



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 October 1990

Wednesday, 17 October 1990

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

PETITION

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

School Closures - Weetangera Primary School

To the Honourable the Speaker and members of the Australian Capital Territory Legislative Assembly.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

1. the ACT Government based its decision to close Weetangera Primary School on inaccurate and inadequate information provided to the Government.
2. we totally reject this decision and will continue to work in opposition to it.

The petitioners therefore pray that the Assembly direct the ACT Government not to close Weetangera Primary School.

By **Dr Kinloch** (from 1,163 citizens).

Petition received.

MR NELSON MANDELA

MS FOLLETT (Leader of the Opposition) (10.31): I am very pleased to move:

That the ACT Legislative Assembly -

- (1) welcomes the visit to Australia by Mr Nelson Mandela, Vice-President of the African National Congress of South Africa;
- (2) applauds Mr Mandela's courage in consistently advocating a free, democratic and non-racial South Africa during his 27 years of unjustified political imprisonment;

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- (3) notes that Mr Mandela is regarded by South African blacks as the symbol of their struggle for freedom;
- (4) calls upon Mr Speaker to mark Mr Mandela's visit to Canberra on 23 October 1990 by presenting him with a symbolic key to the city;
- (5) further calls upon the ACT Government to make available appropriate work experience placements in ACT Government agencies for black South Africans sponsored by the Australia-South Africa Training Trust; and
- (6) resolves to refer Mr Berry's notice of motion relating to the renaming of Rhodes Place to the Standing Committee on Planning, Development and Infrastructure for a report by 29 November 1990 on the feasibility of the proposal.

I hope that the motion can be treated in a non-partisan fashion and will gain support from all of the groups in the Assembly.

Mr Speaker, I think the first three parts of the motion do not require any detailed argument. They are more a matter of this Assembly placing on the public record its support for Mr Mandela and the work that he has done.

I believe that Mr Mandela's life work is reasonably well known and that in this Assembly there is no need to go into his biography in great detail. His visit to Australia gives us an opportunity to express our admiration for a very remarkable man - indeed, an exceptional man. He has shown great personal courage and dignity and an unwavering commitment to a free, democratic and non-racial South Africa. Those characteristics have earned him the respect and affection of many millions of people around the world.

It is a great tribute to Mr Mandela that, after 27 years in gaol, during which time he was virtually unseen and unheard, he should still be regarded by black South Africans as the symbol of their struggle for freedom. His great courage was particularly demonstrated in recent years, in the last years of his imprisonment, when it became clear that the South African Government was offering him conditional release from prison if he relinquished his political activity and went into exile. Mr Mandela's commitment to the freedom of his people, even at the expense of his own freedom, inspired people in South Africa and around the world to continue the struggle against apartheid.

Since Mr Mandela's release from prison last February, his actions have demonstrated that he was not embittered by his experiences. He set out with a calm determination to negotiate with all groups on the future of South Africa. We can only hope that the process of negotiation which he has begun with President de Klerk will eventually lead to

the dismantling of the racist apartheid system and equality of social, economic and political opportunities for all South Africans.

Mr Speaker, this visit causes us to recall the banning of political groups, constraints on free trade unions, the muzzling of the press and the arrest and detention of people whose only crime was their wish for the freedom of their people. The visit recalls also the acts of state terror by the South African authorities at Sharpeville in 1960 and at Soweto in 1976.

The fact that Mr Mandela is now able to visit Australia and that some of the worst excesses of apartheid have gone does not mean that the system itself has been dismantled. It is very clear that Mr Mandela and others will have to continue their struggle to remove the systematic inequalities of the apartheid system. Even after South Africa becomes a free, democratic and non-racial nation, it will be many years before the economic inequalities are overcome.

Mr Speaker, Mr Mandela's visit to Australia follows almost 20 years of Australian government opposition to apartheid. There has been opposition by all major political groups. It is a matter of record that the Whitlam, Fraser and Hawke governments have all adopted strong positions on this issue. In this context, I believe it is appropriate that the ACT join with the many other countries, cities and groups around the world which have demonstrated their respect and admiration for Mr Nelson Mandela.

The Chief Minister has said that there is no tradition of offering the freedom of the city of Canberra to an individual. I do not see that the fairly limited precedent in that area should necessarily prevent such a decision on this occasion. However, given the military connotations of the ceremony and its perhaps rather feudal overtones, I am not inclined to criticise the Chief Minister's decision in this matter. I do not pretend to be an expert on protocol, and the last thing that I want to do is to be divisive on this issue. My concern is that the ACT marks the visit of this exceptional world leader in an appropriate way and in both symbolic and practical manners.

Given that the Government considers that the freedom of the city is inappropriate and, as I said, I am not inclined to argue with that, I think the Assembly should consider an alternative. In my motion I have suggested the presentation to Mr Mandela of a symbolic key to the city.

Mr Speaker, I had imagined that such a presentation could take place at the reception in the Assembly next Tuesday, of which you have advised us. I have been advised this morning that there is some doubt that that reception will be able to be arranged because of Mr Mandela's schedule for that day. I wonder whether it would be possible for such a presentation to be made as Mr Mandela arrives at the airport or at some other appropriate time during his

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schedule. I hope that the Government will consider supporting this proposal in the genuine spirit in which it is offered to the Assembly today.

Mr Speaker, the fifth part of the motion that I have put before you requires perhaps a little more explanation. I understand that other members of the Assembly have been provided with a copy of the report by Mr Bruce Haigh, a former Australian diplomat, concerning his recent visit to South Africa on behalf of the Australia-South Africa Training Trust. Mr Haigh has identified a number of young South Africans who would benefit from work experience overseas so that they could make a greater contribution to the future of their country.

The proposal need not involve scholarships for the individuals concerned and would not involve the commitment of any substantial ACT Government resources. It is proposed simply that the ACT Government offer to make places available in areas like ACT Electricity and Water, the hospitals or even local administration, where young black South Africans could gain greater experience in their chosen fields. I think it is a very practical proposal that no group in this Assembly should have trouble supporting. I understand that Mr Haigh would not expect the ACT Government to contribute towards either the travel or the salary costs of such placements. I put forward this idea for consideration in the hope that the Government will look at it seriously.

The final part of the motion, Mr Speaker, relates to Mr Berry's notice of motion, which has been on the notice paper since March of this year. That motion concerns the renaming of Rhodes Place in Yarralumla as Mandela Place. Now is probably not the time to go into a lengthy explanation of the significance of Cecil Rhodes' place in South Africa's history. Suffice to say that for many people this would be an appropriately symbolic act, given Cecil Rhodes' connection with white colonialism in South Africa. There are, of course, a number of issues concerning the legalities of ACT street names. Rather than resolving the issue hastily on the floor, it appears to me to be sensible to have the matter examined by a committee of this Assembly in the next few weeks.

Mr Speaker, in conclusion, we on this side of the house look forward very much to Mr Mandela's visit to Canberra. I hope that the Assembly will see fit to honour him appropriately during his visit. I put forward this motion with that intention, and also with the intention that we make both symbolic and practical gestures towards Mr Mandela and towards the future development of his country.

MR DUBY (Minister for Finance and Urban Services) (10.40): Mr Speaker, this side of the house broadly supports the thrust of the motion put forward by the Leader of the Opposition and admits that there are quite a number of

complicated issues in the whole area. It might be appropriate if some background to Mr Mandela and his struggle for freedom is placed into the record.

Born in the Transkei, Mr Mandela was the son of an hereditary chief of the Xhosa tribe. He entered a black university but was expelled for leading a student strike. He moved to Johannesburg, worked as a guard at a gold mine, and then got a law degree by doing correspondence courses. During World War II, he and his friend Oliver Tambo joined the ANC, the African National Congress, which had been formed to seek redress of black grievances by peaceful means.

Members of the South African Communist Party took over many ANC leadership positions in the 1940s and 1950s. According to a US State Department source, at least half of the ANC's governing congress are communists. While Mandela says that he is not a communist, he has strongly allied himself with communists at home and abroad. In 1959 black members who objected to being used as pawns by Moscow broke away to form the Pan Africanist Congress, the PAC, which remains to this day a major rival of the ANC.

A year later, police opened fire on black demonstrators in Sharpeville, near Johannesburg, killing 69 persons - a day of shame. The Government banned both the ANC and the PAC. At that time, Oliver Tambo set up the ANC in exile; Mr Mandela remained behind and organised the Spear of the Nation, the ANC's military wing. After eluding police for over a year, he was arrested and sentenced to life imprisonment for sabotage and seeking to overthrow the Government with violence. That was some 27 years ago, and we know of the state of justice in South Africa at that time.

For the first 10 years of that sentence, Mr Mandela broke rocks in a limestone quarry on Robben Island, just off Cape Town. At that time he carried himself with quiet dignity. I have read that white guards took the unheard of step in those days of addressing him as "Mr Mandela", which I think is an indication of the aura of the man and the way in which he conducts himself.

Over the years, Mr Mandela has become the symbol of black aspirations. In 1989 he wrote to high government officials that the time had come to negotiate a political settlement with blacks and whites in South Africa. The idea appealed to the then State President, Mr Botha, and also to his successor, Mr de Klerk.

By that time Mr Mandela had been moved to the Victor Verster prison farm, some 56 kilometres from Cape Town, and installed in a house. There he received a constant stream of black leaders and white officials from all over the world. The Government repeatedly offered to release him if he would renounce revolutionary violence, but Mr Mandela refused. Finally, on 11 February this year, the South

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African Government capitulated, and Mr de Klerk released Mandela without requesting such a renunciation. That was after 27 years of imprisonment - undoubtedly an inhumane sentence for a person seeking to chase political aims legitimately.

When that happened, many people thought that Mr Mandela would somehow bring about South Africa's salvation. During his 27 years in prison, much of the world built him into a larger than life symbol of resistance to apartheid. It must be pointed out, though, that upon Mr Mandela's release he dismayed many, many well-wishers across the world by calling for a continuation of the ANC's "armed struggle". He praised ANC official Joe Slovo, former chief of staff of the military wing, who was responsible for detonating bombs in public places, and stated, "I salute the South African Communist Party for its steady contribution to the struggle for democracy".

He was called to Washington and was entertained in the White House by President Bush. At that time the Washington Post said that people "will want to know that the destiny of the South African freedom movement is not to create another of the cruel, undemocratic and inefficient state-centred regimes that are collapsing in other parts of the world". At Mr Mandela's first press conference he came out in favour of nationalising mines and other enterprises - much to the dismay, I believe, of many people who believe that the only hope for prosperity in South Africa is a continuation of what is, in effect, the free enterprise system.

