



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 September 1990

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

DISTINGUISHED VISITOR

MR SPEAKER: I would just like to take the opportunity to welcome to our Assembly Mr Warren Pitt, MLA, from the Queensland Parliament. He represents the area of Mulgrave. On behalf of the Assembly, welcome.

ETHICS FOR MEMBERS - PROPOSED STANDING COMMITTEE

MS FOLLETT (Leader of the Opposition) (10.31): I move:

That:

- (1) a standing committee on ethics for Members of the Legislative Assembly be appointed to inquire into and report on matters (a) referred to it by the Assembly, and (b) considered by the committee to be of concern to the community;
- (2) the committee shall consist of 5 Members;
- (3) the committee be provided with the necessary staff, facilities and resources;
- (4) the committee be required to prepare and report to the Assembly on an appropriate code of ethics for Members;
- (5) the committee be responsible for promoting the value of ethical behaviour amongst all Members and to the community from which they are elected;
- (6) the ethics committee be asked to report on means for members of the community to raise alleged breaches of such a code of ethics, and appropriate action for the Assembly to take in relation to such breaches;
- (7) the committee consider the following draft Code of Ethics as a first step:

OBJECT:

The object of the Members of the ACT Legislative Assembly shall be to elevate the practice of representative government by the practice and promotion of sound and honourable discharge of Members' duties.

PRINCIPLES:

To further these objectives, the following ethical principles shall govern the conduct of every Member of the Legislative Assembly who shall:

- (a) uphold constitutional government, the laws of the community and the principle of the role of the law;
 - (b) be dedicated to effective and democratic government by elected members and to the belief that honesty and integrity should be its pillars;
 - (c) uphold the dignity and worth of services rendered by government, maintain a constructive, creative and practical attitude towards government affairs and a deep sense of social responsibility as an elected representative;
 - (d) be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order to maintain the dignity of the office, so that it may merit the respect and confidence of the elected government, other officials, employees and of the public;
 - (e) recognise that the main function of government is to serve the best interests of the community;
 - (f) seek no favour, believing that personal aggrandisement or profit secured by confidential information or by misuse of public time is dishonest;
 - (g) disclose any personal interest, either direct or indirect on any matter which comes before the Assembly or its committees;
 - (h) act with scrupulous honesty; and
 - (i) do the utmost to maintain and promote full confidence in the integrity and dignity of the elected representatives.
- (8) the committee shall invite members of the public to make submissions on its operations and functions;
 - (9) the committee shall hold all hearings in public and each and every report of that committee shall be laid on the table of the Assembly for consideration;
 - (10) the committee shall present to the Assembly a Code of Ethics for consideration prior to the end of September 1990;
 - (11) the committee should convene as soon as possible; and
 - (12) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I am very pleased to be able to move this motion today. It seeks to establish a new committee of this Assembly, of five members, to look after a code of ethics. It also suggests a draft code of ethics for that committee to work upon.

I believe that the Labor Party has taken the lead in the Assembly in attempting to establish and to promote standards which will enable the public to have confidence in the Assembly and in its individual members.

At the first ACT election, we promised to introduce a requirement for declaration of pecuniary interests by Assembly members, and I was pleased to be able to do that as one of my first actions in this Assembly just over a year ago.

Mr Jensen: With bipartisan support.

MS FOLLETT: And, indeed, as Mr Jensen says, it had bipartisan support at that time. I trust that there will also be bipartisan support for this further action.

I have also spoken about the responsibilities of a Minister to observe certain standards and, of course, high standards of behaviour should apply to members of any legislature. The community is entitled to expect that members of this Assembly will maintain the highest standards of honesty, integrity and respect for the law. Indeed, several members have pointed out in debates over the past few months that those who make or administer the laws have a special responsibility, because nobody can expect that the law will be observed or respected by the public if it is made or implemented by people who do not respect it themselves. But the standards which should be observed by Assembly members, I believe, go far beyond the simple observance of the law. The principles of honesty, integrity, and acting in the public rather than the personal interest are a key to a system of government which will command the confidence of the people.

My motion today proposes that a standing committee on ethics be established to consider matters which are either referred by the Assembly or which the committee considers to be of concern to the community. That committee would have a continuing role for promoting the value of ethical behaviour amongst members of this Assembly and in the community from which we have all been elected.

As a first step the motion would require the new committee to report to this Assembly on an appropriate code of ethics for the Assembly to adopt. In the motion, the date for reporting is, in fact, the end of September. I believe that is probably not achievable at this stage; so we would probably need to consider amending that to a more realistic date. The motion also requires that the committee consider and report on ways in which the public may raise any alleged breaches of the code of ethics and what action should be taken in relation to such breaches.

In order to stimulate debate and to indicate the kind of scope of a code of ethics, I have included in the motion a draft code which the committee might want to consider.

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Briefly, the draft principles which I have outlined include a requirement to uphold constitutional government, uphold the law and the role of the law. The draft continues with the need to maintain honour and integrity in both public and personal relationships in order to merit the respect and confidence of the community. It includes requirements that members act in the public interest, disclose any personal interest and act with scrupulous honesty.

I do not believe that this motion is in any sense controversial. It is an attempt to get members, and, indeed, to get the public as well, to consider carefully the role and responsibilities of Assembly members. We must remember, in addition, that this Assembly represents to the community the public face of self-government, so we do have an obligation, I believe, to ensure that the community can have confidence in this Assembly and that that confidence will build their understanding and their respect for self-government.

Codes of ethics apply in many professions and, indeed, often very harsh penalties apply for infringement of such codes. It is not a completely new idea in the political sphere either. For example, in New South Wales, Mr Greiner has established a ministerial code of conduct - a very laudable action, in my view. Of course, it does sometimes appear that that code of conduct has been honoured more in the breach than in its observance; nevertheless, the New South Wales Government has recognised a need for standards to be set. And I believe that it is well and truly time that this Assembly also accepted that need and took action.

The motion provides for a process of public involvement in the development of a code of ethics and I believe it will be welcomed by a community which has had some cause to be concerned at the twists and turns taken by some members of this Assembly. I would urge all members to support the motion and, indeed, to play a part and to encourage others to play a part in the development of a code of ethics.

MR KAINE (Chief Minister) (10.37): Mr Speaker, there is no question that the issues raised in Ms Follett's motion deserve serious consideration by the house. I, for one, totally agree that the people of the ACT are entitled to the best possible representation and that they are entitled, in the Assembly, to the highest standards of integrity. However, I have some concerns about the elements of Ms Follett's motion, quite apart from any suspicion that some of us might have that this motion is just another example of the Opposition going over some of the same tired old issues that we have had raked up over the last year or so.

To be specific, I am concerned about whether this Assembly needs yet another standing committee; about the appropriateness of some of the mechanisms that Ms Follett envisages in this proposal; and, of course, the bottom line is that I am concerned about the resource implications and the impact that it will have on the Assembly's budget.

Other members of the Government will speak on the appropriateness of the standing committee that the Leader of the Opposition has chosen. At this stage, I think it is sufficient for me to say that I think it is the wrong mechanism, and I will explain why.

First, in my view, there are very real and major potential problems in establishing a committee along the lines that Ms Follett proposes. I will mention some issues that come to mind and which would, I imagine, be looked at closely by the community. First of all, there is the idea of a committee being responsible "for promoting the value of ethical behaviour amongst all Members and to the community from which they were elected".

That sounds to me like people setting themselves up as being a little bit holier than thou - and it is typical, of course, of the conservative Opposition in this Assembly. I need to point out, I think, that in other matters, not only in the ACT but elsewhere throughout Australia, the Labor Party treats anyone else taking this position that "We are better judges of your behaviour than you are" as being reactionary and of the far right. Yet here we have in this Assembly the Labor Opposition putting forward the proposition that it is better able to judge the value of behaviour ethics.

Ms Follett: No, I am not saying we can - the committee.

MR KAINE: It is your idea; it is your committee, and you think you are better able to make these judgments than the people themselves are.

Secondly, Mr Speaker, in a small Assembly such as this - we are talking about five members out of 17 - there is always the possibility that some member of the committee may himself or herself be the subject of an investigation or at least have a conflict of interest in any investigation that is taking place. So, when we start setting up codes of ethics and telling people how they should behave, we should consider the impact of that on all the members of the Assembly and particularly the members of the committee itself.

The draft code talks about being "... dedicated to the highest ideals of honour and integrity in all public and personal relationships ...". It sounds to me like some members of this Assembly wanted to get into other people's bedrooms. I repeat that anywhere else in Australia where this kind of thing is put forward the proponents are dealt with by the Labor Party as though they are of the far right to dare to suggest that any such thing would occur. When you start to talk about personal relationships you are going way beyond what anybody would see as being reasonable.

Mr Berry: You are going into a panic over something.

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MR KAINÉ: I am not going into any panic. I am saying that this motion and those words say something about the drafter of the motion, rather than about other members of this Assembly. Finally, the requirement that all hearings be held in public could become a bit of a problem, given that the committee necessarily would be dealing with highly sensitive issues, and it is not a legal tribunal.

As I said, I can see some real problems with the central theme behind this proposition, and I think that the Leader of the Opposition needs to think it through much more carefully and thoroughly before she seriously puts it forward.

I said that I thought that there was a question of resources and whether we could afford it. Ms Follett's motion calls for her standing committee to be provided with the necessary staff facilities and resources, as all committees should be.

Mr Berry: It would not cost any more than the Priorities Review Board.

MR KAINÉ: It will not pay off in real dollar terms like that board either.

Mr Berry: I thought the Priorities Review Board was not on your agenda. You promised that it was not.

MR SPEAKER: Order, Mr Berry, please!

MR KAINÉ: I think you want to go back into your cage. In this case we are talking about a fairly costly thing; you have to provide a committee secretary and all of the other support that goes with that. We have been through this debate many times about whether the Assembly requires or can afford additional committees, and this is no different.

Mr Berry: You never worried about that when the Priorities Review Board was invented.

MR KAINÉ: The Priorities Review Board had nothing to do with the staffing of this Assembly and it had nothing to do with the budget of this Assembly.

Mr Berry: You are a bit touchy about that these days, aren't you?

MR KAINÉ: I suggest again that you get back in your cage.

Mr Berry: You use public moneys.

MR KAINÉ: I see that you are still wearing your second prize ribbon, too.

MR SPEAKER: Order! Chief Minister, please resume your seat. Mr Berry, every time you speak you stop when anyone

else interjects; yet you are the most constant interjector on this floor. Please desist. Chief Minister, please proceed.

MR KAINE: I think also we should be looking at precedent. It is interesting that Ms Follett sees us as establishing some sort of new level, some new standard, some precedent in this. It is very interesting that the Commonwealth Parliament has no ethics committee, the New South Wales Government has no ethics committee, the Victorian Parliament has no ethics committee, the South Australian Parliament has no ethics committee, the Tasmanian Parliament has no ethics committee, the Queensland Parliament has no ethics committee, and the Western Australian Parliament has no ethics committee.

Mrs Grassby: I think we need it more than they do, anyway.

MR KAINE: Well, there is a value judgement about the people that are in this Assembly. Obviously Mrs Grassby believes that the people in this Assembly have less integrity than those in other parliaments throughout Australia, and I think it says something about Mrs Grassby's attitude to life that she believes that to be true. I do not believe it to be true and I do not believe that we need such a committee any more than any other parliament in Australia does. In my view, it is an extravagance and a smart ploy by the members of the Labor Party, who do not care about how much things cost but say, "Let us do it anyway". It is typical - particularly when an existing committee could perform these functions just as well. We have an Administration and Procedures Committee that could take on these terms of reference just as easily as a new committee could, and I personally - - -

Ms Follett: Move an amendment.

MR KAINE: We will. I personally believe that the members of the Administration and Procedures Committee are quite competent to carry out this function. If Ms Follett had put forward a proposal that the terms of reference of that committee be changed to take on this function I would have supported it wholeheartedly, because that would not have entailed any additional cost and it could have been done quite simply.

There are many reasons why the motion is suspect. First of all, I think it is a smart alec political thing. It has nothing to do with the reality or whether we really need it. The Leader of the Opposition across the house wants to project for herself an image of being Ms Clean. Well, she may be or she may not be, and I make no judgment about that any more than I make a judgment about the other 16 members of the Assembly. But I do not believe that we need it. I do not believe that she has put forward a case for the establishment of such a committee.

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As I have said, there is no precedent in Australian parliamentary practice for such a committee. We might need one to look into Mr Trotsky over here, but I cannot imagine who else we might want to look into. I submit that the matter can be dealt with very quickly and disposed of this morning in a very practical way, and one of the members of the Government will propose that course of action later.

Mr Berry: On a point of order: To whom was the Chief Minister referring?

MR SPEAKER: Order! I do not believe that is a point of order, Mr Berry.

MR WOOD (10.47): The Chief Minister has just maintained that the leader of the Labor Party has not presented a sound case for the proposal she has presented. I think the Chief Minister, in making that statement, has not followed the events of this chamber, what has happened through the media and what is widely known in the community. Without wanting to, this chamber has presented a very strong case for this proposed code of ethics. It is necessary. There is a perception - no, there is more than that; there is a strong belief in the community that we need such a code of ethics. I might add that this is not unique to the ACT. It is common across Australia. But I think that, as we members of a new Assembly have to battle very hard and under some difficulty to establish ourselves, such a code of ethics is much needed.

The individual standards or the attitudes to life of our members, as I guess in all parliaments, are variable; but we do need a prescribed set of rules, not just for the members of the parliament but particularly for those most significant members, the members of the Government, the Cabinet members.

As the Labor leader pointed out, she set the standard when she proposed the declaration of pecuniary interests - one of the very first actions of her Government, and an action that was agreed to by all in this chamber. More than that, the Labor leader and, I believe, all the members of the Labor Party have set the standard on behaviour. But I do not want to get down to a discussion of individual members because this is not just a matter of individuals; it is also a matter of parties and how parties behave - how parties remain consistent to their stated beliefs, among a range of other factors. It is also a matter of government and of opposition.

I have said before in this chamber that members of parliament are not expected to be paragons of virtue but we are expected, among other things, to accept the conditions or the standards that we set through our legislation and through our oversight of the laws of this Territory. We must observe those standards. One of the factors in this motion that pleases me considerably is that this process will develop. We are not presenting just a code of ethics

to be taken as it stands; rather, the proposal of Ms Follett says, at point 4:

the committee be required to prepare and report to the Assembly on an appropriate code of ethics for Members.

It is a process of consultation, of discussion amongst ourselves. That would be a valuable and unique experience for the members of this Assembly and if, as the Chief Minister says, it is not commonplace in parliaments across Australia, we could certainly give the lead to other bodies.

Mr Kaine: It is not only not commonplace, Bill; there is not a precedent.

MR WOOD: Well, there is a precedent, I might say, in the United States of America. If you have been following things there, you will know that the Speaker of the House of Representatives there recently lost his position because he was deemed to be unfit to hold that position by the Ethics Committee of the Congress. That is not a bad example, and that is an indication of the potential. I am not suggesting, Mr Speaker, that we want to target you at all, but that is what an ethics committee can do at a very extreme level.

I am delighted to see that this is a proposal to develop a code of ethics. I was interested that the Chief Minister in his speech was, reasonably enough, debating the issue. That is what we want; we want a debate on that issue. I am sure the ACT community would value that debate. I do not have to tell you, because you have eyes to read and ears to hear, that this Assembly is a long way from being well accepted in the ACT community. I suggest to you that this would be a very sensible measure to take to the community to increase the standing that we have. It is a very urgent measure that we should undertake.

The Chief Minister did debate the issue; that is all we want. He said that he does not disagree with many of the principles here; that is fine. Is he, then, going to suggest amendments? Why not have a select committee to look at this? If he is concerned about the allocation of resources, let us have a select committee that operates for a certain time only. I would prefer that to the suggestion that it be referred to the Administration and Procedures Committee because a select committee or a standing committee would give a specific focus to the issue. It would not be a matter of business amongst a dozen items of business. I think that specific focus would be very important.

The Chief Minister said that this measure would not pay off as the PRB, the Priorities Review Board, does. I think he has totally missed the concept of this measure, because this process and the establishment of a code of ethics

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would pay off far more than anything in financial terms. It would be much more important and much more beneficial than anything related purely to money. I think that, for a new Assembly, this is a very important matter, and I do not think that he should look at it in simply financial terms. There is no future in that.

Let us look at the way we operate - each of us, as persons - in our party or government or opposition. Let us talk about it, let us talk to the community about it, and let us develop a code of ethics that will enhance the image of this Assembly; but, much more importantly than that, let us see to it that our actions are based on very firm and sound principles.

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.55): Mr Speaker, before I speak to Ms Follett's motion, I would like to seek leave to move the motion that has been circulated in my name, which proposes referring this motion to the Administration and Procedures Committee. I suspect that the best way to deal with that might be to have debate on my motion to refer it to that Committee concurrently with the debate on the motion on the table.

Leave granted.

MR HUMPHRIES: Thank you, Mr Speaker. I thank the members of the Assembly. Mr Speaker, the motion circulated in my name refers to a referral of this matter to the Administration and Procedures Committee for its consideration and report by not later than 1 November of this year. I think, Mr Speaker, that that is an entirely appropriate course of action.

I feel that the issues raised by Ms Follett are serious ones; that the concerns that she has expressed are ones that ought to be addressed in some fashion. I would not for one moment wish to create the impression that I support a laissez-faire attitude towards moral conduct, at least as far as it impinges on the way in which the work of the Assembly proceeds. But I have this abiding suspicion that this motion has at least as much to do with political point scoring as it has to do with an academic interest on the part of the Opposition in the integrity of government. I see in this motion great slabs of rhetoric which, I believe, will be translated very quickly into press releases that will talk about the lack of integrity on the part of particular members or on the part of this Government. Frankly, I think that whatever sincerity might be behind the notion has been subverted by the very large dose of political point scoring which this measure is obviously meant to further.

Those suspicions are fuelled by the way in which the motion itself has been drafted. The piousness of the motion is a little bit hard to accept. It is not the sort of thing you would want to read first thing in the morning. For example - - -

Mr Wood: No, but to meditate on as you go to bed at night. How about that? That would be the time to do it.

MR HUMPHRIES: Well, that might be too late to be able to bear some of this, Mr Wood. Whatever time of day, I am not sure one would be much inclined to read it. I refer, for example, to paragraph (a) in the draft principles:

uphold constitutional government, the laws of the community and the principle of the role of the law;

It sounds a bit like "truth, justice and the American way". I really have the feeling that this has been drafted - - -

Mr Collaery: It sounds like Fred Nile.

MR HUMPHRIES: It does indeed. I think the imagery comes easily to the mind and I can see why people would make those sorts of connections.

It is not coincidental that that particular paragraph appears first on the list of draft principles that might be pursued by this process. The laws of the community are an interesting concept. Those opposite will be aware, of course, that we have had debate in this Assembly over recent days about particular laws of the community, including, for example, section 65 of the self-government Act. That is one particular law of the community, as those opposite would put it, that those opposite do not particularly wish to uphold; at least, that is what appears to me to be the case. If we look down to paragraph (d), we see another rather rich assertion. Members of the Assembly shall:

be dedicated to the highest ideals of honour and integrity in all public and personal relationships -

personal relationships -

in order to maintain the dignity of the office ...

Although one has some sympathy with the sentiment, the way in which it is expressed is absolutely extraordinary and projects an image of pious saintliness which, I think, is somewhat hard to - - -

Mr Collaery: Joan of Arc.

MR HUMPHRIES: Yes, Joan of Arc-like, which is really somewhat hard to accept in the practical, working legislature.

Mr Wood: Well, that is the way we are.

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MR HUMPHRIES: If you were, Mr Wood, I would be happy to accept this; but I do not think anybody in this chamber has a monopoly on saintliness or piety, and I do not think that we need necessarily to use these as the touchstone for establishing the standards which we, as members of the Assembly, ought to follow.

I have a feeling that more practical expressions of those standards would be very much more welcome. Mr Wood has said in this debate that the Assembly is "a long way from being well accepted in the community". Indeed, he has a point in that comment, but I do not think that the sort of stirring and accusation that has come from those opposite has in any way assisted the Assembly to go any way towards being more acceptable in the community.

Mr Wood: What stirring do you mean?

MR HUMPHRIES: I mean stirring with respect to the kinds of accusations hurled across the chamber, both here and in a public sense, against members of the Assembly and members of the Government.

Mr Wood: Which accusations? I do not know what you are talking about.

MR HUMPHRIES: I refer to the comments that have been made over a long period of time, Mr Wood, about lack of propriety on the part of members of the Government.

Mr Moore: You mean Mr Collaery's about Mr Whalan and so forth? That sort of example?

MR HUMPHRIES: Well, that kind of highly personalised name calling in which, unfortunately, those opposite have become specialists in recent months. Whatever you think about that, it cannot for one moment be said to attract praise and approbation from those in the community who happen to have an opinion about this Assembly. It certainly detracts from the image of this Assembly, and that particular issue has been the last thing on the minds of those opposite when they have hurled those kinds of comments. I think those opposite should be very careful before they paint themselves as the upholders of virtue.

I might remind members of the Assembly that this is the only legislature in Australia in which people who are subject to proceedings under the Bankruptcy Act may sit. It is interesting that that was a provision put in there by the Federal Labor Government for reasons which I will not elaborate on but which do reflect - - -

Mr Kaine: They are rather obscure, Gary.

MR HUMPHRIES: They are rather obscure. I will not help the people who read Hansard, but I think we all know what I am referring to. Yet those opposite have not at any stage, as far as I am aware, cast doubt on the integrity of that particular part of the self-government Act.

I think that we really should think about whether this measure is the appropriate vehicle for this situation. In my view, it is not, and that is the reason I am moving this motion standing in my name to refer the matter to the Administration and Procedures Committee. I note also that, under the terms set out by Ms Follett, the committee would be expensive to establish. At a time when control of expenditure is very important, it would cause some considerable cost, and I am not convinced at this stage that that cost is warranted.

I also note the point made by another speaker that the proposed measure would be the only thing of its type in Australia, and I would not think that was an appropriate thing to do at this point in time when the atmosphere and the debate on this matter have been so highly politicised. If this were a purely objective, impartial, non-partisan approach in a different context from the one we now have, I would be more inclined to accept it. But it is not, frankly.

