express any other concerns. For example, the transitional clause - clause 8 - talks about publication of an X-rated film on or before 31 August 1990. There has been no time to negotiate whether that is a good date. As it happens, I have no particular problem with the date, but members of the industry or members of the public may have a problem.

I cannot understand why it would need to be brought on so quickly. Is the Government concerned or frightened about something that may come out of the community? Or is it concerned that, if this motion were dealt with on Thursday or after Mr Stevenson's foreshadowed no-confidence motion, that motion may gain some weight? Clearly members of the Government have voted on this matter categorically - and on a conscience vote. Some of them are against the whole notion of the X-rated movie and, as we are all aware, that vote was carried by a majority of just one by a vote of nine to eight.

It seems to me that there must be some concern on the part of the Government to bring up this Bill and put it on so quickly. I foreshadow that after we get through the in principle stage I intend to move that the detail stage of

all three related Bills be adjourned so that there is an appropriate time for people to make any comments. I think it is quite reasonable for us to pass the in principle stage because the in principle concepts have already been passed by this Assembly through a series of other Bills dealing with X-rated movies.

However, the Government is attempting to carry the detail stage of these particular Bills with what can only be described as indecent haste, and I believe that it is incumbent upon it to explain the haste. If it is such an urgent matter, then these Bills should have been declared urgent. That has not been the case. So what is going on? What are the concerns? Can the Government give us a good enough reason to continue tonight with the detail stage, or is it happy for us to adjourn that stage? If there is a good enough reason, perhaps we can wear it. Otherwise, I would like to see the detail stage adjourned at the very least until Thursday, after the no-confidence motion is dealt with.

MS MAHER (8.07): Mr Speaker, I support this Bill. The regulatory measures contained in it are steps towards tightening the controls that are necessary in the X-rated video industry. I consider this to be a beginning. As I said in my speech on 24 April, the Commonwealth and States also play an important part in the regulation of the X-rated video industry.

I realise that there are those in our community who would prefer that we ban X-rated videos. I have said before that systematic banning measures may be counterproductive in that they will drive the industry underground and render it unable to be regulated. In any event, this Assembly has had that debate and it is now time for us to move on and introduce regulatory measures of the kind contained in this Bill.

Mr Speaker, this Bill introduces a new offence, of assisting a minor to obtain an X-rated film, and not before time. A "film", of course, includes a "video". In my opinion, there should be no scope whatsoever for any adult to use a minor to obtain such an item. The proposed amendment in clause 5 of the Bill recognises that an exception is available in the case of a parent or guardian. That exception is there only to maintain consistency with the existing provisions in the principal Act which exclude from prosecution a parent or guardian who supplies a minor with an X-rated publication. However, I question the need for any parent or guardian to do such a thing.

I am informed that the Adult Video Industry Association already advises its members to seek confirmation by requesting the presentation of a credit card where there is doubt about the age of a mail-order purchaser. I submit that the industry will have no objection to the new provisions in clause 4 of the Bill which formalise the cautions for the industry as a whole. Proof of age can be

by driving licence, birth certificate or passport, or a copy of a document of that kind. Many driving licences now also contain a photograph of the licensee.

Mr Speaker, clause 7 of the Bill should go a long way to preventing the exposure of sexually explicit advertising material to unsuspecting recipients of mail-order brochures. When this law is enacted, if anyone is offended by such material, he or she should just stop opening it, because that is what it is all about. The industry will be obliged to seal such material in an envelope or package which bears a clear warning. That envelope will be placed inside the mailing envelope.

I have no time for this material and I wonder why it has been left to the ACT to move to use its laws to regulate this aspect of the trade, especially since I am informed that it is an offence under section 85S of the Commonwealth Crimes Act 1914 to use the postal service in such a way as could offend a reasonable adult. No doubt only some of the material would be offensive, but I invite the Commonwealth authorities to be a little more active in this area. In fairness to the Adult Video Industry Association, it has been supporting this idea for quite some time.

Mr Speaker, the main provision in the Bill restricts the sale and distribution of X-rated videos to prescribed areas of Canberra. This may see a small downturn in the trade for some suburban outlets and perhaps a significant drop in trade for those located in the Civic area. Well, so what? I believe that the industry has had a relatively charmed life in recent times and it should be prepared to accept these tighter controls, especially since this has been on the cards for about 12 months now.

I ask the industry to be mindful of the need to recognise that even within the prescribed areas there are family-oriented businesses and it may not be in the interests of the industry to set up outlets next to those businesses which may be incompatible with the special trade attracted to X-rated movies and adult shop products. This is a call for self-regulation by the industry and I believe it has done a pretty good job up to date. I am advised that in the main the industry is well behaved and a responsible member of the business community. Like any group, however, it contains a small number who may not be as responsible as the industry or the community would prefer.

In conclusion, Mr Speaker, I would like to suggest that those who have campaigned so vigorously against the X-rated video might like to lend their support to a campaign against an activity which I consider to be outrageous and offensive. I refer, Mr Speaker, to some T-shirts that are currently on display and being worn in public. I repeat that they are on public display and are not confined to the privacy of someone's home. I am informed that the Law Office has referred one particular item to the Commonwealth's Chief Censor, for advice and support of a

5 June 1990

local women's organisation which originally drew the item to my attention and that of the appropriate authorities. I will be interested to see what classification the Commonwealth applies to that particular item.

Mr Speaker, in view of the fact that the matter is yet to be considered for classification, I feel it would be inappropriate for me to outline specific details to the Assembly, but I would like to say that I do have a copy of the particular item and if anyone would like to see it they can see me later. Also I seek leave to table a photocopy of a photo.

Leave granted.

MS MAHER: I congratulate the Attorney-General for proposing these regulatory measures and we will watch with interest his endeavours to encourage a national approach to the regulation of the X-rated video industry and the introduction of a new national classification - that of RV, or restricted violence - which is of greater concern to most of the population than X-rated. This initiative must await the outcome of the next meeting of the State Attorneys-General. As you are aware, our Attorney-General, Mr Collaery, has already put it on the agenda and has written to the Federal Attorney-General.

Also of great concern to me is the public presentation of material which in my opinion appears to trivialise and glorify violence, particularly violence towards women. It is a matter of great regret that the ACT has been denied the power to make laws about the classification of materials for the purpose of censorship. We should not have to rely on another authority - namely, the Commonwealth - however well intentioned or competent, to determine what is permissible in publications circulated within the ACT. I welcome the introduction of this legislation and will be watching its enforcement with interest.

MS FOLLETT (Leader of the Opposition) (8.16): Mr Speaker, this is a most peculiar Bill from a most peculiar Attorney-General and a very peculiar Government indeed. The Bill, together with the video tax Bill, proves that the current Government is completely opportunist, if any further proof were needed.

The Bill shows that the Residents Rally and the Liberals care nothing for consistency or logic, and it follows in the grand tradition that they established with the fluoride debate of making up one's mind one way on a matter of great principle, arguing about it at length, shouting it from the rooftops, and then ending up doing exactly the opposite.

The Bill contains one or two provisions to which we have no objection. For example, the new offence created by clause 5 of this Bill, of assisting a minor to obtain an X film, appears reasonable. The amendment in clause 7 which

provides that sexually explicit advertising material must be double-enveloped and bear a warning is also sensible. The Labor Party also accepts that clause 6 of this Bill is designed to rectify an anomaly in the original Publications Control Act whereby a videotape containing a film classified as G, PG, or M would be illegal if it also contained a trailer advertising any other video, regardless of classification.

We believe that it is sensible to provide that a video may advertise another film of the same or lower classification. Of course, Mr Collaery failed in either his speech or the explanatory memorandum to indicate why an X-rated video should only be allowed to advertise other X-rated products and not those with lower classifications. While this provision was included in the original Act, it appears to me that we deserve some explanation of the policy objective of that restriction.

But the real problem with the Bill, and the reason why we oppose it, is clause 4. That clause provides that X-rated films or videos will not be available except on premises in prescribed areas. It also provides that X-rated material shall not be provided to a person without proof of age or reasonable grounds for believing that the person is over 18. It is only the first of those provisions which creates the problem.

The Labor Party strongly supports the idea that X-rated material should be housed separately in retail outlets so that minors will not have access to it and so that adults who might be affronted by the material will not encounter it unless they deliberately choose to do so. It is possible that the existing law may need some tightening up or that we may need to look at the policing of the existing system. Indeed, there may also be a case for extending the restrictions on display to include the R classification. But there is absolutely no logic behind the provision which Mr Collaery is introducing - far from it, in fact.

Mr Collaery's introductory speech was one of the most astonishing displays of double standards that we have so far seen from the man - and that is saying a lot. For a start, his speech was quite simply wrong about the provisions contained in the Bill, and I believe that he has misled the Assembly. He said, and I will quote from his speech:

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.

That statement is not true. When you look at clause 4 or at the explanatory memorandum you see quite clearly that it provides that an X-rated film shall not be published otherwise than in a prescribed area. In other words, the

5 June 1990

Bill will give the Executive power to make regulations to restrict X classified material to specified areas of Canberra. Those areas are not specified.

Mr Speaker, we may accept that the Government intends to nominate Fyshwick, Hume and Mitchell - I do not accept it - but the Bill makes it possible for the Government to nominate any area in Canberra that it likes, or more precisely that it dislikes. It does not do what Mr Collaery says it does, and his introductory speech is totally at odds with the explanatory memorandum for this Bill. I find that a reprehensible situation. Mr Collaery's speech does not give one justification for it, not one reason why this restriction should be introduced. It is an astonishing condemnation of this Government that it should not even bother to explain why it is introducing a Bill. So we are left to speculate about what the Bill is designed to accomplish.

Perhaps with the Assembly having decided that X-rated videos should be available in the ACT, the Government now has two bob each way by thinking that out of sight will be out of mind. That is its ostrich mentality - if you cannot see it then it does not exist. As I said, there has been no argument whatsoever put forward for that provision in this Bill.

On this side we oppose the provision for several reasons. First, we fail to see why, if this material is legally available, it should be less available to some adults than it is to others. Does the Government think that the people who work in Fyshwick, Hume and Mitchell, or who live nearby, are more interested in this material or have a greater need to see it? Or does it believe that only people who own a car should be able to go to a video shop and obtain this material? We may never know the answer. Certainly none of them have addressed those questions.

The second reason for objecting to this provision is that it is unfair and discriminatory to the many small businesses outside the light industrial areas which carry a small stock of these videos. There have been no reported cases of the existing law being broken. These shops have not provided videos to minors, and we have yet to hear about any prosecution relating to the display in these premises. Indeed, that very concern, albeit in relation to R material, was raised by Mr Collaery in opposing Mr Moore's Bill on this same subject just over two months ago. I would have thought that the Liberals and the Residents Rally would have had more consideration for the small businesses which they were attacking with this unexplained move. "Have you consulted with them?", I would like to ask. You have not consulted with anybody else.

Mr Speaker, the final point which needs to be made about this Bill is that it represents yet another astonishing turnaround by the Government. Mr Moore introduced a Bill several months ago to restrict the sale of these videos to

the light industrial areas, and I might say that his Bill did do just that - none of the prescribed areas nonsense that Mr Collaery has indicated. It is instructive to look back at Mr Collaery's speech on that occasion. For a start, it must be said that Mr Collaery was extremely rude and vindictive. It would not be unreasonable to suggest that his principal reason for opposing Mr Moore's motion was that he did not like being beaten to the punch.

I have already mentioned Mr Collaery's concern about small business, something that he has not tackled at all in introducing this Bill. But in that speech, Mr Collaery said - and again I will quote:

The questions of X-rated videos, interstate practice and controls and the activities and correlated events around sex shops need to be discussed at national level. It will be discussed at the next meeting of the States Attorneys-General in June.

Mr Speaker, if that is the case, why has Mr Collaery introduced this Bill now in advance of that meeting? He is hoist with his own petard and now he is leaving the chamber, a little bit red-faced. The truth is that he was just not prepared to vote in favour of something introduced by Mr Moore, even though it expressed his own policy.

This Bill shows that the Government cannot be relied upon to proceed with any predictability or any stability. The Labor Party opposes the Bill because we have been given absolutely no reason to restrict X-rated material to prescribed areas, nor have we been given any hard evidence of what those prescribed areas might be. We object to government by whim in this area, as in so many other areas.

MR STEFANIAK (8.26): Firstly, in relation to this particular Bill, I should restate the Liberal Party's position. We have consistently voted against X-rated videos in the two Bills that have come up so far. Having failed in that, it is painfully obvious to us that the majority in this Assembly wished not to ban X-rated videos in the ACT. That being said, it remains Liberal Party policy that the sale, distribution and exhibition of X-rated and excessively violent material in the ACT are undesirable. Consequently a future ACT Liberal administration will bring the ACT into line with all other States by banning the sale, distribution and exhibition of X-rated videos and film material in the ACT and will review the film and video classifications so that excessively violent material is banned. Given that we cannot do that now - but the numbers are obviously here in the Assembly for some restriction - we support this Bill, along with other members of the Alliance Government.

Ms Follett mentioned a number of points which I think I should comment on. Firstly, she talked about the prescribed areas. Now, prescribed areas - as her colleague

5 June 1990

Mr Connolly would no doubt be aware - are not uncommon in legislation. It is one way of restricting things. Instead of actually naming areas in the statute, you can have provision for prescribed areas. There is no magic in it. I think Mr Collaery has made it quite clear that the Government is looking to restrict the sale of X-rated videos to the light industrial areas, as Ms Follett has highlighted.