On his triumphant American tour Mr Mandela worried some of his supporters, including those in Australia, by praising three highly unsavoury world leaders - Yasser Arafat, Muammar Gaddafi and Fidel Castro. In the White House ceremony, when President Bush appealed to "all elements in South African society to renounce the use of violence and armed struggle", Mr Mandela pointedly refused. With Mr Bush at his side, he said that the President had made remarks about "armed struggle due to the fact he has not yet got a proper briefing from us".

Since being named Deputy President and, in effect, head of the ANC, Mr Mandela has adjusted to the limits of his influence. He has tried to make peace in the ongoing black civil war in Natal Province, but the combatants, unfortunately, have ignored him; violence has only escalated. I believe that some 1,800 people have been killed in that dispute this year alone.

Mr Mandela called for law and order in the townships where young black warlords and groups terrorise the rest of the population. Unfortunately, again he was ignored. Mr Mandela has far to go before the day comes, which I think is probably inevitable, when he moves into the tuynhuys in South Africa. Some younger ANC leaders complain that he is too moderate. On the other hand, many members of the

burgeoning black middle class in South Africa are turned off by the ANC's leftist rhetoric. Still others follow rival political organisations, such as the PAC and Buthelezi's Inkatha Party.

As I said, the ANC is not the only movement involved in South African liberation. Other black leaders will also have a say in the new constitution which is being evolved in South Africa. Among them, of course, is Buthelezi, who favours a free market economy and who has long denounced ANC terrorism. He speaks for a great many of the Zulus, who number some seven million and are the country's largest black tribe.

South African whites and blacks nourish separate but equally unachievable dreams. Whites think they can protect themselves from black domination by creating group rights and other constitutional gimmicks. Blacks dream of one man one vote, achieving power and affluence and achieving things that, quite rightfully, they want now. Unfortunately, the tragedy of South Africa is that neither side is likely to wind up with all that it wants.

We should therefore be prudent in linking our city and our democratic ideals with a person whose political outlook is, frankly, in a state of flux. Nevertheless, we admire a man who can follow his ideals, and we honour his survival in unjust imprisonment for some 27 years. As I said, the people on this side of the house broadly support the motion put by the Leader of the Opposition. However, there are some things which we think need to be amended slightly. To that end, I would like to move the following amendments, which do not take anything away from the thrust of the motion.

In paragraph (1) of Ms Follett's motion, delete the word "Australia" and insert "the Australian Capital Territory", so that it will read: (1) welcomes the visit to the Australian Capital Territory by Mr Nelson Mandela, Vice-President of the African National Congress of South Africa.

In paragraph (2), delete all words after "free" and insert "and democratic South Africa during his 27 years of political imprisonment", so that it now reads: (2) applauds Mr Mandela's courage in consistently advocating a free and democratic South Africa during his 27 years of political imprisonment.

In paragraph (3), delete all words after the word "by" and insert "many South Africans as a symbol of their struggle". It now reads: (3) notes that Mr Mandela is regarded by many South Africans as a symbol of their struggle.

In paragraph (4), delete the whole paragraph and insert "endorses the decision by the Speaker to mark Mr Mandela's visit to Canberra on 23 October 1990".

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Given the fact that this whole motion is honouring the presence of Mr Mandela in the city, I feel that the necessity for paragraph (5) could be handled in another motion. I will therefore move that paragraph (5), calling upon the ACT Government to make available appropriate work experience placements in the ACT Government agencies for black South Africans sponsored by the Australia-South Africa Training Trust, be deleted.

That is the summary of the amendments that the Government is proposing to make to the motion. As I said, we honour the man; we know he is a symbol of the struggle of not only the black people but all freedom loving people in South Africa against the oppressive and iniquitous apartheid system which has existed in that country since 1949.

MR SPEAKER: Before we proceed, I would like to take advice on the situation in which Mr Duby seeks to move five amendments. There is some debate as to whether he ought to move them one at a time. I put it to the assembled members that Mr Duby should seek the leave of the Assembly to move the number of amendments as a whole.

MR DUBY: I so seek leave, Mr Speaker.

Leave not granted.

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

That so much of standing and temporary orders be suspended as would prevent Mr Duby from moving the amendments together.

The Assembly voted -

AYES, 11

NOES, 6

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

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

Question so resolved in the affirmative.

MR SPEAKER: The question was that standing orders be suspended so that Mr Duby can move his amendments together. I now ask him to do so.

MR DUBY (Minister for Finance and Urban Services) (10.58): Having had that issue resolved, I now move the following amendments together:

Paragraph (1), omit "Australia", substitute "the Australian Capital Territory";

Paragraph (2), omit all words after the word "free", substitute "and democratic South Africa during his 27 years of political imprisonment";

Paragraph (3), omit all words after the word "by", substitute "many South Africans as a symbol of their struggle";

Paragraph (4), omit the paragraph, and substitute the following paragraph:

"(4) Endorses the decision by the Speaker to mark Mr Mandela's visit to Canberra on 23 October 1990."; and

Paragraph (5), omit the paragraph.

MR CONNOLLY (10.58): Mr Speaker, I rise to support the original motion and, in large, oppose the amendments moved by Mr Duby, although I could indicate that the proposed amendment to paragraph (1), welcoming the visit to the Australian Capital Territory rather than Australia, is certainly acceptable to this side of the house. The proposed amendment to paragraph (3) is also acceptable because it is true that Mr Mandela is regarded as a symbol by many South Africans, both blacks and whites.

But I am dumbfounded that in relation to paragraph (2) there is a proposal to delete our applauding Mr Mandela's courage in consistently advocating a free, democratic and non-racial South Africa. I am amazed that this Assembly would be deleting our applauding the advancement of the goal of a non-racial South Africa. If the Assembly votes in that way, it could be said that we somehow favour a racial South Africa. I know that that is not the view of this Assembly. I know that Mr Collaery, over many years, has firmly opposed a racist South Africa and believes, as we on this side of the house do, that South Africa's future must be non-racial, that all races - black, white and coloured - must have the vote and equal rights in South Africa. For this Assembly to delete our support for the goal of a non-racial South Africa is extraordinary.

Mr Speaker, there is very little to be added to Ms Follett's excellent and measured speech on this issue. Those of us who live in a democratic society find it hard to imagine the position that is faced by political activists under more repressive regimes. From time to time, we in this house hear of the difficulties that members of a democratic assembly face in this Territory. Often we are heard to complain about being harassed or badgered at home late at night by constituents or others. Often we complain about the way in which our political duties interfere with our social lives. Often we have to forgo pleasant family occasions to attend a meeting or a function. From time to time we may be heard to mutter that

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the decision to enter political life means that we forgo salaries, advancement and personal wealth because we believe in what we are doing and in advancing a political goal. That applies equally to both sides of the house.

But it is impossible for us to imagine what advancing a political goal means in a country like South Africa. For many, it has meant life. Many have died in the struggle for basic democratic rights in South Africa. For all, it means not the occasional late night phone call from a constituent who is irate about an aspect of ACT administration; it means regular late night harassment by the South African police; it means being dragged out of bed at 3 o'clock in the morning, tortured and thrown into prison, never to be released.

Mr Speaker, it is impossible for any of us to understand fully what that has meant. But many Australians of good will across the political spectrum have, over the years, stood firmly against the repressive policies of the South African government and have saluted the courage of men and women such as Nelson Mandela.

Today I will not refer to the regular and distinguished history of my party in opposing the South African governments, but I will quote the words of a then obscure Federal backbencher in 1960, shortly after the Sharpeville massacre. That was Malcolm Fraser. I am prepared to salute his longstanding objection to South Africa. It has often been said that Fraser jumped on the band wagon after he lost office, but he has long opposed the views of South Africa. In 1960, after the Sharpeville massacre, he noted that the time of colonialism had passed and said:

Anything that flies in the face of this spirit cannot stand and will be pushed aside in the present age. Africans in South Africa are second class citizens without political rights. They are subjugated and often treated in a brutal fashion.

He went on to say that that would not be tolerated by the brother nations of the Commonwealth. That is the sort of view of a person of good will that has dominated the Australian view of South Africa in the last 20 years. For many years the Menzies Government took a different view. But it is clear now that there is a non-partisan opposition to, and abhorrence of, apartheid and a bipartisan support for those in South Africa who are prepared to stand up for their rights.

Mr Speaker, I was appalled to hear an echo of the 1960s in some remarks of Mr Duby. We heard those famous words of the 1960s - that a State Department report indicates that a particular body is dominated by communists. I thought the world had advanced beyond that. I will quote to the Assembly the so-called Fraser report, which is the report of the Eminent Persons Group Commonwealth mission to South Africa in 1986. Referring to Mr Nelson Mandela, at page 73, that report states:

That he is a fervent nationalist cannot be denied but of his supposed communism either now or in the past we found no trace.

In that respect, we clearly differ from the Government which has resorted to the most dubious of methods to denigrate his reputation. Any suggestion that a communist influence or involvement in Mr Mandela's past means that we should be reticent about giving him full support is, as I say, absurd and abhorrent.

Mr Speaker, through Mr Duby's comments we heard another objection which equally needs to be put to rest, and that is that Mr Mandela has in the past said, and continues to say, that violence can be an acceptable method of dealing with oppression. As I said, for those of us who live in a democratic regime, with democratic institutions and courts of law, violence is abhorrent. For anyone to advocate violence in our society as a means of settling political differences is clearly abhorrent. But many are not so fortunate. The clearest statement that I can think of, which justifies the use of violence when faced with an oppressive regime, is in one of the classics of Western democratic political rhetoric, the Declaration of Independence. The words of Thomas Jefferson in the preface are:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, ...

It goes on to say that, when government fails to live up to those objects it is the people's right, their duty, to throw off such government and to provide new guards for their future security.

Mr Speaker, the Western democratic liberal tradition, with which we are fortunate to live, has always acknowledged that when a government is unjust and oppressive, when the basic rights of the citizens are not respected, it is the right of the citizenry to rise up against that government. To say otherwise is to deny the very heritage of our liberty. It is to deny the words of Thomas Jefferson; it is to brand George Washington a traitor; it is to brand Locke, Hulme, Rousseau and those other thinkers of the Enlightenment again as advocates of violence.

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Mr Mandela has indeed supported the African National Congress's right to resort to violence when violence is offered against that organisation. As he explained at his trial in 1964 - and this again is quoted in the Fraser report:

A time comes in the life of any nation when there remains only two choices, submit or fight. The time has now come to South Africa. We should not submit and we have no choice but to hit back by all the means in our power and in defence of our people, our future and our freedom.

Mr Speaker, the African National Congress has consistently maintained that violence is the last option. It has consistently struggled to achieve free and democratic change towards a non-racial South Africa, and they are objects that we should all applaud. To cast aspersions on their bona fides, to suggest that they are somehow tainted by violence is, in my view, most objectionable.