I think Ms Follett's motion needs further work and the appropriate way to provide that further work, I believe, is through the Administration and Procedures Committee. I therefore move:

That the motion concerning a Standing Committee on Ethics be referred to the Standing Committee on Administration and Procedures for consideration and report to the Assembly not later than 1 November, 1990.

I hope the matter can be dealt with more expeditiously and more appropriately in that forum.

MR MOORE (11.04): Mr Speaker, I am delighted to be able to stand up to speak to this motion this morning. I must say I am delighted to see the new motion, which we are debating concurrently, that has been moved by Mr Humphries, because, whilst it is important to consider the ethics issues relating to the Assembly, it is also very important for us to be careful, if we have a standing committee able to handle an issue like this, that it go to that committee. I now make it clear that I will be supporting the motion of Mr Humphries.

On the matter of ethics, I thought I would start by quoting some of the maiden speech of Ted Mack in the House of Representatives last week:

People must be part of the decision-making process whenever it affects them. We must shift to participatory democracy through a whole range of mechanisms such as greater use of referendums, acceptance of the people's right to initiate and even veto legislation.

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I am sure Dennis will be absolutely delighted to hear that. Ted Mack continued:

The traditional propensity of government and the public service to secrecy must be reversed with an expansion of freedom of information and openness at all levels of administration. The Ombudsman's powers should be widened and public scrutiny and accountability improved at all levels of executive and bureaucratic administration and policy-making.

I think that Ms Follett's motion today applies that same notion to the Assembly. He continued:

The present restriction on freedom of information by exorbitant charges and manipulation of privacy provisions must be eliminated.

But, more importantly, he actually referred in his maiden speech to the ACT Government, and that is what I come to now:

If principles such as these are adopted then effective electoral, parliamentary and constitutional reform can commence. But if change is attempted on its traditional basis of seeking advantage on a party or personal basis then we will continue to create such "pictures of Dorian Gray" as the ACT Government.

I thought I would take this opportunity to refer to *The Picture of Dorian Gray*, for those of you who do not know it, and just see how it does apply to the ACT Government because, of course, in this book Oscar Wilde was dealing with ethics and integrity. I am disappointed that Dr Kinloch is not here because I was also going to refer to the film *The Seduction of Joe Tynan*. This film has a similar theme in the sense that the move towards a lack of ethics is portrayed as something that happens slowly, little bit by little bit. I thought I would run through a few minimal quotes from Oscar Wilde's book to illustrate how this happens. On page 134 of this edition we find:

Was the face on the canvas viler than before?

For those of you who do not know *The Picture of Dorian Gray*, the simple thing is that the portrait that was painted of him wears all his sins and the face becomes disfigured because he lives the life of a libertarian and is not concerned about ethics at all but it - - -

Mr Duby: A libertine.

MR MOORE: A libertine, thank you; I was just getting a little ahead of myself there. Thank you, Mr Duby; I am glad to see that it is you who corrected me on that particular issue.

Mr Stefaniak: That was very subtle, Michael, actually.

MR MOORE: Well, I am not used to that, of course, as you know. It reads:

Was the face on the canvas viler than before? It seemed to him it was unchanged; and yet his loathing of it was intensified. Gold hair, blue eyes, and rose-red lips - they all were there. It was simply the expression that had altered. That was horrible in its cruelty. Compared to what he saw in it ...

And so he goes on. We see the beginnings of a slow change away from ethical conduct.

Those things happen in small ways. It was interesting that one of the early things Oscar Wilde wrote about in *Dorian Gray* was getting involved in robes. That is a little ironic, considering the fact that Ted Mack referred to the ACT Government in respect of this particular thing. On page 155 Wilde writes:

He had a special passion, also, for ecclesiastical vestments, as indeed he had for everything connected with the service of the Church.

He goes on to describe a:

... cope ... of green velvet, embroidered with heart-shaped groups of acanthus-leaves from which spread long-stemmed white blossoms ...

Wilde goes on and on about robes and their importance to *Dorian Gray*, as part of *Dorian Gray's* slow seduction to what Wilde perceives as a lack of ethics.

Mr Humphries: You will need a point of order, Mr Speaker.

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: I am talking about the slow seduction in terms of ethics. Of course, what would happen is that *Dorian Gray* would be very pleased with himself and, as he progressed further into his lack of ethics - I quote from page 156:

... he would sit in front of the picture, sometimes loathing it and himself, but filled, at other times, with that pride of individualism that is half the fascination of sin -

sin, of course, being a lack of ethics -

and smiling with secret pleasure at the misshapen shadow that had to bear the burden that should have been his own.

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So we have a constant move of Dorian Gray away from ethical practice. Of course, Oscar Wilde, being the person he was, did not miss the money issue. I note that this was something the Chief Minister referred to, but let me clarify that by saying that I am not associating the Chief Minister himself in any way with Dorian Gray. I make that quite clear.

Mrs Grassby: He does not look a bit like him. Dorian Gray was supposed to be young.

Mr Kaine: I have grey hair.

MR MOORE: Well, at this time, Chief Minister, it probably would not be appropriate to say you are a picture. In the discussion on page 216 we read:

"They are more cunning than practical. When they make up their ledger -
and I suppose we can think of the Government and its budget here -
they balance stupidity by wealth, and vice by hypocrisy".

So we see Dorian Gray's move in terms of his own ethics. I have only a couple more quotes from this to go, Mr Speaker, but I think it is appropriate. The next one is most interesting. It is interesting that Ted Mack should describe the Government - let us remember we are talking about the Government - as a picture of Dorian Gray, because on page 221 Wilde writes:

The consciousness of being hunted, snared, tracked down -
one gets the feeling that he is talking about some form of paranoia -

had begun to dominate him. If the tapestry did but tremble in the wind, he shook.

And, whilst Dorian Gray probably did not go from one hotel room to another hotel room and so forth, he did, of course, feel the paranoia associated with the corruption of his own ethics. Finally, to summarise, towards the end of the book, on page 232, Wilde writes:

Civilisation is not by any means an easy thing to attain to. There are only two ways by which man can reach it. One is by being cultured, the other by being corrupt.

Of course, we are all - well, perhaps not all of us, but some of us - very aware of Oscar Wilde's rather cynical attitude to life.

Mr Collaery: He was a noble brute.

MR MOORE: I notice that Mr Collaery, also of Irish background, sees Oscar Wilde as somebody to be admired - as I do too, of course - for his great talent.

Mr Collaery: Hear, hear! He was pilloried by those who wanted to examine personal relationships.

MR MOORE: Exactly. Let me draw attention to the fact that it was in a speech in the Commonwealth Parliament that the ACT Government was referred to - as I have shown, quite aptly - as a picture of Dorian Gray. So for us to say, "It is okay; everybody can see that we are acting in an appropriate and ethical way" is simply not good enough.

There is a need for us to set our standards and to establish exactly what we mean by those standards. I think it is very timely that this motion is brought up. In fact, if anything, it is a little on the late side, but it was tabled some time ago. I think it is appropriate for us to support the full weight of what Ms Follett is trying to do. The only thing, as I said earlier, is that, as far as I am concerned, it is most appropriate that it go to the Administration and Procedures Committee and be dealt with there instead of creating yet another committee.

MR JENSEN (11.13): Mr Speaker, the Chief Minister today has commented that, in his opinion, the mechanism proposed by the Leader of the Opposition is not the way to go for such a small Assembly as ours. I will make further comment on that later in my speech. However, I would venture to suggest that the motion of the Leader of the Opposition that we are debating today is an unworkable idea for that very reason. Again the Opposition seems to be milking the same old issues that have been occupying it now for some weeks - adopting a holier than thou attitude to these sorts of issues. We have to be very careful, when we talk on issues like this, to remember the adage:

People in glass houses should never throw stones.

I do not disagree that we want the best possible legislature, and I would suggest that the principles - I repeat: principles - of Ms Follett's proposed draft code of ethics are basically the ones that should govern our work in the Assembly and for the ACT community. It is the way in which we apply these principles to our operations that really is the question we are considering today. So let me look at some of the more curious parts of this proposal. For example, the committee would be responsible for:

promoting the value of ethical behaviour amongst all members and to the community from which they are elected.

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Once again one might describe this as a holier than thou attitude. It is an attitude, of course, that we would support, because it is appropriate that all members of this Assembly - like all members of any parliamentary body anywhere in the world - adopt those principles. In fact, I wonder what the electorate would think about an education program such as that Ms Follett talks about. How, in fact, does she propose that we go about implementing such a program? She certainly did not refer to that during her debate. I presume that one of her colleagues will take that issue up during their discussions on this important matter.

But let me now go to the problem that I alluded to earlier, the problem of the size of the Assembly. Remember it is proposed that this be a standing committee. We would have, therefore, five members making judgments on the remaining 12. I also note that Ms Follett's draft code of conduct referred to our being "dedicated to highest ideals of honour and integrity in all public and personal relationships ...".

Let us consider this statement in relation to personal relationships. I believe, as I have said before, that that statement goes without saying. Members will be judged accordingly by their peers in the Assembly when and if motions of censure are moved; and also by public opinion in relation to those matters, particularly at the ballot box at the appropriate time.

Does Ms Follett propose, for example, that members of her faction who ratted on a deal with the right wing some weeks ago would appear before the ethics committee? One would have to say that that comes within the definition proposed by Ms Follett in her proposed draft code of ethics. Would Ms Follett and Mr Berry be the first to appear before that committee, because they ratted on a deal with the right wing members? Clearly, that would cause some problems.

Ms Follett: What is he talking about? Is this relevant?

MR JENSEN: Of course it is relevant. It is very relevant. We have to be very careful that some of these things do not flash back as a rather large boomerang to put a rather large bang on the back of the head.

So, let us just be very careful. I will come to a few more things in relation to personal relationships, for example. Who is going to police personal relationships? The committee of five? In the USA, personal matters of the members of the legislature become public knowledge and the press very often has a field day. Many members of the various American legislatures have found their whole private lives bandied across the front pages of the newspapers - a major problem. They have been forced to resign.

However, in Australia, our society has adopted what some would argue to be not a very appropriate course. People like, say, Fred Nile, for example, may suggest that we adopt a far too liberal attitude to this sort of issue. But in Australia these sorts of matters are personal. They relate to the personal relationships between the member and whoever that member is involved with. That is the major difference. I would suggest that there are plenty of situations in parliaments throughout Australia where, if the press applied to their legislators the codes that apply in America, there would be some rather embarrassing situations. But our society has adopted a different view. We therefore get into some sorts of problems in relation to this issue of personal matters. Who is going to be judge and jury on what is right and what is wrong in those aspects?

Mr Wood spoke about the provisions applying in the United States in relation to the Speaker of one of the legislatures having to resign because of some actions that he took that were seen to be inappropriate for his office as Speaker. In Australia, and in every other country where the Westminster principles apply effectively, members who breach those sorts of principles in relation to propriety are generally asked to resign, or they resign because of the pressure brought upon them by the media and others. But these are matters that relate to their actions within the Assembly or legislature, not their personal actions. I am sure Mr Wood would suggest that those of us who may be put in such a position would examine very carefully our conscience in relation to the issue. We would make that decision based on whatever beliefs we may have.

Mr Wood also seemed concerned about the ability of the Administration and Procedures Committee to focus on one issue. As Mr Wood well knows, each standing committee has been required from time to time to focus all its attentions on a particular issue. The Social Policy Committee, for example, over a period of time focused very carefully on the needs of the ageing and produced a very good report. It has focused a lot of its attention in recent times on the fluoride issue. So it is possible for a committee to focus its ideas on a particular issue, sort the problem out, bring down a report and then get on to the next issue. The matter before the Administration and Procedures Committee on standing orders 200 and 201 demonstrates quite clearly that it is possible for it to look very carefully at that issue. So I do not see that matter raised by Mr Wood as a major problem.

It is my view that such a small Assembly as ours cannot be compared in any way with the larger legislatures which have ample members to serve on such committees. For example, very early in the life of the Assembly we amended the standing orders to replace three committees with one. In fact, it is the very committee that replaced the procedures, administration and business committees that were set up in the standing orders - three separate

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committees replaced by the Administration and Procedures Committee - to which my colleague Mr Humphries proposes that this matter be referred for consideration.

So, as a member of that committee, I am quite happy to consider the issues raised by Ms Follett in the motion that she has put forward today, but I do not believe that what she proposes - a separate standing committee - is appropriate for an Assembly of this size.

MR BERRY (11.23): I was not going to speak on this matter, but I have been prompted to by some of the things that have been raised by Mr Jensen and other speakers. I must say that I was most surprised at the twitchiness of Government members during the debate on this matter, because it seems to me that the motion makes a whole lot of sense. There is nothing really in the motion that would upset me or any of my colleagues unless we had something in particular to worry about.

Of course, if you have something like that to worry about, there is a good reason why something needs to be done about it. There is a reason for this proposal. It was not just grabbed out of the air. Even if the Government members opposite want to remain deaf and blind on the issue, the fact of the matter is that this Assembly has an odour to it - and Labor intends to ensure that the image of the Assembly is improved in the community, irrespective of what Government members opposite do to prevent that from happening.

Now, we are faced with some realities. As I have said, the Assembly has an odour to it. All Assembly members wear, to a certain extent, the fact that a very high percentage of members amongst us here have criminal convictions - whether we like it or not. The fact that they are in the Government, of course, is pleasing to me, personally - from a political standpoint. But the fact of the matter is that this Assembly wears it.

There needs to be a committee that sets the standards and indicates to members that there are high standards to be observed in this place, because if we are ever going to win the support of the people of Canberra it is only going to be by improving the standards in this place. This sort of proposal will lead us to that position, without doubt - irrespective of the twitchiness of the members opposite. The fact of the matter is that if we do not do something the odour will not change.

The behaviour of the Government members opposite does not help us much, particularly when we come to debate these sorts of issues, because it seems to me that many of them are quite wary of these sorts of proposals. And being wary of them does not help us too much either, because the word gets out that Government members are wary about an ethics committee. Heavens above, I cannot believe it.

Mr Jensen: I do not have a problem, Wayne.

MR BERRY: Well, you do have a problem; otherwise you would not have climbed to your feet, Mr Jensen, to oppose the motion. That is what you did - you opposed the motion. You did not say that you supported the amendment; you said that you opposed the motion. You doubted it. You are a doubting person. It may be that the Labor Party has stolen a march in this matter, but the fact of the matter is that all members of the Assembly have a responsibility to the people of Canberra to improve the image of this place. It seems to me that Government members opposite are not prepared to live up to that responsibility.

The fact of the matter is that this is not an issue on which people should take a partisan position. Sure, it was the Labor Party's idea. We are prepared to take credit for that. But I think the members opposite should be prepared to go along with good proposals in a bipartisan way - just as it is often said from their side of the house that we should go along with some of their poor proposals. The fact of the matter is that this measure has been put forward as a positive and progressive move towards improving the image of this Assembly. It will do that, if it is allowed to proceed - and without the sort of criticism that we have had levelled here today.

I just take up one issue, Mr Jensen, concerning the irrelevance of your contribution to this debate. You talked about the hurly-burly of a full and open election process in the Labor Party as having some relevance to the ethics committee. That just indicates how far you are off the track and how stupid your contribution was. You stick to irrelevancies to make a point which does not exist. The fact of the matter is that you are just plain twitchy about being upstaged on a very important moral issue which has to be picked up and addressed by this Assembly in due course. Mr Humphries, of course, has seen the merit of Labor's proposal, even though he has declined to admit it fully.

Mr Collaery: We support the notion, not the motion. Got it?

MR BERRY: He has seen the merit of the motion that has been put up by the Labor Party and, of course, he has moved the procedural motion, which the Labor Opposition will support because it will lead us to ongoing debate about this issue. There is no denying that there needs to be a long and intense debate about an ethics committee for this place because of the odour that the Assembly has. If you cannot stand up and face that issue, you are deluding yourself.

This is an important issue that has to be addressed responsibly until we get a decision of this Assembly which convinces the rest of the people of the ACT - not the people of South Australia, Victoria or New South Wales - that their Assembly does not smell like this one currently

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smells because of the actions of certain members in this place. It is the ACT and improving the image of this Assembly that we are concerned about. If you people are not prepared to stand up and deal with that issue, well, I cannot be held responsible for that, because the Labor Party will stand up to this issue and take it through until we get a decision from this Assembly which will improve the image of this place in order that, in future, the people of the ACT can have confidence in the legislators in their Territory.

MR STEFANIAK (11.31): Mr Speaker, we are dealing with the issues here, as Mr Humphries' procedural motion clearly points out. That motion requires the motion concerning the standing committee on ethics to be referred to the Administration and Procedures Committee for consideration, and that committee is to report back here by 1 November - a short period. This is an already existing committee of the Assembly, which does look at things such as this. It is a most appropriate committee, and I think similar questions to this have been referred to it. It will consider the matter to see whether, in fact, we do need a committee such as Ms Follett suggests.

Mr Berry tried to make a lot of mileage in relation to how this Assembly is perceived in the community. He talked about this Assembly having an odour. This Assembly was established, as we know, last year; a large number of the Canberra population did not want self-government. The Commonwealth funding which was promised to us has been reneged on; the Commonwealth, at present, owes us close to \$800m that it should have paid and has not. We are in hard financial times in Australia and, of course, we are in hard financial times in Canberra.

Naturally, the community would regard this Assembly as having an odour. It is going to take some time for Canberra to accept self-government. The Chief Minister, in his excellent talk at the Press Club last week, said that perhaps by 1995 people will look back and accept the Assembly and be quite happy with it. I think it will probably take something in the order of about five years for people not only to accept this Assembly but perhaps also to start respecting it. The way they are going to start respecting it is through this Assembly making consistently sensible decisions in the interests of the people of Canberra. Whether the Administration and Procedures Committee ultimately deals with ethics matters - or, indeed, whether it reports back and sees merit in Ms Follett's motion for some sort of ethics committee - is not really going to make one iota of difference there.

The concept Ms Follett raises is certainly very important. There have to be very high ethical standards under which this Assembly and its members operate. Whether that is done and governed by a separate committee or by an existing committee of the Assembly is indeed a moot point.

Mr Jensen raised, I think most properly, the question of examination of personal relationships. We have had a few speakers talk on the differences in this regard between Australia and the United States. Indeed I do not think we would want to see any committee of this Assembly operating as a sort of morals police or as a Star Chamber. In Australia, personal relationships are not quite as important as they are in the United States in terms of political figures. Our own Prime Minister admitted to committing adultery, which would have been a suicidal thing for him to do if he was an American politician. The Australian population regarded that as a personal relationship and, most sensibly, nothing further was done about it, regardless of the morals or otherwise of the issue.

American politicians who have been accused of similar types of acts have had their political careers terminated because of the moral indignation and the system that operates in that country.

Mrs Nolan: John F. Kennedy did.

MR STEFANIAK: After his death, Robyn. And, although I certainly have always been an anti-communist, I could have no truck with the disgusting exhibition of what happened in the McCarthy era when many prominent Americans - many innocent Americans - were crucified for their beliefs in public hearings in, effectively, a Star Chamber type of situation. That is something I would certainly urge the Standing Committee on Administration and Procedures, when it looks at the question of ethics and an ethics committee, to consider very carefully, because I do not think we want to go down the American track at all in that respect.

I was interested in Mr Moore's reading of Dorian Gray, and I am very sorry I confused Dorian Gray with the ship the Marie Celeste.

Mr Collaery: There is not much difference.

MR STEFANIAK: There probably is not much difference. They were both around at the same time. Maybe Dorian Gray even travelled on the Marie Celeste before it got lost.

I would also hark back to another point the Chief Minister raised at the Canberra Press Club, and that was that, despite some of the aspersions cast by Mr Berry on certain members of this Assembly, I believe the 17 members of this Assembly are all hard working and fundamentally honest people trying to do their job in the best interests of the citizens of Canberra. I think most citizens, when they really look seriously at it, would consider that to be the case.

We have already in place a number of provisions which govern the conduct of members. The first was introduced most promptly by Ms Follett when she became Chief Minister,

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and that was the statement of pecuniary interests which we all filled in. There again Mr Berry raised comments in relation to conduct of members when certain things happened to them, and indeed propriety has been seen to prevail there as well. We are a parliament in Australia in the Westminster system and in the best traditions of British democracy.

There is another point which concerns me. If the Administration and Procedures Committee deems that there should be another committee of the Assembly to examine and deal with this very important issue, so be it. But it may well be that that committee itself can in fact take the very important question of ethics on board.

We are a small Assembly of 17 people and we have a number of standing committees: the Administration and Procedures Committee, the Conservation, Heritage and Environment Committee; the Legal Affairs Committee; the Planning, Development and Infrastructure Committee; the Public Accounts Committee; the Scrutiny of Bills Committee; and the Social Policy Committee. That are some seven standing committees and, at present, we have some select committees. We have the Cultural Activities and Facilities Committee, the Estimates Committee and the HIV, Illegal Drugs and Prostitution Committee - 10 committees for 17 members. Of course, Mr Speaker, you, as Speaker, are on only one of them and the four Executive members of the Government cannot sit on a committee. Accordingly, if we take those out of that equation there are only 12 members of this Assembly to go around 10 committees, seven of which are standing. There is a physical problem.

Mr Duby: The Opposition will not go on them.

MR STEFANIAK: And, indeed, as Mr Duby says, the Opposition will not play, in a couple of instances, on a couple of our committees. There are only 12 people to go around 10 committees and this is a problem. So I think it is very important for us and the Administration and Procedures Committee to really look and see whether indeed it is essential for a separate standing committee to be set up or whether this most important job can be done by an existing committee. Probably that would be the right way to go because it is essential that we have guidelines for the conduct of members of this Assembly and, indeed, that there be a committee that looks at them. We have one that can do it at present, and that may well be the most appropriate body.

So the thrust of Ms Follett's motion, I think, is substantially along the right track; however, I think she might be doing a little bit of political point scoring in trying to set up a separate committee and gain some kudos for that. I commend Mr Humphries' sensible motion to the Assembly and I will be interested to see the result of the deliberations of the Administration and Procedures Committee.

Mr Jensen: You have to say you are going to support it; otherwise Wayne will say you are not going to support it.