This Bill before the Assembly seeks to impose regulatory measures. Those measures are in addition to those already contained in the principal Act. I have some sympathy with Mr Stevenson's position; he is an advocate of banning X-rated videos. I put this to him: suppose there are six suburbs; you have a rat plague and you do nothing; as a result, you will have a rat plague in those six suburbs. If you are able to counter that rat plague in three suburbs, you are left with rats in only three suburbs. That is obviously far better for the citizens of that particular town. The measures in this Bill are in addition to those already contained in the principal Act, and I would like to highlight a few of those measures.

Clause 4 of the Bill seeks to restrict the sale and distribution of X-rated videos to the prescribed areas. Those will be prescribed by regulations made under the principal Act - subject of course to the passage of this Bill - a not uncommon occurrence in legislation, as I have indicated. I realise that some suburban video outlets and perhaps some service stations outside the prescribed areas may be deprived of some trade. The Liberal Party certainly makes no apology whatsoever for that.

The industry as a whole must appreciate that the ACT has been under national scrutiny in relation to the regulation of this industry. The tightening of the controls over the distribution of sexually explicit advertising material is welcome. It may be that some recipients are the victims of a practical joke or a vindictive neighbour, but no unsuspecting person should have to be confronted with displays of sexually explicit material when opening unsolicited mail. The unsuspecting public, wherever they are in Australia, need the courtesy of a warning. That is what is proposed in clause 7 of the Bill.

Recently in the ACT we have seen the use of a minor by the anti-X-rated lobby to obtain, by the use of a false name, X-rated material. Leaving aside any argument as to whether that was right or wrong, and that has occurred before, I think - some ACT residents might recall a certain lady getting some publicity in relation to that about seven years ago - it does establish an anomalous situation which really causes any right-thinking person some concern. There is a need to tighten up any abuses of the present system whereby minors can get X-rated videos, be it through their own acts or by using an adult.

I think it is necessary for the Government to act quickly to close off any opportunities there. So that is why the Bill contains clause 5, a new offence of assisting a minor to obtain an X-rated film. I think that Mr Stevenson has highlighted the inadequacies of the current law by his recent demonstration of those inadequacies. Clause 5 certainly ensures that that will be very difficult to do in future.

Clause 4(b) places an obligation on X-rated video outlets to check, by reference to documentation such as a driving licence, the age of the purchaser for new orders where there is any reason to doubt the age of that purchaser. The use of a driving licence or other document of identity is now commonplace in other industries such as the liquor industry. Banks also rely on such documents for identification of persons when opening accounts. The local supermarket will sometimes ask for proof of identity too. Those documents invariably contain proof of age, and it is for that reason that those regulatory measures are being introduced.

Mr Speaker, these regulatory measures are indeed necessary. For those outlets outside the prescribed areas, a two-month transitional period has been allowed to enable them to dispose of their stocks of X-rated material. That might go some way to addressing the problem Ms Follett has. After 1 July 1990, disposal will not be permitted to the public. In the transitional period - that is, up to 31 August 1990 - outlets outside the prescribed areas will be permitted to engage in wholesale transactions to dispose of stocks. That seems to me to be quite a generous proposition in this Bill.

Also, I think the Assembly should be aware of concerns expressed in other jurisdictions about illicit trade in X-rated and unclassified videos. It is interesting to see that the ACT, which has been the subject of so much criticism, is now leading the way in regulating the industry. It is, however, a national problem, as the Attorney-General has highlighted, and I urge the States and the Northern Territory, as well as the Commonwealth, to use their powers more effectively than they have in the past.

As I said in my opening remarks, Liberal Party policy remains unchanged but this Bill at least proposes restrictions. It imposes tax on an industry that has got off very lightly. Indeed, if we have the numbers in a future Assembly and our policy remains unchanged, there will not be any such industry. However, at present we do not have the numbers and this Bill at least seeks to regulate the industry. Accordingly, the Liberal members and the Alliance Government support it.

MR STEVENSON (8.33): This Bill, which could be called the "Porn Protection Bill", will not prevent any single video from being mail-ordered throughout Australia. I think it is interesting that some people in this house feel that the

situation is funny. Perhaps that is a condemnation of the values that those people hold. Moving the video distribution points around Canberra like pieces on a chess board will not solve the major problem, which is that the rest of the Australian States are being used as a sewer for pornographic materials against their will. I think it is important to highlight once again that all States in Australia have banned X-rated videos yet we did not even have the decency to ensure that such videos will not be spread throughout those States. Anything we do here to move them around may make some slight, insignificant difference to what happens in Canberra but, as I have mentioned, nothing will change in relation to mail-order videos.

What does this mean to Australians? Let us look at the original Australians, the Aborigines. Judith Atkinson is a Brisbane based Aboriginal research consultant who was hired by the Government. After travelling extensively throughout Australia, researching the problems that befell Aboriginal communities, she came up with numerous cases throughout the country indicating the destructive impact on the Aboriginal people of pornographic videos, compounded by the problems of alcohol and alienation.

Among many cases she studied, she spoke of a six-year-old boy who watched a video that his drunken uncles were watching. He was totally traumatised and could not sleep. In another case, a worker at a Northern Territory Aboriginal women's shelter described how women were being raped with a stick after the men had watched porn videos. Another case was five years ago in a certain Northern Territory community that had been considered to be functioning well. It was selected by the Government as an example of perhaps the ideal Aboriginal community. Now that community has changed. Why has it changed? Because of pornographic videos. A white mechanic in the area has been hiring them out to the Aboriginal people.

The violence level against Aboriginal women caused by pornographic X-rated videos is now horrific. In another Aboriginal community, the women said that, since these pornographic videos started coming in, there had been more rape and more fighting. In north-west Western Australia - and once again I highlight the fact that this is Australia-wide and not a localised problem - Aboriginal people said that the videos were causing big problems. The men who were addicted to them did terrible, unspeakable things to the women. At a north Queensland community, once again promoted by the Commonwealth as one of the best, there has been a big increase in violence.

A five-year-old boy was internally injured after 10- and 11-year-old boys copied what they saw on a pornographic video. In another community, girls as young as eight were shown hard-core porn videos and made to perform in a similar manner. Levels of rape and other forms of violence have increased dramatically. Yet another Aboriginal

administrator in north Queensland has advised that cases of child sexual abuse have become unbelievable only in the last five years. Why? Since the arrival of porn videos. Many sexual offences were allegedly connected with porn videos. The Judith Atkinson research was submitted to the National Committee on Violence in September 1989 - 30 pages indicating the violence caused to the Aboriginal people.

Let us look at what is said in Violence: Directions for Australia from the National Committee on Violence. This rather bulky report is the result of the very expensive use of taxpayers' funds to research violence in Australia. Let us see what that committee did with the 30-page report from Judith Atkinson in which she said that porn videos had caused the problem for Aborigines. The committee mentions that there is a 10 times higher homicide rate in Aboriginal communities than in the general community. It also mentions that Aboriginal females in the Northern Territory comprised 79 per cent of all deaths. The report says of Judith Atkinson's studies:

She reported that domestic violence affects 90 per cent of Aboriginal families living in trust areas of Queensland, and that more women have died ... in one Queensland community alone than all the custodial deaths occurring in that State.

It continues:

The anecdotes which Ms Atkinson related are horrific. Young boys in one community are said to be selling their younger sisters to older boys to pay gambling debts or to buy cans of beer. Young girls from eight years upwards are being sexually misused by adult men (white and black) in return for beer.

Not only are young men raping older women, but old men are abusing young girls. In some cases this abuse is so serious as to require surgical treatment.

On reading this publication, one finds an amazing thing. The cause of the reported problem has been sanitised from this book. Nowhere in this document does the committee mention that the cause is pornographic videos. I really find it interesting that some people think this is funny. Mr Connolly and Mr Berry, have smiles on their faces - - -

Mr Connolly: If you do not agree with the result, you say it is a conspiracy and censorship. That is not what they found.

MR STEVENSON: Why do we not have a look at what happened? This is a report on material presented to the committee. The major material presented to it, Mr Connolly, highlighted the cause as pornographic videos. Would it not be reasonable to include that fact in there? I wonder why

the committee did not. These points are just disregarded by people who would like some other viewpoint to be the case. I think that highlights the situation well.

Let me tell you what happened last week in Canberra. Four Aboriginal pastors presented a letter to the Chief Minister and the Attorney-General calling for a ban on pornographic X-rated videos. Why did they do that? Was it as a result of the information that was not printed in the National Committee on Violence document? Did they get information from Judith Atkinson? No, they did not. The knowledge came from their own travels throughout Australia, working with Aboriginal communities, which is their full-time job. They called on the Chief Minister and the Attorney-General to do something about the horrendous problem that they see day after day in their work. Indeed, one of them, Cecil Grant from Albury, said, "X-rated videos are causing the genocide of our people". I wonder what Mr Connolly would say about that. Will he conveniently disregard that fact because it may not fit his other viewpoint? Indeed, Pastor Bob Brown said, "Pornographic videos are devastating Aboriginal communities, especially in remote areas".

So what does the Bill before the house do to handle this problem? Absolutely nothing. There are people here who do not concern themselves with these matters, who do not care about the violence that is being wreaked not only on the Aboriginal people but also on others throughout Australia. I and, no doubt, many other people from all around Australia who continue to write in about this matter, who continue to call for a ban on X-rated videos, know that this Bill will not have any effect at all because it will not remove a single mail-order video. They indeed, as I, wonder about the conscience of some individuals in this Assembly.

MR CONNOLLY (8.44): I did not intend to contribute to this debate this evening, but comments from my colleague Mr Berry have compelled me to do so. Mr Stevenson opposes this Bill. He says that this Bill, if passed, will do nothing to control X-rated videos. Mr Stefaniak tells the Assembly that the Liberal Party, if it had its way, would ban X-rated videos but, because that has been unsuccessful, it is tightening control.

This Bill, if passed, can in fact ban X-rated videos totally from Canberra. In order to do that, the Government has to do simply what it does best - and that is nothing. Ms Follett pointed out that, contrary to the original press announcements and contrary to what appears to be the plain reading of the explanatory memorandum, this Bill does not, on its face, restrict X-rated video sales to industrial areas of Fyshwick.

Mr Collaery is not here, but perhaps some of his advisers are, so I will tell the Assembly that what this Bill does in point of law is to make it unlawful for a person to sell an X-rated video otherwise than in a prescribed area after

31 August 1990. Section 39 of the principal Act gives the Minister power to prescribe anything necessary to be prescribed under the Act. If by 31 August 1990 the Minister has done nothing - that is, has not prescribed areas - it will be unlawful to sell or offer for sale an X-rated video anywhere in Canberra because there will be no prescribed areas.

In introducing the Bill, Mr Collaery seemed to indicate in his presentation speech a clear intention that areas will be prescribed and that those areas will be Fyshwick, Hume and Mitchell. But the point that all members of this Assembly should be aware of, and this may indeed change Mr Stevenson's view of this Bill - he may change from opposing it to vigorously supporting it - is that, if clause 4 is passed and the Attorney chooses to do nothing, or is persuaded by his Cabinet colleagues in the Alliance Cabinet room or indeed in the Alliance Party room to do nothing, then from 31 August 1990 it will be unlawful to sell X-rated videos anywhere in Canberra.

This Bill does not restrict the sale of videos to industrial areas of Canberra. It prohibits the sale of videos unless an area is prescribed. If no area is prescribed, it will be unlawful to sell an X-rated video in Canberra from that date.

MR JENSEN (8.47): I will be brief, Mr Speaker. Tonight I will support this Bill which, in the absence of the support of sufficient numbers to remove this industry from the ACT and the failure of the Federal Parliament to meet its obligations to remove this objectionable material from our society, provides the next best thing. This is in accordance with the policy of the Rally and also, of course, the Alliance Government. Members will recall that I am on record as seeking to remove the material from our society and from the rest of our nation. However, it is unfortunate that the other States have not seen fit to enforce their own legislation and seek to blame the ACT. The Federal Labor regime failed to follow the States and sought to inflict the industry on the ACT and the Northern Territory. My colleague Mr Collaery has already indicated his concern about the hypocrisy of this issue on the part of the other States.

I am glad that this Bill will ensure that no longer can the industry send out on an unsolicited basis objectionable advertising material without ensuring that the material has been properly double-enveloped and secured. However, I do have one point which I would like to raise with the Attorney-General. Clause 7(b) of the Bill, which amends section 27 by adding subsection (3)(a), requires the industry to provide a warning on the inner envelope to ensure that there can be no doubt about the nature of the material by those who open it, especially when it is unsolicited. I ask the Attorney-General to produce the necessary regulations to specify the size and style of the warning required by clause 7 of the Bill.

5 June 1990

I have received a number of representations from interstate residents expressing their concern about receiving such objectionable advertising material through the post, not once but a number of times. I think it is time that the industry took control of that particular issue and regulated itself accordingly. Therefore, I would hope that this requirement, because of the additional cost it will require of the industry, may also cause it to rethink the amount of unsolicited material it sends out from Canberra. On that basis, Mr Speaker, I think it appropriate to close my remarks on this important social issue.

MR DUBY (Minister for Finance and Urban Services) (8.50): Tonight I shall first address some of the comments made by previous speakers in connection with this Bill. I guess tonight we saw the best example of two-facedness ever, when it came to Ms Follett's speech. Ms Follett says that the Bill contains provisions to prohibit the sale or the rental of X-rated material to minors. She agrees with that. Hallelujah! She says this Bill contains provisions to limit the distribution of these products to double-enveloping. Guess what? She agrees with that too. Not only that, this Bill contains provisions to limit the advertising of this sort of material. Once again, she agrees with that. Funny thing though, she disagrees with the Bill. She and the Labor party are opposed to it.