Their position is that of all of us who hope that we would have the courage, if the position ever came, to stand up for the free and democratic principles in which we believe. It is only those who are fortunate enough to live in a free and democratic society who can really understand what they lose when they do not have those rights and that there may be occasions on which it is necessary to do more than offer non-violent protests. Mr Speaker, I would be ashamed if this Assembly were not to support this motion.

DR KINLOCH (11.08): Mr Speaker, all of us welcome the overall motion, in whatever form it finally appears, and of course we all join in opposition to apartheid. On the last occasion on which this issue about apartheid came up I was forced to say that if my wife and I were in South Africa we would have to live in different hotels, go to different swimming pools and so forth.

I do not think the reforms of Mr de Klerk have gone anywhere near getting at the problems of apartheid. Until there is a free vote by all South Africans - white, black, coloured, brindle, all sorts - there is not freedom. De Klerk's move towards a greater degree of freedom seems to me to be very minimal, as long as, for instance, my family could not go there in freedom. So, let us welcome the overall notion that has been put forward here. We look forward to welcoming Nelson Mandela. I applaud the Speaker for his action in calling for a special reception here.

I will briefly take up the term "non-racial". I do not think that is a particular issue. I raised it. I would have preferred the term "non-racist". Having taught courses on race and racism over many, many years, both here and in other countries, including Malaysia, I would have thought we are all part of a racial entity of some kind or another, even if it is extremely mixed; but what we object to is racism and racialism.

Mr Berry: On a point of order, Mr Speaker: Is Dr Kinloch moving an amendment?

MR SPEAKER: Order! Please proceed, Dr Kinloch.

DR KINLOCH: I honour much that Mr Connolly said, but I want to note that of course we are all opposed to racism and racialism. It is just the nature of the term used in the original motion. If I had had a chance to talk to those who put that forward I would have suggested "non-racist".

On the question of paragraph (4), as I understand it, there is no method by which we can do that. It might be very useful if there were another motion at another time to refer to a committee the chance to set up this possibility of symbolic keys to the city. I understand that it does not exist. Indeed, we are the ones who are honoured. We are not honouring Mr Mandela when he comes here; we will be honoured by his presence, and we look forward to that very much.

On the question of paragraph (5), it would relate to problems, challenges and responsibilities of the department of immigration. I would go much, much further than paragraph (5). The suggestion is that that be a matter for further discussion.

It worries me that there are too many white South Africans coming into Australia without the appropriate and balanced number of black, coloured and other mix South Africans. It is not for us to make this decision, is it? It is for the Federal Parliament. But I would want us to be saying to it, "Look, there is a much bigger problem. There is this problem of expatriate white South Africans". Surely, for every white South African there should be four black South Africans, one coloured, et cetera, if one is trying to be fair.

On this question of violence, again I honour much that Mr Connolly said. I am very pleased that he has made a personal objection to violence and has urged the point that violence, from his point of view, should be the very last option. There would be many for whom violence would not be an option. I would like to refer to two white South Africans who are living in Canberra and who are members of the Society of Friends. For the Society of Friends violence is not an acceptable option. For these two white South Africans, who honour Nelson Mandela and who will be very pleased to see him here, I assure you that violence, whether from him or from anyone else, would not be regarded as a proper option.

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

That the question be divided and that separate questions be put on each paragraph and amendment.

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MR COLLAERY (Attorney-General) (11.14): Mr Speaker, I endorse broadly the comments to date on the floor. I believe we should be careful to take note of what the Leader of the Opposition said about a non-partisan debate. We are talking largely, as Dr Kinloch indicated, about drafting style. I never use the term "non-racial"; it hangs over from another day, another era. We have considered this motion in light of the fact that the Federal Parliament is not sitting at the moment, as far as I know, and that it will perhaps be seen to be an important motion for the nation.

It is most important from our point of view to have the drafting and the ideas correct and to observe the traditions as set out in May's Parliamentary Practice. There is no substantive disagreement with anything proposed by the Opposition. If the Opposition had come and discussed the motion with us first I am certain we would have achieved agreement on it.

A few churlish remarks have been thrown across the floor. I think that is in the spirit of gamesmanship and I do not think it appropriate for me to respond, other than to say that it is a sobering thought to see in the authorised biography of Nelson Mandela that in 1944 young men met at the Bantu Men's Social Centre and formed the Youth League. Anton Zembede was elected the first President and Nelson Mandela, David Bopape, Walter Sisulu and Oliver Tambo were among those elected to the Executive Committee. That Executive Committee, in one way or another, has been going since before I was born. It is amazing to observe the length of the struggle. The 27 years of imprisonment of Mr Mandela was only part of this period. The struggle has been going for many, many years, as many members are aware, particularly if they have read the full authorised biography of Nelson Mandela.

The changes we have proposed to the motion have been put forward on the basis of advice as well as discussion in our joint party room. There is no ideological twist to the changes we have proposed. I will not bore the Assembly; but, to give one example, the words "free and democratic", as Dr Kinloch indicated, import all of the notions of non-racism and all the rest. I think that if my colleague Mr Connolly contemplated for a moment, and had we had the chance to talk, he would understand why it is necessary that the wording of this motion, as an important instrument nationally as it now will be, simply be good. There is no inference to be drawn from the taking out of what I perceive to be a tautology in the words "unjustified" and "political". They imply the same thing in my view, and the style of the motion seems to be important.

Mr Berry: Rubbish!

MR COLLAERY: Mr Speaker, I see that at least in one case I am not gaining the confidence of the Opposition with my remarks. Certainly it is important, so far as our country is concerned, that we deal sensitively with this debate today. It could well be reported widely, and the image of the Assembly itself is probably at test in this debate.

I take the point, on advice, that the fifth part of the proposal of the Leader of the Opposition concerning the setting up of a training scheme could be perceived by the Federal Government as presumptuous. Certainly it is possible that it could create foreign relations issues - I am not saying "problems", but issues - and these should be dealt with first before we as a junior parliament in the Federation move in that area. I support the amendment to delete that part and, as Dr Kinloch has indicated, I do not in any way deny the notion that is inherent in it; but the notion certainly should not simply favour young black Africans. It is important that across all of our trade training schemes we have regard to the situation of the Malays in Malaysia and to other indigenous groups also within our sphere of influence. It is simply not a very refined proposal and I doubt that you would see any party moving it with that terminology in the way it is put by the Leader of the Opposition.

Mrs Grassby: The great civil rights worker! What a fake!

MR COLLAERY: I see that the Opposition is determined, Mr Speaker, to score some grotty points out of this issue. I thank Mr Connolly for acknowledging at least my commitment, and I am sure there is an unstated or stated commitment around this floor in regard to apartheid.

Certainly I have been engaged in that struggle, and I would like to see recognised - and I am sure Mr Moore knows this - another very quiet group; that is, a group of white South African army deserters and defectors who have consistently suffered for many, many years great separation from family and friends. There is a significant group of them in Australia at the moment. There has been a very effective pipeline over many years in assisting those people to get to Australia, and I am proud to say that that pipeline in fact existed and was centred in the Australian Capital Territory. I believe that we have great credibility in and among the knowledgeable groups.

The proposed change to the motion to take out the words to which I referred - that is, "is regarded by South African blacks as the symbol of their struggle for freedom" - simply reflects the fact that, in the circles in which I move, and some of those apply to members of the Opposition, account is taken of Chief Buthelezi and others who have some contrary views. I do not wish to enter into those issues, but there are leading whites in the struggle and I feel we should be gracious enough to acknowledge the contributions of all South Africans involved.

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I trust that the media will recognise that we have had some communication and drafting disagreements on this floor, and I trust that we will not put forward out of this Assembly the suggestion that we have been in any way churlish or reserved about the nature of Mr Mandela's status and visit to Australia.

On the subject of communism, there is ample reference to those arguments and issues in the authorised biography of Nelson Mandela. I am not going to enter into a debate as to whether he has been a communist, is close to communists or is involved with communists. What is the historical relevance of that? All that Mr Duby was doing was painting a picture of Mandela by way of general introductory background. He was not talking, as far as I read it, about any current perception of Dr Mandela. He was simply indicating that, if the Assembly committee is going to look at such issues as the naming of places, then, as the national memorials legislation requires, we need to look carefully at all those issues, including the backgrounds. No doubt that will be done in due course, and the introductory words drafted by Mr Duby or for Mr Duby at short notice may well be adjusted in the light of the inquiry of the Assembly's planning committee. There is no suggestion that there is an historical hangover in Mr Duby's reference to any of the former or present associates of this great man.

I am very pleased that, as a sitting parliamentary assembly, we have found the time to debate this matter today, and I trust that the manner in which we have slightly altered the drafting will meet with the agreement of most Territorians, for that is our objective.

MR STEVENSON (11.23): In 1961 Mr Mandela was appointed the leader of MK, the military wing of the ANC. In 1964, on 11 June, he was sentenced to life imprisonment for promoting sabotage and the violent overthrow of the South African Government. Later on, in 1985, Mandela rejected the South African State President's offer of release on the condition that he renounce the violent overthrow of the South African Government as a means to Mandela's political ends. He refused to do that. There has been a suggestion that Mandela was a political prisoner while he was in gaol. That, basically, was renounced by Amnesty International when it said he did not classify as a political prisoner. On 13 September 1985 a statement was issued by Amnesty saying:

Amnesty International ascertained that Mandela has participated in planning acts of sabotage and inciting violence, so that he could no longer fulfil the criteria for the classification of political prisoners. At the end of his trial, Mandela delivered a speech wherein he said that after all his peaceful action he had concluded that the only chance for a change in South Africa was through violence.

Mr Wood: Don't you support that?

MR STEVENSON: No, I do not support for a moment, Mr Wood, the violent overthrow of the South African Government. I think it is important to understand some of the motivation for Mr Mandela. In a publication that he wrote in longhand titled "How to be a good Communist" he stated, on page 1:

The aim is to change the present world into a Communist world where there will be no exploiters and exploited, no oppressor and oppressed, no rich and poor.

On page 27 he writes:

Without a hard, bitter and long struggle against capitalism and exploitation, there can be no Communist world. The cause of Communism is the greatest cause in the history of mankind because it seeks to remove from society all forms of oppression and exploitation, to liberate mankind and to ensure peace and prosperity to all.

On pages 30, 31 and 34 he writes:

We test a Communist Party member's loyalty to the Party, to the revolution and the Communist cause by the manner in which he absolutely subordinates his interests to those of the Communist Party ... In the Party our members should not have personal aims independent of the Party's interest ... A member of our Party is no longer just an ordinary person. He is a conscious vanguard fighter of the working class.