MR STEFANIAK: Well, I think we are all supporting it over here, are we not, Norm? I will be interested to see the result of the deliberations of the Administration and Procedures Committee.

MR STEVENSON (11.40): If ever there was a requirement for honesty and integrity in representative government it is certainly in the ACT. Unfortunately there is an appalling history of those qualities. Firstly, if we go back to the original platform of the Abolish Self Government Coalition we see that it advocates following the Constitution, which makes it unconstitutional for the Federal Government to force Canberrans into looking after the nation's capital. Secondly, we can look at the 1978 referendum which showed that 70 per cent of people in the ACT did not want self-government.

Both these things, unfortunately, were ignored by the Federal Labor Government and, indeed, the Liberal members as well. But the ACT Assembly had an opportunity to put the matter right or at least inquire into the matter; for, on 4 July 1989, I moved a motion that would have required the constitutional legality of this Assembly to be looked at. Unfortunately for the Constitution and the people of Canberra, that motion was defeated by 16 votes to one.

Where does support for honesty, integrity and representative government come in such a defeat, in terms of representing the will of the people? It is well known where my coalition stands on this. I fight long and hard - and will continue to do so - to see that the will of the people and the constitutional law are followed. But let us look at some of the examples in this Assembly. One is the X-rated video issue. Every State in Australia has banned X-rated videos and yet we in Canberra - and specifically the Labor Party - allow the promotion and distribution of X-rated videos from the ACT throughout Australia, notwithstanding that that is subversive of every State's law.

The majority of people in Canberra - 60 per cent - do not want X-rated videos going from this town to other States. Indeed, the larger percentage - approximately 50 per cent - do not want X-rated videos in Canberra. They want them banned. Some 40 per cent would allow them. During the campaign the Labor Party accepted some \$8,000 from the porn pushers called the Adult Video Industry Association. Unfortunately that money was not declared. There was no action taken by the Electoral Commission. But it is one thing to take the money - and one could say that is perfectly acceptable if you wish to do that; I certainly would not - but it is another entirely different matter to not declare the - - -

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Ms Follett: It has been declared.

MR STEVENSON: It was not declared when it should have been declared. It was declared only when the matter was brought up in the Parliament, unfortunately. We also have the matter of fluoridation. I believe that the people should not be compelled to take any drug, certainly not via the water supply, as a general principle. But I also stand for the principle of the majority expressed will of the people. Our surveys show that the majority of people in Canberra do not want compulsory fluoridation of the water supply.

MR SPEAKER: Order! Relevance, Mr Stevenson.

MR STEVENSON: I think the relevance, Mr Speaker, to representative government, of honesty and integrity in government is to look at some practicalities; let us look at the actual issues. It is all very well talking about honesty, integrity and representative government, and then working against it or doing absolutely nothing about it. Can there be anything more relevant than what happens in this Assembly and what happens with the Royal Canberra Hospital when 46,000 people signed a petition saying they did not want it closed and yet it is going to be closed?

Ms Follett: A good point, and these parties promised it would not close.

Mr Kaine: Could they produce the \$64m to keep it open? Be sensible, Dennis!

MR STEVENSON: We will be talking more about that tonight at the event. Also, in respect of school closures, the members of this community want their money - it is their money - spent on keeping schools open. We are supposed to be elected representatives, not dictators. If the people want their money spent on schools and the hospitals, that is where it should be spent. Perhaps there could be less spent on members; perhaps there could be less spent in other areas.

So, one of the most important principles that we can ever look at, as mentioned in the motion by the Labor Party, is representative government. People in Canberra indeed want that.

The highest result we are getting on our surveys is that people want the principle of voters' veto. They want the opportunity by way of petition, perhaps on one set day a year, to have a say on issues that they want a say on. Shall we look at what has been, unfortunately, the ACT Labor Party policy on the voters' veto? When I brought the matter up, Rosemary Follett described the voters' veto - - -

MR SPEAKER: Order! Mr Stevenson, I do not believe this is relevant to the debate before the house.

MR STEVENSON: Mr Speaker, I find it very hard indeed to believe that honesty, integrity and representative government examples are not relevant to this debate. If that was the case, we could never talk about these things. One would only have to speak in flowery language; we could never talk about what actually happens in parliament. It was unfortunate that Rosemary Follett described the voters' veto as an extreme right wing principle.

I think some people may describe the Labor Party as extreme right wing, if you look at socialism being right wing - which it is. But it is important to note, and I have made the point in this house before, that the citizens' referendum was a major plank - not just a plank, but a major objective - of the Labor Party from its inception in the 1890s through to 1963, when at the instigation of Don Dunstan it was removed from the Labor Party policy.

Indeed there will be an opportunity for the Labor Party in this house to support the principle of people having a say by a binding referendum - voters' veto. I noted that Robyn Nolan a moment ago was shaking her head, and one wonders why. It is a pity she did not shake her head after voting to remove fluoride from the water in Canberra, and - - -

Mrs Nolan: Dennis, you are on a committee. You should not be talking about it.

MR STEVENSON: Well, once again, I am talking about basic principles. I am not talking about whether it is a good idea or not; I am talking about principles. The principle is that the people should be heard. So, as far as the motion standing in the name of the Labor Party is concerned, it has some wonderful concepts that I have always supported, and that I will go on supporting. However, I wonder whether it bears some similarity to a cannibal who is now promoting vegetarianism. While I fully support the ideal, I can assure you I would not be standing near the pot at dinnertime.

MR COLLAERY (Attorney-General) (11.49): I will just make some brief comments. I think it is clear to all in the house that we support the principles of this motion, but we do not support the machinery proposed - not all of it - and certainly it is prudent for Mr Humphries to move the motion, which I support, that this motion by the Leader of the Opposition be referred to the Administration and Procedures Committee for consideration.

There are numerous reasons why that should be so, not the least of them being a number of important issues raised by Ms Follett's motion. Briefly, there are machinery problems, as I see them, with respect to that part of the motion that calls for the committee to hold all hearings in public. We have seen a retreat from that high-minded idea in New South Wales recently when, clearly, the proceedings of the Independent Commission against Corruption did tend to bring to light a number of allegations which were not

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proven but which were publicly aired. I believe that body is now being very circumspect about the number of public hearings it has at first level with initial allegations. I believe that the motion by Ms Follett needs to be tidied up in the interests of civil liberties.

Also I have reservations about what the Leader of the Opposition means about personal relationships. Other people have covered that. But clearly we cannot allow this committee - in another time, in another place, perhaps run in another political atmosphere - to use improperly this machinery that the Leader of the Opposition would set up to, as my colleague Mr Stefaniak says, bring us back to McCarthyism, or forward - please God, no - to Fred Nile-type moral campaigning.

This motion needs to be examined by the Administration and Procedures Committee before it comes back to this house. In that respect, I am encouraged by the tortuous trip that such a proposal had in the Federal Parliament. I refer to what is known as the Bowen Committee of Inquiry into Public Duty and Private Interest more than 10 years ago.

I draw members' attention, without quoting, to the speech in the House of Representatives on 4 June 1981 by Mr Lionel Bowen where he traverses and sets out in very good order the history of proposals that we have an ethics committee in an Australian parliamentary context. He refers to a question which he believes has never been properly answered, even by such notables as Sir Garfield Barwick, as to what is a pecuniary interest. It is an interesting speech and I enjoin all members to read Lionel Bowen's speech in the House of Representatives on 4 June 1981.

That issue resulted in our public servants being obliged in many instances to agree to what is called a Bowen undertaking - and that comes from the report of the Bowen Committee, the committee that was chaired by Sir Nigel Bowen, and others. So there has been progress in that regard. But sadly, as a document of early this year relates, the situation throughout the Australian parliamentary structure on committees of ethics in the parliament is as follows: in the Commonwealth there are no committees to consider parliamentary ethics or related matters. Committees on members' interests, matters of privilege and matters of procedure appear to be the nearest equivalents in the Federal Parliament.

In New South Wales there is a code of conduct for local government which has been issued by the Minister for Local Government. It is countersigned by Ian Temby and represents, in my view, the state of the art in terms of what I believe the Leader of the Opposition is seeking. I propose to table that document for the interest of members and, hopefully, when the procedural motion is put, that could be the starting point for the structures proposed by the Leader of the Opposition.

Continuing the review, there is no ethics committee in the New South Wales Parliament. There is a Standing Orders Committee which can investigate matters of conflict of interest. There is a ministerial register of interests much like that which we have all supported on the establishment of this Assembly.

In Victoria there is no ethics committee. There have been various inquiries but nothing determinate. In South Australia there is no ethics committee and, similarly, their Privilege Committee is used for such issues. In Tasmania there is no ethics committee. All of this, I might add, was the case at the beginning of this year and I have no later research available. In the Northern Territory there is no ethics committee; there is a Privilege Committee and a register of interests. In Queensland, as we would have expected, there is no ethics committee and certainly there is a register of members' interests which no doubt has been subject to occasional takeover offers. In Western Australia there is no ethics committee and no register of interests but it is ALP policy to have such a register. I imagine that Carmen Lawrence has moved to establish one; I do not know.

In the United States Congress there is a committee on standards of official conduct and there is a code of official conduct in the House of Representatives. There is a standing committee on ethics in the United States Senate. But, as my colleague Mr Stefaniak pointed out, some of the value judgments and standards there may cause us to look very carefully at whether we want to have a similar structure operating in our context. The situation is unclear in the United Kingdom, but there is no set ethics committee as such in the House of Commons.

Many parliaments have been traumatised occasionally by specific inquiries. We all remember the Profumo affair and the variety of inquiries that have taken place in parliaments in Australia. They have all resulted in recommendations and I believe that it will be incumbent on the Administration and Procedures Committee to consider whether we need to have a standing in-house watchdog of the type proposed by Ms Follett or whether we should be careful and have regard to what has been done in the past and have individual inquiries with a membership reflecting the importance of whatever the problem is that has arisen in the house.

In such a small Assembly as this it may well be difficult, if there is an allegation against a member, for there not to be a conflict of interest there and then with our small numbers and the committee structure. I believe that we need to give very serious consideration, from a legal point of view, to a number of privacy, civil liberties and procedural issues evoked by the motion of the Leader of the Opposition. I trust that the Opposition will not leave the chamber after the forthcoming adjournment and issue a press release saying the Government opposes an ethics committee.

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I believe that itself would be unethical. Clearly our Government is supportive of these issues, as indeed I am as Attorney-General, and I think members would be well aware that we have been looking at the code of conduct for local government. We have also been getting interpretations of section 14 of the self-government Act which itself sets a very high penalty for members who, among other things, take or agree to take directly or indirectly any remuneration, allowance, honorarium, reward and so on.

We are establishing an independent committee against corruption and I have said publicly that one of the strong aspects of that is that that committee can examine our behaviour as Ministers - particularly our behaviour as Ministers - and, I would suggest, the behaviour of all members, who are approached constantly by the public and by business for concessions. I think we are establishing at a prudent pace the machinery that should go in this area, but I do not support the establishment of a committee as framed by the Leader of the Opposition.

I support the motion proposed by my colleague Mr Humphries. One ground, but not the overreaching ground, for my believing the Administration and Procedures Committee should tackle this issue at this stage is that the establishment of another separate committee at a time when this Assembly is fully stretched would place further work on the backbenchers. Indeed, on my reckoning, you would need another committee secretary which would cost somewhere between \$40,000 and \$50,000, on my assessment. I could be corrected on that by my colleague the Chief Minister. But it does appear to me that there are the organisational, workload and financial aspects. So we should think about it carefully.

Finally, just for once I agree with most of what Michael Moore said. I liked, indeed, his traverse from Highgate Prison and I supported very much his sentiments.

MS FOLLETT (Leader of the Opposition) (11.59): Mr Speaker, I will close the debate and I will be relatively brief in my comments. There are a few things I would like to say in response to what other members have said about this issue, and I do thank them all for their contributions. I think it is abundantly clear from what a number of members have said that Mr Berry is quite right when he says this Assembly does have an odour. Mr Humphries referred to the fact that he believes this is the only parliament in Australia that does not have a requirement that bankruptcy would prohibit a member from taking a seat.

Mr Kaine, I think by way of an interjection, referred to the fact that there are defamation writs flowing backwards and forwards between members of this Assembly, and Mr Berry himself referred to the rate of criminal convictions in this Assembly. I think that if you think it does not have an odour you are kidding yourselves. It does. The motion that I am putting forward is an attempt to make the

Assembly do a bit better. I am glad to know that a number of the members opposite - not including the Chief Minister, obviously - support that move.

One other matter that I would like to traverse is the clear implication in a number of the Government members' speeches, and indeed in Mr Stevenson's, that the Labor Party would somehow be exempt from this code of ethics and that we may find ourselves embarrassed by it. The code of ethics that I propose would in fact apply to all members of this Assembly and that is, indeed, the very reason why I have put it forward. I do not think anybody should be exempt, whether it is a Minister, a member of the Liberal Party, a member of the Abolish Self Government Coalition or a member of the Labor Party. It is intended to apply equally to all members.

A number of particular points have been raised in connection with the draft code of ethics that I have put forward in the motion. The first thing I would like to say is that it is quite clearly a draft code of ethics. It says that in the motion. It is not supposed to be the definitive set of words. It is put forward in an attempt to get the debate started and, in fact, it has been singularly successful in that. A number of members, in particular, have drawn attention to that part of the draft that refers to people's personal relationships. But it is a draft and it is subject to discussion and modification. I think there have been any number of occasions in Australian political history and, indeed, in international political history where personal relationships have been the very subject of scrutiny and have brought down governments and Ministers and have caused any number of controversies.

There are some in recent history in Australian political life. If you cannot recall them yourselves, there was the incident of the Sheridan sheets, when Mr Peacock's then wife, in taking part in a commercial promotion, caused Mr Peacock to offer his resignation. They quite clearly saw that their personal relationship in some way entered into Mr Peacock's role in political life - in public life. There was also the Jim Cairns occasion - - -

Mr DUBY: It was not accepted, I understand.

MS FOLLETT: No, it was not accepted. Dr Cairns' brother-in-law, I believe it was, was involved in overseas loans raising and Dr Cairns' resignation was required by the then Prime Minister. That was a relationship between him and his brother-in-law. So, if you think that personal relationships cannot ever be the subject of debate about propriety, you are quite wrong. I think that they are quite properly, from time to time, relevant to our role in public life. What the motion seeks to do, of course, is to allow some debate on when it is relevant and when it is not.

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I very much welcome what support I have had from Government members for this motion. I am certainly not attempting to adopt a holier than thou attitude, which Mr Jensen, amongst others, accuses me of. As I said, I would expect any code of ethics drawn up to apply equally to all members, including myself. For that reason, I think it is incumbent upon all members of this Assembly to support it.

Mr Kaine raised the point that he was worried that, if there were a committee established, that committee might be required to investigate one of its number or there could be a conflict of interest for a member of that committee. Well, yes, indeed. If any member of the committee is subject to the code of ethics, of course that member may be investigated. But I completely fail to see what the difference is between that situation and the Administration and Procedures Committee taking on this role. Exactly the same possible conflicts could arise, with exactly the same possible problems with members of that committee being investigated. So I really do not see what the problem is there. It is quite clear to me that, if we do adopt a code of ethics, it applies equally to all members.

I make just one final point, and it relates to Mr Humphries' motion to refer this matter to the Administration and Procedures Committee. For the reasons that Mr Wood spoke about, I would have preferred to have a special committee to undertake this task - if not a standing committee, then a select committee - because I think it is something that you need to focus on intensively for a period of time. We have to debate, have public hearings and talk to members of the committee, members of the community and members of this Assembly. Nevertheless, I do welcome Mr Humphries' motion because it does at least continue the debate on this important matter.

So we will be supporting his motion, given the expectation that the Government members would not allow any other course of action anyway; we bow to the inevitable, I suppose. At least you have not thrown out our motion and I thank you for that. But you have not given it your total support either, and I do not know why you are so nervous about doing so.

MR SPEAKER: I would like to correct an interpretation placed on the proceedings by members. The situation is that there is not an amendment before the Assembly, but there is a motion before the Assembly. Therefore Ms Follett did not close the debate and in fact the Chief Minister and Mr Wood and Mr Humphries, who would close the debate, are still open to speak on this issue.

MR COLLAERY (Attorney-General) (12.07): At this juncture, while they are making up their minds, Mr Speaker, may I table the document I referred to in my speech. I table a copy of a letter to all local councils dated 25 January 1990 and signed by, among others, Ian Temby, Commissioner, Independent Commission Against Corruption. I also table

copies of documents entitled, "Code of conduct for local government members and staff" and "Principles", together with some annexed information concerning the Ethics Committee practices in other jurisdictions.

MR SPEAKER: It is apparent that the debate is concluded. The question before the house is that the motion concerning a Standing Committee on Ethics be referred to the Administration and Procedures Committee for consideration and report to the Assembly not later than 1 November.

Question resolved in the affirmative.

MR SPEAKER: I believe that then makes the motion moved by Ms Follett superfluous and we go on to the next item of business.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1990

Debate resumed from 8 August 1990, on motion by **Mr Berry:**

That this Bill be agreed to in principle.

MR KAINE (Chief Minister) (12.08): Mr Speaker, as members will be aware, the Occupational Health and Safety Act was passed by the Legislative Assembly on 30 October last year after long and careful consideration, and the Act was proclaimed on 14 November 1989. Arising from the debate in the Assembly, there is no doubt that there is an expectation in some sections of the community that the Act should and will be reviewed after a period of operation.

The main points of contention foreshadowed during debate on the Bill by various parties went particularly to the number of employees in a designated work group and the size of penalties under the legislation. Obviously there were other problems that some groups had with the Bill, including whether there should be any legislation at all. There was a general consensus, however, that some OH and S legislation was required.

The Alliance Government agreed when the Act was passed that implementation should proceed without immediate amendment. The reasons for this view were, firstly, that the ACT was the only State or Territory without such general legislation; and, secondly, that such legislation is an important first step in developing an integrated injury prevention compensation and rehabilitation strategy which has the potential to generate economic benefits through the significant reduction of labour on-costs in the Territory, as well as having social benefits for workers and their families by reducing the incidence and severity of occupational accidents and disease.

The importance of this link was reinforced by the recent report by Coopers and Lybrand into workers compensation in

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the ACT, which linked reductions in workers compensation costs with effective prevention and rehabilitation. Recognising the importance of this report, the Government has allocated an additional \$130,000 this year to allow for the implementation of that report. In these hard economic times this shows the importance that this Government places on this significant aspect of ACT employment. All other States and the Commonwealth have undertaken such reviews and have implemented or are implementing major changes to their occupational health and safety, workers compensation, and rehabilitation legislation. Some have obviously been more effective than others.

After considering the matter, Mr Speaker, the Alliance Government decided to proceed with the implementation of the legislation as passed, with some provisos. In essence the Government endorsed the Minister for Finance and Urban Services proceeding to implement the Occupational Health and Safety Act of 1989, including gazettal of the remainder of the Act, appointment of a registrar, and appointment of a tripartite OH and S council.

However, the Government decided that the Industrial Relations Advisory Council, when it is established, would be asked to advise the Government on the Occupational Health and Safety Act, including the effectiveness of the Act, and on the coordination of our preventive strategy with our compensation and rehabilitation strategies. Implementation action taken so far to make the OH and S Act operative includes staged gazettal by the Minister of the legislation geared to setting in place the appropriate mechanisms and resources to give effect to the provisions of the Act, that is, the appointment of a registrar, which is a pivotal position in the Act. The position has been filled and the ACT Occupational Health and Safety Office has begun operations.

Secondly, there is the appointment of the tripartite Occupational Health and Safety Council. The role of the council under the Act is to advise the Minister on matters related to occupational health and safety, including the operation of the Act and associated matters. This council is already functioning effectively and has a full workload. It is within this role that consideration will be given to the appropriateness of the size of a work force requiring the establishment of a designated work group. That is the point of the Bill that is before us today; it is solely the question of the size of a designated work group.

Mr Speaker, it is my view that the current provisions of this Act, which we are only now putting into effect, should be given time to settle. Since the Occupational Health and Safety Act came fully into force on 10 May this year, the ACT OH and S Office, in administering the Act, has issued six prohibition notices, mainly in the construction industry, and these notices prohibit work until a major and immediate safety hazard has been rectified. The office has also issued 11 improvement notices requiring rectification

of a significant occupational health and safety hazard within a period specified by the inspector. In the six-week period from 1 August to 13 September, that is the end of last week, the ACT Occupational Health and Safety Office has conducted 294 OH and S safety inspections, 304 inspections under the Scaffolding and Lifts Acts, and a further 304 inspections under the Machinery Act. Fifty-nine persons have been examined as to their competency to perform tasks with major safety components, and 1,482 general inquiries have been handled.

Mr Speaker, the OH and S Office is fully committed to implementing the Act as it is, and to commence amending the Act in any way at this time would in my view be premature and counter-productive. Action is also in hand to update other existing legislation relating to safety in the workplace and to bring it under the umbrella of the OH and S Act. Mr Speaker, small business should be given time to get used to the current and new OH and S requirements. We should not be moving so soon to allow for the Act to be even more intrusive into the operations of smaller business. It is a time for consolidation. It is not a time for ad hoc changes such as those proposed by this Bill.

Mr Speaker, the Bill under debate proposes only the one change: a reduction from 20 to 10 in the designated work group. I believe that that change should be made only in the context of other change that may be required to the Act after it has been in force for a reasonable time. I oppose the proposed amendment of the Act at this time, Mr Speaker.

MR DUBY (Minister For Finance and Urban Services) (12.15): Well, Mr Speaker, I shall not take up much of the time of the Assembly. I think the case against this amendment to the Act was put quite capably by the Chief Minister. As he said, the crux of this amendment is to vary the size of a designated work group from 20 to 10. He outlined the role of the committee that is currently looking at all the options and operations of the Occupational Health and Safety Act in the ACT and the Occupational Health and Safety Council. It is a tripartite council; it has representatives from government, employers and unions on it. It is very representative across the range of industry in the ACT. It has met several times but it has not yet addressed the issue of the size of the designated work group. I think it is best left for that council to meet that very issue. That is not inappropriate as employers, employees and the unions are still getting used to the legislation being in place in the ACT. It is only comparatively new legislation.