For what reasons, Mr Speaker? Ms Follett seemed to spell out a lot of very fatuous reasons indeed. Primarily, she is opposed to this Bill because it limits the sale or hire of X-rated videos to prescribed areas. You would think if there were one thing in this world that Ms Follett had learned in her political life it would be that, strangely enough, there is concern in the community about the free and ready distribution, sale and hire of X-rated movies in this community. You would think that by now this woman, who blames the collapse of her Government on the X-rated issue, would know that the community had expressed a clear wish that this whole issue be tightened up.

If there is one thing that I have learnt, from listening to a debate with which I usually do not agree and from watching the demonstrations and the rallies that Mr Stevenson has been able to get together in his time in this Assembly, it is that there is a genuine community concern about the sale, distribution and hire of X-rated material throughout the community.

Mr Stevenson has shown that the area has been lax. It has been slack. Persons like myself, who never would support the prohibition of X-rated material, as distinct from pornographic material - and that is, I suppose, where Mr Stevenson and I part company - do recognise that there is genuine community concern over the availability of these materials through petrol stations, supermarkets, local shops and a whole range of outlets.

Mr Moore: But you voted against my Bill. There must have been a reason.

MR DUBY: Mr Speaker, I heard an interjection from Mr Moore. He asked why we did not support his Bill. The Attorney-General will answer that query later in this debate. At the moment I am just pointing out the sheer hypocrisy of the Labor Party. Indeed, it would appear that the only reason why the Labor Party and Ms Follett are opposed to this Bill is that it restricts the sale to prescribed areas. For them to pretend that this Bill in some way is a backhanded way to ban X-rated material in the ACT is clearly rubbish, given the Government's clear intention to introduce other measures pertaining to the achievement of our budget objective. For them to pretend that this is a backhanded way to ban X-rated materials altogether is clearly ludicrous.

The community is concerned and most members of this Assembly have expressed concern over the very matters of distribution to minors, advertising and general availability, yet somehow the Labor Party says that that does not matter. What it is concerned about is that X-rated material should be available willy-nilly; that it should not be removed from the central city business district.

Why, Mr Speaker? Why would the Labor Party be concerned about the inability of someone in every suburb, on every corner, in every local supermarket, to set up an X-rated distribution centre? It makes one wonder just exactly why and where they are pushing that line. To my knowledge, the only people who have expressed that concern throughout this whole debate have been those in the X-rated industry themselves - AVIA. They are the people who want to have the ability to sell products wherever they may wish to do so. No-one else has expressed that wish. I guess it just goes to show what a good investment \$8,500 can be.

Mr Speaker, as I said, the Labor Party has failed to listen to the undoubted views of the population. Ms Follett said that there could be no reason to restrict X-rated material to any area.

Ms Follett: I am still waiting to hear that.

MR DUBY: I have already covered that, Mr Speaker. There have been numerous community voices; numerous people have raised the issue and have said that they object strongly to this material being available willy-nilly.

Ms Follett: None of the letters I received mentioned Fyshwick or Mitchell, not one.

MR DUBY: Those areas - Fyshwick, Mitchell and Hume - are not residential. People opposite already accept that Fyshwick, Mitchell and Hume are going to be those areas to which the X-rated material will be limited. This counters

5 June 1990

their own argument that this Bill somehow restricts the distribution of X-rated videos altogether. I guess that this is pretty typical of the Labor Party.

Tonight we have heard Dennis Stevenson. At least he has been consistent in his opposition to X-rated videos. In a way, I am disappointed that he does not support this legislation because it does go some way towards removing some of the local problems. I accept that he has great concerns about the availability of X-rated videos through mail order and so on, and this really will not affect that at all. But, with regard to the local ACT area, I would have imagined that Mr Stevenson would have supported this legislation at least on this basis because, as the apologists for the X-rated industry say, we are disadvantaging people. They now have to go to the local industrial area to get their hands on X-rated material. I thought that that would have appealed to Mr Stevenson, but at least he is being reasonably consistent.

I must admit I have doubts about his anecdotal evidence of arguments concerning the dangers of X-rated material to the Aboriginal community.

Mr Stevenson: That is the difference between research.

MR DUBY: That may well be. I do not want to be uncharitable, but it seems remarkable to me that Mr Stevenson can find dreadful things wrong with the Aboriginal community and not with the white community or the Vietnamese community or any other community. It is almost as if the Aboriginals are incapable of looking after themselves, which I am sure they are not. It almost smacks of racism, but nevertheless - - -

Mr Stevenson: I clearly said that it was the Aboriginal people who had said that, as you know.

MR DUBY: I do not dispute that.

Finally, we heard the comments of Mr Connolly, who said that the legislation could result in banning videos anywhere. It is almost as if he is opposing the legislation because of some libertarian view that this is a backhanded way of banning X-rated videos. This is typical of the man. He knows perfectly well what the Government's intentions are. We have made those clear; there have been editorials on these various issues. For him to say that this is somehow a backhanded approach and therefore Labor will oppose the Bill flies in the face of reason. Not three hours ago I asked Mr Connolly the Labor Party's view on this Bill and the other Bills and he assured me, "Oh, yes, we will be supporting this one; don't you worry".

Ms Follett: You liar, Craig. That is a lie!

Mr Connolly: I said, "I don't think we will be opposing it".

MR DUBY: It is not a lie, and I would like that comment withdrawn.

MR SPEAKER: Order! I would ask you to withdraw that, Ms Follett.

Ms Follett: Well, Mr Speaker, I think I am speaking the truth.

MR SPEAKER: Order! If you wish to make that claim from the chamber, you must do so with a substantive motion.

Ms Follett: All right, I will withdraw it.

MR DUBY: You have already heard that Mr Connolly is going to weasel out of it. His explanation was that he - - -

Ms Follett: Mr Speaker, I ask that that be withdrawn, too. It is an imputation.

MR DUBY: Not three hours ago Mr Connolly told me that the Labor Party would support this Bill.

Ms Follett: I raise a point of order. Mr Duby said that Mr Connolly was about to weasel out of it, Mr Speaker. It is a clear imputation that he is not about to tell the truth.

MR SPEAKER: I did not read that imputation into it.

MR DUBY: It does not imply anything whatsoever and I implore Mr Connolly to tell the truth.

MR SPEAKER: Order! Mr Duby, that was an imputation that he would not normally tell the truth. Please withdraw it.

MR DUBY: I refute that there was any imputation whatsoever. I withdraw it unconditionally, whatever the phrase may be. I cannot wait for Mr Connolly's personal explanation; that is all I can say.

Mr Speaker, this Bill is actually a landmark in Australian legislation. It is the first time that these X-rated products will be regulated in a fashion which is acceptable to the whole community and is not hypocritical. The legislation will also allow for the first time in the ACT - and, I believe, in Australian jurisdiction - these illegal practices to be stamped out. These approaches have not been adopted anywhere else in the country, to my knowledge. We only have to read, as I am sure we have all done, the various advertisements in national magazines advertising X-rated material, not just available through the post from Canberra but also from places in Sydney, Melbourne, Tasmania, Perth, Adelaide and the Gold Coast - all places where this material is totally banned. There are supposed to be substantial penalties for its distribution.

5 June 1990

Mr Speaker, this legislation will provide a real incentive for the Government to ensure that the industry here is regulated. I want to make it perfectly clear that the industry here has been legal. Sometimes people talk about the Adult Video Industry Association and its members as if they were somehow criminals. They are not criminals and they have been complying with the letter of the law as it applies here in the ACT. They will continue to comply with the letter of the law as it applies here in the ACT with the passage of this legislation.

With the passage of this legislation, government representatives from the ACT will be able to face other government representatives from around this country, look them in the eye and say, "At least we're not hypocrites; at least we've accepted the facts, we've regulated the industry, we've been responsive to community concerns and we're doing something about it". We are not trying to ban products and thus we are not being total hypocrites. We intend to enforce this legislation. If people are discovered distributing, selling or hiring this material anywhere but in the restricted areas that the Attorney-General will promulgate in his regulations, the full force and penalty of the law will be invoked.

For that reason I endorse the Bill. I am amazed - absolutely flabbergasted, actually - that the Opposition and in particular the Labor Party will oppose this Bill. It flies in the face of all logic and all past performance. I endorse this Bill absolutely.

DR KINLOCH (9.04): This is a very difficult issue. I would like to commend a number of colleagues. I thought Mr Moore spoke very carefully and thoughtfully about the R-rated matter and, indeed, I am very sympathetic to what he said. I hope in due course we will be dealing with that. I am also very sympathetic to Mr Stevenson's views. We do not agree on everything, and, although I find it interesting that sometimes he turns out not to have represented the things he is said to have represented, I think we should honour his courage and independence in this matter, as Mr Duby has recognised.

On the particular matters he referred to, I would ask all members to note an article in the Sydney Morning Herald on Saturday, 2 June. I find this one of the most extraordinary pieces of film criticism I have read. It is by Richard Neville. He talks about the film, "The Cook, The Thief, His Wife and Her Lover". The title of the article is "The Cook, The Thief, His Wife, and The Old Hippy" - a reference to Richard Neville.

Richard Neville of Oz was, of course, the great libertarian, the great defender of getting away from some older standards that used to apply in Australia - indeed, in the Australia I saw when I first arrived here. In this extraordinary article Richard Neville's approach is the reverse of his approach 30 years ago to various kinds of

film and written material which some of us would regard as disreputable.

By the way, I am not suggesting that this film is disreputable, because I have not seen it yet. However, here is the old hippy, if you like - Richard Neville - coming out on this issue and, in the last section, dealing with the matter that Mr Stevenson raised. I will not quote it all, but the last two paragraphs deal with the problems of Aborigines in Aboriginal communities faced with the dilemmas in their communities as a result of the importation of X-rated videos. Here is an extraordinary source for that material, an extraordinary article.

The final gist of Richard Neville's point of view is, really: have we gone too far; have we reached the point where our society has become so libertarian, so committed to accepting almost anything that we have gone beyond the bounds of decency? Richard Neville is saying this. So I think we should listen to a good deal of what Mr Stevenson has to say.

I am much intrigued by Mr Connolly's points and I wonder whether something is going to happen there that I do not know about. Finally, I suppose, I am having to recognise that there is the purist position, the best possible position that one would want, and here we cannot have that. We have already lost that. What I am looking for is the best possible position under the circumstances. I recognise that this Bill gives a possibility for some move in that direction. I do not think it is the best possible, but I think it is the best possible at the moment.

MR BERRY (9.08): I did not intend to speak on this matter either, but a couple of matters have been raised in the course of debate that really require some attention. The first, of course, is the issue of hypocrisy. At least six of the 10 members opposite have done a complete turnaround in relation to this matter. I guess that has been well reported in the media. However, I think it needs to be mentioned briefly again.

I was interested to hear Mr Duby, who has now left the chamber, talking about people being two-faced on this issue. He was talking about the Labor Party and its approach to these matters. Very clearly, the Labor Party's position relates to prescribed publications areas where there are certain restrictions about the display and sale of this sort of material. But the only two faces that Mr Duby saw were the two he saw in the mirror when he was on his way down here. I think Mr Duby is suffering from a case of blurred vision.

I can understand Mr Stevenson opposing this Bill, because under the proposed new section 19A of the principal Act Mr Stevenson will not be able to pull any of his stunts any more - that is, to encourage a minor to obtain an X-rated film. Under this proposal he would be prohibited from

5 June 1990

doing so. Given his history of pulling stunts, I can understand why he opposes this legislation which prevents him from doing that.

The other issue that I think should be dealt with is where these publications ought or ought not be. In all of the correspondence that I received, there was not a single letter that said they should be at Fyshwick or Mitchell or some other light industrial area. Therefore, I think it is just window-dressing for Mr Collaery to run that sort of matter up the flagpole because it really is a furphy. He is just squirming and trying to occupy a different position from that of the Labor Party. As Mr Connolly said, this legislation will allow the Government to ban these sorts of publications by doing, as he quite rightly put it, what the Government does best - and that is nothing.

Mr Stevenson is back in the chamber now, so I can give him a bit of a grand plan on how he might be able to handle the Government in relation to this issue. I will give him two or three free kicks. First, Mr Stevenson may wish to put pressure on a few of the Government members. On past performances in this place, it has been seven to three against. So, if Mr Collaery tries to make a decision about the regulations, he will be outnumbered. So, Mr Stevenson, there is your first chance. If you get stuck into Government members again, make sure that they put the pressure on Mr Collaery when it comes to making the regulations. You can do it outside this piece of legislation and I will have a small wager that the result will be seven to three against.

Even if the regulations do get through, you can have another lash because you can then move to disallow them. I can see two or three free kicks here because of the ineptitude of the Government in putting forward this piece of legislation. Basically what it boils down to is a number of free kicks to Mr Stevenson and a chance for the Government to cop out by doing nothing. I say that this is another one of Mr Collaery's schemes whereby he can lose on the issue of X-rated videos and blame somebody else, as he does with a whole range of other matters.

MR COLLAERY (Attorney-General) (9.13), in reply: I thank members for their comments. I have tried to distil the rhetoric from the factual points about the Bill. I will move to what I see as factual comment initially and I will come back perhaps to the rhetoric to round off my speech. Mr Moore asked why the Bill was being brought in so quickly. I think he used the words, somewhat ironically, "indecent haste".