Such is Mandela's support for the Communist Party.

I think recent events in the world have shown the obnoxious nature of communism. Finally, after the deaths, reportedly, of over 100 million people in the push for communist control of the world, much of that appalling regime's control of many countries throughout the world is beginning to be thrown off. Indeed, we are starting to get towards some democratic freedoms not supported by the communist parties in those countries that were overtaken and subjected to one of the greatest violences ever known in the history of mankind.

I think Zulu Chief Buthelezi is the one that should be supported and looked to as a valid leader, for he supports many changes within the country of South Africa, but through peaceful means - not through sabotage and not through necklacing.

Perhaps it is worth mentioning what necklacing is. The "necklace" is a motor car tyre placed around a person's neck. His or her hands are tied with wire, and petrol is

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poured into the tyre and then set alight with the goal of incinerating the person alive. Perhaps we should recall a quotation from Mandela's wife, Winnie Mandela. She said:

Together, hand in hand, with our boxes of matches and our necklaces we shall liberate this country -

as reported in Agence France-Presse.

The ANC claims to represent blacks in South Africa, but this claim has never been tested in terms of who it represents. Indeed, the membership of the ANC is not known. What is known, as was reported earlier, is that a majority of the executive members of the ANC are indeed also members of the communist party.

I support totally free speech. I support the right of people to say things that are not true; in other words, we well know that many people say things that are not true. I think the problem is that quite often we have free speech for only one side of an argument but not for another side of the argument. I would certainly allow Mr Mandela to say the things he believes in, to express support for the violent overthrow of a government. I would support anybody having their say. I do not support his views in the matter at all. Indeed, I would support Chief Buthelezi's views that advocate peaceful change in South Africa. I think we should support that. I move:

Omit all words after "That the ACT Legislative Assembly -" and substitute:

- (1) supports the right of free speech to all people, including that of Mr Nelson Mandela, Vice-President of the African National Congress of South Africa.
- (2) condemns Mr Mandela's long-standing support and calls for sabotage and the violent overthrow of the South African Government.
- (3) notes that a majority of the executive members of the ANC are also members of the Communist Party.
- (4) commends Zulu Chief Buthelezi for his courage and untiring work in calling for similar reforms to those advocated by Mr Mandela but through peaceful and democratic means.

MR BERRY (11.32): I will move that the amendment proposed by Mr Stevenson be put forthwith without debate. I move:

That the question be now put.

Mr Kaine: Mr Speaker, I do not want to say a great deal about this debate, except to say that I think that it is a great pity that - - -

MR SPEAKER: Order! Chief Minister, before we go further, I would like to just clear up something. I thought you were going to speak on Mr Stevenson's amendment.

Mr Kaine: Well, I am going to speak on the motion and the two amendments to it.

MR SPEAKER: But I would like first to have Mr Stevenson's amendment circulated, and we have to deal with the fact that he has proposed an amendment of numerous parts - - -

Mr Kaine: Well, I am aware of his amendment.

Mr Berry: I have moved the gag in respect of the amendment moved by Mr Stevenson.

MR SPEAKER: True. That is also correct. I would like to have the amendment moved by Mr Stevenson circulated to the members before you vote on them.

Mr Wood: But we do not have amendments. There are not any amendments. Where are they?

MR SPEAKER: I do not believe it is proper for something to be voted on on that basis, because I am sure some of the members did not even hear what the amendment was. I would just like to clarify the point: Mr Berry, you moved that the question be put on Mr Stevenson's amendment only?

Mr Berry: Yes - forthwith and without debate.

Question resolved in the affirmative.

Question put:

That the amendment (**Mr Stevenson's**) be agreed to.

The Assembly voted -

AYES, 1

NOES, 16

Mr Stevenson

Mr Berry
Mr Collaery
Mr Connolly
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

Question so resolved in the negative.

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MR KAINE (Chief Minister) (11.38): Mr Speaker, my principal comment on the debate this morning is that I am amazed that it was brought on at all, and I have to wonder at the motives of the Leader of the Opposition in bringing it forward because the simple fact is that, as the speakers on this side of the house have said already, there would be very little dissension from the general proposition that Mr Mandela is a great man of his time and that, in fact, as expressed by Dr Kinloch, it is we who are being honoured by his visit to Canberra, not the other way around. There is a universal recognition - perhaps I should qualify that; an almost universal recognition - of the great contributions that this man has made in his lifetime to the concepts of political freedom and social equity for the people of his country.

If this matter had been discussed yesterday off the floor of this house, there would have been no disagreement, I suggest, on the course of action that this Government and this Assembly should have taken. But, of course, the Opposition does not choose to do it that way. The Opposition believes that by bringing this up on the floor of the house it can somehow score a political point and get some sort of cheap point on the board from a few supporters. The fact is that the people from whom members opposite think they are getting support do not support them. They are appalled at the course of action taken by the Opposition in bringing this matter up and turning it into a political debate - which, in fact, degrades the visit of Mr Mandela to the Territory, because the fact is that Mr Mandela is here visiting the Australian Government. He is not coming to visit the ACT Legislative Assembly. He is here as a guest of the Australian Government. But somehow or other the Leader of the Opposition, and the Opposition generally in this place, seek to make some political capital out of that - and, frankly, I am appalled by it.

I think the only question of concern to this Assembly was whether or not it was possible - and, if so, how - for us to honour the visit of this man to the Territory. That could have been done, as I said, off the floor of this house. It could have been decided yesterday. In fact, irrespective of any cooperation by the Leader of the Opposition and her people, action was taken by members of this Government to do something to honour Mr Mandela's visit. That request, that proposal, has been rejected.

Just before I came down here this morning, I received a letter from the Luthuli Group. I did not have time to do anything about it before the Assembly sat, but I would like to read it into the record, Mr Speaker. It is addressed to me as Chief Minister, and it says:

Dear Mr Kaine,

Thank you for your letter of 16 October in which you state that Canberra does not have a tradition of granting the freedom of the city to individuals. Your kind invitation -

Mr Speaker, that is a reference to your kind invitation on behalf of the Assembly -

to Mr Mandela to attend a reception at the Assembly to be held in his honour was immediately conveyed to the National Nelson Mandela Reception Committee in Sydney and late yesterday afternoon we spoke to Mr Eddie Funde, the ANC Australian and Pacific representative who met with you earlier this year -

he did meet with me; it was a great pleasure to have him come and visit me -

and he confirmed that unfortunately there will simply not be time for Mr Mandela to call in at the Assembly. He very much regrets that this is so, but hopes that you will understand that, as Mr Mandela is only in Canberra for one day, and is a guest of the Federal Government, his program has already been fully committed for that day. Mr Funde would be grateful if you would ensure that the Legislative Assembly is made aware of the committee's regrets that Mr Mandela's program cannot be altered so as to be able to attend the proposed reception.

Yours sincerely -

and it is signed by the secretary of the Luthuli Group of Canberra. This matter could have been resolved yesterday and the cheap attempt at political point scoring this morning would have been totally avoided. We would all have been better off and Mr Mandela would have been received here with the general feeling of this Assembly and of the community, with some sense of honour and dignity. I think the debate this morning has in fact detracted from that.

MS FOLLETT (Leader of the Opposition) (11.43): I rise to close the debate on this matter, and I must say I have found it an extraordinarily disappointing debate.

Mr Kaine: She wants to get it off the record as quickly as she can now.

Mr Humphries: I was not aware that the debate had closed, and I would very much like to contribute to the debate before it closes.

MS FOLLETT: Well, you will have to be quicker. I have already sat down once.

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Mr Jensen: Come on, Rosemary. Stop playing games.

MS FOLLETT: Mr Speaker, I have been accused of playing games; I have been accused of trying to shut down the debate; I have already sat down once when a speaker for the other side was slow to his feet.

Mr Kaine: Well, do it again. That is all you have to do.

MS FOLLETT: I, of course, am prepared to do so again, but I am not a mind reader. If you want to speak, stand up.

MR SPEAKER: Thank you, Ms Follett. I would agree with that position. Several times members have been slow in getting to their feet.

Mr Kaine: The Leader of the Opposition is getting a bit tetchy.

MS FOLLETT: I am indeed. I am furious with you. You are idiots.

MR SPEAKER: Order!

Mr Kaine: On a point of order, Mr Speaker: I require, through you, that the Leader of the Opposition withdraw that last statement. Do not say you did not hear it.

MR SPEAKER: I did not hear that statement. Please proceed, Mr Humphries.

Mr Doby: Mr Speaker, surely - - -

MR SPEAKER: I will not be challenged. Please proceed, Mr Humphries.

Mr Kaine: Mr ex-Speaker.

Mr Connolly: Mr Speaker, I demand that the Chief Minister withdraw that intimidatory statement. He said "ex-Speaker". Mr Speaker, that should be read into the record.

MR SPEAKER: I did not hear that.

Mr Kaine: If he cannot hear one statement, he obviously cannot hear the other, Mr Connolly.

Mr Connolly: What an extraordinary threat. What an extraordinary piece of intimidation.

MR SPEAKER: Order!

Mr Connolly: Mr Speaker, I am glad I am not in your shoes in the joint party room.

MR SPEAKER: Order! Thank you, Mr Connolly. I have selective hearing.

Mr Kaine: He is lucky he is not in yours or he would be in deep trouble.

MR SPEAKER: Please proceed, Mr Humphries.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.45): I might indicate that I regret that I was not quicker on my feet, and I will endeavour in future not to be so tardy when obviously Ms Follett wishes to proceed quickly with other matters. I rise in this debate to support the general thrust of the motion that Ms Follett has moved, subject to the amendments that Mr DUBY has moved. I am well aware of the fact that, notwithstanding Ms Follett's protestations that this matter will not be politicised, that it is not a matter of making any political points, and that really all the Opposition is interested in is securing some expression of support for Mr Mandela's visit and for his general aims, no sooner will this debate have finished and these amendments to this motion have been carried, than those opposite will rush into print to tell the media how the Government has not supported Mr Mandela's visit, or has not supported the changing of circumstances and conditions in South Africa, or make some other misrepresentation of our position. I want to make it quite clear that we do, in fact, support the general thrust of the motion moved by the Opposition.

I think it is worthwhile rereading that motion, to get an idea of the flavour of it. I repeat these words in the light of the press release which is going to come out, for sure, accusing us of being somehow the friends of the racist South African regime. The first paragraph states that this Assembly welcomes the visit to the Australian Capital Territory by Mr Mandela. There is no ambiguity in that; we welcome his visit.

The next paragraph states that we applaud his courage in consistently advocating a free and democratic South Africa during his 27 years of political imprisonment. If I were to read that to an audience of ANC representatives or members of organisations that have actively supported Mr Mandela's struggle over a number of years, I cannot see that they could quibble with that. That is a free and emphatic representation of a very strong level of support for Mr Mandela.