The Government will be looking to the Occupational Health and Safety Council, after a time, to advise on the appropriateness of the provisions of the Occupational Health and Safety Act. Included among the things that it will be giving advice to the Government on is the size of designated work groups in the ACT. In our view, that is

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the responsibility of the council. The council will take notice of the views of all people throughout industry.

Actually, what we are doing here is quite remarkable. We often hear the Opposition bleating about consultation; yet when we are trying to apply that principle of consultation to a very emotive issue, namely, the size of designated work groups in the ACT, we see that the Opposition wants to ramrod a certain figure, an ideologically determined figure, upon both the unions and employers in industry. The council has been very busy. It has been considering a whole range of issues essential to the effective implementation of the Occupational Health and Safety Act, including training of representatives and the introduction of codes of practice and regulations necessary to the effective functioning of the Act in the ACT.

In future that council will advise the Government. It will look at the issue of the size of designated work groups, and the Government, when it gets that advice from the council, will then make a decision about the appropriate size of designated work groups under the operations of the Occupational Health and Safety Act. The Government sees no need at this stage for this legislation, this amendment to the Occupational Health and Safety Act, to be carried, and opposes the private members' Bill.

MR STEFANIAK (12.18): I was chairman of the committee which looked at this matter. We looked at this in a fairly short period of time, but it was a very detailed inquiry. Mr Berry has proposed now that section 36 be amended to reduce the number of employees employed in a designated work group to more than 10 rather than more than 20

This Act was passed last year by the Legislative Assembly. It was introduced by the Labor Party but it was fundamentally supported by both sides after that extensive committee inquiry into it. It was developed following consultations between employers and unions. I know that I have been involved since about November 1988 in relation to questions arising from this Act. There was not all that much consultation in 1988, but there certainly was in 1989. As a result of this entire process, in November last year a figure of more than 20 employees for a designated work group emerged. The Act came into effect on 17 May this year and, as the Chief Minister says, it should be given time to bed down. Inspectors have been appointed; they are working in the field.

As the Chief Minister said, prohibition notices have in fact been issued. Advice on current occupational health and safety procedures has been given. The role of the inspectors and their powers applies equally to larger and smaller employers. It is not related to whether there is a designated work group. As Mr DUBY has said, the Occupational Health and Safety Council has been appointed under this Act. That system is still in its infancy, but it is working.

It is not a question that employers with less than 20 employees are outside the Act because, Mr Speaker, there are still duties of care and obligations imposed on employers and employees, regardless of business employment size. It is only that small businesses are not required to have safety representatives with certain powers and with certain training obligations. The number of employees was set at 20, but not necessarily for all time. It is certainly the Liberal Party's position that we think 20 is an appropriate number. But, Mr Speaker, the number was always going to be subject to review. The system, however, must be allowed to be tried before any further changes are made. We have to consider the private sector in the ACT, Mr Speaker. It needs time to become used to the legislation in the occupational health and safety field.

Mr Berry: It will never get used to it.

MR STEFANIAK: We also have to look at what happened in other States. During the debate on this issue, Mr Berry, I think I pointed out a number of times in Victoria where this system had been abused for blatant political purposes by unscrupulous unions. This system should not be allowed to be abused by unscrupulous people, be they unions or be they employers. It is early days in the ACT. Naturally, small business had concerns about some of the current provisions; indeed, some of the provisions were altered as a result of the committee and the Assembly debate. This was one of them.

There is a need for an education program to demonstrate the benefits of this Act. It is certainly not unreasonable in the circumstances, Mr Speaker, to start at 20 for a designated work group. This provides a balance between the needs for effective workplace arrangements and the very relevant and crucial needs of small business, because if we crucify our small business our economy is totally stuffed, and we might as well just pack up and go off to Argentina.

The legislation provides for an Occupational Health and Safety Council with responsibility to advise the Government. It is a tripartite council, with people from Government, employers and unions. We have from industry Ian McDonald from Ansett Airlines; Larry King, the director of AFCC; and Dot Swanson from Confact. From the unions we have Charlie McDonald from the TLC; Kate Lundy from the BWIU; and Trevor Zeltner from the Operative Plasterers and Plaster Workers Federation of Australia. From the Administration we have Bob Scott from ACT Health; Bill Chidzey from TAFE; and John Woodrow, the chairman, from the Industrial Relations Branch. That council has met twice, but it has not addressed the issue before the Assembly.

This Bill is not appropriate as employer, employees and unions are still getting used to the legislation. The Government and my two colleagues and I have said we will be looking to the council after a time to advise on the Act

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and we will then consider those recommendations. No doubt that will include the ideal size of the DWG. In future the council will advise whether a new level is required and when this should be introduced, and we will consider it then. The number may well be brought down over a period of time, but it is certainly not time for that yet.

When this is done it would be on the advice of the tripartite council established under the Act; that is the appropriate time for the Government to consider it. This is very premature. If this motion were passed I think it would send shivers up small businesses' spine. The procedures set in place under the Act simply have not had time to work yet. The council has not had a chance to evaluate it. Perhaps when that occurs a motion such as this might be more appropriate.

MR BERRY (12.24), in reply: Mr Speaker, I am not surprised at the response by Mr Stefaniak or Mr Kaine to this move by the Labor Party because it has been their traditional position in this place to oppose the introduction of occupational health and safety legislation. It has been their traditional position to oppose it mostly on political grounds because of their preoccupation and fear of trade unions - a silly traditional position that the Liberal Party seems to feed off.

Mr Stefaniak said - and I was quite amused when he said this - that he relied upon the duty of care to cover the employees of 95 per cent of employers who are not covered by the provision of designated work groups in the workplace. It is precisely the failure of the duty of care to protect workers which has led us to a position where 500 workers are being killed each year, 300,000 are being injured at work, and the total cost of these accidents is estimated to be around \$6.7 billion annually.

Mr Jensen: What, 500 workers in the ACT? Come on!

MR BERRY: The fact of the matter in the ACT, Norm, if you had been watching the figures, is that the costs have been estimated at somewhere between \$120m and \$240m a year. The fact of the matter, Mr Speaker, is that the duty of care has not worked. Mr Stefaniak knows it has not worked and he does not care. The thing that these people clearly rely upon and are most concerned about is the economic benefit. It was the first thing of significance that Mr Kaine mentioned in his speech and it was obviously the point that he was most worried about: the economic benefit of protecting workers. There was no concern shown for the safety of workers in the workplace in terms of priorities.

Mr Kaine: I suggest you read my speech again.

MR BERRY: The priority that the Chief Minister gave to the issues was economic benefit, first; and the safety of workers, second. That was the clear position and that also was the clear position of Mr Stefaniak, because he made it

clear that he was prepared to let the general duty of care provision, which has led to the death and injury of thousands of workers in this country, stay in place forever. If Mr Stefaniak's attitude to occupational health and safety legislation in the past is any indication, that will be the case.

Mr Speaker, the Government tends to rely on the setting up of the Industrial Relations Advisory Council as the measure of what might happen in the future. The fact of the matter is that the Industrial Relations Advisory Council has no power at all. It is only an advisory council to the Government. The Government is dominated by the A, B and C teams of the Liberal Party and the fact of the matter is that the Liberal philosophy will flow through into the delivery of health and safety in the workplace. In other words, the economic position of employers in the Territory will be considered before the safety of workers in the workplace.

Mr Kaine also mentioned the construction industry and how much good work was going on there. But what he failed to say was that the employees of 95 per cent of employers are not covered by this legislation. The employees of 95 per cent of the employers will not be provided with designated work groups for their protection. This Government is not concerned about the protection of workers; it is more concerned about economic benefits, and you have demonstrated that in your speech.

Mr Kaine: Why do not you get off your ideological horse and start talking some horse sense?

MR BERRY: It would be nice if, for once, we could have a bunch of Government members who could sit there and just take the medicine. They just cannot take it. The fact is that you are prepared to cop a situation where the workers of the Territory continue to be at risk because you failed to provide adequate measures for their protection - that is, employees of 95 per cent of employers will not be provided with adequate protection in the workplace.

This Government is more interested in preventing the recurrence of death and injury - the emphasis is quite wrong - rather than trying to introduce measures to prevent them ever happening. That is what the designated work groups would provide in the workplace and that is why the Labor Party has moved to amend this legislation to ensure that an increased number of employers will have their employees provided with further protection.

Inevitably, when Labor wins the next election, all employers will be covered because all employees will be provided with this sort of protection. It is our intention to ensure that that will occur. While this Government talks about the provision of occupational health and safety, we see no increase in the provision of funding for the establishment of proper occupational health and safety

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in the ACT. In fact, in the Labor Party's view, it is grossly underfunded because, still, workers are being injured in the Territory.

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

That so much of standing and temporary orders be suspended as would prevent Mr Berry from concluding his speech within his allotted time and the question "That this Bill be agreed to in principle" being put.

MR BERRY: Thank you. I can see that the Government would want to get this out of the road because it is a continuing embarrassment for you. The lack of protection that you are providing in the workplace is a continuing embarrassment.

Mr Humphries: If we had adjourned you would have said we were gagging you.

MR BERRY: Well, it would not be unusual for the people opposite to gag debate in this place. The fact of the matter - - -

Motion (by **Mr Humphries**) negatived:

That so much of standing and temporary orders be suspended as would prevent the adjournment of the debate being moved.

MR BERRY: The fact of the matter, Mr Speaker, is that the Labor Party has moved to improve the situation in the workplace for workers in the Territory. The A, B and C teams of the Liberal Party have stood in the way of that. They will continue to do that.

Mr Collaery: We are waiting on a review.

MR BERRY: Waiting, waiting, waiting. The last time this issue was debated, Mr Collaery, we were waiting on a review as well.

Mr Jensen: The review has not been finished yet.

MR BERRY: The review has not even started.

Mr Collaery: I have not spoken. I did not say anything.

MR BERRY: We will be waiting and waiting and waiting for anything to be done to protect workers in this Territory.

Mr Collaery: Bring your Bill back when the review is finished.

MR BERRY: We know your position in relation to unions and workers in this Territory, Mr Collaery. You have made it clear in the past.

Mr Collaery: Yes, I used to act for one.

MR BERRY: You have made it clear in the past; you are not concerned about them at all, and with all - - -

Mr Kaine: Mr Berry used to act only for himself when he was in the union.

MR BERRY: We can do without your sort of concern for workers in the Territory, the same as we can do without the sorts of concern that have been demonstrated by Mr Kaine and the Liberal Party generally.

Mr Kaine: You got your OH and S Act because we cooperated with you, mate, and don't you forget it.

MR BERRY: The fact of the matter is that we did not need the numbers provided by the Liberal Party.

Mr Kaine: Yes, you did. You would not have had the Act at all.

MR SPEAKER: Order!

Mr Duby: You had better be careful or they will take them away.

MR BERRY: I think that needs to be on the record, Mr Speaker. There are threats that the limited protection that was provided in the Territory might be taken away if the Labor Party does not behave itself. We will be still here fighting for improved occupational health and safety conditions long after this mob opposite are gone.

Mr Kaine: And you will be five miles behind - - -

MR BERRY: We will be here long after you lot are gone and you can rest assured, Mr Speaker, that it will be the Labor Party that will improve benefits for the workers, not the three teams of the Liberal Party, just as it was the Labor Party that introduced into this Assembly legislation to improve the occupational health and safety of workers in this Territory.

It will be the Labor Party that will provide adequate resources to fund the provision of these services in the Territory and it is clear that it is the three teams of the Liberal Party that are preventing adequate protection of workers in this Territory. It is those three teams that will continue to stand in the way of the provision of additional protection for workers who are missing out because of the laziness and tiredness of the people opposite. They seem to be feeding off their fear about the involvement of trade unions in the delivery of occupational health and safety in the workplace.

It was the trade unions in the past who bore the responsibility for protecting their members when the duty

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of care that Mr Stefaniak relies upon failed to do it. The trade unions had to use industrial muscle, regrettably, to provide that protection. That is why, or is one of the reasons why, the unions were more interested in having involvement of workers in the workplace in the provision of protection of themselves rather than having to use their valuable resources to do what essentially was the boss's job. That is what it boils down to.

Now, you might not like that; you might not like those facts and you might not like having it wheeled up to you at every opportunity. The fact of the matter is that that is the history of workplace safety in Australia and we have to live with it jointly. But what the Labor Party will not live with is a slack government that is not prepared to provide the best available for people in the Territory. We have a government that is still feeding off the fear of unions that I spoke about earlier. They cannot continue to do it while workers are being killed and injured in the workplace. They have to do something about it. This Bill set out to achieve something in that respect.

The Liberal Government, A, B and C teams, of course, will prevent that from happening, but that message will be passed on to the trade union movement. Those historic divisions between labour and the conservatives in this country will persist because of the inaction of this Government. This Government is a government that depends on adversarial principles existing in the workplaces. They try to feed off it. What we are setting out to do is to ensure that occupational health and safety is provided in the workplace as soon as is possible. Mr Speaker, I commend the Bill to the house and I will note with interest those members who vote against it.

MR STEFANIAK: Mr Speaker, I claim to have been misrepresented.

MR SPEAKER: Please proceed.

MR STEFANIAK: Very quickly, Mr Speaker, because I do not want to delay us. Mr Berry referred to forcing workers back onto the duty of care. That has nothing to do with the designated work group because there are other provisions in the Act, Mr Berry, which I mentioned, which cover all industry - - -

Mr Berry: He is debating the issue, Mr Speaker.

MR STEFANIAK: - - - regardless of how many workers there are.

MR SPEAKER: Order! Mr Berry, resume your seat.

Question put.

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 6

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

NOES, 10

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

Question resolved in the negative.

Mr Collaery: Mr Speaker, Dr Kinloch had leave of the Chief Minister. He has gone to a public engagement.

PERSONAL EXPLANATIONS

MR SPEAKER: Members, I would like to make a statement with respect to standing orders 46 and 47. Personal explanations under standing order 46 are usually lengthy and tend to detract from the flow of debate. I therefore appeal to members for restraint on this standing order until the conclusion of a debate. However, with standing order 47, it is usually a very short statement designed to ensure correct interpretation of a member's speech. Therefore, I am prepared to allow such an explanation at the conclusion of the speech in progress, but during the current debate. I appeal to members not to misuse this facility and, in raising the point of order, to declare that they wish to speak under the conditions which apply to standing order 47.

Sitting suspended from 12.41 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Captains Flat Dam

MS FOLLETT: Before I ask my question, Mr Speaker, could we welcome the students and teachers from the Weetangera Primary School to the Assembly this afternoon. My question is to Mr Kaine in his role as environment Minister. Is he concerned about the release yesterday of water, possibly contaminated by heavy metals, from the Captains Flat dam into the Molonglo River and subsequently of course into Lake Burley Griffin? What action will the Minister take in this matter to prevent a recurrence?

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MR KAINÉ: I understand that Mr Rodney Falconer of the Conservation Council of the South-East Region and Canberra has expressed some concern about a report of pollution and a threat to safety arising from a release of water which occurred yesterday morning. The matter is one which primarily involves New South Wales authorities and is of concern to us only in terms of the possible ramifications of a flow of water into the Molonglo and into our system.

My advice, Mr Speaker, is that the dam from which the water was released is a small dam supplying water to Captains Flat at the head of the Molonglo River. The New South Wales Public Works Department is carrying out works to upgrade the capacity of the spillway, for dam safety reasons, to protect the residents of Captains Flat, so it is actually drinking water that was released. It was released by the Yarrawlumla Shire Council on the request of the New South Wales Public Works Department to allow a survey of the upstream face of the dam to be undertaken.

The quantity of water released was significant in Captains Flat and caused the river to rise about one metre at that point, but still within the river banks. The quantity of water was monitored by the flood warning station maintained by ACT Electricity and Water. The monitoring station detected about 60 megalitres of flow but the next station at Carwoola detected only a slight rise in the level as a result of the release. In other words, it presented no danger to the ACT whatsoever and since it was drinking water there is no question of pollution. There seems to have been some implication that this was contaminated water - - -

Ms Follett: It was from Captains Flat.

MR KAINÉ: It came out of their drinking water supply. It is not polluted. It came out of their drinking water dam.

Any implication that the water was polluted in some fashion is totally incorrect and I would think that the members opposite might want to damp down public concern rather than increase it by sheer speculation. The water came out of the dam that provides Captains Flat's drinking water. It was a very small quantity in terms of the effect that it had on the level of the Molonglo River by the time it reached Canberra.

Kingston Foreshore Area

MR STEVENSON: My question is to the Chief Minister. Last year, on 27 July, the then Chief Minister, Ms Follett, moved a motion for the Standing Committee on Planning, Development and Infrastructure to review potential development options for the Kingston foreshore area and to give special attention to "(a) the opportunity of creating a distinctive tourist focal point based on the historic

Kingston Power House and the adjacent foreshore area". I ask the Chief Minister: exactly where is that proposal now?

MR KAINE: Mr Speaker, as I understand it, any proposal that was before the Assembly or in the public domain as long ago as July last year has long since passed into antiquity. There is a current proposal being put together. It has not yet been put to the Government in any final form. A concept has been discussed with a couple of members of the Government and it has been discussed at some length with officers of the departments responsible for such a planning and development proposal. It is by no means yet a firm proposal. Of course, any proposal for the development of the Kingston foreshores requires not only the approval of the territorial planning authority in this Government but also the endorsement of the National Capital Planning Authority because much of that land is either national land or designated land for planning purposes. Hence the endorsement of the National Capital Planning Authority, and perhaps even members of the Federal Parliament as well as the members of this one, would be required.

It is a relatively new proposal. It is not by any means the same proposal that was put forward last year. There are different people involved in it. If and when it becomes a firm proposal, the Government will give it serious consideration.

Nurses - Salaries and Penalty Rates

MR STEFANIAK: My question is to Mr Humphries. What are the implications for ACT nurses of the recent Full Bench decision regarding national uniform salary and penalty rates for nurses covered by the Federal award?

MR HUMPHRIES: Mr Speaker, I thank Mr Stefaniak for his question. As a result of this decision that Mr Stefaniak has referred to, ACT nurses at levels 1 to 3 will receive a salary increase as from 21 August of this year. The percentage increases for registered nurses range from 3.8 per cent to 11.5 per cent. As the increases include the structural efficiency principle adjustment due in September of this year, they are being phased in over three stages, with half being paid immediately, the 3 per cent SEP increase this month, and the remainder in April of next year.

A second decision established consistent penalty rates for nurses across all Federal awards; that is, ACT, South Australia, Western Australia, Northern Territory and Tasmania. There will no longer be a permanent night shift penalty of 30 per cent but rather an after hours penalty of 15 per cent. The Saturday penalty will be 50 per cent and the Sunday penalty 75 per cent. Details of the applications of these changes are still being negotiated.

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I note, Mr Speaker, that the decision is an historically significant one in that it provides for the first time uniform salaries and penalties for all registered nurses, levels 1 to 3, in all the States and Territories under Federal awards, and I also note with some satisfaction that the Federal office of the Australian Nursing Federation has welcomed this decision. Of course, I know that the ACT Branch of the Federation has expressed some disappointment.

I welcome these salary increases for registered nurses, levels 1 to 3, and the introduction of uniformity. A further decision in relation to registered nurse levels 4 and 5 will be determined later this year following hearings before the Full Bench, although these nurses will also receive their second SEP increase.

Captains Flat Dam

MR BERRY: My question is directed to Mr DUBY, as Minister for Urban Services. Does the Minister stand by his comment that the ACT Government was aware beforehand of the release of 50 to 60 megalitres of water from the Captains Flat dam?

MR DUBY: I thank Mr Berry for the question. I think the question is based on a false premise. I have not commented, to my knowledge, that the ACT Government was aware beforehand of this release.

Mr Collaery: Ask him for his source.

MR DUBY: I would like to know where you maintain that information comes from. I have publicly stated that we were not aware that that amount of water was going to be released from the dam at Captains Flat. As a matter of fact, we are putting steps in motion now to ensure that in future we shall be advised before such an action occurs.

Whilst discussing the whole issue of that water release, I notice that the Opposition seems to be maintaining that there was a risk to the ACT population of heavy metals, et cetera, being circulated in the water and eventually finding its way into Lake Burley Griffin. It might be appropriate to say that the amount of water that was released has not stirred up any sediments in the river bed, that monitoring of the river at four separate points has been undertaken, and that tests of that water are being undertaken. At this stage the general opinion is that there has been no risk whatsoever to the ACT population of heavy metal pollution in Lake Burley Griffin.

Getting back to the thrust of the question, I reiterate that the ACT Government was not aware that the water was to be released. We have never at any stage said that we were aware that it was going to be released. In fact, that has been denied by departmental sources. I would ask Mr Berry

to tell me and to tell this Assembly where he obtained that information from.

MR BERRY: Mr Speaker, I have a supplementary question. Would the Minister provide the details of the testing arrangements and the test results as soon as he has them?

MR DUBY: Well, that goes without saying. Water samples were taken from four different reaches of the river up to 10 kilometres from the dam.

Mr Berry: We want times and all those sorts of things, and the results.

MR DUBY: I am not aware of the times involved. However, when the results are available, I shall be only too pleased to make them available to all members of the Assembly and the public at large. Undoubtedly, I will put out a press release stating that the whipped up fears - - -

Mr Kaine: The hysteria.

MR DUBY: The hysteria that was whipped up by the Labor Party in relation to this matter was groundless.

It must be remembered, of course, that the water that was released was pure drinking water. We do not believe sufficient was released to stir up any sediments, unlike the stirring that Mr Berry is trying to do.

School Closures - Inquiry

MR MOORE: My question is directed to Mr Humphries, the Minister for Education. Have you agreed to the recommendation of the Parents and Citizens Council for a reference group to the Hudson inquiry? If so, are you prepared to tell us who are the members of the reference group that you have agreed to?