Mr Moore: I did indeed.

MR COLLAERY: He indicated that there seemed to be a rush about it. There has been a very long debate in the community and nationally about this issue. It has probably brought little credit to the ACT overall and it is as well

that the debate be put away and that those policies that the Alliance can implement be implemented. I have heard my Liberal colleagues indicate that, were they to have their way, they would introduce a complete ban and, as the community widely knows, it has been Residents Rally policy since before the election to secure at least the withdrawal of this material to the non-family-accessible areas of Fyshwick. My colleagues in the Independents Group within the Alliance structure also support that view.

To those who believe that there has been indecent haste I point out that there has been enormous notice served on the industry and the community that, failing a ban, there would be a likely restriction of this material to the industrial suburbs. Very few issues could have been more broadly disseminated and publicised than this in both the immediate and the national community. Therefore, I do not accept that there has been undue haste. However, if there is a perception of haste, then perhaps it is due to the fact that the sittings cease this week and there would be a very long, divisive delay until the next sittings. It may well be that that could have been a factor in some minds, although it was not in mine.

Ms Follett mentioned the R classification as lacking in the approach on this Bill. The Assembly knows - and I have been completely frank about tabling the correspondence with the Federal Attorney-General, Mr Duffy - that this is an issue that I am addressing at the moment with the Federal Attorney and will be raising, hopefully with success, at the censorship Ministers and State Attorneys meeting in a week or two in Alice Springs.

The R classification requires an amendment to section 19 of the Publications Control Act, the parent provision. What amendment could we possibly bring in at this stage unless we secured another classification, perhaps the RV category, as we are seeking? It is not possible to effectively legislate in the R category, lacking constitutional powers as we do, until the Commonwealth gives us that further classification.

We have already indicated on this side of the house that we support the Leader of the Opposition's motion, which I believe is still extant on the notice paper, to create that further R classification category or to deal with it in an appropriate fashion. That is the honest explanation as to why we have not dealt with R at this stage. It is practically impossible and it is not timely, considering the potential for getting the further category in June by pressure from all State Attorneys on the Federal Attorney. I might say - and I hope this Hansard report is drawn to his attention - that he would ignore the strong wishes of the State Attorneys at his peril.

The Leader of the Opposition also raised the point that the Bill did not explicitly state the prescribed areas. Well, as my legal colleagues in the chamber would appreciate, the

5 June 1990

whole structure of legislation in our country is that movable feasts are prescribed rather than inscribed. The fact is that our industrial suburbs may change over time; they may become residential suburbs; things may happen. It is an accepted drafting style and practice to prescribe issues of detail by regulation.

Mr Speaker, I table now the draft regulations which I propose to introduce perhaps tomorrow or as soon as the printing can be done after this Bill is passed. I table those draft regulations for the information of members and as a sign of the Government's good faith in that regard. No doubt we will be held to those by the industry.

Ms Follett also asked why we knocked out Mr Moore's Bill when it largely reflected some of the principal provisions of this amendment now before the house. The straightforward answer to that is that Mr Moore's Bill preceded the banning debate, and those who know the structure of the views in the Alliance will realise that it was clearly not appropriate for us to support Mr Moore's Bill in advance of the Liberal Party and others in our Alliance wanting to press their point of view in the free conscience debate in that regard.

The problem with Mr Moore's Bill was less substance and more sequence. Of course, our Bill is modelled to some extent on Mr Moore's Bill. I do join with him in the comments that he made in the first debate when he said, "Let us not be hypocritical on this issue". I endorse Mr Moore's approach on the issue. His Bill was out of sequence as far as the Alliance was concerned, but not out of form. Since then we have had the unfortunate event, in which a member of the Assembly appears to have been involved, of a minor gaining access to an X-rated video. As a result, we have amended section 19A of the principal Act to ensure that not even for political purposes should we access this material to a minor.

I am happy to move on to Mr Stevenson's comments about the Aboriginal communities having access to X-rated material. I am very amenable to any suggestion that Mr Stevenson or anyone in the community wants to put to me to prescribe or proscribe access by any Aboriginal communities in the ACT identified within the purview of our Bill and to invoke our powers to prevent any such access, if it is acceptable to that community. If Mr Stevenson can convince the community, then the power of prescription is there. He may have to go a long way to do it.

We have had a clear indication from Mr Stevenson that he may seek to see the prescriptions enlarged to ban access to this material by other Australians. That is not a practice that I will personally support, but it is there if he wants to press the issue. Mr Stevenson also said that we failed here to prevent the mail-order aspect. That rests with the Federal Parliament. As members will know, Senator Harradine's attempts last year to alter the postal

regulations failed by a very narrow margin. That lies wholly with the Commonwealth. We are doing in this Territory what we can with respect to this material.

Mr Speaker, the debate on this Bill has again raised the same issues that we heard before. In a perfect world, there would be no need to have any laws, but we do not live in a perfect world. We must also recognise that we have a community which has different views on what is an appropriate moral standard for all of us. A moral standard, however, often demands more obedience than a law. We must use our law-making powers wisely to attempt, as far as possible, to balance the interests of all members of the community. In truth, the interests of some of our fellow residents may not be to our liking but our response should be measured, lest we trample on fundamental rights. I personally have no time for X-rated videos, but they fill a need for some of our residents who want the freedom to view them in the privacy of their own homes.

Once outside those homes, the matter becomes the subject of necessary regulation. This Bill provides tighter regulatory controls in some areas of the X-rated industry. Interest in X-rated videos is not confined to the ACT. Some 90 per cent of the trade in the ACT is for interstate orders, of which some 75 per cent is by mail order.

In the United States there is reported to be a new market for what is termed "feminist erotica", or X-rated romance. These are sexually explicit videos of consenting adults where the emphasis is on romance. In an article in the Sun Herald on Sunday, 3 June 1990, a producer of these videos is quoted as saying that the videos focus very little on the actual sex act itself. I find this article a useful example to support my view that the Chief Censor should be introducing new guidelines to remove the trash from the X-rated classification. I do not dispute that the censor is applying the current guidelines in the correct manner, but I think it is time that this classification was reviewed.

The ACT should have a strong say in what should be permitted in the classification since it is seen as an ACT industry. If the Commonwealth is reluctant to do this, then it should give the classification power to the ACT. All that is required is for the Commonwealth to make regulations under the ACT self-government legislation to give us that power.

Mr Speaker, the Bill before the Assembly contains a provision which specifies that it is a condition of the sale and distribution of X-rated videos that such sales or hire will be confined to prescribed areas. There is no need for this material to be available on an open-ended basis in the Territory. The industry will have to accept that the wider community prefers these outlets to be restricted, not only in terms of product availability but also in terms of location.

5 June 1990

I am advised that there has been an incident where a female resident of a nursing home in Queensland received unsolicited advertising material from an X-rated video outlet in the ACT. No longer should an unsuspecting member of the public receive unsolicited mail which contains advertising material which may offend, without a fair and reasonable warning.

The Bill will compel video outlets to place their advertising material in a sealed envelope which carries a warning. That envelope will be inserted in the mailing envelope. I accept the view put to us tonight by my colleague Mr Jensen about the actual type size of the warning - that clause 7 of the Bill should contain a direction as to the size of the printing. I table a copy of the current warning being circulated by the video industry under the AVIA guidelines and I invite comment as to whether the size of that printing would be suitable.

The Bill will compel video outlets to place their material in a sealed envelope with that warning. That envelope will be inserted in a mailing envelope and the X-rated industry will be held, under penalty, to that procedure. At the moment it has a self-imposed regulation, but there seems to be some breach of it occasionally.

At the time of the previous debate on the private member's Bill introduced by Mr Stevenson, I was subjected to criticism in the Canberra Times from the parents of a minor who had been assisted in obtaining an X-rated video. That incident was orchestrated to show that the present system is fallible. In my view, no adult should assist a minor to obtain X-rated material, for whatever reason. Consequently, there is a need to impose a new offence of assisting a minor to obtain this material.

I recognise that the principal Act already exempts parents and guardians from penalties, presumably on the basis that in a home environment access can sometimes be inadvertent. This is a legislative approach inherited from the Commonwealth. Maybe there are other examples where parents are illiterate or unfamiliar with the English language and they simply use the child to order the material. I am not altogether happy with this provision and I ask parents and guardians not to exploit this exemption.

For all new orders and where there is reasonable doubt, X-rated video outlets will be required to seek confirmation of the age of the purchaser. This in itself may also serve as an effective practical restriction on parents or guardians using a minor to obtain restricted material. The industry must recognise its obligation to prevent, as far as possible, any minor from ordering this material. Reasonable measures to make the industry tighten up on checking the age of purchasers is no more than that which is imposed on other industries such as tobacco.

For video outlets outside the prescribed areas the Bill provides a transitional period of two months to enable stocks of X-rated videos to be disposed of, but only on a wholesale basis and not on a retail basis, between 1 July and 31 August 1990.

Question put.

The Assembly voted -

AYES, 10

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

NOES, 6

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Adjournment

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

MR CONNOLLY: Mr Speaker, I claim to have been misrepresented. During the preceding debate Mr Duby told the house that I had assured him earlier this evening that the Labor Opposition would support this Bill. My recollection of that incident - and I did relay it to my party leader shortly afterwards and that is why Ms Follett objected most strenuously to Mr Duby's remarks - was that on leaving the Assembly I entered a lift in which Mr Duby was present. Mr Duby said, "How will you be voting on the Bills?". To my mind that meant the package of three Bills coming up this evening. My recollection was that I said to him, "I am not sure, Craig, but I think you will find we will not be opposing them" or "I think you will find we will not be against them".

5 June 1990

We have, as Ms Follett explained, a problem with one clause in this Bill, particularly complicated for the reasons I explained in my speech, which had come to my attention rather later. To the best of my recollection, my words were, "Taking the package of Bills as a whole, I think you will find that we will not be opposing them". In fact, we had a problem with one clause. I did not give a specific assurance of support for a Bill.

Detail Stage

Clause 1

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

That the debate be adjourned.

MR COLLAERY (Attorney-General) (9.37): No, the Government does not agree to that motion.

Question resolved in the negative.

Clause agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4

MS FOLLETT (Leader of the Opposition) (9.38): I wish to speak against the adoption of clause 4, particularly subclause 4(b). It relates to the addition of paragraph (f) in section 19(3), which is the part of the Bill to which I referred in my remarks earlier which deals with the film not being published "otherwise than on premises in a prescribed area". I suggest that what the Bill actually says is completely different from what Mr Collaery said when he presented the Bill. At that time he said that the restriction of sales and distribution of X-rated videos would be to the industrial areas of Canberra - Fyshwick, Mitchell and Hume. Quite clearly, this section of the Bill does not do that. We have heard from Mr Collaery that it is his intention to draw up regulations.

Mr Collaery: I tabled them. You are misrepresenting me again.

MS FOLLETT: I do not believe I have those regulations, so we have only Mr Collaery's word for it at this point that that was the intent of them.

Mr Collaery: I cannot legally table them until you pass the legislation. I tabled the copy; I will table the regulations on Thursday.

MS FOLLETT: Nevertheless, the fact remains that there is nothing in this Bill that refers to Fyshwick, Hume and Mitchell. Furthermore, in his concluding remarks Mr Collaery himself referred to the restriction of sale and distribution as being to industrial suburbs. But again there is nothing in this Bill referring to industrial suburbs. There is nothing in this Bill that restricts the sale of these publications to those kinds of suburbs. Further, Mr Speaker, Mr Collaery in his concluding remarks referred to industrial suburbs as "movable feasts". He said himself that they may change from time to time. I therefore believe that we are really putting far too much trust in Mr Collaery's regulations and far too much credence on his undertaking that the X-rated videos will be restricted to Fyshwick, Hume and Mitchell.

I think that the drafting of the Bill, as it is now, is misleading, that it does not spell out what was clearly Mr Collaery's intention in bringing this Bill forward. The particular part that provides us with those difficulties is clause 4, so we will oppose that part.

MR DUBY (Minister for Finance and Urban Services) (9.40): What we have here is a prime example of somebody wanting two bob each way. It must be remembered that in proposing this amendment to the Bill, the Labor Opposition - - -

Ms Follett: What amendment?

MR DUBY: In foreshadowing this amendment on which she just wasted so many minutes of the Assembly's time - - -

Ms Follett: I did not foreshadow any amendment. Idiot, sit down!

MR DUBY: Mr Speaker, I would ask that that comment by the former Chief Minister be withdrawn.

MR SPEAKER: Order! I did not hear the comment. Ms Follett, would you repeat the statement?

Ms Follett: Mr Speaker, I called him an idiot, as he is quite clearly speaking to the wrong amendment at this point in the debate.

MR DUBY: Mr Speaker, I have an amendment in my hand which is unsigned. I believe I just heard the Leader of the Opposition support it.

MR SPEAKER: No, Mr Duby. That amendment has not been moved yet by Mr Moore.

MR DUBY: Well, we understood it was being moved by the Leader of the Opposition.

Mr Kaine: On a point of order, Mr Speaker; I would think that Mr Duby is entitled to misunderstand because there is an amendment on the table which is unsigned and which talks

5 June 1990

about the very clause that the Leader of the Opposition was talking about. I must say that I am unclear, and she can call me an idiot too, if she likes.

Mr Moore: On a point of order, Mr Speaker; I point out that you and the Clerk have a signed copy of my amendment and, when I speak, I will move it.

Mr Duby: Further to that point of order, what in God's name was Ms Follett addressing?