Paragraph (3) states that we note that he is regarded by many South Africans as the symbol of their struggle. Again, it is a very broad, very emphatic statement of support. We endorse the decision by the Speaker to mark Mr Mandela's visit to Canberra, and we further resolve to refer the matter of the renaming of Rhodes Place to the Standing Committee on Planning, Development and Infrastructure.

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Those are very emphatic words. Those opposite mutter words like "shame", "disgraceful", "racist" and so on, because they have a certain Messianic complex that says that, if their words, their rather slanted expressions, are not adopted by the Assembly, they being the carriers of some torch that says that they are the only true representatives of racial liberty, those who oppose their words are somehow racist or opposed to the general principles for which Mr Mandela stands.

That is just not true; it is false. We in this place ought to remind those outside this place, who will undoubtedly be seeing the words of the Opposition in the form of its press release, that that is not the case. We do support the changing of circumstances in South Africa. Clearly, the South African Government is not democratic, the people of South Africa are not free, and that Government ought to be made well aware of the fact that the governments of the rest of the world - indeed, the peoples of the rest of the world - do not wish to tolerate the maintenance of that kind of system of government.

I am greatly encouraged by the fact that the changes in South Africa are occurring not in isolation but in the context of a change all over the world, which sees the advent of democracy and freedom as a new standard by which governments are measured. We should all be proud of the fact that those changes are taking place, that we in this country have long been advocates of those changes and have supported them through various governments over many years and that, to some small extent, the changes that are taking place in South Africa and elsewhere are due to those pressures and forces to which we as a country gave rise.

But I think it is also worth reflecting that it is wrong for us to step into a situation which is changing very rapidly and suggest that we ought to take a particular side in what is a multifaceted debate or discussion. There are many sides to this argument. We should not see it just in terms of - if you will excuse the pun - black and white or free versus oppressors, or anything of that kind. There are many features to this debate, as exhibited by the differences between blacks in South Africa. Not all blacks would agree with everything that Mr Mandela says. Not all whites would agree with everything that Mr de Klerk says. It would be wrong of us to take blindly and unilaterally one side against the other.

We must, however, support our general view that Mr Mandela's position is one of advocating freedom in South Africa; we should support his general position and hope that that proceeds on the basis of a struggle which is free from violence. I am a member of Amnesty International, as are many other people in this place. It is worth noting in passing that in the past Amnesty International has not adopted Mr Mandela as a prisoner of conscience because he failed to fulfil one basic criterion for Amnesty International support, and that is that he would not

decline to advocate violence. I know that Amnesty has supported a review of his conditions of detention and has abhorred any use of torture in respect of his detention; but it has not, at the same time, taken him on as a prisoner of conscience.

I think that we should, at the same time, take the position in this place that change ought to be effected, if at all possible, through non-violent means. It is possible, I believe, today. It might not have been possible in 1965 when Mr Mandela was first imprisoned. I would have said then that it was very unlikely that change could have been effected without violence, but today I firmly believe that it can be. We ought to do our best to ensure that it does occur in that fashion and endorse Mr Mandela for the symbolism of his struggle in South Africa but not go to the full extent of saying that we endorse everything that he says or does, because clearly that cannot be our position on this side of the chamber any more than on the other side of the chamber.

MS FOLLETT (Leader of the Opposition) (11.52): Mr Speaker, I would like to address, firstly, the remarks that Mr Kaine has made about this debate, particularly in relation to his allegation that I have sought to make political capital out of this motion. I would like to draw to the Assembly's attention the fact that the first I heard of this entire business was a media report stating that Mr Kaine had denied the freedom of the city to Mr Mandela and would not be offering that on Mr Mandela's visit.

Mr Kaine: It is a misrepresentation that I denied him anything.

MS FOLLETT: Mr Kaine, it may well have been a misrepresentation, but it was the first that I heard of the matter.

Mr Kaine: I think they are your words, too, not the media's.

MS FOLLETT: No, they were not my words. As I said, it was the first that I heard of the matter. Mr Speaker, I would like to make it clear that at that stage I had not even received the letter from the Luthuli Group, to which I believe Mr Kaine was responding in his remarks.

Mr Kaine: No, that is not true, either. I had not received it, either.

MS FOLLETT: Mr Speaker, as far as I am aware, Mr Kaine did make some remarks of that nature. They may not have been reported entirely accurately, but those media reports were the first indication that I had of this whole affair. I should say that at no time did Mr Kaine speak to me or any member of my party about the matter. As far as I am aware, he made that decision entirely unilaterally, and I do not criticise him for it, nor have I done so in my speech this morning.

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The second point that I would like to make in regard to Mr Kaine's allegations that I have sought to make political capital is that the motion that is before us today was circulated last night to the Government members on the Standing Committee on Administration and Procedures. That was done in order to give them an opportunity to consider the motion and to discuss it with their colleagues. I would like it placed on the record again that I have heard not a word from any of them. There has been no indication at any time as to whether they were prepared to support this motion or wished to see it amended. I was not involved at any stage with any discussions with members opposite on this motion, a copy of which they had yesterday evening. Let us be clear about who is seeking to make political capital.

When we come to the actual substance, if I could characterise it this way - I think it is an overstatement of the Government's comments about the motion - I think the most outstanding feature has been the total lack of real opposition to any of the points in the motion, yet they seek to amend it. Mr Speaker, as Mr Connolly indicated earlier, I am prepared to accept the amendments to paragraph (1) and paragraph (3), but I am not prepared to accept the amendment to paragraph (2) to remove the word "non-racial", and for a very good reason. It is a term that is commonly used, including in the book that I have in my hand, *The Findings of the Commonwealth Eminent Persons Group on Southern Africa*. That book refers to the establishing of a "non-racial" and representative government. It is a term that is used throughout the book.

Mr Speaker, I think it is a term that is well understood amongst people who have a lot to do with the politics of South Africa. I accept Dr Kinloch's objection that it is not a usual term that we use in Australia, that the more usual term would be "non-racist"; but "non-racial" is the term that is often used with regard to the establishment of democratic government in South Africa, and that is why it is in the motion. So I will not accept that proposed amendment, and I do so for good reason.

Mr Speaker, Mr DUBY has advocated the removal of paragraph (4). He has given absolutely no reason for that; neither have any other speakers from the Government, except that it seems a bit difficult.

Mr DUBY: On a point of order: I have advocated the removal of paragraph (5). Paragraph (4) endorses the actions by the Speaker to mark the visit.

MS FOLLETT: Mr Speaker, I say again that the alternative proposition put forward by Mr DUBY in effect removes paragraph (4) and replaces it with a further proposition. Is that better? Yet we have had no reason whatsoever for that proposal.

Mr Jensen: You must have been out of the house.

MS FOLLETT: I was not out of the house. I have been here for the whole of the debate, and I have listened carefully to all of it. The only reason that Mr Duby put forward was that it is a bit difficult, and I think that was echoed in Mr Collaery's remarks.

Mr Jensen: You said that there were not any reasons.

MS FOLLETT: I do not find things being a little difficult a reason not to do them. So, in the absence of any substantial problem with that one, we really ought to leave it there. Furthermore, as we have heard from the Chief Minister, Mr Speaker, your proposal to mark Mr Mandela's visit is absolutely impossible to achieve. As we have heard, Mr Mandela's schedule is such that he will not be able to visit this Assembly, so the proposal contained in Mr Duby's amendment is not achievable. I wonder whether that amendment can remain on the books, but you may want to consider that.

I find that Mr Duby has not made an argument for the alternative proposal that has been put forward. Mr Duby wishes to delete paragraph (5), again because it is a little difficult, and I agree that it is a little difficult. Mr Collaery went so far as to say that it is probably a matter for the Federal Government. It is not. I am calling upon the Government to identify a couple of placements for South African young people who are looking for work experience in Australia.

Mr Collaery: Who gives out visas?

MS FOLLETT: Mr Speaker, I take it that Mr Collaery believes the issuing of a visa is a matter which is totally beyond the wit and wisdom of both the Federal and ACT governments. What a load of rubbish! It may well be a little difficult to arrange, but I would have thought the identification of positions is well within your competence.

Mr Duby: It has nothing to do with Mandela's visit. Put it up as a separate motion.

MS FOLLETT: Mr Speaker, I have heard an objection from Mr Duby that it has nothing whatsoever to do with Mr Mandela's visit. But I ask the Assembly: if you leave out paragraphs (4) and (5) of that motion, what are you left with? Just words. I feel that a visit of this type deserves much more concrete recognition. We have heard from members opposite, I believe, disgracefully mealy-mouthed and half-hearted support for Nelson Mandela, and I question whether it is support at all from some of them, particularly given Mr Duby's remarks about Mr Mandela's connection with the Communist Party, which were echoed in full by Mr Stevenson, of course.

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Mr Speaker, it is not a crime to belong to the Communist Party, and it is not a crime to support it. It is one of the basic tenets of democracy that we hold dear in Australia, and to have it quoted back as a reason for only half-hearted support of Nelson Mandela says it all as far as I am aware. To criticise somebody for belonging to, or associating with, another political party shows that you have no idea of the value of democracy and what it means. Mr Duby has tried them all. He has probably secretly been a member of the Communist Party as well.

In short, Mr Speaker, we have heard very little substantial objection to the motion as it stands, yet we have heard a great deal of very, very half-hearted support. I find it absolutely disgraceful that an assembly which has its own Amnesty International group and which has human rights legislation before it - which you have tried to get rid of, incidentally - would not be able to give wholehearted support to a deliberately moderate motion. I think it is an absolute disgrace to the Government members. The motion is deliberately moderate. Mr Speaker, the motion was designed to be uncontroversial.

Mr Jensen: Why did you not discuss it before you put it in to the Speaker?

MS FOLLETT: Mr Speaker, I find it really objectionable that I have to try to talk over these constant interjections from people opposite. The fact that the Government members do not recognise a moderate motion when they see one and are prepared to deny an opportunity to discuss it and misrepresent the fact that it was available for discussion indicates their sensitivity, their double standards, on this whole issue and their very half-hearted support for Mr Mandela.

I think you should support the original motion. Mr Duby's proposed amendments add nothing and detract from at least parts of it. I just do not see his proposed amendment to paragraph (4) as achievable, and it may not even be possible for us to contemplate it. So, I recommend the motion to you, and I think that if you have some idea of moderation and a non-partisan stand on this you will vote for the motion as it is.

MR SPEAKER: As previously agreed, we will vote on each of Mr Duby's proposed amendments.

Amendment to paragraph (1) agreed to.

Paragraph (1), as amended, agreed to.