MR HUMPHRIES: Mr Speaker, I thank Mr Moore for his question. It is a very good question. Yes, I have agreed to a suggestion made by the Parents and Citizens Council that the independent assessor, Mr Hugh Hudson, who is conducting his assessment of cost savings and benefits from the closure of government schools, be assisted by a reference group. I met with the P and C Council, or its representatives, on Saturday and discussed this with them. That was one of a number of suggestions from them that I was happy to accept. I cannot give the names of those people at this stage, since I indicated that I would consult further with the P and C about who those people might be. They no doubt will be making suggestions to me as to what sorts of people - indeed, specific names - ought to be put forward. I would be very happy to take on board their suggestions, as, indeed, I have taken on board the suggestion of having a reference group.

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Taxi Licences

MRS NOLAN: My question is to Mr DUBY in his capacity as Minister for Transport. Does the Minister intend to issue additional taxi licences in the near future?

MR DUBY: I think that is an excellent question and I thank Mrs Nolan for it.

Mrs Grassby: Nine. It was in the budget. Didn't you read the budget? It is less than we were going to issue. We were going to issue 15.

MR SPEAKER: Order, Mrs Grassby!

MR DUBY: As the cacklers from the other side have announced, it was in the budget. I think it is appropriate that the situation in relation to additional taxi licences in the ACT should be clarified. The Government is very aware of some concerns in various quarters around the town that more taxis are needed to maintain the level of service to the public and to provide a service to our tourism industry. I have recently received advice on this matter from the ACT Taxi Industry Advisory Committee, and my decision was announced with the budget by the Treasurer on budget day.

I am not too sure whether the Treasurer announced the exact details. The simple fact is that nine additional taxi licences will be made available by public auction as soon as possible. It is anticipated that this will be done in a series of two public auctions, one of five plates and one of four. A Government reserve of the order of \$100,000 will be put on the plates. It is anticipated that these additional plates will be on the road and serving the citizens of Canberra by the new year, or early in the new year at the latest.

Literacy and Numeracy

MR WOOD: Mr Speaker, I direct my question to the Minister for Education. I understand that soon he will be releasing a paper on literacy and numeracy. Would the Minister inform the Assembly which is more important - testing students to ascertain levels that they have reached, or promoting means of actually improving literacy and numeracy?

MR HUMPHRIES: I can feel a supplementary question coming on, Mr Speaker. I do not think it is possible to prioritise the importance of those two things vis-a-vis each other. It is obviously important that both those things occur. I think that the fundamental threshold before decisions are made in this area is establishment of the extent of a need for remedial measures in the area.

The question of literacy and numeracy aptitudes in our community is an ongoing one. It is a matter of some community debate, more so at the present time because this is International Year of Literacy. The Government will be releasing, probably at the end of this week, its green paper on literacy and numeracy in ACT schools, and I will be very much looking forward to the response from the community to the particular suggestions made in that paper.

It is impossible, I think, to say whether one is more important than the other to the extent that when one tests one establishes, if there is any doubt, what the need for remedial action is. Of course, ultimately, it is the taking of that remedial action, the spending of resources on producing particular results, or improving particular results, that really is the best way of spending money. But I would not support the idea of spending that money to improve literacy and numeracy levels unless we are satisfied that it is a serious problem in the ACT school community and that we ought to be putting resources into that as opposed to other things of some importance educationally.

MR WOOD: I have a supplementary question, Mr Speaker. The Minister, I am sure, would agree that improving literacy and numeracy is always important. It is not a matter of looking at remedial measures; it is a matter of overall improvement. In the interests of maintaining the growth in numeracy skills in the ACT, would he like to justify the closure of the maths centre which, over and above most other things, has been of enormous benefit in improving numeracy in the ACT?

MR SPEAKER: Order! I do not believe that is a supplementary question.

MR WOOD: It is a supplementary question. Of course it is.

MR SPEAKER: It is not a supplementary question. I call Ms Maher.

Mr Wood: What a lot of rot! Well, that has changed my attitude in this Assembly, I can tell you.

MR SPEAKER: Order! Mr Wood, I warn you.

Australian Fisheries Council

MS MAHER: My question is to the Minister for Finance and Urban Services. Mr Wood yesterday raised the question of membership of the Standing Committee on Fisheries and the Australian Fisheries Council. Can the Minister say whether the Government has accepted membership of the SCF and the AFC?

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MR DUBY: I thank Ms Maher for the question. It is a particularly relevant question, given the current rantings of the member opposite, Mr Wood, and the previous rantings yesterday in regard to this very issue when he made outlandish comments in relation to the ACT Government's membership of the Australian Fisheries Council. Representation on the Australian Fisheries Council and the Standing Committee on Fisheries provides opportunities for input to the decision making processes affecting fisheries management. The ACT, Mr Wood, or should I say, Ms Maher, has responsibilities for fisheries management within its streams, rivers and impounded waters. It acts as an agent of the Commonwealth in its management of the Commonwealth waters of Jervis Bay and under an agreement with New South Wales we manage the Googong reservoir fishery.

The ACT is a member of the Advisory Committee on Live Fish, an expert group which provides advice to the Standing Committee on Fisheries concerning the import and export of live marine and freshwater fish in and out of Australia, and the control of fish diseases. This includes fish for the aquarium trade and for human consumption. The introduction of exotic fish and fish diseases to our waterways is a further significant concern. Issues raised through this mechanism are discussed at the Standing Committee on Fisheries - - -

Mr Wood: Yes, you are embarrassed; I can see that. So you ought to be.

MR DUBY: - - - and the Australian Fisheries Council - I will get around to your \$100,000 in a moment, Mr Wood - and are of direct relevance to the management of ACT fisheries. These organisations meet once per year. Additional costs are not substantial for the benefits gained from direct consultation with those people responsible for the management of fisheries throughout Australia. In that light I hear again the remarkable claims that membership of this council costs the ACT taxpayer \$100,000 per annum. Mr Speaker, nothing could be further from the truth. Indeed, the ACT, under its management and membership of that council, is limited to no more than 5 per cent of operations of the council. Whilst there is no direct membership fee levied on the ACT, I would be greatly surprised if the costs involved in membership and participation in that consultative forum exceed \$5,000 per annum.

Liberal Party of Australia - ACT Division

MRS GRASSBY: My question is to the Chief Minister, Mr Kaine, the Minister for planning. I refer to the recent court case involving ACT Liberal Party headquarters at Deakin. Does the Minister agree that Justice Lockhart's conclusion was that the ACT Liberal Party was "neither the occupier of 50 per cent of the building nor the sole

occupant of the two ground floor units as required by the lease"?

MR KAINE: Mr Speaker, I am not in a position to be able to comment on that question. I have not seen the ruling and I have not been involved in any of the proceedings. I think we tread on dangerous ground when we try to intrude into court proceedings and make some judgment about whether - - -

Mr Moore: The decision of the court. Think about the Canberra Times site. You did not worry about that then.

MR KAINE: I was about to say that I think we tread on dangerous ground when we begin to question whether the ruling of a court is valid or otherwise. I have no access to the details. I do not know on what basis it came to that conclusion and I am not in the business of second-guessing a judge of the court. Quite frankly, I think it is an improper question.

MRS GRASSBY: I have a supplementary question. Will the Chief Minister be investigating?

MR KAINE: Frankly, Mr Speaker, no. I am advised by my departmental officers that the tenant in this case is going through a process that is quite normal. It is a course of action that has been taken quite recently by other lessees, including the ACOA. Exactly the same procedure has just been gone through by the ACOA, and I do not suppose you are going to question the outcome of that or the fact that it was decided properly in the courts. There is nothing for the Chief Minister or the Minister for planning to intrude into. There is a legal process that is required. That legal process has been followed and will be followed. If there is any input required from the ACT Administration, that input has been made, and it would be improper for me or any other Minister to become involved. The answer to your second question is no.

Vandalism in Schools

MR JENSEN: My question is directed to the Minister for Education, Mr Humphries. There have been some comments in recent times about problems associated with vandalism in schools. Can the Minister give some indication as to what methods are currently in process or in place to assist in stopping that sort of activity?

MR HUMPHRIES: I thank Mr Jensen for his question. I can say that the Government is concerned about the issues that he has raised with respect to vandalism in schools. Members will have read recently reports about that level of vandalism. It is very concerning, but I might comment, Mr Speaker, that one of the most serious cases of vandalism has been in respect of Page Primary School which was closed

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nearly two years ago now and has remained unused and empty in that time. The building has been so seriously vandalised that it is not possible to use it any longer as a functioning building. Really, the only course of action open, as I understand, is to demolish it.

Mr Speaker, the ministry does have in place a program of installing electronically monitored intruder alarm systems in school buildings. Generally, the selection of the areas of the school to be covered by the intruder alarm systems focuses on the areas that contain valuable equipment, such as computers and audio-visual aids. Administration blocks, canteens and major corridor junction points are also covered. Intruder alarms are monitored by a security firm which attends to all alarm situations. When necessary, the security firm also provides a general patrol service. All secondary schools and colleges, and approximately two-thirds of the ministry's primary school buildings have had alarm systems installed to date. The program is continuing within existing budget limitations.

ACT Public Works

MR CONNOLLY: My question is to the Minister for Urban Services, Mr Duby. I refer Mr Duby to his statement to the Assembly on 14 August that the letter tabled during the debate that day on R and G Shelley was the standard arrangement entered into with all firms, and his answer yesterday to my question of 12 September in which he stated, "The letter that Mr Connolly referred to is one that was written to R and G Shelley Pty Limited as project managers and related to arrangements for their handling of progress payments to contractors engaged by them". I now ask the Minister: how many letters have in fact been sent to project managers requiring payment of moneys to subcontractors within seven days of receipt, and requiring audit of their accounts each month by the ACT Administration? Will Mr Duby table those letters requiring ACT Public Works audits of project managers?

MR DUBY: I thank Mr Connolly for the question. By his question Mr Connolly has again indicated that he fails to understand the basic difference between a project management group and a group that is contracting for work on a tender basis. Clearly, as I have indicated to you, the letter that you purported to produce from up your sleeve and show that it was somehow an indication that something was amiss was a project management letter issued to the Shelleys group which was also issued, and which is issued, to all other groups involved in project management work.

I am not, off the top of my head, able to advise how many firms are involved in project management work or over what period of time. I do not know. Clearly a certain percentage of work is done on a project management basis

and a letter with the same provisions is issued to all groups who are project managers.

Ms Follett: Can you think of one other group?

MR DUBY: Off the top of my head, no. But I know for a fact that there are a number of other groups which work on a project management basis for the ACT Government. I shall be only too pleased to table or provide to the members opposite the details of those project management groups which have worked on that basis for the Government.

Mr Berry: We would prefer it to be tabled.

MR DUBY: Okay, take it from there. You asked how many there were. I am sorry, I did not quite hear the last bit of the question.

Mr Connolly: How many and will they be tabled?

MR DUBY: Will they be tabled? Yes, they will be. I shall provide that information when it is available.

ACT Driving Licences

MR STEVENSON: My question is to Craig Duby. Why does someone who obtains a driving licence in the ACT have to do so for a period of five years, and pay accordingly, when I think we well understand that people come and go fairly quickly in the ACT? One gentleman was concerned that he was going to be here only a year; nonetheless he still had to pay for five years.

Mr Moore: It is a good revenue measure.

MR DUBY: I thank Mr Stevenson for the question. I was almost going to say Mr Moore took the words out of my mouth, but such is not the case. Driving licences are issued for a period of five years for the simple reason that, frankly, most people find that far more convenient. In the past we have had the opportunities for people to obtain licences on a one-, two-, or three-year basis. For various reasons it is found to be more administratively efficient, and certainly it is a cost saving to the Government in the long term, to provide licences on a five-year basis. I find it remarkable that you mentioned the gentleman was going to be here in the ACT for a short period. Did you say one year?

Mr Stevenson: One year. It is becoming more common with self-government.

Mr Kaine: Here today, gone tomorrow, Dennis?

Mr Stevenson: Yes, here today, gone tonight.

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MR DUBY: Was Mr Clampett the person in question? Perhaps he could have explained to the clerk that there was no need to pay in cash. The point is that that decision has been taken because it is administratively more efficient, it saves the Government money in the long term, and frankly it is more popular with the vast majority of people who live in the ACT and who require ACT licences. People who are here on a short-term basis are able to receive a short-term licence, but I do not class 12 months as a short-term period.

MR STEVENSON: Mr Speaker, I have a supplementary question. Would Mr Duby be prepared to take the matter under advice and perhaps look at the advisability of having a short-term licence issued for a smaller amount of money?

MR DUBY: If Mr Stevenson is asking me whether the Government is going to reconsider its position and introduce 12-month, two-year and three-year licences, the answer is no.

Mr Stevenson: That was not the question.

MR DUBY: Well, that is the way I took it. If the question is: may people obtain interim licences in the ACT for a short period, the answer is yes.

Molonglo River

MS FOLLETT: My question is again to Mr Kaine in his role as Minister for the environment. Is Mr Kaine aware of scientific evidence indicating levels of cadmium, lead and other heavy metals well in excess of the World Health Organisation's standards occurring in the Molonglo River? If he is aware of this scientific evidence, what action will he take to address the issue? If he is not aware of it, will he make himself aware of it?

MR KAINE: I have heard some unsubstantiated reports of this nature, Mr Speaker. I think my only knowledge of them is that I have read something in the local newspapers to this effect. I have not been advised in any way by my departmental officers that this is the case, but since Ms Follett has raised the question I will ask them for a briefing and advice on what can be done to reduce the problem.

National Press Club Address

MR BERRY: My question is directed to the Chief Minister. I refer Mr Kaine to the Canberra Times of 12 September 1990 which included an advertisement for the Chief Minister's address to the National Press Club. Did the ACT Government pay for that advertisement?

MR KAINÉ: I have no knowledge, Mr Speaker. I was not aware that there was any advertisement on the subject; so I cannot answer the question. If there was such an advertisement, I will find out how it came to be in the newspaper and who paid for it.

School Land

MR MOORE: My question is also to the Chief Minister and it deals with planning matters. Have the proposed changes of purpose to leases of the land of schools that are affected by the current round of school closures been prepared and passed on to the National Capital Planning Authority for approval? Will the Chief Minister tell us what stage those change of purpose proposals have reached, if they have started?

MR KAINÉ: I do not know what stage those variations or proposed variations have reached, Mr Speaker. I did ask that they be processed quickly to prevent the situation that occurred with the first round of school closures put into place by the Labor Party. The schools sat around for two years without any attempt being made to dispose of them. It is our intention that these schools will be put up for disposal as quickly as possible, but I do not know just where in the process we are at the moment. I will seek advice on that, Mr Moore, and let you know.

Contamination of Fish

MR WOOD: I direct a further question to the Chief Minister in his capacity of environment Minister. Is he aware that the extent of contamination in the fish of Lake Burley Griffin by zinc, copper, lead and cadmium is of concern to noted scientists in the ACT? Will the Chief Minister provide funding for further research in this area?

MR KAINÉ: It seems to me that that is almost the same question as that asked by the Leader of the Opposition a moment ago.

Mr Wood: No, that was the Molonglo. This is in our Territory.

MR KAINÉ: My recollection is that the Molonglo and Lake Burley Griffin are contiguous and, if it relates to the Molonglo, then presumably it relates also to Lake Burley Griffin. I think the answer has to be the same as I gave to the Leader of the Opposition. I will seek advice on that matter and what, if anything, is being done or can be done, and I will inform the house.

MR WOOD: I have a supplementary question. Are you aware, Chief Minister, that Lake Burley Griffin, in relation to

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the Molonglo, is unique in that it has a much more substantial deposit of silt, a growing deposit of silt, that is not present in the Molonglo?

MR KAINE: Yes, I am quite well aware of that.

Liberal Party of Australia - ACT Division

MRS GRASSBY: My question is directed to Mr DUBY, if he can give me a little of his attention. I refer to a recent court case involving ACT Liberal Party headquarters at Deakin and the ACT Liberal Party's request to tenants that they enter into a licensing agreement to avoid paying stamp duty. What does the Minister intend to do to ensure that the ACT branch of the Liberal Party pays its full stamp duty obligations?

MR DUBY: I thank Mrs Grassby for the question. Of course, the issue to which she refers is currently under litigation. Accordingly, I propose to take that question on notice and advise, at the end of the day, where we stand in that matter.

MR KAINE: I request that any further questions be placed on the notice paper.

SCHOOL CLOSURES Discussion of Matter of Public Importance

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

The double standards exhibited by the Kaine Alliance Government in their support for wealthy private schools through the free grant of public land while closing public schools and selling off their land.

MR WOOD (3.07): Mr Speaker, you have read out the matter of public importance. It is one of concern to the community, and now one of acute embarrassment to the Kaine Government. It is clear that the Government has given the nod for a change of purpose to occur to allow this land to be transferred to the Canberra Church of England Girls Grammar Junior School.

The nod has been given; otherwise this would not have happened. The timing, of course, is just perfect, and it indicates the contempt that this Government holds for government schools in the ACT. It is perfect timing. There they are closing down and selling off government schools, but allowing well resourced private schools to acquire additional land.

We have the spectacle of the Chief Minister of the ACT crying poor. He has been doing that for a year now. To follow up his tactics, in his budget he has imposed quite severe taxes on the citizens of the ACT. He has placed a heavy imposition on ACT taxpayers. Surely this is not the time to be generous. Was this not a chance for the hard pressed ACT Government to gain some income? Here is a block of land that is, on various estimates, worth between \$300,000 and \$500,000. That is a large amount of money and I am sure the Treasury would be very keen to have that amount. But no, the opportunity has been missed.

We are going to sell off the land of the schools that have been closed. We had children from Weetangera here a moment ago. Their school land is going to be sold - maybe for that amount of money; hopefully, in terms of what the Government says, for more than that. So we are selling off that government land. We are selling off the heart, the energy and the work of many people over many years - getting income from the government land - and we are subsidising a well resourced private school. I want to repeat this: we are selling off government school sites and at the same time giving valuable land to that school. It is a clear demonstration of the different standards this Government has when dealing with government schools as against non-government schools. Those standards say, "Hit the government schools; help the private schools. Redistribute the resources from the government to the private".

I have heard the Chief Minister argue that he is following long established procedures. It is certainly true that there has, in the ACT, been a history of support for non-government schools by allowing them to acquire land for their schools free of charge. That is a generous policy. It does not apply, I believe, in most other places, but in the ACT it is one that the Labor Party supports. We will continue to support that policy. Let me make that very clear. For example, as new schools develop in Tuggeranong, we will continue to apply that policy that land be made available to them. And we will continue that into the future, at Gungahlin or elsewhere. That is a long established procedure. I recognise it.

There is also another long established procedure, and that has been that this particular area was not available for release to the Girls Grammar Junior School. That school has long sought this site. I do not have access to the records, but it goes back many, many years, over many governments - Labor and Liberal - at the Federal level. There have been many approaches and many attempts, and the long established procedure, Chief Minister, has been that that land is not available for the school.

I think it is reasonable to change the purpose of that lease, and I will not argue about that. Let the school claim it. But let it claim that land in competition with

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any other group in the ACT. Let us not just rezone it for school purposes.

Mr DUBY: You are in trouble, Bill.

MR WOOD: Well, you get up and demonstrate it. Let us release that land for free auction. Do not confine it for school purposes, as it is rezoned, or whatever those procedures are. Actually, those procedures are of no great significance. The point of significance is the fact that a school is getting a free gift of land.

But let us maximise the benefit from that. The Chief Minister is on the record - and I have criticised him for it - as saying, too often, "Let us realise on the capital assets of the ACT". And for him that means, predominantly, school sites. Well, let him be true to his word and let him realise on the capital assets of the Territory. Part of those capital assets is this block of land. Let him realise on it. Let him approve a rezoning that allows this block to go up for auction for approved purposes, and let it be auctioned off. I think a number of effective uses for it could be found - uses that could bring up to half a million dollars into Mr Kaine's hard pressed Treasury.

Let that happen. Let the school acquire it, by all means. I am not proposing that the school should not have that land, but let them bid for it in competition with everybody else. Then, you would have a sum of money of the order I have suggested and you would be able to use that sum of money for whatever purpose you desire. Of course, I would suggest that you could use it to keep your schools open - to keep Weetangera school open. That sum of money would keep Weetangera going for upwards of 10 years, I would think, once those one-off costs are disposed of - and I am being generous to the Government in those funding arrangements that I consider apply. Keep the schools open. That is what that money could be used for, not to make things easier for a very well resourced private school.

Let me also make it clear, lest I be accused of all sorts of things, that that school has a right to exist. I support the existence of that school and the continued growth of that school. I have no argument about that. My own daughter went to the Girls Grammar School - the secondary part of that school - so I have no worries about that school continuing to exist. I give it support, and the Labor Party has over the many years.

I might mention as an aside that the reason it is now thriving is the funding policies laid down by Whitlam many years ago. So let us not have subsequent argument from that side of the house that I have some vendetta against the Girls Grammar School, because it is simply not the case. But that is a well resourced school. You would all know that. The school has long engaged - at both levels, the junior and the senior - in extensive building programs. Those programs continue; it can resource them. The sum of

\$500,000, in terms of what it has spent in recent years, is a pretty small amount of money for it. For Weetangera school, it is a great amount of money. Let us not forget that.

The problem this Government faces is that it has now been revealed for what it is; its agenda has increasingly come under light. The Government's agenda is its priority for the elite private schools - not for all private schools but for the elite ones, the ones that are well resourced. That agenda is now abundantly clear. The Government has one set of principles for government schools and another set for private schools. It shows a clear scorn for government schools - "Close them down; sell them off".

I conclude by repeating my main point. Let us be fair about this. The Grammar School can well claim that land, and it will not be a severe imposition on its budget if it competes with other groups in this Territory for it. And that, Chief Minister, is the way that this business ought to proceed.

MR KAINE (Chief Minister) (3.18): Mr Speaker, once again the ALP has shown that it is prepared to pander to the lowest form of politics to gain cheap popularity. The ALP in opposition constantly demonstrates that it would be absolutely incapable of taking any hard decision in the unlikely event that it ever returned to office. Members opposite did not take any when they were in government before. The greatest procrastinator over here could not even decide how to fix a \$7m overrun in his hospitals budget.

Mr Wood: It is not a hard decision to give money to that school, for heaven's sake.

MR KAINE: I hope Mr Wood will listen carefully, as I listened to him, Mr Speaker.

Mr Wood: Well, if I can comment, you have a prepared speech - - -

MR SPEAKER: Order! No, you cannot comment, Mr Wood. Please desist.