MR SPEAKER: Order! I will clear up this matter. Ms Follett spoke to clause 4, but she did not speak to the amendment. In the circumstances, perhaps Mr Duby would defer to Mr Moore so that he can move his amendment.

MR DUBY: Certainly, Mr Speaker.

MR MOORE (9.44): Thank you, Mr Speaker, that really does seem a practical way to clarify the issue. Mr Speaker, I move:

Page 2, line 18, at the end of proposed paragraph 3(g) add the following paragraph:

"; (h) in this section 'prescribed area' means the Division of Hume in Jerrabomberra District, the Division of Hume in Tuggeranong District, the Division of Fyshwick in Canberra Central District or the Division of Mitchell in Gungahlin District".

Those words have come, with very little modification, from the words drawn for me by the Law Office when I proposed my Publications Control (Amendment) Bill 1990 [No. 2] which was defeated in this house. The words are relatively complicated because they are required to ensure that all of those districts are covered. It seems to me that that will clarify and resolve the problem which is presented by the Opposition and which I share - that the restriction ought not be made by regulation.

Mr Collaery says that he has tabled regulations that clearly designate the areas as Fyshwick, Mitchell and Hume, but it could well be that next week he will not be in government and, if that is the case, somebody else may put a - - -

Mr Kaine: You might wish that.

MR MOORE: That could well be. If this matter about misleading is pursued, he may not be Minister next week. Then who knows exactly what will happen? Under these circumstances somebody else could make the regulation. I believe we could all be much more confident if the Government would accept this simple amendment which achieves the same goal that it seeks to achieve. At least there is agreement about accepting those areas into the legislation.

I should explain the reason for the wording of the part of my amendment which relates to Hume. Some of Hume happens to be in the Jerrabomberra district and some of it happens to be in the Tuggeranong district; that is why the two districts need to be spelt out. I think this is quite a sensible and rational way to handle this particular problem, and it should cause no anguish at all for the Government.

MR DUBY (Minister for Finance and Urban Services) (9.47): I believe that finally I have the opportunity to speak to this amendment. I could have sworn that this was exactly the same motion that the Leader of the Opposition suggested the Labor Party would support. I would be very surprised if its members do not support this particular amendment.

As I started to say before, Mr Speaker, it appears that the Labor Party will want two bob each way on this. First of all, it is opposed to the Bill because it restricts things to areas and now it wants to support this amendment to restrict things to particular areas. The reason that Mr Moore has moved this particular amendment and the reasons that he has enunciated in his eloquent support for it are, frankly, insulting to the Government and to this Assembly. The Attorney-General has given an undertaking and has tabled a copy of the very documents which he will produce in this house on Thursday which specify exactly the areas in which the Government intends that X-rated videos shall be distributed. As I said, I find this amendment an insult, first of all to this Government and secondly to the integrity of the Attorney-General. Naturally we will oppose it.

MR MOORE (9.48): If the Government does wish to take this as an insult then that is fine; I think it is quite appropriate that it does. We have certainly seen Mr Collaery turn about and fail to keep promises on previous occasions so I do not see why he should - - -

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

MR MOORE: For the benefit of the house, Mr Speaker, I will withdraw it. If that is the way the Government wishes to take the amendment then that is fine. But let me warn the Government that what it is doing here by pushing this legislation through tonight is possibly bringing about another debacle like the fluoride debacle. There has not been enough time for people to look at this thoroughly. It is a matter that does not require the sort of urgency that the Government seems to suggest.

Mr Kaine: Well, why are you moving an amendment to put it into place now if it is not urgent?

MR MOORE: Because at the start of the detail stage I quite clearly moved that the matter be adjourned until Thursday.

5 June 1990

That was not supported, so I am trying to make the best out of it that I can. At least I have enough sense to do that, and at least I have been consistent in all my moves. I think this is a perfect opportunity to reinforce the Chief Minister's notion. He perceived himself as an idiot before certain events occurred and I would just like to reinforce that.

Mr Kaine: I did not say that I perceived myself as an idiot. Do not misquote me, Michael. You are getting as bad as your Labor mates.

MR MOORE: Yes, you did, and I agree with it - on this issue.

MR BERRY (9.50): The Labor Opposition is opposed to this particular section of the legislation for the reasons that have been espoused by the Leader of the Opposition. In addition, the Labor Party is opposed to these general proposals of the Government because they are really the result of a search for something different - no more than that. This legislation achieves exactly the same end as that which would have been achieved had the restrictions been placed on premises in whatever suburb they were operating. What it boils down to is a form of censorship by another means, and that is what Mr Collaery is on about.

There is another issue here that I think will at least create some public interest again in the Publications Control (Amendment) Bill, and that is how the Liberal Party members perform in relation to the regulations which Mr Collaery has promised to make at some time in the future. I suspect that the Liberals will now not be able to say that it was not their fault, it was Bernard Collaery's, because they have it in their hands to do what they wish about X-rated videos. In fact they probably have it in their hands to implement their own policies now because, on my count, they have the numbers in the Government. This is an issue that will be under the microscope, particularly because Liberal voters will put their members in some difficulty over this. I am sure that Mr Stevenson will make sure that Liberal members are in difficulty, just as he will make sure that Mr Collaery is in a bit of a spot as well.

The proposed amending Bill is no more than humbug. It is about a government searching for a position which is different from that which was put forward by the Labor Party in the original Bill. I have to say that the Labor Opposition will not support censorship by any other means, and in particular by the means proposed by Mr Collaery.

Amendment negatived.

Clause agreed to.

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

Question put:

That the Bill be agreed to.

The Assembly voted -

AYES, 11

NOES, 6

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

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

Question so resolved in the affirmative.

Bill agreed to.

BUSINESS FRANCHISE ("X" VIDEOS) BILL 1990

Debate resumed from 31 May 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this Bill concurrently with the Taxation (Administration) (Amendment) Bill (No. 3) 1990? There being an objection, that course will not be followed.

Suspension of Standing and Temporary Orders

MR MOORE (9.59): I move:

That so much of standing and temporary orders be suspended as would prevent orders of the day Nos. 2 and 3, Executive business, being debated cognately.

In order not to waste any more money or time, I think that it would be in the interests of the Assembly and the public to take these matters together. I believe that that is the appropriate course of action in this instance. If there is an overwhelming reason why they should not be debated cognately, no doubt Mr Stevenson will present it and then the move to suspend standing orders will be defeated.

5 June 1990

MR DUBY (Minister for Finance and Urban Services) (10.01): The Government supports the motion to suspend standing orders, as moved by Mr Moore. It is clear that these matters should be discussed as one, for various administrative and time-saving reasons.

Question resolved in the affirmative.

BUSINESS FRANCHISE ("X" VIDEOS) BILL 1990

[COGNATE BILL:

TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 3) 1990]

Debate resumed.

MR MOORE (10.02): I made a rather long speech when the Labor Party introduced a similar Bill, and I think that, as far as the in principle stage goes, those arguments still apply. I think that it is appropriate for us to see this as a method, in principle, of taxing the X-rated video industry. Since restrictions have been put on the industry by the previous Bill, I believe that it is now appropriate for us to take action so that this business, like all businesses within the ACT, contributes to our funds. It is appropriate that a method be found to facilitate that.

I have a number of concerns that I wish to raise now and I hope I will receive a response to them, as indeed I had responses to some of my earlier concerns. I raise the first of those concerns - the 40 per cent - now, rather than at the detail stage so that I can get a response in terms of the principle.

I am concerned that the initial hit of 40 per cent may be too great for the industry to wear. Certainly, I have had approaches that it will, in effect, drive the X-rated video or the pornographic industry underground and then we will have a real concern about the emergence of violent erotica and other forms of erotica that are already banned by the Chief Censor, as opposed to the non-violent erotica that is available.

I have made it quite clear in a series of speeches - as have all members - that I am opposed to movies that are not categorised by the censor. In introducing our restrictions, we have to be careful that we do not encourage the industry to go underground and thus bring about an increase in violent erotica. We are all very concerned about that.

It may well be that in a short while we will see that the industry can wear, stage by stage, a 40 per cent tax, but I think that in the initial instance we should start at a figure of about 20 per cent. I also think it is important to note that there has been a very short discussion time on

this percentage and it is most important that that matter be dealt with. It should be explained why we have suddenly adopted 40 per cent, when the understanding certainly has been that a tax would start - and I emphasise "start" - at 20 per cent. That is my first concern.

My second concern is that I have seen a press release issued today by the Adult Video Industry Association which stated that it would be challenging the ability of the Territory to tax this particular industry in this way. I have some concerns about that, because it could bring not only the Government into disrepute - which I do not have a great deal of concern about - but also the Assembly as a whole into further disrepute, if such a course of action were to have any chance of succeeding. I ask the Attorney-General to assure the house that such a challenge has absolutely no chance of succeeding, that he has had enough time to take appropriate legal advice, and that there is absolutely no risk at all.

I would request him to do that to the extent of putting his own position on the line, because I think it is a serious matter if taxation is brought into disrepute. If at this stage we do not know for sure that we are on solid, legal ground and if we do not have the appropriate advice, then it is incumbent upon us to adjourn the debate on the detail stage until Thursday. I foreshadow that I will be moving a motion to that effect.

MS MAHER (10.06): I wish to speak in support of the Bill and say that we did not introduce these measures until the legislation controlling and regulating the industry, especially the availability of X-rated videos, had been put in place. No longer will such videos be available at local shopping centres or near schools. We will move outlets for X-rated videos from residential areas.

The introduction of a business franchise in relation to X-rated videos should be seen in the light of taxing a significant, already legal, ACT industry with minimal impact to ACT residents. I know from my colleague's introductory speech that the ad valorem licence fee will be 40 per cent, rather than the 20 per cent proposed by the former Labor Government when it tried to introduce similar legislation last year.

This is a significant measure when considering the Territory's current financial circumstances. In actual fact the impact on ACT residents will be a productive one. The obvious benefit in taxing the industry in this fashion is that it is compatible with existing tax legislation, and as the franchise fee is imposed at the wholesale level, which is the same level as for sales tax, minimal additional records will be required to be kept by the industry. It is also worth noting that, as two taxation bodies will be auditing the same records, a more than satisfactory level of compliance should be ensured.

5 June 1990

The franchise schemes already in force in the ACT in the areas of tobacco and petroleum are proven and effective revenue raisers. However, there still may be opportunities for avoidance of licence fees. This Bill deals with the possibility by introducing an up-front ad valorem licence fee, payable prior to the granting of each monthly licence.

In conclusion, the estimated \$4m in fees anticipated from the X-rated video business franchise scheme will provide important additional revenue which will help the Alliance Government to balance the 1990-91 budget and future budgets. It will also contribute to the continuation of the high standard of service provisions that the Canberra community is used to. I commend the Bill to the Assembly.

MR STEVENSON (10.09): The fact that the industry will be taxed if this Bill is passed makes X-rated videos in Canberra, and hence around Australia, legal. The majority of members of the Alliance Government made that claim vehemently when they joined with me to form the majority to vote against and defeat the Labor Party tax on X-rated videos.

Why is it a problem to make X-rated videos legal? Since we last had our debate, a New Scientist article has given a quite extensive indication of the problems. Perhaps one of the major ones is the study that a number of people have used in this Assembly to suggest that there is nothing particularly wrong with X-rated videos. That was the Kutchinsky study in Denmark, which showed that sex crimes had decreased somewhat after the restrictions on pornography were drastically reduced.

It mentions here that minor crimes such as indecent exposure and peeping did indeed fall but serious crimes such as attempted rape and rape increased. I think that puts the case better than anything else because Kutchinsky is the one study that is used by those people who try to suggest that X-rated pornography does not cause harm and that any statement to the contrary is ludicrous and appalling.

Indeed the Australian Institute of Criminology totally misrepresented the matter in a media release of 23 April when it said that, while there might be some evidence to suggest that violent sexual movies might cause some antisocial behaviour, there was no evidence that "normal, loving, sexual relationships" did so. Indeed, there probably is not. Nor would there be for playing ping-pong or holding hands. But what "normal, loving, sexual relationships" have got to do with pornography or X-rated videos only the institute would be able to explain.

I issued a media release at the time indicating that that press statement was absolutely misleading, and the fact that the institute would use its position as supposedly an authority in the area and public funds to so misrepresent the situation showed that perhaps it had gone for far too long without peer review.

Mr Speaker, I will oppose the Bill. It goes a long way towards legitimising X-rated videos in this town and I can only but agree with those many members opposite who fought with me against such attacks.

MR DUBY (Minister for Finance and Urban Services) (10.13), in reply: Before I close the debate on this Business Franchise ("X" Videos) Bill and on the Taxation (Administration) (Amendment) Bill, I would like the Hansard to record that not one member of the Labor Party is in the chamber at this moment. Only last week I heard Ms Follett on a radio program criticising this Government for not taking the hard decisions that are required in order to address the issue of not only cutting costs but also raising revenues. One of the particular items that she mentioned was that we did not have the guts to do something about X-rated videos.

Mr Speaker, I think we know now where the courage of Labor members' convictions is. It is in their meeting room, and they are probably having a lobby now to determine whether they can vote for it or agin it. Either way they do not want their comments to be recorded in Hansard. In looking at these two pieces of legislation, one must realise that, in effect, they must really be taken in conjunction with the Bill that was passed earlier this evening - namely, the Publications Control (Amendment) Bill - which has tightened up and regulated the sale, distribution and hire of X-rated material here in the ACT.