Question put:

That the amendment to paragraph (2) be agreed to.

The Assembly voted -

AYES, 10

NOES, 7

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

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

Question so resolved in the affirmative.

Paragraph (2), as amended, agreed to.

Amendment to paragraph (3) agreed to.

Paragraph (3), as amended, agreed to.

Mr Berry: On a point of order: Ms Follett raised the issue as to whether paragraph (4) is in order, bearing in mind that which the Chief Minister put before us from a letter from the Luthuli Group - that is, that the action by the Speaker is somewhat redundant.

MR SPEAKER: My interpretation of that, Mr Berry, is that the decision taken to hold the reception still stands. The fact that the reception may not be held is a different issue. So I would see that paragraph (4) still stands. The decision was taken to do something. Unless somebody moves a motion opposing that, I am in no position to do anything from here.

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Question put:

That the amendment to paragraph (4) be agreed to.

The Assembly voted -

AYES, 11

NOES, 6

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

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

Question so resolved in the affirmative.

Paragraph (4), as amended, agreed to.

Amendment to paragraph (5) agreed to.

MR SPEAKER: The question now is: that paragraph (6), as proposed by Ms Follett, be agreed to. Those of that opinion say aye, to the contrary no.

Members interjected.

Mr Stevenson: On a point of order, Mr Speaker: you did not call for noes on the motion.

MR SPEAKER: I am not sure what I have called for now, with the interjections.

Ms Follett: On a point of order, Mr Speaker: you must put the motion as amended, surely, not just paragraph (6).

Mr Duby: Mr Speaker, you said it wrong. You put the question in relation to paragraph (6) instead of the motion.

MR SPEAKER: Order, members! The reason I have gone the way I have is that I believe speeches that were made from the floor proposed that paragraphs (5) and (6) of the original motion be deleted.

Mr Kaine: No. Paragraph (6) stays.

MR SPEAKER: Thank you. It was my error.

Paragraph (6) agreed to.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 16

NOES, 1

Mr Berry
Mr Collaery
Mr Connolly
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

Mr Stevenson

Question so resolved in the affirmative.

SCHOOL CLOSURES - WEETANGERA PRIMARY SCHOOL

MR WOOD (12.11): Mr Speaker, I move:

That it is the opinion of this Assembly that Weetangera Primary School remain open to continue to provide high quality education.

Mr Speaker, if ever we need an example of the Government's lack of planning and, when forced upon it, its incompetent planning, we need only look at the case of school closures in the ACT. If we want an object lesson in bungling, we look specifically at the planning, or the incompetent planning, around Weetangera Primary School. This is particularly unfortunate since this is a school of excellence where teachers, children and the community as a whole are working enthusiastically to produce an excellent quality education. That progress has been needlessly disrupted by the actions of this Government and by its decisions which are arbitrary, ill-informed and ill-based, and in the end are quite stupid.

I ask Government members to continue to have a close look at the factors operating around that school. On numbers of occasions they have acknowledged that they have not known all the facts when decisions were being made. They have further claimed that not even the education department knew all the data that has subsequently come out. Certainly,

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when votes were taken on which schools were to close, much of the important information surrounding Weetangera school had not been clearly established.

Let me start with an issue I raised yesterday - and I will not dwell on it because it did get an airing then. This is the Federal Government's promise not to close Weetangera Primary School in the next five years. Mr Kaine's bluster yesterday cannot obscure the fact that the parents at Weetangera have the same right that Mr Kaine has conceded to parents at St Peter's school, that right being that this Government should fulfil the pre-self-government commitment by the Commonwealth.

Yesterday Mr Kaine avoided answering why he would accept one commitment and reject another. The reasons, of course, come down to the fact that this Government is dishonourable. Indeed, it cannot even hold to the criteria that it established and the adequate responses to those criteria that the Weetangera community gave some months ago.

When Mr Humphries established his plan to close schools, one of his criteria was that those schools which had been involved in previous consolidations would be given special consideration. But it seems that the planners and the Minister forgot that some 50 children had transferred from Page Primary School from an earlier closure, plus there were an additional four children from a hearing impaired unit, which had also been transferred. They were overlooked. So, there had been considerable disruption to children and to families as a result of earlier closures. But the Government said, "Let us forget the criteria that had been established. Let us repudiate those criteria and let us, nevertheless, close Weetangera school".

It should be noted in passing that Weetangera school is relatively close - it is actually quite convenient - to a significant proportion of those Page students. If they are to go to Hawker, as required by this Government, the path that they have to follow is much more difficult. I might also mention that a policy document of the department concerning the transfer of financial assets raises the question of the number of students - 50 children is the standard from which benefits can flow. The document seems to accept that 50 provides a basis in a consolidated school as children move across, and that this should be supported; yet it is rejected now.

To show the foolishness of the Government's decision I want to make a comparison between Weetangera and Hawker schools, pointing out, as I do, that the ALP maintains that both schools should stay open and that we do not want to mark one school against the other. They are not in competition. They are working together. Let us show the nonsense of some of the decisions that have been made. I want to refer to the size of those two schools and, consequently, to the capacity of them to hold students.

There has been some, I think, legitimate confusion by the Government concerning which of these two schools is the larger. This may have come from the fact that there was an extension to Weetangera school many years ago that has not really been noted in the records, or the additional capacity has not been recorded. The confusion should stop. The facts are clear. Weetangera school is the larger school. In physical size it is larger. It is some 20 per cent larger than Hawker School and it has 30 per cent more classroom space. There is no question about this. It is certainly clear in my mind, as I have been in both schools, that Weetangera is the larger school.

Yet, the records in the department at various times have maintained, quite erroneously, that the schools are perhaps the same size, or maybe that Hawker is a bit larger. This is simply not the case, and I invite the Minister to acquire an independent surveyor, as the Weetangera parents have done, and verify these figures. This is an important fact because some decisions have been made based on this concept or belief that Hawker school is a larger school and would take at least as many children as Weetangera, and this is wrong. So, the basis for decisions is simply not correct.

Of some considerable importance too, of course, are the facts that Weetangera school has a larger school hall, its classrooms are larger, they allow for a better standard of education and of physical comfort for the students, the staff rooms are bigger, and it is actually a better school to teach in for these reasons. As an ex-teacher I can comment very forcibly about that.

The thought that these two schools were about the same size physically led to decisions that they had the same student capacity, and that has more recently been determined at 415. I urge the Minister to have a close look at that, to get his team to go back and review that, because it is not the case. In any circumstances, the Weetangera school can hold more students than Hawker school. In fact, if there were to be a closure of schools there - and I do not support that - at a pinch you could fit all the students into Weetangera school, whereas you could not fit them into Hawker school. If you were going to have some logic behind your planning and you were going to close a school, you could save the two demountables, or certainly one of those demountables, by closing Hawker school, and you would get other bonuses as well, like larger grounds. Go back, Mr Humphries, and have a look at those enrolment figures and check them out. Weetangera school will take more.

As to enrolments and the number of children actually attending these schools, this year there are more students attending Weetangera school than Hawker. Of course, the number of students attending a school is an important factor in making decisions about the future of schools, but in this case it is not particularly relevant because I

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think this year there are six more students at Weetangera than at Hawker. But in future years the number of students attending Weetangera will grow.

The Minister claimed that there was no evidence of any regeneration in the suburb, yet the parents did an extensive survey of the suburb. I might say that the parents' planning is a lesson to the Minister. They found that in the last two years there had been 93 house sales and they had resulted in a loss of 35 students, but they had also brought about an increase of 125 students. There was a net gain of 90 students, not yet all of school age, coming into the Weetangera suburb. So, the future for Weetangera looks very good indeed.

I have indicated that I am using data provided to me by Weetangera parents. I invite the Minister to check this data; he has had to check it before because they have challenged him and shown him to be wrong. In every area in which I look at the Minister's data and the parents' data, the parents' work is much more thorough, it is competent and it is reliable. The Government falls behind in respect of its ability to plan. I am very comfortable in using the data provided to me, to the media, to the whole community, by the parents of Weetangera school. The school can hold more students and it is going to have more students. Why, for heaven's sake, do you want to shut it?

The Government, of course, has asserted that in any case it is not just the number of students at a school - and I accept the logic in this - it is a matter of the school's location in relation to the whole neighbourhood, to the whole range of suburbs in that area and also, in some respects, to future development. I do not argue about that. If you are going down that closure path you need to do that. But, again, look at maps, look at figures; the Government's assessment is wrong. For example, Higgins school is to be closed, but it is not to be demolished because the Government acknowledges that in the future it may need to be there to draw children. Should there be development in West Belconnen, that new suburb would be very close to Higgins school. That is true. If these events occur, then that new suburb can feed to Higgins school. It means that students are not going to go anywhere near Hawker school, and there is no reason to keep Hawker school open as against Weetangera because those children will not go to Hawker. If you put it in context, it is a nonsense to say, "Close Weetangera".

Your planning is all up the creek. Get out your map and have a look at it, and while you are looking at your map have a look at the crossings underneath the road. Some of you have seen this, as you accepted the invitation of the parents and visited the area. You will be impressed by the fact that some children taking the shortest route to school are not going to use the underpass under Springvale Drive. Of course, many will, but there will be a very large number who will not use that underpass.

Do not forget that the Weetangera school, in its first years of operation, held children from Hawker and, while it seems logical to expect that it would be as easy for them to go one way as the other, this is not the case. Given the shape of the suburb of Weetangera, it does not work out like that. That underpass has some use, but it does not have unlimited use, and a very dangerous situation is going to be presented to many of those children who will seek to cross Springvale Drive at a location further south of the underpass. Please bear that in mind for the safety aspects.

I suppose I have to convince the Government members by talking costs. If you go ahead with your proposals, you are going to have to put - it is acknowledged - two demountables into Hawker school. I have said that maybe you can get by with one demountable, or maybe no demountables at all, at Weetangera school; so have a look at what that is going to cost you. I am sure that parents have taken you - some of you - out to the fields and shown you where those demountables will be at Hawker and the relatively limited amount of ground that is there. It is a nonsense decision to have to put demountables on the Hawker site in comparison with what is at Weetangera. It shows how the decisions are very badly based in respect of Hawker and Weetangera. The logic of the situation demands that both schools should stay open. Mr Speaker, I seek an extension of time. I do so on the basis that probably this will be the last speech to be made under today's private members' business. (Extension of time granted)

I want to make some mention of the hearing impaired unit. There are four children. That is not many; but they have an importance - I think we have all conceded that - over and above their number. The Government would claim that there has been an inspection of the area to which they are supposed to move at Hawker. I concede, from the information I have, that there has been an inspection; but, in fact, on my understanding that inspection was nothing more than a visual inspection. There has been no thorough acoustic inspection. The claims that the room supposedly to be allocated to the hearing impaired unit is satisfactory cannot be substantiated.