MR KAINE: You had your go and I listened to you. Now, all I ask is that you listen to me in return.

Mr Wood: Well, respond - - -

MR SPEAKER: Order! Mr Wood, I warn you.

MR KAINE: In its desperation to wring every last drop of political benefit out of the Government's actions on schools reshaping, the ALP is prepared to undermine a longstanding policy which the ALP itself adhered to when it was in office. Let me make it quite clear that since at least the 1950s the Government has made land available free

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of charge to private schools. Since 1987, three have been given land free of charge. Those schools were the Roman Catholic primary school at Calwell, the Steiner School at Weston and the Roman Catholic High School at Isabella Plains - and that one was quite recent and quite within the memory of Mr Wood, but I did not hear him out on the streets saying then that that land should not be made available free.

Mrs Grassby: Who wants Isabella Plains? It is not worth anything.

MR KAINE: Oh, I see. So it is not the school; it is the location that is important. Now we are getting down to the principle of the thing. All schools can be given free land, except a school in Deakin. This is the nub of Mr Wood's opposition. Members may well recall that when the land was given to the Catholic high school at Isabella Plains Mrs Kelly, the member for Canberra, was out in the lead advocating it. But now we take a different view. Mr Speaker, you know that I am a mild mannered chap, but I find this sort of double standard absolutely breathtaking.

Let me examine in some detail the position taken by the ALP in this matter. First, they appear to wish to review the policy of providing free land to private schools. If that is what they really mean, after decades of making land available free to private schools - if they really want this Government now to review that policy - all they have to do is put a motion. They are quite busy putting motions on the private members' business list. Let us have a motion from you, Mr Wood, that the Government policy on making free land available to private schools shall cease forthwith - and see how far you get. See what that does to your popularity out in the electorate. It is an absolute double standard.

I would like to ask Mr Wood, if that is his stand, whether he is prepared to apply that policy retrospectively, and tell the parents of the children at the three schools that I have referred to that they now have to pay more in fees to cover the cost of the land that the schools are built on. If this policy that you are advocating is a good one, why start now?

The Opposition may not be aware that the Government currently has before it an application to provide to the Marist Brothers school at Pearce some free land for a sports oval - a very similar arrangement to that which was sought by the Girls Grammar School. Is Mr Wood going to go and talk to the Catholic Education Office and say, "You cannot have it because we do not agree"? Or is Pearce different too? Is there some quantum difference between Deakin and Pearce? And, if there is, where do you draw the line? Where would you agree that we should give land to private schools, and what is your definition of where we should not?

Mr Wood: Well, that is a very good question.

MR Kaine: I know what your answer is. Your answer is that the Canberra Girls Grammar primary school is a resource rich school. That is a matter of subjective judgment if ever I heard it. I do not know what the position of that school is, but I suppose that you do. It is a value judgment and I am surprised that you, of all people, Mr Wood, would make it. I would very much like to see Mr Wood go to the Catholic Education Office and to the Marist school and say, "We are going to advocate that you not get this piece of ground for your sports oval free". I know he would not do it, because he knows what sort of response he would get.

I am amazed that a member with Mr Wood's political experience would take such a short-sighted position and stumble into a state aid debate for schools - because that is what he is doing. He is really into the question of state aid for private schools. Mr Wood has advocated - and he has done it publicly now - that this piece of land should be made available by public tender and, if this school can afford it, it can have it. Well, the first question, I think, is: What is the land really worth? He has put a valuation on it of between \$300,000 and \$500,000. Mr Wood and other members ought to be aware that planning authorities have indicated that the land cannot be used for commercial purposes because of the traffic and other impacts that it would cause to Grey Street and the school. To start with, there is no parking capability there whatsoever. The land can be used only for community purposes. Which community group does Mr Wood know that is going to pay \$300,000 to \$500,000 for the land? What Mr Wood is essentially saying is that we should invite public tenders for a block of land which has to be used for an open space community facility, and I doubt that there would be a long queue of bidders in the line.

The argument that we have somehow forgone revenue by giving the site to the school is totally spurious, because the land cannot be sold for any commercial purpose. Indeed, the sale of the land for its former approved use as a diplomatic site would also not necessarily derive any revenue for the Government. It is quite common for the Commonwealth to arrange to provide diplomatic sites in Canberra on a reciprocal basis with other countries, in which case it is not paid for.

Mr Wood: A totally different matter.

MR Kaine: In any case, Mr Speaker, and Mr Wood, a number of diplomatic missions have indeed inspected that site and considered it to be unsuitable because of its size and location. It cannot be sold as a diplomatic site and it cannot be sold as a commercial site, so your valuation, again, is a matter of subjective judgment, Mr Wood.

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The ALP's position, of course, also suggests that it is opposed to the equal provision of facilities to both private and public schools, because, with the addition of this block of land, the Girls Grammar School would still have a total area of only 2.78 hectares, which is still less than the average area of land available to much smaller public primary schools in Canberra. So, while the ALP is advocating that we cannot sell off any public school because of the social amenity, it will deny to this particular school the very same amenities that the ALP is demanding we retain for the public schools. That is a double standard if ever I saw one. I am quite sure that parents with children at private schools will be interested in Mr Wood's argument in this matter.

There is a further factor in this situation which should be brought to the attention of the public. The draft variation to land use policy for this block of land was released for public comment back in June 1990 - three months ago. The Territory Planning Authority has a practice of sending a copy of these variations for public comment to every member of the Assembly, and I am advised that not one member of the Assembly expressed any concern about the matter at the time. It is only now that the issue has been seized upon for cheap political capital - and you know that the timing is fortuitous for you because you have seized on it as a cheap political stunt.

I say that this attack will not wash with either the general community or those large numbers of families in the ACT who send their children to private schools. I hope that Mr Berry, the great procrastinator, is aware that more than 30 per cent of Canberra school children attend private schools. Think on that a bit, Mr Berry.

Mr Wood: Thirty-three per cent, actually.

MR KAINÉ: Okay. It is an important statistic. When you say that you are going to deny to these schools the same facilities that public schools are granted free, I think you are on pretty thin ice.

Let me say to the Opposition: it is easy to chase cheap popularity by taking a simplistic approach to issues like this one. The Alliance Government does not intend to insult the intelligence of the ACT electorate by pretending that we can avoid taking hard decisions - something that you could not even face up to. The great procrastinator could not even make up his mind what day of the week it is. We are confident that the people of the ACT respect our approach and will reject the irresponsible attitude of the Opposition on this matter.

MR CONNOLLY (3.28): Mr Speaker, the Opposition has long been saying that the school closure decision is the worst decision that this Government has made and a decision that will long haunt it and haunt it to its grave. It is a decision which is rejected and resented by the people of

Canberra, and the people of Canberra will throw you out on it at the next election. But if there was one way of pouring kerosene on to the fire of community resentment on the school closure issue, it would be to give away this prime piece of real estate to one of the wealthiest private schools in Canberra.

This decision of the Government is breathtaking in its audacity. It is breathtaking in its double standards. I have previously said in debate in this place that I respect the political courage of the Education Minister, Mr Humphries, in the fact that he has been prepared to confront meetings of parents and students and debate and present the Government's case on school closures. I think it is a fundamentally wrong case, but I respect Mr Humphries' political courage in going out and meeting his opponents and detractors and putting his case to them.

I wonder how any member of this Government will now be able to go out and face the community and the parents whose schools you are closing and say, "We have to close your school; we have to throw your kids out of their school; we have to make you disrupt your lives and go through different methods of transport to get to school; we have to flog off the site to raise some money; but we can give away a half a million dollar block of land to Canberra Girls Grammar School", which, as I said before, is one of the wealthiest schools in Canberra.

That, of course, is not merely my assertion. Mr Kaine was attempting to draw some spurious comparisons here with some other schools in Canberra and saying to us, "How do we draw a line; how can we distinguish between non-government schools, one to the other?". Of course, the answer to that is simple. This Government today - like our Government when in office and when it returns to office - has always distinguished between the funding needs of different non-government schools. For example, the Marist school at Pearce that Mr Kaine referred to presently receives about \$3 in recurrent government funding from this Government to every dollar that goes to Canberra Girls Grammar School. The funding system for non-government schools recognises the different needs of differing non-government schools.

It is a pathetic reflection on this Government that, in attempting to dodge this issue, the best it has been able to come up with is to throw back at the Labor Party that we are in some way opposed to state aid. It is a pathetic attempt to reopen old sectarian wounds from the 1950s. It is a pathetic attempt which will be rejected by the community because the community knows that your decision to close government schools is wrong. They know that; they are convinced of that.

You have spent the last three or four months out there in the community trying futilely to convince people - but putting a fair bit of effort into it, I will concede - that we have to close schools because of the dire economic

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situation of this Territory. Mr Kaine blew that this morning on the Pru Goward show where he commented on the fact that we are going to save some \$2m to \$3m in his figures on school funding out of a budget of \$1.4 billion, which makes the point that we have made all along - that there are other ways of saving public revenue rather than closing schools. If the best you can do, causing all this disruption, is to save \$2m out of \$1.4 billion, it is just not worth the effort.

But that is your argument and you have stuck to it. You have stuck to that argument out in the community. You have tried to convince people that we have to close down public schools and that we have to sell off those sites. There was some earlier prevarication on this. We had to drag it out of you, kicking and screaming, that the objective of all this is a real estate development; that the objective of this whole proposal is to flog off the schools and build townhouses. We had to drag it out of you, but now it is clear - you are going to close the schools and you are going to sell the sites and build townhouses. Well, fair enough; that is your policy. You say to the community, "Look, we have no option. We have to do this and you have to cop it. The budget does not tolerate any other alternative; we have to close down schools, because every dollar counts. We have to sell off this land; we have to raise as much money as we can through selling off school sites". That is your argument.

As I say, in my view, that argument is rejected by the community, but you think you are making some headway out there. Fair enough, I will not take you away from your own delusions. But then, at that point, what do we have with this site at Deakin? We have a piece of prime land given away to this school. The community is outraged.

We have had some fairly, in my view, half-hearted attempts at justifying this. We have heard from the Chief Minister, "There is no alternative to giving this site to the school because there is no parking". I put it to the Assembly that, when we are talking about an empty block of land, parking is hardly an issue. You can develop any block of land and provide adequate parking by providing parking on site. That is hardly a defence.

The other defence that we have heard is that the policy plan for this block of land specified diplomatic use - so there was never any alternative; it was either to be an embassy or to go to this school and now, as the embassies do not want it, it has to go to the school. I have to tell the Assembly - it is rather unfortunate that Mr Kaine is not here; but no doubt he can have a look in Hansard or someone will tell him, and I hope he will respond to this tomorrow - this very block of land has had a policy plan covering it for commercial and business uses in the past. This block of land has not always been zoned for diplomatic or community use. This block of land has had a planning approval, or has been covered by a policy plan, for commercial and business purposes.

My understanding - and we have researched this as best we can - is that some years ago, in the early 1980s, in June 1983, the planning authorities gave this site a commercial and business land use purpose. This was, I understand, done by the NCDC. At that stage, it was anticipated that a commercial gallery might be built on the site. In due course, Solander Gallery accepted an option on the nearby block rather than this particular block - but it is clear that this block has in the past been zoned for commercial and business operations and could, indeed, in the future be so zoned.

Alternatively, I would say to this Assembly that it is abundantly clear to anyone who has driven past this site that it could be zoned for residential use. It could be developed with adequate on-site parking - - -

Mr Collaery: I would not like to live there.

MR CONNOLLY: I would be quite happy to live there. It is a very nice address.

Mr Collaery: A bit noisy.

MR CONNOLLY: I am sure the Italian Ambassador does not mind living exactly the same distance from Adelaide Avenue in - - -

Mr Moore: Nor Bob Hawke.

MR CONNOLLY: Indeed, as Mr Moore says, the Prime Minister seems to be able to tolerate living on that terrible site, so I guess that if it is good enough for the Prime Minister it is good enough for others.

We are continually referring to this block, of course, as a site in Deakin, but - - -

Mrs Grassby: Mrs Nolan would not mind having that block.

MR CONNOLLY: Certainly. I certainly would not mind having the block. It is a fabulous piece of real estate. We keep referring to the school site in Deakin which, of course, it is, according to the plans. But this is, of course, the little neck of Deakin that is ensconced comfortably in Forrest. We are really talking about the prime residential area of Canberra - and this site is being given away.

The best justification that the Government has come up with is that since 1987 three other pieces of land have been given to schools: a new school at Calwell, a new school at Isabella Plains and some additional land at Weston - I will give you the benefit of the doubt and say that is additional land to a school at Weston. But in no way is that comparable. I understand that the school has been interested in this site and has been eyeing it off for many, many years. It is a long established school. It has

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seized the opportunity while there is a conservative government running this town to grab this land. People in the community - ordinary people in Canberra, who could never dream of being able to afford to send their children to Canberra Church of England Girls Grammar School, fine school that it is - are having their schools shut down, their community gutted, and at the same time they see what you are up to.

As I said before, if there was one way of pouring kerosene on to the flames of community resentment, this incompetent Alliance Government has found it. The outrage that the people in the community have been exhibiting at your school closures policy is nothing compared to the outrage they will show now they know that there is one rule for them - that their schools have to close because of budgetary constraints - but another rule for others, who get a half a million dollar piece of real estate just given to them. It is an appalling decision which will haunt your Government until February of 1992.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.38): I commented in the MPI discussion yesterday that the Opposition was dredging the bottom of the barrel to find things to supposedly whack the Government around the head with, and I find that, once again, members of the Opposition are delving even deeper into the barrel to try to find some vestige of an argument to run in this place. I think most people recognise this for what it is, and that is, once again, an attempt to win a few cheap votes by relying on the ignorance of people out in the community about the way in which these procedures occur.

There is no question at all that there are some people who will hear news reports or read the reports in the Canberra Times or other newspapers and say, "Isn't it awful? The Government is giving land away to some rich non-government schools and it is selling off some public schools". What they do not realise, of course, is the background and the history of these events and the way in which the Opposition, the Labor Party - the chief critic of the Government in this matter - has in fact engaged in exactly the same practice itself when in government. And I have got no doubt that they will do so again, whenever they are next in government. Hopefully that will not be in the near future.

As I have said, it is rich hypocrisy on the part of those opposite to criticise the practice of giving land to those schools which demonstrate the capacity to use it productively. I do not think for one moment it is possible to argue that that land is not going to be very valuable and well used by the school. There is no question of the school gaining any commercial benefit from that land. There is no question of the particular school concerned taking the land and then selling it off for housing development in a few years time. There is no question of that. We all know that if that land were ever surrendered

it would be surrendered back to the Government on the same terms on which it was given to the school.

The amount in question is also, I would argue, quite irrelevant. Mr Connolly says that, if we are giving away land supposedly worth between \$300,000 and \$500,000, we must be wasting money. As he well knows, land worth at least that much is given away for the development of schools elsewhere in the Territory, even in Tuggeranong. To say that it is not justified in Deakin but it is justified in some other parts of Canberra is just hogwash.

I find it distressing that the Opposition should raise these issues in this place and reopen, as the Chief Minister said, the old, hoary question of state aid. I think it is a deplorable development on the part of the Opposition, and one that shows how utterly desperate it is to win points for itself. The Opposition is doing nothing more than alarming and distracting people in the community about current issues in an attempt to win itself some votes at the next election. I have to ask: at what cost does it do that? At what cost does it win those votes? I can only note with some distress that the Opposition appears to be willing to stop at nothing to generate fear and anxiety in the community about this issue and others of equally important stature.

It is true that the debate so far has centred on the value of the land, and that is an unfortunate concentration. The first question we have to ask ourselves, of course, is what the land is really worth. I think that previous speakers, particularly Mr Kaine, have made it quite clear that we are talking about land which is not available for ordinary commercial purposes or for housing development but which has been zoned for community purposes. I believe that that particular zoning would not change, irrespective of what use was made of the land. It is also extremely unfortunate that the concentration on the part of those opposite should be on the arguments concerning the so-called silvertail image of a school like Canberra Girls Grammar.

Mr Connolly: We did not use the word, but it is appropriate.

MR HUMPHRIES: Mr Connolly points out that that word was not used but that was the clear implication. I think it is worth reminding those opposite that one cannot use such broad brush strokes in respect of schools like Canberra Girls Grammar.

I visited the school myself a few weeks ago and I have to say that, in talking to the teachers and students there, I came away with a very different impression of the socioeconomic background of the children that attend that school. There are a large number of single parents supporting children at that school. There are many, many parents that make very large sacrifices to send their children to those schools. We cannot make the assumption -

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as those opposite have made the assumption - that because parents are willing to pay fairly steep amounts to send their children to that school they must therefore be rich; that they are on the gravy train. That is not the case. The people who send their kids to that school often find it very hard to find the money to do that, and I think that rather than kicking them in the guts, as those opposite would suggest we do, we should be supporting them.

I have a fundamentally different view from that of Mr Connolly. I do not see this matter in the same political terms as Mr Connolly sees it. I think the Australian Labor Party will suffer very heavily when views like this on its part become well known in the community. I think that when people see what members opposite are saying about non-government schooling they will lose a substantial number of votes. The ACT population is exceptional in that one in three school children in the ACT go to non-government schools. That is an extremely high proportion by Australian standards - the highest proportion.

But I remind those opposite that, even though it is only one in three children who go to non-government schools, one in every two households have children attending non-government schools. So half of all the households with children in the ACT have an interest in non-government schooling. Those households are not going to be enamoured of the comments made by the Opposition about giving resources to assist the provision of non-government education. The fact of life is that we ought to be providing resources where they are most needed and that half empty public schools do not contribute to the quality of government education in the Territory. The assistance that we can provide to other schools, be they government or non-government, to continue to provide a high quality education should not be begrudged by anybody in this chamber.

The policy relating to the leasing of land to private schools has evolved over a large number of years. It is based on the assumption that we, as a Government, ought to provide assistance as appropriate to organisations providing educational services in the Territory. The grant of leases to schools is quite specific inasmuch as the leases are granted purely for school purposes. The land use policy reflects the purpose clause of the lease. The policy of granting schools to non-government organisations has had bipartisan support over a large number of years. And I do not believe the comments made by those opposite will mean that this is going to change. I believe it will continue to be the case and that they are merely seeking, on this occasion, to win a few cheap points by pretending that they are in some way supporting government schooling by opposing the grant of some land to a non-government school.

I think the examples of previous grants made by Labor governments have been well aired in this place. I can add

that the Administration of the ACT is presently negotiating with the Presbyterian Church for a college in the suburb of Gordon, and it is anticipated that this school will also obtain a grant of land free of charge for school purposes. This is, of course, provided that it meets all the usual requirements. In those circumstances, I would like to know on what criteria the Opposition says that we ought not to be granting land. If that particular organisation were to find land in some more central location in Canberra - some inner part of Canberra - would the Opposition object? On what basis do members opposite say that Deakin is not acceptable but perhaps Weston is? The value of the land at Weston, I would think, would be a very great deal. I went to the opening of that Rudolf Steiner school at Weston only a few weeks ago.

I think there is ample evidence that this is a cheap political ploy on the part of the Opposition, and I think members of the public should reject it.

MR MOORE (3.48): Mr Speaker, it is ironic that the very leasehold system that the Liberals object to is the same system that provides the wherewithal for such a conservative Government to be able to provide land not just to the Church of England Girls Grammar School but also to other private institutions such as churches and other private schools throughout Canberra. Of course, nowhere else in Australia would private schools be granted land in the way that it is done in Canberra, and that is one of the positive aspects of our leasehold system.

What we have here, of course, is a social justice issue, because education is about social justice. It is about individuals having the ability to move in terms of their social status; it gives them social mobility. That is the critical and most important factor of government education. If government education is not of the very highest quality and is not accessible to people, that form of social mobility is whittled away - and the more people who are involved in private education, the more marginalised public education becomes.

Mr Humphries is saying that it is a situation of just ordinary people, single mothers and so forth, sending their children, at great sacrifice, to this particular school; and, granted, that is a choice they make. But people ought not to be forced into the position of making that choice. Yet that is exactly what the school closures issue is doing to people. They are no longer certain that their school is secure; they are no longer certain that the school to which they send their children will not, at some stage or another, be the next one to be attacked in the next round of closures. That is one of the insidious parts of the whole school closure problem.

Let us take the perspective of the ordinary person that Mr Humphries referred to and look at how ordinary people see the whole situation that has arisen. They have been told

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we have an incredible shortage of money and the only way to save money in education is to close down their schools. At the same time as this Government is closing down the schools - in order to sell the land - it is giving land away to a private school in order to increase its ability to look after its students.

Nobody has a great deal of difficulty with the notion of a school being able to look after its students; but, to an ordinary person looking at this, it is quite clear that the Government cannot have it both ways - and that is the problem. When Mr Humphries says, "You look back over the years; people have been giving away land to private education for years and nobody has objected", that is quite true; but what we have now is a situation where the Government is saying, "We are forced to close down schools in order to have enough money to keep our education system running". That is what it is saying. So you cannot, at the same time as you are doing that, turn around and give away land in order to support other schools. That is the reality of what you are doing. That is how it is seen. The effect of it is to take away from the poor to give to the rich. That is the situation. There is no doubt that there are a number of exceptions to that notion of "rich" when one looks at it in terms of particular people, as Mr Humphries did.

Mr Jensen: Very subjective, Michael. Some people say you are rich.

MR MOORE: I have certainly heard you say it - just yesterday - Mr Jensen. So what we have in reality is a transfer of land from government schools to private schools, and that is how it will be perceived. That is the effect of what you are doing, and that is why it is so unacceptable to the community; but I do not expect that you will see that.

Mr Humphries suggests that, because half of the households with children in Canberra are sending kids to non-government schools, this little exercise on the part of the members of the Labor Party will cause the community to recognise them for what they are; and, since I concur with them on this particular thing, no doubt he feels that will have an effect on me as well. Well, that is just not the case, Mr Humphries. People I have talked to on the school closures issues have had their children in a wide range of schools, and in small Catholic schools in particular, and they do not see the handling of the school closures issue as reflecting any competence on the part of the Government. They are not convinced. All they get out of it is a notion of an incompetent Government and an incompetent Minister. That is what is happening here.