Mr Speaker, this has been a matter of community concern for many, many years, and now that that Bill is in place the community can be reassured that their genuine concerns are being addressed. I think it is very important that this Government also address the issues that are concerning other members of the community, particularly the financial state of affairs in which we find ourselves. This state of affairs has many causes, one of which is the stewardship demonstrated by the previous Labor Government.

The Business Franchise ("X" Videos) Bill will facilitate the introduction of a business franchise scheme in relation to the X-rated video industry in the ACT. The purpose of that is to raise revenue from the industry while at the same time providing an additional level of regulation, even more than is currently exhibited within the Publications Control Act. The Bill provides evidence of the Alliance Government's commitment to balance the 1990-91 budget while at the same time addressing those community concerns on the adult video industry in the ACT which I mentioned earlier.

The essential elements of this package include that distributors of X-rated video material in the ACT are to be licensed; that licensed distribution outlets are to be restricted to the individual suburbs of Hume, Mitchell and Fyshwick; that the licence fee for each premise used for the distribution of X-rated video material is to be levied

5 June 1990

at \$50 per month; that the ad valorem franchise fee of 40 per cent will apply to the wholesale value of X-rated videos distributed in the ACT; and that unlicensed trading in X-rated videos is an offence that will be prosecuted vigorously.

The scheme will generate approximately \$4m in revenue with limited impact on ACT residents. Earlier tonight, we heard from my colleague Mr Collaery that something like 90 per cent of the trade in X-rated material is out of the ACT. So here we have a revenue-raising proposal which will go a long way towards providing much-needed community services, and we will attract this revenue not from the residents and ratepayers of this city but from people outside the ACT altogether.

This is a cognate debate and we are also addressing matters affecting the Taxation (Administration) (Amendment) Bill. For the record I would just like to recap that this Bill adds the X-rated video business franchise scheme to the list of duties, taxes and licence fees administered by the Commissioner for ACT Revenue.

The inclusion of the Business Franchise ("X" Videos) Bill as a tax law will ensure that the commissioner has the necessary powers, firstly, to enforce the licensing of X-rated video wholesalers and retailers; secondly, to inspect appropriate books and records; and, thirdly, where appropriate, to seize stocks of X-rated videos held by unlicensed traders. The Taxation (Administration) (Amendment) Bill also includes appropriate objection and appeal provisions in relation to fee assessments and decisions taken by the commissioner. The passage of this Bill is therefore essential, of course, to the introduction of the X-rated video franchise scheme.

In the debate, Mr Moore raised the issue of whether 40 per cent was an appropriate level of taxation on this particular product. It seems to me that, if we can tax cigarettes and tobacco to the tune of 35 per cent and not have that industry screaming blue murder about going broke, I am pretty sure that we can put a similar tax at a similar level on a legal industry here in the ACT which I am sure will be able to bear the costs - - -

Mr Jensen: It has asked to be taxed.

MR DUBY: As Mr Jensen has interjected, in the past the industry has asked to be taxed - but not taxed as much perhaps as others have thought appropriate. Speaking as Finance Minister, I guess, if you have a tax and people do not squeal about it, you are not taxing enough. I am of the opinion that a 40 per cent tax is both appropriate and desirable for the benefit of the ACT. I commend the Bills to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

That the debate be adjourned.

Question resolved in the negative.

Clause agreed to.

Clause 2 to 6, by leave, taken together, and agreed to.

Clause 7

MR DUBY (Minister for Finance and Urban Services) (10.22): I move:

Page 4, line 11, add at the end of subclause (3) "within 7 days".

The reason for this amendment is to ensure the prompt return of the amended licence to the licensee and provide consistency of approach with subclause 8(3).

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 8 to 18, by leave, taken together, and agreed to.

Clause 19

MR STEVENSON (10.23), by leave: I move:

Page 7, line 30, subclause (1), omit "40%", substitute "400%".

Page 7, line 34, subclause (2), omit "40%", substitute "400%".

The reason for these amendments is clear. If the Assembly is going to derive income from X-rated videos, then let us make it a decent income. The Chief Minister said in an interview that, if the video companies wished to exist, they could pay the tax or leave the Territory. A 40 per cent tax on wholesale is, of course, next to nothing. I am sure that the people in the industry will not mind that at all.

Mr Kaine: Not according to the industry.

MR STEVENSON: Once again, I think that, in the debates on the X-rated issue over some period of time, we have found

5 June 1990

that most of what the industry says can be reversed and there we would have the truth. It is fairly easy for a couple of accountants and solicitors to restructure companies to fix the problem of a wholesale tax.

If it were a retail tax, that would be a different matter. It is very hard to lower your retail tax because then you have to sell the things for less money and you do not make as much money. So once again the 40 per cent is really a minuscule amount for an industry that indicates that it makes a great deal of money from this particular business they are involved in. I call on all members of the Assembly, in light of the concerns by Canberrans as to the closing of hospitals and the suggested closing of 15 to 20 schools, to reject the argument that this would solve the problems or, in the general words of Mr Kaine, they can leave the Territory.

MR DUBY (Minister for Finance and Urban Services) (10.27): First of all, the Government, naturally, is opposed to this amendment by Mr Stevenson. I think that one thing that Mr Stevenson has forgotten, in his last-ditch attempt - - -

Mr Stevenson: Why do you think it is the last attempt?

Mr Kaine: He said "last-ditch attempt".

MR DUBY: Yes. His last-ditch attempt to effectively ban X-rated material here in the ACT would be to impose a 400 per cent tax on it. Mr Stevenson seems to forget that the sale, distribution and hire of X-rated material here in the ACT is a perfectly legal and legitimate business. With respect to the industry, I can appreciate the howls of complaints we have heard from its representatives about the level of tax which we are imposing from zero. Frankly, we have looked at the level of revenue which we may be able to extract from the industry, the level of taxation we may be able to impose upon them, and we are of the opinion that, if we were to impose any more, if we can believe what people have told us in consultation, it may well impose such restrictions upon the industry that it would go out of business.

Mr Stevenson: I will take that chance.

MR DUBY: And, of course, this is exactly what Mr Stevenson wants to do. I should point out again that it is a legal and legitimate business here in the ACT and, like it or not, we are not in the business of putting business out of business. So, clearly, the Government will oppose this amendment.

Whilst I am on my feet and addressing this issue, I would also for the record refer to some other items that have been raised in this debate. Mr Moore raised the fact that there may be some constitutional difficulties in the Bill. Mr Speaker, the Law Office has categorically assured the Government that the ACT has all necessary legal and

constitutional powers to impose a business franchise scheme.

I would also like to clarify something for the record. When moving my amendment to clause 7, I gave as the reason for that amendment that we sought to ensure the prompt return of the amended licence to the licensee and to provide consistency of approach with clause 8(3). That provision is subject to a misprint and the clause which I was trying to provide consistency with was clause 8(2). So having set the record straight there, I would like to say that the Government opposes the last-ditch filibustering attempt by Mr Stevenson to insert a backhanded ban on X-rated videos.

MR MOORE (10.30): Mr Speaker, I am concerned about the suggestion by Mr Stevenson to substitute 400 per cent for the 40 per cent. Whilst I recognise his interest in doing so, my concern is that now that we have established the X-rated industry as a legal business within the ACT - - -

Mr Duby: It always has been.

MR MOORE: It always has been, you are quite right, but we have confirmed it, I guess, by some of our actions. It is quite clear that members who have supported this Bill or who have voted again and again to defeat Mr Stevenson's attempts have been concerned to distinguish between non-violent erotica and violent erotica. It would seem to me that this proposal would further increase the chances of driving this industry underground and bringing about the publication and distribution of the material that we are most concerned about. I refer to the material that combines both violence and erotica. For me and for many people in Canberra violence is of far greater concern than erotica. I am concerned about the notion of the combination of violence and erotica, which is what is distributed when such an industry goes underground. For that reason I now move as an amendment to Mr Stevenson's amendments:

Omit "40%" wherever occurring and substitute "20%".

In proposing this amendment I am very much aware of Mr Duby's notion that at this stage tobacco is charged at 35 per cent. What has happened with tobacco is that, apart from community attitudes, there has been a tighter and tighter taxing of tobacco products, which I think is quite right. The evidence is very clear about the damage that they do to people's health and the number of people that they kill.

In this particular instance, though, let me draw Mr Duby's attention to the fact that the tobacco taxation has been graded and has been introduced bit by bit. I have no objection to the X-rated industry being taxed 40 per cent, but I would like to see that being done stage by stage.

5 June 1990

From a purely economic point of view, if this happens to reduce the income to the ACT, I do not have a great deal of difficulty with that, provided that it does not have the effect of sending the industry underground. That is the risk that we are taking by introducing too much at a time. That is my concern and I would like the Government to take it into account.

I am delighted to hear that the Government Law Office has provided Mr Doby with a categorical assurance that there is no risk whatsoever to this, and I am sure that he has adopted that as his personal stance as well.

MR STEVENSON (10.34): I speak against Mr Moore's amendment. It proposes far too low a figure, but it does bring up an interesting point as to why there is a tax on, as Mr Doby calls it, this legal business of distributing, selling and hiring X-rated videos. Why is there not also a tax on cake shops, dress shops and other shops? I am sure that, as Mr Doby said, as businesses in the ACT, they pay all the normal taxes. So why is there to be a tax? Well, we all know the truth of that, although not many people have really looked at the idea. It is because it is an antisocial operation.

The suggestion is that, because it is antisocial, there should be a heavy tax as what this business creates in our society is not okay and in some way we will punish it economically. Well, I do not think a 20 per cent tax is enough punishment. Indeed, I do not think a 40 per cent tax is enough punishment, though the Alliance does. Mr Moore thinks a 20 per cent tax is reasonable punishment. The Alliance thinks it should be 40 per cent. I think a reasonable punishment for the antisocial activities they create in our society is, as I have already said, 400 per cent.

MR DUBY (Minister for Finance and Urban Services) (10.35): Mr Speaker, again the Government is opposed to this amendment. I would just like to point out that we do not regard a business franchise as a punishment tax whatsoever. The Government seeks revenue from whatever areas it may legitimately claim it, just as we claim franchise from the sale of tobacco products. As we have revenues coming into the Government from gambling and those areas and from the sale of liquor, we also have a revenue source in what we regard to be a legitimate business.

Mr Moore has argued that 40 per cent be dropped to 20 per cent. I should point out to him that the cost to the ACT community of doing that is \$2m. It is our view that that is unacceptable to the community and that that is money that can be well spent on other more productive areas rather than remaining in the hands of the industry. It is also our view that the industry can and will sustain a level of franchise of 40 per cent. We have no doubts at all that the responsible members of the Adult Video Industry Association of the ACT will certainly not be going

underground, as he seems to suggest they may well be. So, Mr Speaker, the Government is opposed to this amendment.

I think the record should show that from the outset of this debate the entire Labor Opposition has been absent from this Assembly. They have skulked, they have not had the guts to stand up and put their money where their mouth is, if you will pardon the pun, they have decided to opt out of this whole debate. Undoubtedly they cannot come to a united position on this. I think it is indicative of the sad state of affairs that we have here in this Assembly that we have such a weak and nonplussed Opposition.

Amendment to the proposed amendment (Mr Stevenson's) negatived.

Original amendment negatived.

Clause agreed to.

Clause 20

Motion (by **Mr Moore**), by leave, proposed:

Page 8, line 12, subclause (1), omit "40%", substitute "20%".

Page 8, line 16, subclause (2), omit "40%", substitute "20%".

Amendments negatived.

Clause agreed to.

Clauses 21 to 30, by leave, taken together and agreed to.

Title agreed to.

Question put:

That the Bill, as amended, be agreed to.

The Assembly voted -

AYES, 11

NOES, 1

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

Mr Stevenson

Question so resolved in the affirmative.

5 June 1990

Bill, as amended, agreed to.

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

Consideration resumed from 31 May 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That the Bill be agreed to.

The Assembly voted -

AYES, 11

NOES, 1

Mr Collaery

Mr Stevenson

Mr Duby

Mr Humphries

Mr Jensen

Mr Kaine

Dr Kinloch

Ms Maher

Mr Moore

Mrs Nolan

Mr Prowse

Mr Stefaniak

Question so resolved in the affirmative.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Democracy in China

MR STEFANIAK (10.51): Mr Speaker, I would like to welcome to the Assembly tonight Mr Jie Chen, president of the Canberra branch of the Chinese Alliance for Democracy, and the Chinese students who are here in the Assembly with Mr

Chen and who have been patiently waiting through our own little parliament with democracy in action.

One year ago some tragic events occurred in Beijing, as we are all so well aware. Yesterday a number of members of this Assembly, a number of Canberra citizens and Chinese exiles and Chinese students went to several demonstrations - one outside the new Chinese Embassy - and then marched to Parliament House. It is now a year since the pro-democracy demonstrations were organised in Tiananmen Square. For those who participated in that peaceful protest, the spring of 1989 was indeed a time of hope but, as we witnessed, those aspirations were devastated by a violent crackdown.

The slow democratic progress made in the late 1970s and for most of the 1980s in China was rudely stomped on that day. The aspirations of the Chinese people were stomped on by a group of power-loving, selfish octogenarians in the Chinese Government who did not want change. A lot of very progressive moves that had been made in China, raising the hopes of the Chinese people and people throughout the world, were set back when the ageing leadership of the Chinese Communist Party let loose Chinese army troops onto their own people. We witnessed the scenes of tanks, armoured personnel carriers and Chinese soldiers killing their own people in Tiananmen Square. It was a very moving, very tragic event which has etched an indelible impression on many people throughout the world.