The parents urge that the Minister provide a proper acoustic study where all background noise is available for monitoring so that - - -

Mr Humphries: It has been acoustically tested, Bill.

MR WOOD: It has been acoustically tested?

Mr Humphries: Yes.

MR WOOD: I have been told otherwise.

Mr Humphries: Not by me.

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MR WOOD: At what time has it been tested? Will you tell me when it was tested? You might provide me with that information. I am informed that it was no more than a visual inspection and that it certainly has not been done with full background sound from air-conditioning and the like.

A further complaint from the parents has been that the Government rejected their argument that there was no difficulty in determining lettable space from which income could be generated at Weetangera school. I know that school somewhat, since I have visited it in times past. It is more a traditional school than Hawker, although it has been made more open-plan in style these days, but it is certainly capable of some degree of rearrangement to allow letting to suitable tenants. Indeed, I am advised that there is at least one tenant who would take up space in that school; that space can be separated from the rest of the school to suit the tenant, to suit any tenant.

This is an important matter because the Government is so concerned about finances that if the school can show it can generate income that is an argument in its favour. I despair of presenting educational arguments to this Government; but, if we can put those economic arguments to them, maybe they will listen.

If you are looking at the costs of running schools, the Government - - -

MR SPEAKER: Order, Mr Wood! It being 12.30 pm, I interrupt your speech. The time for private members' business has expired, and the debate is interrupted in accordance with standing order 77. The member speaking has leave to continue his remarks when the debate is resumed.

Sitting suspended from 12.30 to 2.30 pm

DISTINGUISHED VISITORS

MR SPEAKER: I wish to inform members of the presence in the gallery of a parliamentary delegation from the United Kingdom, led by the Rt Hon. Alfred Morris. On behalf of all members, I bid them a warm welcome.

QUESTIONS WITHOUT NOTICE

School Closures - Hackett Primary School

MS FOLLETT: Mr Speaker, my question is to Mr Kaine as Minister for planning. Mr Kaine, are you aware that your own planners in the Interim Territory Planning Authority have recommended against the closure of Hackett Primary School on safety grounds?

MR KAINE: Mr Speaker, I am aware that when the Government was considering the future of some schools there were some comments from the Interim Territory Planning Authority in connection with those sites. I cannot recall exactly what those comments were in connection with Hackett school, but I can assure the Leader of the Opposition and members of the Opposition that, whatever they were, they were properly taken into account by the Government in arriving at its decisions and that factor, as with all other factors in connection with the school closures program, was properly considered.

Building and Construction Industry

MR CONNOLLY: My question is also directed to the Chief Minister. I refer the Chief Minister to concerns raised in the construction industry over the damage being caused to that industry. This includes reports of, perhaps, 1,000 job losses being caused by the continued speculation over the possibility of the extension of the New South Wales royal commission into the building industry to this Territory. Can the Chief Minister give the Assembly a timetable for the Government to make a firm decision on these matters?

MR KAINE: First of all, Mr Speaker, I think I have to deal with the basic assumption behind Mr Connolly's question, which is that there is some difficulty associated with the local building and construction industry because of what is happening in New South Wales. I do not believe there is any substance to those statements at all.

Surprisingly enough, Mr Speaker, I talk to a great number of people over any given week - many of them involved with the construction industry; many of them trade unionists - and I do not get the sense that Mr Connolly and the Leader of the Opposition are attempting to convey in the loaded question that Mr Connolly asked. The simple fact is that the substance and the basis of his question cannot be substantiated. There is no validity to it whatsoever.

In terms of whether or not that inquiry will be extended into the ACT, I do not think that there is any change in the situation. It has been stated quite clearly on many occasions both by me and by the Attorney-General that there

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are at the moment legislative and legal impediments to extending that inquiry into the ACT, even if it were the wish of the Government to do so.

You have asked me a number of questions a number of times about the availability of evidence to support the contention that there are difficulties in the industry. I think that you are just as well informed on that as I am. The Government has not yet determined whether there is any need for an inquiry in the ACT. If there is a need, it has not determined what form it should take. It has not determined whether or not a royal commission of our own or an extension of the New South Wales Government's inquiry into the ACT would be appropriate. They are matters that have yet to be considered by the Government, and when we have considered them and made a decision the Opposition will be the first to know the result.

Arts in the ACT

MRS NOLAN: Mr Speaker, my question is to the Minister for Health, Education and the Arts, Mr Humphries. My question relates to National Arts Week which, in fact, was last week. As this is the first week that we have been sitting since National Arts Week, I would like to ask the Minister what the ACT Government is doing to foster arts in the Territory.

MR HUMPHRIES: Mr Speaker, I thank Mrs Nolan for the question, particularly in the context, as she mentioned, of National Arts Week last week. The arts budget for the ACT contains enhancements to existing support and a number of new initiatives promoting the Government's encouragement of diversity and quality in the arts. The arts development program will allocate \$1.843m in grants for the calendar year 1991 - an increase of 7 per cent over the amount allocated last year - plus \$45,000 for new initiatives.

The budget introduced three new areas of assistance under the arts incentive scheme. The ACT literacy fellowship of \$15,000 will enable an ACT writer to purchase that valuable commodity, time, to work on a special literacy project. The film development fund is another initiative which will assist emerging film and video producers to develop scripts and ideas to a stage where these can be marketed to film video funding agencies and commercial production houses. The demonstration cassette scheme will assist early career musicians to produce high quality recordings of their work as a means of promoting themselves. The arts budget also provides increased assistance to the Canberra Theatre Centre. The allocation of \$851,500 in 1991 compares with \$796,000 in 1989-90.

School Closures - Higgins Primary School

MR BERRY: My question is directed to the Chief Minister, Mr Kaine, and it is in relation to Higgins Primary School. Mr Kaine, are you aware that your planners in the Interim Territory Planning Authority rejected outright the proposals by the department of education to close Higgins Primary School?

MR KAINE: No, I am not aware that they rejected them outright. Mr Berry would be well aware, as in connection with the previous question about Hackett, that the territorial planning authority can express an opinion about what should happen with a particular school, as a lot of other people express an opinion. The Government took into account all of the opinions of the planning authority, along with the opinions of a lot of other people and a lot of information that was put to us in our consideration of the schools program. We made proper judgments about those matters and, just as with the school at Hackett, we have also made a decision about the school at Higgins and in so doing we did take into account all of the advice and information that was available.

MR BERRY: I have a supplementary question. It troubles me that this has not been taken into account by the Chief Minister. Does the Chief Minister think this is important enough to be considered by him when coming to a decision on the matter?

MR KAINE: Yes, I do, Mr Speaker.

Mr Berry: But you did not.

MR KAINE: I told you that I did take it into account. Did you not hear what I said?

Mr Berry: But you said you did not know.

MR KAINE: I did not say that at all. I said that I did take it into account.

Visual Arts Studio

MR JENSEN: Mr Speaker, my question is directed to Mr Humphries in his capacity as Minister for the Arts. I wonder whether the Minister could inform the Assembly of what progress has been made in developing the visual arts studio, planned by the Australian National Capital Artists.

Mrs Grassby: Another ministerial statement, Mr Humphries?

MR HUMPHRIES: No, Mrs Grassby, it is not. I thank Mr Jensen for the question because it is a very important one. It is appropriate that members should ask for progress on this very important matter; it is a matter that has been

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outstanding for quite some time and I believe it is being appropriately followed up by this house at appropriate opportunities.

The Alliance Government is committed, as members will know, to developing studio space for Canberra artists, and considerable progress has been made with the planning of that project. Of the \$1.9m allocated to the project, funds totalling \$416,000 have been granted since the beginning of this year to ANCA, Australian National Capital Artists, and work is under way, particularly on the Mitchell site. ANCA has secured the lease over a site at Mitchell to develop as one of its two campuses. Plans have been drawn up by ACT Public Works for a new purpose-designed facility for industrial artists, such as sculptors and wood turners, on this site. Public Works will manage the project on behalf of ANCA and I expect the Government will call for tenders before the end of this year.

A second campus for artists such as painters, weavers and graphic designers has been planned for north Canberra, and the Government is assisting ANCA in assessing several sites. Unfortunately, one of the earlier preferred sites was unavailable as negotiations for that site fell through very recently. If a new building is decided upon, many of the design principles being used at Mitchell will be used at this facility as well.

Cosmetics Manufacturer

MRS GRASSBY: I address my question to Mr Kaine. I refer the Chief Minister to the establishment of the Revlon complex in Canberra, a proposal which will provide many new jobs and a new industry. What is the progress of this industry?

MR KAINE: I will have to take that question on notice, Mr Speaker. I do not know the details of that project at the moment.

Clinical Waste

MS MAHER: I would like to address my question to the Minister for Finance and Urban Services. Is the Minister aware that clinical-type waste has been found at two sites in south Canberra, and what will he be doing to ensure that this does not happen again?

MR DUBY: Yes, I am aware that clinical-type waste has been found at sites in south Canberra. My officers have informed me that the waste was discovered when excavation of a site in Deakin - actually block 27, section 35 - was taking place. I notice also that the Conservation Council

of the South-East Region and Canberra has been very quick in putting out a press release deploring the finding of that waste.

The site was being excavated to provide fill for an oval attached to Orana School at Weston. The waste was not discovered until several truckloads of the fill had been transported to the Weston site. I am pleased to advise that both sites have been cordoned off. Early indications are that the waste was incinerated prior to dumping at that Deakin site. I also understand that officers from my department, together with officers from the Environment Protection Service and the ACT Health Authority, are currently making arrangements for the approved disposal of the waste and are looking into where the waste originally came from. I shall be happy to report to Ms Maher when full details are available.

Accountability of Ministers

MR STEVENSON: My question is to the Chief Minister. Does the Chief Minister watch the valuable, incisive and accurate educational series of TV programs on public administration called Yes, Minister? In particular, would the Chief Minister consider improving the accountability of Ministers and senior public servants by considering the introduction of the scheme suggested by Minister Jim Hacker on Monday, 15 October, namely, that specific criteria for evaluating the failure or success of a project or program should be included at the time the approval for funding for that project or program is sought?

MR KAINÉ: It sounds like a great idea, Mr Speaker. I will not say, "Yes, Minister", but I think that Mr Stevenson, who is at the moment sitting through a series of meetings of the Estimates Committee - - -

Mr Stevenson: I think it should be noted that I wanted to be on the committee and that was blocked.

MR SPEAKER: Order!

MR KAINÉ: I know he has sat through the series of meetings of the Estimates Committee because he has been there every time that I have been there, and that says more than for some of the other members of this Assembly who have not been there.