One of two things is the case. Either the Minister has this idea himself or he has been snowed by his department. Either way he comes out of it looking inadequate. Mr Humphries, I would suggest that you look very carefully at

your party. I have suggested previously that you look very carefully at the advice you get, because that is what is going to come out of the school closures issue and it will be further emphasised by this particular action of your Government.

Mr Humphries argued that the Opposition was dredging the bottom of the barrel to pull out a situation like this. No doubt oppositions will always be accused of this sort of thing, and I can certainly remember Mr Berry using similar lines to Mr Humphries about dredging the bottom of the barrel - it may not have been those words - when Government members were in opposition and Mr Berry was a Minister. So I really do not think that that sort of rhetoric gains a great deal for either side - and, of course, I enjoy having that shot at Mr Berry as much as I enjoy having it at Mr Humphries.

Large sacrifices are made by people who choose to send their children to private schools that cost them a great deal and it is understandable how those people feel. But it is also understandable how the general people in the community feel when they see a Government that has argued so hard and so strongly for taking land away from public education can turn around and give it to the private sector. It is hardly something that can be described as social justice.

MR JENSEN (3.56): Frankly, I am amazed, once again, that the Opposition would seek to raise this issue in political terms when the policies that are applicable to this issue have been long established and applied by governments of all political persuasions. Let me repeat that: by governments of all political persuasions. This includes governments of the Labor political persuasion. Such governments have also closed schools and have also sought to sell off land within the ACT. It is not just the Alliance Government that has had to consider this issue; it is also Labor governments not only in the ACT but throughout Australia that have come to this same problem and have expressed concern about these issues.

The policy in the ACT has been in place for many years and has been universally and evenly applied to a variety of organisations seeking to establish schools. Clearly, if these schools are registered and are obtaining financial assistance directly from the Commonwealth or the Territory, previous Commonwealth and Territory governments have been prepared to make a grant of land to establish the school. That is the point. It just amazes me. I am just amazed that the people opposite seem to think that what applied then should not apply now.

Mr Wood: You do not listen very well.

MR JENSEN: No, I listen very well, Mr Wood. I listened to some of your remarks and I will come to those in a minute. Members should be well aware, as the Chief Minister has

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said that, over the last few years schools such as the Catholic school at Isabella Plains and Trinity school at Wanniasa have been granted land free of charge to establish what are clearly soundly based and well respected schools.

Those schools, of course, provide a service to the community in exactly the same way as public schools do. Let us be clear: if it were not for the private school sector the public school sector would have to pick up the tab. I would suggest that that is one of the reasons that throughout Australia this issue has progressively been taken away and hosed down to a certain degree. But there seems to be some attempt to bring the issue of public versus private back into the community view again, and I would suggest that that is only a very divisive action that is most unfortunate.

The aim of the Government, and I would have thought the Opposition, is to ensure equality in education and to treat all schools in an even and equitable manner. The Government, as the total landowner in the ACT, can best support this objective by providing land to allow the schools to provide full educational facilities. Let us be clear on what has happened before this beat-up by Mr Wood. I notice he has left the chamber now; so clearly he is not - there he is, over here. You have joined our side, have you, Bill? You have seen the light and come across. Maybe that is the only way you can get re-elected, but that is another story. The Government can best support this objective by providing land to allow the schools to provide full educational facilities.

At this point of time, all that has occurred - and I remind Mr Wood and his colleagues, and Mr Moore of this - is that the school has made an application for the addition to its current land of an adjacent block. As a result of that application, the Government has asked the planning authorities to consider whether or not a change to the present restrictive planning for the block should be made. That is the reason why this document, "Draft Proposal for Public Comment, Deakin, section 49, block 11", was put out in June 1990. As the Chief Minister has already indicated, it was provided to every member of the Assembly, including Mr Wood and Mr Connolly.

Mr Connolly, in an interjection across the chamber, seemed to indicate that he had read it before. But one has to wonder why at the time that it came in the Opposition made no comments on it. Why now? If members opposite were so concerned about it, why not at the time when it was quite clear what the proposal for the change was going to be all about? It was very clear that the existing policy plan for that section was to be changed from diplomatic to community facilities. And it was clear that the site that we are talking about, block 11, was to be developed for sporting facilities. So the members of the Opposition knew about it three months ago, but they chose not to do anything about it.

There was an investigation by the Interim Territory Planning Authority and consultation with the National Capital Planning Authority. Members opposite should remember, of course, that this area was previously allocated for diplomatic purposes. I would suggest, Mr Wood, that that was one of the major reasons why it had been sought over a long period of time. I am quite sure that anyone would seek to have access to a piece of land that has clearly been left unused over a period of time. It would be natural. I am sure I would. If I had an appropriate use for a block of land that was next door to my facility, I would seek, if it was suitable, to have access to it if it was at all possible. But, clearly, what happened at the time was that the Federal authorities - the Federal Government responsible then for ACT affairs - decided that it wanted to retain its option to maintain the site for diplomatic purposes.

Mr Wood: Is that the only reason?

MR JENSEN: Well, do you know, Mr Wood? I am just suggesting that that would be the logical reason for it. All those requests for use of that land would have been denied for that very reason - the reason that it was still required. Now there has been a review of this situation. We are very aware that parts of O'Malley, for example, and other parts of Deakin have also been allocated for diplomatic purposes, and clearly the diplomats are moving into a different type of area. We have seen a large diplomatic mission built near Curtin on the other side of the road. We have seen a considerable number of these going in to O'Malley. Clearly that is the sort of facility that they prefer. Unlike the Italian Embassy, they do not necessarily want to have themselves tucked away on Adelaide Avenue.

Some comment was made about Mr Hawke. Mr Hawke's facility near the same area has a large fence around it - a fence that has been there for some considerable time. The Italian Ambassador, in his area, does not have a similar fence. It is a fence that does not, I would suggest, stop any of the problems associated with road noise. So, in relation to this request for a draft variation to policy, which was released publicly - and for people seeking to make comment the closing date was 10 August 1990 - 25 responses were received; 19 in support of this proposal and six raising some questions in opposition. As I understand it, not one of those opposing comments came from members across the chamber. Right? I am not quite sure whether Mr Wood reads his mail, but it was certainly included in his mail.

At this time in the debate on restructuring of the public school system one must ask why Mr Wood has chosen to raise this. One must question once again the motives of the Opposition in seeking to beat this up and set up the divisive debate of public schools versus private schools.

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The P and C Council pushed under my door last night a press release on this very issue, and a comment that I received from a representative of that council suggested that that was the next issue that it was going to push - this issue of private versus public. I, personally, would be very disappointed if the P and C Council sought once again to go down that very divisive path for our community.

Mr Berry: I think you can expect some disappointments from the P and C Council.

MR JENSEN: Well, it would be most unfortunate, Mr Berry, if the organisations were to bring that debate back again. We have been down that very divisive path and, as my colleague Mr Humphries said, if you cannot get it right you will make a heck of a lot of noise, as the people opposite are doing, and hope that some of it falls on fertile ground. You misrepresent a hell of a lot - sorry, Mr Speaker - a heck of a lot - - -

Mr Berry: Withdraw that. On a point of order - - -

MR JENSEN: I just did; I said I was sorry.

Mr Berry: Well, withdraw it.

MR JENSEN: I withdraw it.

Mr Berry: I do not believe you when you say you are sorry.

MR JENSEN: I raise a point of order, Mr Speaker.

Mr Berry: I withdraw that.

MR SPEAKER: Thank you, Mr Berry.

MR JENSEN: It can hardly be said, Mr Speaker, that the Government has orchestrated this issue because it went through the process. This is a classic approach.

MR BERRY (4.06): Mr Speaker, as usual Mr Jensen has missed the point. This is an issue about patronage and favouritism, if you like, because what has happened is that the public sector in the ACT has copped the biggest kick in the teeth in living memory and it has been delivered by the three teams of the Liberal Government opposite. They have kicked the public sector in the teeth and they will bulldoze their schools and sell them off. At the very same time they are going to hand over some expensive land, which is after all capable of being commercial land, to a wealthy school.

It is not an issue of state aid; it is an issue of fair play. The fact of the matter is that there is not a level playing field when it comes to the delivery of education services in this territory. All that the Government and the Chief Minister have done in the meantime is peddle

inaccuracies, a whole range of distortions, and talk about there being no changes in relation to handing over land to schools. Well, that is right. The Government has decided to rip the guts out of the schools system, rip the guts out of the communities, and at the same time make a gift of land to an expensive school.

Mr Kaine: On a point of order, Mr Speaker: I think he ought to be - - -

MR SPEAKER: Order! Mr Berry, resume your seat.

MR BERRY: I am sorry, I did not hear you, Mr Speaker; I was engrossed in my speech.

Mr Kaine: I think he ought to be invited to leave for overacting, Mr Speaker.

MR SPEAKER: That is a frivolous point of order, Chief Minister. Please proceed, Mr Berry.

MR BERRY: Yes, and he should be warned for that. Mr Speaker, this is an education issue in the ACT. This matter of public importance is about the patronage and favouritism of the Government opposite. They are prepared to ignore the needs of people who use public schools in this Territory, but at the same time they are prepared to hand over expensive gifts to the private sector.

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

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report and Statement

MS MAHER (4.08): I present report No. 14 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and seek leave to make a brief statement on the report.

MR SPEAKER: Is leave is granted? There being no objection, leave is granted.

MS MAHER: The report I have tabled details the Committee's comments on the Appropriation Bill 1990-91, the Lakes (Amendment) Bill 1990, the Commercial Arbitration (Amendment) Bill 1990, the Landlord and Tenant (Rental Bonds) Bill 1990, the Human Rights Bill 1990, and the Gaming Machine (Amendment) Bill 1990, together with 10 pieces of subordinate legislation. I commend the report to the Assembly.

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ESTIMATES COMMITTEE
Membership

MR SPEAKER: I have been notified in writing of the nominations of Mr Berry, Mr Connolly, Ms Follett, Ms Maher, Mr Moore, Mrs Nolan and Mr Stevenson to be members of the Estimates Committee. As I have received more nominations than there are places, a ballot to determine the committee members will be taken.

Mr Kaine: What about Mr Jensen?

Mr Jensen: The letter was delivered to your office by my secretary.

MR SPEAKER: Order! I will take advice on this matter. Mr Jensen has advised that there seems to be a loss of a document. Is it the wish of the Assembly to allow Mr Jensen to nominate?

Ms Follett: No way.

Mr Moore: Are we going to work by rules or not?

Mr Berry: You either have rules or you do not.

Mr Duby: We are not going to be ridiculously technical, are we, Michael?

Mr Moore: Let him nominate.

Mr Kaine: Mr Jensen did nominate. You cannot exclude him.

Mr Connolly: What does Mr Jensen say he did?

Mr Jensen: I did not deliver it personally.

MR SPEAKER: Please present your case, Mr Jensen.

MR JENSEN (4.11): Thank you, Mr Speaker. Mr Speaker, the case is that this morning I wrote a letter in my office and I handed it to my personal assistant and asked her to deliver it to your office.

MR SPEAKER: To my office or to the Secretariat?

Mr Collaery: Mr Speaker, I ask that you defer this matter and make inquiries.

MR SPEAKER: Yes.

Mr Moore: Mr Speaker, in the interests of expediting this matter, Labor and I agree, and I am sure Mr Stevenson would agree, that if Mr Jensen puts his nomination in now we will accept that as being the sensible thing.

MR SPEAKER: We could put this further down the day's proceedings.

Mrs Grassby: No, do it now. Let him put it in now.

Mr Duby: He is writing it out now. That will be okay.

Mr Kaine: Put it in again, now.

MR SPEAKER: All right. I will start again. I have received notification in writing of the nominations of Mr Berry, Mr Connolly, Ms Follett, Ms Maher, Mr Moore, Mrs Nolan, Mr Stevenson and Mr Jensen to be members of the Estimates Committee. As I have received more nominations than there are places, a ballot to determine the committee members will be taken under standing order 222. The bells should now be rung for four minutes and a ballot taken. I think all members are present.

Mr Collaery: On a point of order, Mr Speaker: I am not clear as to whether technically you have yet received the nomination.

Mrs Grassby: He is putting it in now.

Mr Collaery: It does not matter. I do not believe the ballot should be called until you actually have that nomination. Otherwise, Mr Jensen may face challenge on that committee.

Mrs Grassby: He will not face challenge. We have agreed to it.

Mr Moore: We have just given leave for him to put it in.

Mr Collaery: Well, we do not trust - - -

MR SPEAKER: Order!

Mr Berry: On a point of order - - -

Mr Collaery: Do you trust him?

MR SPEAKER: Order, Mr Collaery, please!

Mr Berry: This untrusting soul opposite, Mr Speaker, is something of concern to me. To ensure that the playing field is nice and level for all the participants, I move:

That so much of standing and temporary orders be suspended as would prevent the nomination from being received.

MR SPEAKER: Thank you for that motion, Mr Berry.

Question resolved in the affirmative.

MR SPEAKER: As all members are present there is no need to ring the bells. We will distribute the ballot papers.

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Mr Kaine: Could we have the names again, Mr Speaker?

MR SPEAKER: Mr Berry, Mr Connolly, Ms Follett, Ms Maher, Mr Moore, Mrs Nolan, Mr Stevenson and Mr Jensen. The ballot papers are being distributed. Will members please write on the ballot paper the names of the five candidates for whom they wish to vote?

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

ESTIMATES COMMITTEE Membership

A ballot having been taken -

MR SPEAKER: The result of the ballot is that Mr Connolly and Ms Follett are elected. I will read out the number of votes for each member. There are four members on equal votes. The votes were: Mr Berry, 7; Mr Connolly, 16; Ms Follett, 14; Ms Maher, 10; Mr Moore, 10; Mrs Nolan, 10; Mr Jensen, 10; Mr Stevenson, 8. Mr Connolly and Ms Follett are elected. In accordance with standing order 267, it is necessary to hold a second ballot for the remaining three places. The names for the ballot are Ms Maher, Mr Moore, Mrs Nolan and Mr Jensen. The requirement is that we indicate three of those four names on the ballot paper.

A ballot having been taken -

MR SPEAKER: The votes are: Ms Maher, 16; Mr Moore, 8; Mrs Nolan, 17; Mr Jensen, 10. Mr Connolly, Ms Follett, Mrs Nolan, Ms Maher and Mr Jensen are hereby elected as members of the Estimates Committee.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on the Redevelopment of the Former Canberra Times Site

Debate resumed from 5 June 1990, on motion by **Mr Collaery**:

That the Assembly takes note of the report.

MR JENSEN (4.43): Mr Speaker, as is well known, the Government decided to approve the redevelopment of the former Canberra Times site and to proceed by way of a surrender of the existing leases and a regrant of the new lease, which incorporated a suitable purpose clause to allow the building of an office development on the Canberra Times site. That course of action was within the power of the ACT Government under the City Area Leases Act and was consistent with the report of the Standing Committee on Planning, Development and Infrastructure that we are discussing today.

The development that has been approved by the Government is identical with the proposed development that was considered by the standing committee. It is worthwhile recalling that the standing committee recommended that certain safeguards be undertaken if the Government was prepared to allow the development to proceed. On the committee's recommendation the Government introduced parking restrictions in Reid, Braddon and Turner to lessen the likely problem of parking in residential streets within walking distance of Civic and the Canberra Times site. I know Mr Moore has appreciated this action on the part of the Government.

Prior to the Government making its decision, Concrete Constructions had already published the results of its assessment of the impact of the redevelopment on traffic, parking, public transport and pollution levels consistent with the Civic Centre Policy Plan. The Interim Territory Planning Authority also conducted an assessment and also published the results from its continuous environmental monitoring in respect of Civic. All three assessments were published by the Government prior to making a final decision. Each assessment concluded that there would be no negative impact from the development and no adverse comment was received on those findings. There has, however, been some public comment that by surrendering and regranting the lease there is an appearance that the Government has, in fact, disregarded the decisions of the Supreme and Federal Courts, respectively. I think my colleague Mr Collaery may have some comments to make on that issue.

Let me now turn to the effect of the proposed new legislation brought down in draft form by the Government on this issue. The problems with the Canberra Times site are symptomatic of the failures of past Federal and ACT Labor governments to address the issues of lease administration. This is despite a very detailed commentary on the problem by one of their own Federal members, Mr John Langmore. I refer, of course, to the Langmore report on the Canberra

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leasehold system which was produced in November 1988. Unfortunately, that report lay idle on the benches gathering dust in the Federal Parliament and no action was taken on the very good recommendations that were included in that report.

We saw, Mr Deputy Speaker, how the previous Labor Government, in which the Leader of the Opposition had responsibility for planning, failed to address the issue seriously and produced only incomplete drafting instructions after much pressure from me and the Rally. These were produced in September last year, quite some considerable time after Ms Follett had promised the Assembly that she would put those documents on the table. In fact, they were incomplete, because they did not address two very important issues. One, which is related to this, is the issue of appeal rights, and the other, of course, is the issue of betterment. However, this Alliance Government has quickly grasped the nettle and has provided comprehensive and complex legislation over a number of months.

Unfortunately, Mr Deputy Speaker, at least 12 months has been lost by the prevarication and lazy attitude of the previous Follett Labor Government. The new legislation which is now on the table is the subject of extensive community comment. I believe that there have been in excess of 50 - closer to 60 - comments produced on the integrated package of legislation, which is designed to legislate on planning, heritage, environment and leasing issues.

Mr Deputy Speaker, one of the key planks in the package, and one which the previous Follett Government failed to address last year, is, as I have already indicated, the provision of appeals. Clearly, all parties have long agreed that the Supreme Court is not the place to solve these problems. Not only are the costs to all parties in the dispute too high, but a more simplified process for appeals is considered much more appropriate.

This is the sort of issue that has been addressed by the Alliance Government, which the previous Government was unable to make decisions on. Clearly, it must have had some problems amongst the various factions within its party room, but I guess we will never know that - until Bill Wood writes his memoirs. I am sure that will be a very interesting book about the early history of this new parliament.

The new legislation will, of course, also provide for a proper form of environmental assessment at the time of the original application, and also allow governments to require assessments and inquiries. The development process will be ordered and balanced, and not the time-consuming, expensive and uncertain maze imposed by the current lease variation legislation.

Mr Deputy Speaker, when speaking on 5 June 1990, the Chief Minister addressed this particular matter. He emphasised again that the role of the Federal Court was simply to determine whether the primary judge in the Supreme Court made an error in the exercise of the discretion conferred on him by the relevant legislation. It was not the role of the court to re-examine the evidence which had been before the Supreme Court and determine whether it would have decided the case in the same or a different manner. Mr Moore, who seems to be a regular visitor to the court these days, should be well aware of this particular issue. However, he does not seem to have understood it clearly, going on some of the public statements that he has made on this issue.

I also emphasise, Mr Deputy Speaker, that the Chief Minister noted that the decision given by the Supreme Court was based on the facts which emerged from the evidence available to it and also the circumstances which existed at the time the decision was made. Supplementary environmental material available to the Government at the time of its decision was not available to either the Supreme Court or the Federal Court. In fact, that material specifically addressed concerns previously expressed by Justice Kelly in the Supreme Court - - -

MR DEPUTY SPEAKER: Mr Berry, would you take your foot off the desk, please.

Mr Berry: I am very relaxed; I am sorry.

MR DEPUTY SPEAKER: I can see that, but do not get too relaxed.

MR JENSEN: The Standing Committee on Planning, Development and Infrastructure placed a further condition on its approval, which was that the Government not allow its own employees to occupy the building. The Government has, by its actions, illustrated that it is serious in its intent to relocate employees out of the Civic area by taking up substantial areas of space at Tuggeranong and also in the Braddon offices area. It has further indicated that it will not permit the proposed office space in the Canberra Times site development to be used for Territory Government purposes. The Government has always indicated that it expects the Commonwealth to comply with its certified National Capital Plan and not to permit its departments or agencies to occupy the proposed building.

Mr Deputy Speaker, I do not propose to say anything at this stage about the announcement made by the Chief Minister during the Government's response to the report on the proposal for the Griffin Centre, as I understand that my colleague the Minister for Housing and Community Services will be providing some details on that part of the development of the precinct today.

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Before I conclude my comments on this, let me continue my reference to the certified National Capital Plan in relation to the requirement by the Government in its leasing arrangements for non-Commonwealth public servants to use that facility. The certified National Capital Plan continues to impose the restriction against increased office development if its aim is to be additional Commonwealth public servants in Civic. It was with this restriction in mind - one imposed by a Commonwealth instrumentality on the Commonwealth - and with the Government's commitment not to allow ACT employees to use those buildings, that the approval to proceed was given. The Alliance Government supports the view taken by the National Capital Planning Authority and it continues to support the location of public servants in Tuggeranong and Belconnen. (Extension of time granted)

In summary, Mr Deputy Speaker, the Government is satisfied that the proposed development will have no significant adverse effects on air pollution in Civic, on traffic noise levels, or on traffic and parking arrangements. On the other hand, the Government has had regard to the need to solve equitably what was a continuing problem for the lessee of the former Canberra Times site, and in so doing has moved to restore confidence in the local investing community. In the present difficult economic environment, it is essential that Canberra be seen as a safe and rewarding destination for investment funds.

It is worth making the point that the Opposition has, as usual, been all over the place on this matter. When in government it hesitated to act and flick-passed the issue to an Assembly committee. In Opposition, it has been content to say nothing. This is clear from the interest shown today in this issue; only Mr Berry, who seems to be the person in charge of Opposition business at the moment, is in the house. As usual, it has been instructive to observe how this Opposition, under its weak leadership, reacts to hard issues. The pattern is becoming increasingly familiar. It simply plays to both sides of the street.

MR COLLAERY (Attorney-General) (4.54): Mr Deputy Speaker, I believe that the Government response has been accurately summed up by Mr Jensen. There is one particular issue I want to address, and this is the reaction by a minority in this city now, who are putting around the notion that this Government has improperly overridden decisions of the Supreme Court and the Federal Court in approving the development on the former Canberra Times lease.