The Chinese Communist Party has turned its back on reforms currently under way in other communist or ex-communist states. Unfortunately, as a result of the events in Tiananmen Square and also subsequent crackdowns and repression against freedom-loving people in China, the Chinese Communist Party has joined North Korea, Albania, Pol Pot's Khmer Rouge and indeed perhaps North Vietnam as the only remaining vicious, repressive Stalinist regimes left in the world. I think that is a tragedy.

However, Mr Speaker, there is hope. China is one of the world's oldest civilizations. It has given so much to the world. Despite the setback that occurred to democracy and freedom in China last year, I am very confident that freedom and democracy will come to China. The Chinese people are heirs to one of the truly great civilisations of the world. They have shown their will and their desire for freedom and an end to communist repression, and that will triumph. The ageing Chinese leadership that denied them that right last year cannot go on forever.

Some of the events of a year ago were quite profound. One event that seized the imagination of the world was the lone Chinese protester standing in front of a column of tanks, a noble and brave act. Those who died in Tiananmen Square and elsewhere in China last year for their beliefs and freedom are in fact martyrs to the cause of freedom and democracy and they will be remembered by their own people

5 June 1990

and by all freedom-loving people throughout the world, just as the martyrs in Gdansk in Poland in 1956, 1970 and 1980 and the Hungarian freedom fighters in the 1956 uprising are remembered today. Just as people throughout recent history have made sacrifices to build free societies throughout the world, the demonstrators in Tiananmen Square through their sacrifice will help to build a better China - and I think that will occur in the not-too-distant future.

I am sure all Canberrans and all members of this Assembly support the cause of democracy and freedom in China. It is pleasing to note the response to the events of one year ago and to the protests in Canberra.

Democracy in China

MR BERRY (10.55): Mr Speaker, when the Chinese horror was committed against the people of China in May last year, all of Australia was moved by those tragic events. No-one in the free world will support pressure of any order. It is not only totalitarianism in the communist world that is opposed by progressive-thinking people; it is totalitarianism of all kinds. Quite aside from what has occurred in China, we all recall what has happened in South America where right-wing dictatorships have reigned over the ordinary people in those places.

In China and in all places where totalitarianism is practised and the people are oppressed, the famous song of the workers is often sung, as it was in Tiananmen Square, the Internationale. The Internationale is a workers' song. It is a song of the oppressed, whether they are workers, students or peasants, and it is most appropriate that the words of that song are remembered by all.

Mr Speaker, may I say that the Federal Labor Government's response to the terrible events of Tiananmen Square was indeed immediate. Strong diplomatic action was taken immediately, and Australia joined in the world-wide condemnation of the terrible events and atrocities that were committed against the Chinese people.

Australia was fortunate enough to be the provider of education facilities for our Chinese brothers and sisters, and it was as a result of the provision of those facilities that we were able, with the quick response that I mentioned earlier, to provide a further sanctuary to the Chinese people. I think Australians as a whole are very proud of the quick response that the Federal Labor Government gave to the events that occurred in Tiananmen Square, and in particular Australians are proud of the strong commitment that was given to the Chinese people by our Prime Minister, Bob Hawke.

Labor has a strong history of support for oppressed people, whether they be in this country or whether they are

overseas. I welcome the Chinese people who are here with us this evening. On behalf of the Labor team in the Assembly, I would like to show our strong support for their cause and wish with them that better things will come to pass in China as soon as possible.

Tiananmen Square Memorial

MR MOORE (11.00): Mr Speaker, I would like to lend my support to the general sentiments expressed in the house tonight, but I will draw the attention of members and our guests to the fact that there is a difference between what we say and what we do. I will take you back to 26 April of this year when I asked the following question of the Chief Minister:

On 12 March, Professor Jenner wrote to him on behalf of the China Support Group asking the Government to provide a public site for a plaque in memory of the victims who were massacred in Tiananmen Square. Can he please inform the Assembly whether he has decided on a site, where it will be, and why he had not answered the letter as of 20 April 1990.

Mr Kaine replied:

The answer to the three questions is no, the Government has not decided on any of those issues, and the principal reason is that that letter was brought to my attention only on Tuesday of this week. I do not know how long it has been in the system or where it has been, but it was brought to my attention on Tuesday. The matter will be taken up by the Government. It raises questions of foreign relations and how far this Government ought to be getting into the business of supporting or not supporting foreign governments or the actions taken by foreign nationals. It is not a simple question of whether we know the bark on a tree. The Government will consider it in due course.

Considering the short notice, that was an acceptable answer. I asked a supplementary question as follows:

Will the Chief Minister report back to the Assembly on his decision?

The answer was:

Not necessarily. I am sure that, if we decide to put up a plaque, it will be generally known.

That was a totally dismissive answer, so I am going to put the question again. I hope that this evening the

5 June 1990

Government, instead of standing up and just passing verbiage, just words, will say whether it has taken some action.

Clearly, on this anniversary we should have taken some action, and that action, responding to Professor Jenner, would provide a very clear message to the Chinese Government of the attitude of this Assembly, as the message should be sent from governments all over the world. Already we see in America a softening of its attitude towards China and the elderly rulers - I do not use the word "statesmen" - in China. I think it is appropriate that we now find a way - and I think Professor Jenner's way is a particularly good way - to make quite clear, not just in words but in actions, the attitude of this Government and this Assembly. I would hope that it would be supported by the whole Assembly. So I put that question back to the Government to respond to now, at this most appropriate time.

Democracy in China

DR KINLOCH (11.03): Mr Speaker, it is very good to hear from both sides of the house the message to our friends from China. I would like to couple that remembrance with an event of fifty years ago, and I hope the connection will be clear. Fifty years ago, I was a small boy in a secondary school in Sussex. We did not get a summer holiday that year because there was the danger of invasion, but a ghastly thing happened. Our school cricket pitch was dug up to be an antitank trap; we had air-raid shelters in our school yard; there were air-raids going on that summer. It was a beautiful summer, and this was the week in which it looked as though Britain was at the absolute end of its tether. It was the week in which 350,000 people were brought back in those tiny ships from Dunkirk and onto the southern coast. My mother was a nurse in the south of England; she helped look after many of the wounded men who were brought back.

The connection I would like to make is that in 1940 things looked very grim indeed. Invasion looked to be in the offing. It looked as though Nazi Germany was all-powerful, even to the point of the invasion of Britain. It looked like a last-ditch stand, a phrase used earlier today. But within one year, two years, three years, certainly five years, what had taken place in the summer of 1940 was a bad memory and there was a renewal of freedom throughout Europe. I hope our friends from China, whom we welcome here - we welcome them as students, we welcome any of them who will remain here as Australians - one day perhaps, one year, two years, three years, four years, five years down the track, may also come to realise that freedom can be found again.

Democracy in China

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.05): Mr Speaker, I rise to contribute briefly to this debate. I particularly want to refer to a point made by Mr Berry in which he said that Labor was the friend of the oppressed. It has also been true in the past that the Australian Labor Party had been on occasions the friend of the oppressors as well. I refer particularly to the friendship between the ALP Government of Mr Whitlam and the Chinese Government of Mao Tse-tung, which was a very different government from that which we have come to expect of China since.

I think it is important to acknowledge the very great tragedy that occurred in Tiananmen Square as a result of the action of the Chinese Government one year ago. There has been discussion in the media since that time about whether a massacre actually occurred on that day. I think it is worth noting that the discussions about that have been fairly broad-ranging and give rise to some question of just how accurate our media and the international world media really are about issues like this.

I personally express the view that the massacre did occur, that the evidence is very clear that it did occur. I also express the view that, even if it can be shown that only one Chinese student died on that day in Tiananmen Square, the killing of that student would constitute a very serious threat to the principles on which this particular country's democracy is founded and on which I hope every democracy of every nation of the world ought one day to be founded. I refer to the fact that people have the absolute right to express their point of view without fear or favour and that that view ought not to be discarded or suppressed on the basis of political decision. I think that the Chinese students carried a flame which is today burning much brighter throughout the world.

A power failure having occurred at 11.07 pm, no further proceedings were recorded.

Assembly adjourned at 11.19 pm

5 June 1990

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**ATTORNEY-GENERAL AND MINISTER FOR HOUSING AND
COMMUNITY SERVICES**

LEGISLATIVE ASSEMBLY QUESTION

CONSULTANTS

QUESTION NO. 79

Ms Follett - asked the Attorney-General and Minister for Housing and Community Services

- (1) In the period 5 December 1989 to the date of answering this question, what consultants were employed by (a) the Minister and (b) each agency in the Ministers portfolio.
- (2) For each consultant employed, what was (a) the purpose, (b) the duration and (c) the cost of the consultancy.

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

- (1) In the period from 5 December 1989 to end February 1990
 - (a) Nil
 - (b) See attached list
- (2) See attached list for details.

2093

5 June 1990

(I) GOVERNMENT LAW OFFICE

CONSULTANT (a) PURPOSE (b) DURATION (c) COST

L J Curtis Provision of advice to the ACT Law Office in relation to 10 days \$ 7,426
appeals and forum aspects of the planning and land use
package of legislation with particular emphasis on the
option of creating a separate administrative review court.

Computer People Pty Ltd Provision of advice to the Legal Aid Commission (ACT) on 11.25 hours
\$ 596
the preparation of computer program and associated financial work

Computer Power Pty Ltd Development of computer programs and facilities 124.25 hours \$ 8,697
management for the Legal Aid Commission (ACT)

Price Waterhouse Provision of the following services to the Office of the 3 months \$ 90,000
Public Trustee for the ACT:

- carry out an audit of all current and financial accounts
managed by the Office since its commencement in
1985; and
- carry out a range of audit type activities relating to
assets in the Common Fund, accounts, investment,
taxation, financial records, including preparation of
financial statements

(II) HOUSING AND COMMUNITY SERVICES BUREAU,

CONSULTANT (a) PURPOSE (b) DURATION (c) COST

Harris van Meegan Assistance with filling senior positions in 21.12.89-2.2.90 \$ 2,115
Consultants Pty Ltd Community Programs Branch

The Change Agency Community Programs Branch Planning Day 20.12.89 \$ 1,382

The Change Agency Community Programs Branch half day Strategic 18.1.90 \$ 786
Planning Workshop

R C ONeil Review of ACT Sports House 3 months \$ 15,000

Barnard International Feasibility and suitability of converting old Police 5 days \$ 2,851 .
Driver Complex to a Motor Sport Facility

Bruce Callaghan & Provision of a range of services to the Community 87 days \$ 30,866
Associates Welfare Branch, including:

- comprehensive report on substitute care services
in the ACT
- Review and evaluation of the Florey House and
Scullin House Programs
- Review and evaluation of the Galilee Family
Placement Scheme

5 June 1990

(II) HOUSING AND COMMUNITY SERVICES BUREAU (cents)

CONSULTANT (a) PURPOSE (b) DURATION (c) COST

Enright & Associates Review of Ainslie Village - ACT Housing Trust 3 months \$ 15,000

B A Lewis Assist with Selection Interviews - ACT Housing Trust 18 days \$ 1,260

Mr Jon Hughes Assessment of the suitability of application for the 10 days \$ 5,600
ACT Housing Trust, of the Building Assets
Information System (BATHS)

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

CONSULTANTS

QUESTION NO 126

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

What amount has been provided for consultancies 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 consultancies 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 \$107,200

Parks and Conservation 75,200

- Forests 33,000

Public Transport 69,000

Transport and Engineering (1) 1,100,000

Urban Fire Services 13,700

Government Services

- construction program (2) 17,000,000

- recurrent (3) 1,200,000

- Building Assets Management (1) 500,000

Planning and Resource Management for
the Department of Urban Services 88,600

Notes:

(1) major component relates to studies and design fees associated with the minor new works and repairs and maintenance programs

(2) consultancies associated with the capital works program

(3) includes feasibility and pre-design studies relating to the development of the capital works program

2097

5 June 1990

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 151

DELEGATION OF LEGAL POWERS

MS FOLLETT - Asked the Minister for Health, Education and the Arts on notice on 29 May 1990:

Since the Ministers assumption of office, what legal powers or functions has the Minister delegated to public servants.

MR HUMPHRIES - The answer to Ms Folletts question is as follows:

The legal powers or functions which I have delegated to public servants are shown in the Attachment.

2098

**AUSTRALIAN CAPITAL TERRITORY
COMMUNITY AND HEALTH SERVICE**

AUSTRALIAN CAPITAL TERRITORY (SELF GOVERNMENT) ACT 1988

ADMINISTRATION ACT 1989

DELEGATION

Under Section 22 of the Australian Capital Territory (Self Government) Act 1988 and Section 5 of the Administration Act 1989

1. I REVOKE the Instruments of Delegation signed by Allan Clyde

Holding as the Commonwealth Minister of State for the Arts and Territories dated 7 September 1989, 22 November 1988 and 13 February 1989 all in so far as they relate to:

- (a) Positions within the Australian Capital Territory Community and Health Service; and
- (b) William John Harris, Australian Capital Territory Administration in relation to all Acts and Regulations administered by the Australian Capital Territory Community & Health Service; and
- (c) the person for the time being holding or performing the duties of the office of Secretary to the Department of the Arts, Sport, the Environment, Tourism and Territories in relation to all Acts and Regulations administered by the Australian Capital Territory Community & Health Service.