Mr Deputy Speaker, firstly I endorse wholeheartedly what Mr Jensen said about the fact that this Government and the Follett-Whalan Government were essentially dealing with an historical anomaly. This decision has to be seen in that context and not as a predicator for any future decisions and, if I might suggest, any future administration of this Territory. The fact is that this was a one-off situation

involving a developer who had been indisputably encouraged in a course of conduct by a statutory authority of the Government. The NCDC correspondence with the developer made it clear that there had been a level of encouragement - probably falling short of creating legal problems for the Government; nevertheless a level of legal encouragement - to that developer, such that the developer, for better or worse, for good or bad legal advice, signed an unconditional agreement to purchase the property without the covenants and conditions that would allow the developer off the contract in the event that the lease purpose change was not given. That was peculiar.

What was even more peculiar, speaking as a practitioner, was that the seller's solicitors had major carriage of securing the lease purpose change. In fact, they eventually became the solicitors in the litigation. That was a somewhat idiosyncratic aspect of this, and one that perhaps we need to look at in future in terms of a number of legal issues involving the legal profession.

Mr Deputy Speaker, let me remind the house that Mr Justice Kelly endorsed the Morpath decision in that he said that his task was, firstly, to inquire into the town planning aspects of the proposed new user and, secondly, to determine whether the new use would be in the public interest. Certainly, His Honour said that balancing society's interest in the fullest use of the land against the interests of local inhabitants in their amenities was part of the task before him.

He then went on to say that ordinarily town planning considerations would be prominent in any such inquiry into the first limb of His Honour's test. The salient point lost sight of in this debate, and in the suggestion that this Government has overridden court decisions, is the statement in the Morpath case where Their Honours concurred with a statement by Mr Justice Beaumont. He said that any consideration of the public interest - that is the second test that Mr Justice Kelly went to after town planning - required that significant weight be given to the current plans of the commission. I stress "the current plans of the commission".

We all know that historically Mr Justice Kelly adopted the 1984 Metropolitan Policy Plan issued in February 1984 long before the matter came before him, and, in fact, he had the draft documents for the 1989 Civic Centre Canberra Policy Plan. He conceded immediately that clearly, in the light of the 1989 Civic Centre Policy Plan, the first limb of the test brought the use proposed by Concrete Constructions more emphatically within the policy proposed. So, the first limb - the town planning limb - was effectively satisfied in that sense and, indeed, we recall that even Tony Fleming in his evidence to our Assembly committee conceded that design and siting issues were not the matters in issue.

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Mr Justice Kelly then turned to the second limb, the public interest limb. This has secured most of the publicity but was only one of the limbs. He traversed there the notion of affected local inhabitants and questions of residential amenity involving local issues such as traffic congestion, parking overspill, air pollution and damage to heritage. Of course, His Honour excluded height and design and siting effectively.

On traffic, His Honour found that the 700 prospective occupants of the building would be added to the 32,000 employment level which was the predicted level in the 1989 Civic Centre Policy Plan. This is a level that was in the pipeline at that time in evidence before His Honour; but, as the Assembly well knows, accurate figures given in evidence before this Government when it was faced with making a decision were as follows: in June 1990, the employment in the Canberra city area, including adjoining commercial areas, was 25,405, well short of the 32,000 that was thought to be happening during the heady days in 1989. This was during markedly different economic times and prior to the Government's decision to ensure that no further public servants came to the city; nevertheless, His Honour anticipated as best he could the requirement in the 1989 plan that he make the assessments and, in effect, as Mr Moore has said on several occasions, Mr Justice Kelly's judgment was an environmental assessment - those are Mr Moore's words. Certainly, it was an environmental and planning assessment in the sense that His Honour dealt with what was before him as best he could; but, since the time of His Honour's decision and since the decision by the Federal Court not to overturn the judgment of Mr Justice Kelly, in terms of the exercise of his discretion on these issues, as Mr Jensen has pointed out, the Assembly had before it other more up-to-date information. This included compelling information such as the facts that parking had been banned in all of the adjoining suburbs and that the pollution issues predicted in the 1989 report, that His Honour seemed a bit diffident about, were borne out by quantified testing. Indeed, the traffic flow issues were again tested and the fears that His Honour had were not borne out.

Now, what does a government do when faced with this situation; faced with the fact that in an imperfect world we place upon the shoulders of a good judge the enormous responsibility of predicting and making environmental and land planning assessments? I believe His Honour did very well in that assessment; but, in the light of the information to hand and in the light of the careful work of the Assembly committee, it was the Government's view that the better decision would be to take account of the factors that His Honour enjoined us to and himself took into account at a different time and with markedly different information before him.

Technically it may be said that the Government overrode a court's decision, but in our view no injustice has come

from the Government's decision. Certainly, governments all over democracy pass laws to override court decisions. The fact is that we did not proceed to do that by legislation. That could have been a handy device of this Assembly because we would have been obliged to have the votes of the Labor Opposition members because they had supported this from the word go. We could have passed a Bill to have the Canberra Times site proceed; but, rather than humbug the time of this Assembly and take up the costs of this legislature, the Government had the courage to make the decision in Cabinet. Although that Cabinet decision is not justiciable in my view, the fact of the matter is that within a short time full appeal processes will be available in this town.

As my colleague Mr Jensen has emphasised, the Canberra Times issue was and is an historical anomaly. It sets no benchmark for the future behaviour of this Assembly and I want to debunk entirely the notion that this Government helter-skelter decided to override decisions of the court. It did no such thing; it gave the most careful consideration to the issues and in the public interest determined that the cost of bringing legislation forward and taking the time of the Assembly to achieve a foregone conclusion was not in the public interest. What was in the public interest was that the derelict site be dealt with, and we get on with proper planning and never put our judges through this process again.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Melbourne - Olympic Games Bid

MRS NOLAN (5.05): Mr Deputy Speaker, I rise very briefly in the adjournment debate today to place on record my disappointment that Melbourne did not win the Olympic Games bid. I would like to say commiserations to Melbourne, however my congratulations to all of those people involved in putting together that very professional bid, the bid that I believe has made a significant contribution to tourism right round Australia. That is, of course, one of the major reasons for my disappointment. Canberra would also have benefited greatly from the vast numbers of visitors who would have visited the country to attend the 26th Olympic Games in 1996. The fact that the Games have been held only once in the southern hemisphere must, I believe, give weight to Australia continuing to bid for the Games, and I am hopeful that Sydney or one of the other State capitals will bid for the Games in the year 2000.

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For tourism nationally the benefit in dollar terms could have been in many billions of dollars, and for the ACT many millions of dollars. The contribution sport makes to tourism, both Australia-wide and here in the ACT, is enormous. However, in the ACT I believe sport has not been fully explored to date in enabling visitors to come and visit their national capital. The Australian Institute of Sport is a facility owned by all Australians and makes a wonderful contribution to the ACT, but there are other areas that could be better explored. A couple of the areas that I do particularly want to mention, though, are the two sporting teams and I refer, of course, to the Raiders and the Cannons. I should take this opportunity to congratulate both teams for their great performances last weekend, and especially to wish the Raiders well in their grand final bid this coming weekend.

Mr Deputy Speaker, I go back to the Olympic Games 1996. As I said earlier, I share Melbourne's disappointment and I am sure every Australian and every Canberran shares that disappointment. Congratulations, though, should go on record to Atlanta, Georgia. Australia may not have won the bid for the 1996 Olympic Games but I know that the ACT and Canberra will give unequivocal support to a bid for the year 2000. While 34 years ago saw the Olympic Games in Melbourne, the southern hemisphere will, I believe, definitely see them again, and the year 2000 has to be the date now.

Canberra Church of England Girls Grammar School

DR KINLOCH (5.07): Mr Deputy Speaker, may I first declare an interest. My wife, Lucy, taught for one year in 1967 at Canberra Girls Grammar and I joined her there, on a voluntary basis, to teach a sixth form - I suppose we would now say year 12 - history course. She was a colleague there of one of her own teachers who had been a teacher at an Anglican school in Singapore. So, we have had a long-time interest in that school. I favour both secular and church schools, government and non-government schools. May they all exist and thrive.

I come to the question, though, about whether that school, Canberra Church of England Girls Grammar School, can be described as "wealthy and/or rich". If we compare these schools with schools in Ethiopia, then, of course, all our schools are rich. I do not doubt that some parents are well-off, but may I stress that over three-quarters of the parents who are currently sending their boys and girls there - there are boys in the kindergarten and year 1 - both work, many of them to pay fees, of course. The reason many of them are working is to be able to afford the \$2,600 at the minimum, and much more at the maximum, a year for a child at that school.

The school's income is predominantly from fees. It has no received wealth or no endowment wealth from which huge sums come. Of course, it also has funds from government and territorial grants. These, of course, are liable to be somewhat smaller in future than they are at the moment, although that, I think, has yet to be determined. Again I stress that there is no large endowment fund.

In order to stress that point, I would like to say that there is a small foundation - the Gabriel Foundation - at the Girls Grammar School, which offers grants and funds for children in cases where the parents are no longer able to afford the fees or where perhaps a home has broken up or where there is a single parent - perhaps a father or mother has died or something of that kind. That fund enables a child to remain at the school. In other words, the school can in no way be described as wealthy or rich in those kinds of broad sweeping terms. It is dependent, really, on the parents themselves.

I do hope that in this discussion of the question of that piece of land - and I am not entering into that - we will think kindly, thoughtfully and lovingly of this excellent school.

School Closures

MR JENSEN (5.10): Mr Deputy Speaker, I wish to go down one path in relation to an issue in the MPI that was not traversed today. It relates to suggestions that clearly indicate that Mr Wood is not fully aware of the true circumstances in relation to planning aspects of the proposal that was discussed in the MPI today, or in relation to the valuation matters.

Making comments in this area shows how easy it is for him to get it wrong, just as he did in his comments about the 200 per cent betterment tax during the school restructuring debate. Of course, we never received a direct answer to the question as to whether he would apply the same policy to those schools if he were in government. That was conveniently missed out of his discussion.

Mr Deputy Speaker, the planning for the block prior to the draft proposal for public comment - - -

Mr Connolly: On a point of order, Mr Speaker: I have listened to one matter on the adjournment debate which was clearly traversing the MPI this afternoon. We are now halfway through another. The rules in relation to the adjournment debate do say that it is not to be used to re-traverse an issue that has appeared on the notice paper. Dr Kinloch continued to traverse the issues of the MPI today.

MR DEPUTY SPEAKER: Which standing order do you - - -

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Mr Duby: Standing order 52, Terry.

Mr Connolly: I hear "standing order 52", which may indeed be correct. I am also looking at House of Representatives Practice on page 554. I would ask you to direct that Mr Jensen refer to new matters, not matters that have previously been traversed.

MR DEPUTY SPEAKER: I will just very quickly take advice on that. Mr Clerk, stop the clock, too, if you can do that.

Mr Jensen, as long as you assure me you are introducing new material and not traversing again what was said during that debate, I will allow you to continue.

MR JENSEN: I will leave it up to you, Mr Deputy Speaker, to check to make sure that I do keep to new matter. This fact was not discussed during the debate - certainly not by me and certainly not by the Chief Minister. The Government cannot sell the land for an office block, a factory, a shopping mall or medium density - - -

Mr Connolly: Mr Deputy Speaker, I call your attention to the state of the house.

MR DEPUTY SPEAKER: Ring the bells.

Ms Maher: I do not think you can do that in the adjournment debate.

Mr Duby: No, you cannot ring the bells in the adjournment debate because the house just rises.

MR DEPUTY SPEAKER: Mr Connolly called my attention to the state of the house. The question has to be put at the end of the adjournment debate, Mr Duby, when we do actually adjourn.

Mr Duby: I remember an occasion when the Opposition walked out en masse in an adjournment debate and as a result we had - - -

MR DEPUTY SPEAKER: I remember an occasion, too, during the adjournment debate. I do not think we ended up with a quorum so the house had to adjourn then; put it this way, Mr Duby: unless we have a quorum in four minutes we are certainly adjourning.

(Quorum formed)

MR JENSEN: I see that I have only about a minute to go, and I do not think I have a minute's worth of talking. I thank Mr Connolly for his kind calling of a quorum at this time.

Mr Deputy Speaker, as I was saying, the Government cannot sell the land for an office block, a factory or a shopping

mall, or medium density development, unless the plan allowed for it. If a change were proposed, there would have to be a very good planning reason to allow such a use. Clearly, this is not a simple process, as has already been indicated.

Let us go on to the issue about what the land is really worth. If the land were to remain for diplomatic uses under current arrangements, then, provided the diplomatic mission made land available to the Australian Government free of charge in its country, it would be possible for us to provide a free grant of land to the diplomatic mission. In the event of no arrangement, then the land is available at concession rentals. For community use and/or recreational open space use, the land is worth very little. Such a valuation, of course, would have to be done by the Australian Valuation Office, and would be based on the proposed or current lease purpose.

Nutrition Time

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.15): Mr Deputy Speaker, this time of the year has been designated as Nutrition Time and I would like to speak briefly about it. Nutrition Time is an activity - - -

Mr Duby: I would rather talk about dinnertime.

MR HUMPHRIES: If you wait, Mr Duby, you will find out all about what things you should be eating during dinnertime. Nutrition Time is a national event held every year. It is organised under the auspices, I understand, of an organisation called the Australian Nutrition Foundation which has an ACT branch or division. It has a number of activities every year and in the course of the last few days I have been pleased to attend a couple of them.

The first was a public seminar held at the University of Canberra last Wednesday night and entitled, "Is our food safe and healthy?". At that seminar there were four speakers who covered a large range of issues of some importance with respect to issues of nutrition. I might say at this point that the Australian Nutrition Foundation is an organisation of people including nutritionists, teachers, community nurses and others concerned about the quality of food consumed by us in our society. They are concerned that there should be information available to citizens about the quality of the food that we consume. I am sure those in this house would share the concerns and objectives of the Australian Nutrition Foundation that there should be a heightening of awareness of what is healthy and what is not.

That public seminar on Wednesday night which I attended, and which I understand Mr Speaker also attended at least part of, was followed last Sunday by a carnival of food and

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fun held in Glebe Park. That was also an extremely interesting activity, organised with a focus on children and aiming to heighten the awareness of children concerning issues of this kind. There were a number of activities, including a play put on by Phillip College, "Launching the Gurgleburger".

Mr Kaine: What?

MR HUMPHRIES: It was called a gurgleburger, Chief Minister. Unfortunately, I arrived too late to sample the gurgleburger. There was also the judging of a food competition organised among primary and secondary schools in the ACT, the objective of which was for children to devise healthy recipes.

MR SPEAKER: Order, Mr Humphries! Mrs Nolan, Ms Maher, order! I have just been in my chambers and it is almost impossible to hear Mr Humphries speaking over the prattle coming from that corner. Dr Kinloch was also involved. I pity the Hansard people trying to record the speeches in this house. If you must speak, please press the buttons to stop the recording of your voices when you are not entitled to speak.

Mr Kaine: It might be better than the original quite often, Mr Speaker.

MR HUMPHRIES: Not in this case, Chief Minister. Mr Speaker, the entrants to that competition develop healthy food and drinks suitable for use in school canteens, in particular. They submit their recipes to the competition organisers and they have them judged. I sampled some of those entries and they were most delicious and, I am sure, very healthy. There is an important side to all this, of course. It does raise the focus on the profile of nutrition issues in community activities. They are important.

Unfortunately, these days, with heavy advertising by certain companies there is a great temptation for children when going to buy food at school canteens to consume very unhealthy food, and the emphasis that organisations such as the Australian Nutrition Foundation place on giving kids proper choices, good choices, and giving them the information to back up these choices I think is very important and very laudable and should be backed up by this Assembly. We do, I am sure, share in this place the goal of encouraging students to develop their own motivation to consume healthy food, particularly healthy fast food, and I am advised that there are such things.

I want to commend, as I said, the organisers of Nutrition Time 1990, and wish them well for activities in future years.

Mr Berry: Who won? Tell us who won.

MR HUMPHRIES: The country bumpkin burger won, I believe.

Question resolved in the affirmative.

Assembly adjourned at 5.20 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Hospital Redevelopment - Seminars

QUESTION NO. 197

Mr MOORE - Asked the Minister for Health, Education and the Arts on notice on 7 August 1990:

In relation to the 30 seminars of 1 hour duration being "facilitated" by Mr John Peck and Ms Lynette Glendenning of PALM Management to "enable staff to express concerns over ACT hospital redevelopment" which was announced by Mr John Bissett, Secretary of the ACT Department of Health on 12 June 1990, can the Minister indicate whether

- (1) Mr Peck held a management position in the ACT Department of Health at any time; if so, what position did he hold and what were the circumstances of service-including method of termination and the amount of remuneration on termination.
- (2) Under what circumstances were PALM Management selected to facilitate these seminars.
- (3) What will be the cost of the Department of Health engaging PALM Management.
- (4) Given the existence of the following sections within the ACT Department of Health (a) Services Policy Development and Projects Unit; (b) Public Relations Unit (three of); (c) Staff Relations Unit; (d) Industrial Relations Unit; (e) workforce Planning and Restructuring Unit; (f) Planning Unit; and (g) Resource Management Unit does the Minister consider that these resources cannot facilitate the 30 seminars; and if not how does the Department justify the use of PALM Management.
- (5) Can the Minister provide the details of other projects carried out by PALM Management or Mr Peck for the ACT Department of Health.

MR HUMPHRIES - The answer to Mr Moores question is as follows:

- (1) I understand Mr John Peck joined the then ACT Health Authority as Deputy General Manager (Community Health Services) in January 1986. In January 1988, he was invited by Mr Bill Harris to head the new Chief Ministers Office and manage a number of major change projects in preparation for ACT Self-Government.

Mr Peck resigned from the Australian Public service in December 1988 to open an independent consulting practice. On resignation, Mr Peck received his entitlement as a resigning officer with accumulated recreation and long service leave.

- (2) The appointment of PALM Management was in accordance with the provisions of the Financial Manual Section 25(8) and

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the Department of Administrative Services guidelines for engaging consultants.

(3) The total cost of engaging PALM Management to facilitate the seminars, collate the findings and provide a report to Hospitals Management was \$14,875.

(4) The key criteria in the decision to employ PALM Management were:

- the need to urgently address staff concerns about the hospitals redevelopment process and particularly staff morale problems at Royal Canberra Hospital;
- an understanding of the ACT health services scene;
- the credibility and professionalism of the consultants;
- a need to be seen to be independent.

(5) PALM Management conducts occasional seminars for Organisation Development Services. Mr Peck has also worked with a Canberra consultancy firm (Management and Technology Consulting) to develop the ACT Hospitals Information Technology Plan.

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MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Floriade 1990

QUESTION NO 214

Mrs Grassby - the Minister for Finance and Urban Services

- (1) Who are the members of the Floriade Interim Board of Management?
- (2) How much is each member of the Board being paid?
- (3) Who were the tenderers for the contract for the event management and marketing of Floriade 1990?
- (4) What was the price tendered by each tenderer?
- (5) Who was awarded the contract?
- (6) Who are the principals of the successful contractor?
- (7) Who are the members of the ACT Tourism Commission?
- (8) What percentage of the cost of Fluoride is being contributed by the Government and what percentage from private sponsorship?

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

- (1) The non ACT Government members of the Floriade Interim Board of Management are: Mr Jim Service, Mr David Marshall, Mrs Linda Graham and Ms 01 Choong. The ex officio representatives are the Director of Environment and Conservation and the Chief Executive Officer of the Act Tourism Commission.
- (2) The Board members do not receive any remuneration.
- (3) The four tenderers were Canberra Festival, Marketing, Superflak and Communication.
- (4) The value of the contract awarded to the successful tenderer is \$163,495. The value of other tenderers is commercial in confidence. If Mrs Grassby wishes to sight the information, I will arrange this with officers of my Department.
- (5) Communication was the successful tenderer.

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- (6) Mr Mark Woodrow, Mr Micheal Byrne, Mr Paul Donohoe and Ms Judy Waters are the principals of BDW/CoCommunication.
- (7) Shirley Rogerson, Don Alan, Barry Simon, Ron Brown and Vern Davies. The ACT Government ex-officio representatives are the Secretary of the Department of Urban Services and the Chief Executive Officer of the ACT Tourism Commission.
- (8) In 1990 the ACT Government is providing one hundred percent of the horticultural aspects of Floriade. Approximately twenty five percent of the cost of providing the non horticultural aspects will be sponsored by the ACT Government.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Health Promotion Fund

QUESTION NO 228

Mr Berry - Asked the Minister for Health, Education and the Arts on notice on 15 August 1990:

In relation to the ACT Health Promotion Fund:

1. How much of the Health Promotion Fund will be required for administration of the Fund.
2. Will the health promotion area of the Ministers Department be merged with the Health Promotion Fund.
3. If yes, will it carry its current funding or will it merely divert the Health Promotion Fund from its prime use.
4. If no, how will the Minister ensure that there is no overlap or duplication of services.

Mr Humphries - The answer to Mr Berrys question is as follows:-

The ACT Health Promotion Fund Advisory Committee has developed guidelines that require that health promotion programs and campaigns receive a minimum of 40% of the monies available in the Fund. Sports and arts sponsorship arrangements using Fund monies will account for 30% and 15% of the monies respectively, with the remaining maximum of 15% being used for research and administration. It is envisaged that during the first year, approximately 10% of the monies will be spent on administration. The proportion of the Fund used for ongoing administration purposes would be expected to reduce to below 10% once initial establishment costs are met.

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There are no plans to merge the Health Advancement Service of the ACT Community and Health Service with the ACT Health Promotion Fund as their functions, while complementary, are different. The Health Advancement Service provides community health education, health consultancy and health resource materials. The Fund will be used to enhance health promotion activities, through providing brokerage services between sporting, recreation, arts and cultural organisations and health organisations and through direct funding support for health promotion programs. The ACT Health Promotion Fund Advisory Committee and Secretariat will participate in the development of ACT health promotion strategies, but will not develop health education and promotion materials, nor will they develop and implement programs.

The ACT Health Promotion Fund Secretariat and Advisory . Committee have established consultative mechanisms with the health promotion areas of the Service, including the Health Advancement Service, to ensure that there is no overlap or duplication of services. Health promotion areas of the Service may seek funding support. from the Health Promotion Fund for specific health promotion projects, in which case their applications will be treated in the same way as those from other health agencies.

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