2. Subject to clause 3, of this Delegation, I DELEGATE to the

persons for the time being holding or performing the duties of the offices specified in column 3 of the attached Schedule my powers and functions under the provisions specified in column 1 of the attached Schedule;

3. A reference to powers in clause 2. of this Delegation does not include my powers -

- (a) to make Regulations
- (b) to delegate

Dated this day of

Humphries
Minister for Health,
Education and the Arts

2099

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

CHIROPRACTORS
REGISTRATION ACT 1983

Section 12 (2) (PROVISION) Gazettal of General Manager
qualifications ACT Community
and Health
Service
(PN: 3998)

Section 68 Power to and
Determine Fees
Executive
Director
Corporate
_ Management
Services
(PN: 4730)

Section 69 Power to make Not Delegated
Regulations

2100

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

COMMUNITY AND HEALTH
SERVICE ACT 1985

Section 6 Power to direct Not delegated

Service as to the
manner in which the
Service is to perform
functions

Section 9 Power to appoint Not delegated

General Manager and
specify terms and
conditions

Section 11 Power to grant leave Not delegated
of absence to General

Manager

Section 13 Power to terminate Not delegated
appointment of General

Manager

Section 15 Power to appoint Not delegated
acting General Manager

Section 62(2) Appointment of
Chairperson to

Promotions Appeals
Board Not delegated

Section 68 Appointment of
Chairperson to Not delegated

Staff Appeals Board

Section 78 Power to Determine General Manager

Fees ACT Community
and Health

Service

(PN: 399 0

2101

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF. DELEGATED TO
POWER

COMMUNITY AND HEALTH
SERVICE ACT 1985

Section 79 Power to authorise General Manager
person to enter and ACT Community
inspect premises and Health
occupied or used by service
the Service
(PN: 3998)
and
Chief Health .
officer for ACT
(PN: 7575)

Section 85 Power to make Not Delegated
Regulations

2L02

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

DENTAL TECHNICIANS AND
PROSTHETISTS REGULATION
ACT 1988

Section 7(1) Appointment of Chairman Not delegated
Members of Board. (This
is not covered under
the Health Professions
Boards (Procedures) ACT
1981.)

Section 11 Removal of member Not delegated
from office

Section 12 Granting of leave Not delegated
absence of Chairman

Section 26(6) Gazettal of Course of General
Instruction Manager
ACT Community
and Health
Service
(PN: 3998)

2103

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

DENTISTS REGISTRATION
ACT 1931

Section 22 (2) (c) (ii) Gazettal of General Manager

qualifications ACT Community
and Health

Section 23D(3) Gazettal of Course Service
training for Dental (PN: 3998)
Assistants and
Executive

Section 23J(3) Gazettal of Course Director
training for Dental Corporate

Hygienists Management
Services

Section 41 Power to determine (PN: 4730)
Fees

Section 43 Power to make Not delegated
Regulations

2104

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

DRUGS OF DEPENDENCE ACT 1989

Section 2 Minister to fix Not delegated
date of commencement
for various Sections
of Act

Section 66(2),(4),(6) Power to appoint Not delegated
(7) and (8) members of Drugs
Advisory Committee

Section 67 - Power to terminate Not delegated
appointment of members
of Drugs Advisory
Committee

Section 204 Power to determine fees General Manager
ACT Community
and Health
Service
(PN: 3998)

Section 206 Power to make Not delegated
Regulations

2105

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

HEALTH PROFESSIONS

BOARDS (PROCEDURES)

ACT 1981

Section 5 Appointment of Not delegated

Chairman and Members

of Boards

Section 7 Appointment of Not delegated

Acting members

Section 9 (3) Term of Office Not delegated

Section 11 Removal of Member Not delegated
from Office

Section 12 Granting leave of Not delegated
absence

Section 22A Power to direct Board General Manager

to hold Inquiry ACT Community

and Health

Service

(PN: 3998)

Section 39 Removal from Office General

of Member with Direct Manager

pecuniary interest in ACT Community

matter before Board and Health

Service

. (PN: 3998)

2106

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

MEAT ACT 1931

Section 5 Power to appoint
inspectors and
officers

Section 5A Power to issue identity
cards to Inspectors and General Manager
officers ACT Community
and Health

Section 15 Power to set up and Service
control noxious (PN: 3998)
processes and
Chief Health

Section 19B Power to determine Officer for ACT
fees (PN: 7575)

2107

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

----- - -
PROVISION DESCRIPTION OF DELEGATED TO
POWER

MENTAL HEALTH ACT
1983

Section 12 Power to appoint General Manager
Mental Health Officer ACT Community
and Health

Section 20(2) Determining activity Service
at meeting of Mental (PN: 3998)
Health Advisory and
Council Member who has Chief Executive
pecuniary interest. Hospital
Power shared with Services
council. (PN: 4722)
and

Section 79 Power to determine Executive
and gazette fees Director
Mental Health
Services
(PN: 5677)

Section 81 Receive report of Not delegated
operation of Act

Section 83 Power to make
Regulations Not delegated

2108

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

MEDICAL PRACTITIONERS

REGISTRATION ACT 1930

Section 22(1)(b) Gazettal of General Manger
qualifications ACT Community
and Health

Section 42 Power to determine Service
fees (PN: 3998)

and

Executive

Director

Corporate

Management

Services

(PN: 4730)

Section 44 Power to make Not delegated
Regulations

2109

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

MOTOR TRAFFIC ALCOHOL & DRUGS ACT 1977

Section 6(1) and (3) Power to approve General Manager
breath analyses ACT Community
equipment, operators and Health
and appoint analysts Service
(PN: 3998)
and
Chief Health
Officer for ACr
(PN: 7575)

2110

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

NURSES ACT 1988

Section 60 Power to determine General Manager
fees ACT Community
and Health
Service
(PN: 3998)
and
Executive
Director
Corporate
Management
Services
(PN: 4.730)

Section 61 Power to make Not delegated
Regulations

2111

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

OPTOMETRISTS ACT 1956 .

Section 16 Gazettal of General Manager
qualifications ACT Community
and Health
Service
(PN: 3998)

Section 47AE Power to determine and
fees Executive
Director
Corporate
Management
Services
(PN: 4730)

Section 48 Power to make Not delegated
Regulations

2112

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PHARMACY ACT 1931

Section 8 Appointment of General Manager
Inspectors ACT Community
and Health
Services
(PN: 3998)

Section 23(2)(b)(ii) Gazettal of and
qualifications Executive
Director
Corporate
Management
Services
(PN: 4730)

Section 50 Power to determine and
fees Chief Health
Officer of ACT
(PN: 7575)

Section 54 Power to make Not delegated
Regulations

2113

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PHYSIOTHERAPISTS

REGISTRATION ACT 1977

Section 14 Gazettal of General Manager

qualifications ACT Community

and Health

Service

(PN: 3998)

and

Executive

Director

Corporate

Management

Services

(PN: 4730)

Section 45 Power to make Not delegated

Regulations

2114

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

POISONS ACT 1933

Section 9 Power to appoint General Manager
analysts ACT Community
and Health

Section 12 Power to declare service
by Gazette notice (PN: 3998)
substances to be and
poisonous or Chief Health
restricted substances Officer for ACT
biological (PN: 7575)
preparations etc.

I

2115

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

POISONS AND DRUGS

ACT 1978

Section 51 Power to appoint General Manager

analysts ACT Community

and Health

Service

(PN: 3998)

and

Chief Health

Officer for ACT

(PN: 7575)

2116

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PREVENTION OF CRUELTY TO ANIMALS ACT 1959

Section 7 (c) Powers to set General Manager
conditions for ACT Community
and authorise and Health
qualified persons Service
to perform, experiments (PN: 3998)
and vivisections on and
animals Chief Health
Officer for ACT
(PN: 7575)

2117

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH ACT
1928

Section 5A Appointment of Medical
Officer of Health

Section 5E Power to grant leave
of absence Medical General Manager
Officer of Health ACT Community
and Health

Section 5G Power to terminate service
appointment Medical (PN: 3998)
Officer of Health

Section 5H Power to appoint person

to act as Medical Officer
of Health

Section 6A Power to appoint General Manager
Inspectors of Health ACT Community
and Health

Section 11 Power to institute court Service
proceedings by Minister (PN: 3998)

or authorised person and
Chief Health
Officer for

ACTION: 7575)
Section 12 Power to make Not delegated
Regulations

2118

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH
(BARBERS SHOP)
REGULATIONS

Regulation 6 (7) Power to register General Manager
or refuse to register ACT Community
premises as a barber and Health
shop service
(PN: 3998)
and

Chief Health
Officer for ACT

(PN: 7575)

2119

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH (BOARDING HOUSES) REGULATIONS

Regulation 5 (6) Power to cancel General Manager
registration ACT Community
certificate and Health
Service
(PN: 3998)
and

Chief Health
Officer for ALT
(PN: 7575)

2120

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH (DAIRY)
REGULATIONS

Regulation 8 Power to cancel a
licence or registration
of a dairyman.

Regulation 21 Power to grant or

withhold a compensation General. Manager
for the destruction of ACT Community
animals affected by and Health
Tuberculosis Service
(PN: 3998)

Regulation 22 Power to compensate for and
destruction of animals Chief Health

not affected by officer for ACT
Tuberculosis. (PN: 7575)

Regulation 94 Power to appoint an
analyst to examine or ,
analyse milk or cream

2121

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH
(EATING HOUSES)
REGULATIONS

Regulation 6 Power to cancel the General Manager
registration of an ACT Community
eating house and Health
Service -
(PN: 3998)
and
Chief Health
Officer for ACT
(PN: 7575)

2122

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH (INFECTIOUS
NOTIFIABLE DISEASES)
REGULATIONS

Regulation 3 (2) Power to declare by General Manager
notice published in ACT Community
gazette a Notifiable and Health
Disease to be an Service
Infectious Disease (PN: 3998)
and
Chief Health
Officer for
ACT (PN: 7575)

2123

5 June 1990

MINISTERIAL. POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH
LPIGGERIES)
REGULATIONS

Regulation 4 (5) Power to cancel General Manager
Registration of ACT Community
" piggery and Health
Service
(PN: 3998)
and
Chief Health
Officer for ACT
(PN: 7575)

2124

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH (SALE
OF FOOD AND DRUGS)
REGULATIONS

Regulation 5 Power to exempt from
the provision of these
Regulations labelling
provisions of packages

Regulation 7 Power to list General Manager
exceptions to British ACT Community
Pharmacopoeia standards. and Health
Service

Regulation 10 Power to declare a (PN: 3998)
substance to be and
injurious ingredient Chief Health
Officer for ACT

Regulation 12 Power to exempt (PN: 7575)
labelling provision
of mixtures

Regulation 13 Power to prohibit the
advertising or sale of
any injurious food,
drug, article or
appliance
General
Manager

Regulation 16 Power to prohibit ACT Community
the sale of and Health disinfectant, germicide Service
and antiseptic or (PN: 3998) preservative and and
deleterious proprietary Chief Health
remedies. Officer for ACT
(PN: 7575)

Regulation 17 Power to publish reports
concerning food drugs, articles or appliances in the public interest.

Regulation 19(6) Power to appoint analysts

Regulation 84 Power to specify drugs in
relation to soda fountains

2125

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

PUBLIC HEALTH
(PRIVATE HOSPITALS)
REGULATIONS

Regulation 11 Power to suspend or General Manager
cancel the ACT Community
Registration and Health
of a private Service
hospital (PN: 3998)
and
Chief Health
Officer for ACT
(PN: 7575)
(A /1

2126

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

RADIATION ACT 1983

Section 8(2) Power to appoint Not delegated
members of Radiation
Council

Section 11 Power to terminate the Not delegated
appointment of members
of the Radiation Council

Section 12 Power to appoint General Manager
an acting member to the ACT Community
Radiation Council and Health
Service
(PN: 3889)

Section 16 Power to terminate an and
appointment for-reasons Chief Health
of pecuniary interest Officer for AC. T
(PN: 7575)

Section 18 Power to appoint
inspectors; and issue
certificate

Section 29 Power to declare

prescribed qualifications
for licenses

Section 77 Power to determine
fees

2127

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

TRANSPLANTATION AND
ANATOMY ACT 1987

Section 14(5) Power to appoint Not delegated

3 persons as a
committee of review

Section 42(1) Power to authorise
the conduct for the

teaching, study and General Manager
practice of anatomy ACT Community
and Health

Section 42(3) Power to authorise Service
the carrying out of (PN: 3998)

anatomical examinations, and
teaching and study of Chief Health
whole or parts of officer for ACT
anatomy at specified (PN: 7575)
places that are not
educational institutions

Section 44(4) Power to override the
prohibition on trading
in tissue

2128

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

TUBERCULOSIS ACT 1950

Section 6 Power to require
people to submit to
radiological examination
of lungs.

Section 13 Power to make General Manager
regulations ACT Community
and Health

Section 22 Power to approve Service
organisations other (PN: 3998)
than Australian Red and
Cross to remove blood Chief Health
from persons. Officer for ACT
(PN: 7575)

2129

5 June 1990

MINISTERIAL POWERS UNDER LEGISLATION ADMINISTERED BY
THE ACT COMMUNITY AND HEALTH SERVICE

PROVISION DESCRIPTION OF DELEGATED TO
POWER

VETERINARY SURGEONS
REGISTRATION ACT 1965

Section 6 Appointment of Not delegated
Members

Section 7 Terms of Appointed Not delegated
Members

Section 42B Power to determine General Manager

Fees ACT Community
and Health
Service
(PN: 3998)
and
Executive
Director
Corporate
Management
Services
(PN: 4730)

Section 43 Power to make Not delegated
regulations

2130