Mr Wood: We might note that later in the day.

MR SPEAKER: Order, Mr Wood!

MR KAINÉ: I am not sure what the reference is to, or what kind of a threat Mr Wood is making, Mr Speaker. In answer to the "Yes, Minister" question, I think it has become obvious in reviewing the estimates that, although as part

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of developing the concept of program budgeting for the ACT the concept of performance measurement has been incorporated, in my view we have not yet gone far enough in doing that. It must still be very difficult at the end of the year to determine how an agency has performed in achieving its objectives as set by the Government at the beginning of the year. I think it is necessary to set some performance parameters and to measure performances after the event to see how they went. I am not too sure whether that has anything to do with the Yes, Minister series or not, Mr Stevenson.

School Closures - South Curtin Primary School

MR WOOD: I direct my question to Mr Humphries. Minister, in respect to school closures, are you expecting that South Curtin Primary School will be fully refurbished and ready to take students on day one next year, should closures proceed? Of course, we do not want them to.

MR HUMPHRIES: I thank Mr Wood for his question. Naturally, in the event that the Government's decision to close Lyons school in particular proceeds, it is my intention that there will be a prompt movement of resources into place so that children who are starting at the South Curtin school on that date can do so. It is my expectation that that is possible. My department advises me that that is possible, although it would be remiss of me not to alert the Assembly to the fact that at the present time there are problems with the union movement concerning this matter. Some unions have suggested - they have more than suggested; they have emphatically put the view - that the Government ought not to proceed with that decision. They have taken steps to block the implementation of that decision. That is a precedent which I view with the utmost seriousness. I think it is a very dangerous one for whoever sits on the Government benches, and a most unfortunate precedent for the union movement to be setting as well.

However, the question Mr Wood is asking is: is it possible? It is my advice that the movement of students and so on should be sufficiently advanced to permit the occupation of the South Curtin site by incoming primary school students at the beginning of term one, assuming that union bans or other actions of a similar kind do not prevent that from occurring, and obviously notwithstanding any other unforeseen circumstances which are beyond the control of the Government.

MR WOOD: I have a supplementary question, Mr Speaker. Is the Minister considering other options for children from Lyons Primary School, including the prospect of busing them to North Curtin?

MR HUMPHRIES: Mr Speaker, the Government is intent on making the changes that it has announced as smooth and efficacious as possible. I do not wish to indicate that there are any changes in the arrangements announced in this place. As far as I am concerned, there is no change. Obviously I hope that South Curtin school will be ready to occupy on the first day, assuming that we go ahead with that decision. I cannot guarantee that. It is possible delays will arise and I would regret that being the case. As I said, I cannot guarantee that the school will open on that day.

Mr Wood: Obviously, you would leave them at Lyons in that event, would you not, until things are ready?

MR HUMPHRIES: That is quite conceivable, Mr Wood, but I would not wish to canvass that option too thoroughly because it is not an expectation that I would hope the parents or others would build up very high in their minds. It is the Government's intention to proceed to implement the decision it has announced.

Kingston Foreshore - Redevelopment

MR STEFANIAK: My question is to the Chief Minister. Chief Minister, why are the Government's officials refusing to discuss redevelopment proposals for the Kingston foreshore areas with prospective developers?

MR KAINE: Mr Speaker, if it is true that officials are refusing to discuss such matters, I would assume that it is on the basis that it would be premature for them to do so. I am sure members would be aware that the planning questions associated with the Kingston foreshore are quite complex. The comprehensive redevelopment of that site cannot be carried out within the provisions of existing gazetted planning policies, and this means that planning parameters have to be changed. Our draft Territory Plan, which we are hoping to have in effect towards the middle of next year, will clarify the planning issues from the territorial viewpoint in connection with that particular piece of ground; but, of course, that does not solve the problem because some of that ground is designated by the National Capital Planning Authority for planning purposes, and we are not free to make our own decisions unilaterally on that matter.

Once the Territory Plan is in place - as I have said, hopefully early next year; certainly by the middle of next year - and once we have resolved any differences of views between ourselves and the National Capital Planning Authority, then it will be the Government's intention to advertise for expressions of opinion or of interest as to how that site might be developed. That will allow the Government to come to some conclusion about what form of development it is prepared to see there and what support it could give to any proposed development in that area.

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I do not expect to see anything happening down there quickly, because of the complexities of the plan in question, and I can only reassert, Mr Stefaniak, that I presume that if our officials are refraining from discussing the matter with prospective developers it is the proper and judicious approach for them to take under the present circumstances.

School Closures

MR MOORE: My question is also to the Chief Minister and it concerns the matter of planning. Chief Minister, earlier today you said that you took all the opinions of the Interim Territory Planning Authority into account, but last night it was made quite clear that your decision to close schools was taken before any advice was given to your Government by the ITPA. What you took into account was advice after you had taken the decision. Do you consider it good government to seek advice after you have made decisions that are critical to the education community and are critical in planning terms?

MR KAINE: Mr Moore is doing a bit of hairsplitting, Mr Speaker, and I suggest that he go and reread the transcript of what happened in the Estimates Committee last night, because the question, as put to me last night, had to do with the general question of the planning authority's advice and involvement in the decision to close schools. My recollection is that I said that the Government had generally considered the question of how it might deal with the education budget and the opportunities that were open to it to reduce expenditure in that area.

One of the propositions was that some schools should be closed. The number and which schools would be affected were not specified at that stage. The input from the Interim Territory Planning Authority was sought once we proceeded to the point of considering specific schools for closure. I do not know how else you would do it, other than just firing a shotgun and asking the Interim Territory Planning Authority to venture an opinion on every school in the ACT against the event that we might have considered every one of them for closure.

Mr Moore, in all fairness I think that you are trying to lead me to say something today which I did not say last night in the Estimates Committee and which I have no intention of saying.

MR MOORE: I have a supplementary question, Mr Speaker. I seek clarification on that point, Chief Minister. You did not take advice in terms of the general concept as to the planning ramifications of the closure of schools before you announced the Government's intention to close up to 25 schools. That is how I understood what you said last night.

MR KAINÉ: Mr Speaker, I did not specifically take the advice of the Interim Territory Planning Authority at all. The education department, through the appropriate Minister, considered possible ways of reducing expenditure in its budget. The Minister was the person who generated the proposal for school closures. It was he who examined possible closures. It was he who sought advice from the Interim Territory Planning Authority and when I, as a member of the Government, began to consider the question as a matter of Government policy a great deal of that work had been done.

I did not personally seek advice from the ITPA; it was not my responsibility to do so. I am satisfied that the proper advice was sought at the right time and that it was properly taken into account by the Government in the decisions to close half a dozen schools.

Year 12 Students - National Assessment Standards

DR KINLOCH: Mr Speaker, my question is to Mr Humphries, the Minister for Education, and it is to do with national assessment standards for year 12 students, as suggested by the Commonwealth Minister for Employment, Education and Training, John Dawkins. I would preface this by wondering whether our own achievement standards are not better than those of the Commonwealth. However, has the Alliance Government given consideration to the ACT educational system adhering to those national assessment standards?

MR HUMPHRIES: Mr Speaker, I thank Dr Kinloch for that question because it is a matter on which I have been asked to comment in recent days and I think it would be appropriate to indicate the way in which the Government is proceeding. The Government, as a whole, has not fully considered its position yet and, in particular, it has not considered whether there would be value in the ACT adopting any forthcoming national assessment standards. I would expect that we would support a proposal of that kind, providing the assessment system was optional and, in the case of the ACT, was additional to any of the methods of assessment available from the ACT.

The ACT currently has a system of continuous assessment of year 11 and year 12 students by individual schools operating under guidelines set down by my ministry. This system, which is an important component of our school based curriculum development, provides a measure of a student's knowledge, skills and potential for success in employment or further education. As a result, it has contributed to the highest retention rates of any system in the country. Over 90 per cent of students who obtain a tertiary entrance score in the ACT are eligible to attend tertiary institutions across Australia. Studies show that ACT students who continue on to university perform as well as

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their peers educated in other education systems, and perhaps better. I will be meeting with Mr Dawkins and with other State and Territory education Ministers at the Australian Education Council meeting in December, where further discussion will take place on the issue of a national assessment system.

Ministerial Advisory Council on Employment

MS FOLLETT: Mr Speaker, my question, again, is to Mr Kaine and it is an employment related question. Will the Government accept the recommendation of its Ministerial Advisory Council on Employment to establish a youth outreach worker program, in recognition of the fact that the youth who are hardest to employ are those with other related problems?

MR KAINE: Mr Speaker, the report of the Ministerial Advisory Committee on Employment has been put out for public comment. When the public has had an opportunity to comment on it, these matters will be taken into account by the Government in arriving at its position and in responding to that report. The report has been tabled in this house. After the community consultation process has taken place, the Government's response to it will also be presented to this house. When that time comes, the Leader of the Opposition will know what the Government's intention is. I do not believe that at this stage I should speculate on what the Government might or might not adopt out of that report, since it is out for public consultation, which is the thing that the Opposition constantly criticises us for not undertaking.

Loading Zones

MR STEVENSON: My question is to Mr DUBY, who is responsible for roads, rates and rubbish, and it concerns loading zones. There are many loading zone parking signs throughout Civic which prohibit ordinary car parking after hours by making no allowance for them. The first question is: I have been informed that people have been booked around 11.00 pm on a loading zone. Would the Minister confirm that? In other words, what times are people being reported, late in the evening? Also, would he give some immediate consideration to changing those signs to include non-restriction for ordinary vehicles after business hours?

MR DUBY: I thank Mr Stevenson for the question. Mr Stevenson may have some specific case in mind that I am not aware of, but it is my understanding that restrictions on loading zone signs generally refer to, "Loading zone: hours between X am and Y pm", and if people are going to park in that loading zone within those specified hours - - -

Mr Stevenson: There are others.

MR DUBY: Just let me finish, please. The vast majority of the loading zones that I know have operations as loading zones between the hours of perhaps 8.00 am and 6.00 pm. If there are other ones which have "Loading zone" only, and which cover a particular time, I can assure Mr Stevenson that they have been specified as that for various reasons. The simple fact is that we have some businesses in this Territory which operate on a 24-hour basis. I have only to refer to late night establishments and other places which have shift workers and which require the provision of services at strange hours of the day and night.

Generally speaking, as I said, that is the provision. The times that have been specified on the signs have been taken into account when the sign has been established and it is my view that this is normally the case. If people are choosing to park at late hours, at 11.00 pm, in a loading zone which specifies no parking, they do so at their own risk and we will take it from there.

MR STEVENSON: I have a supplementary question, Mr Speaker. As there are signs which mention no time whatsoever, just straight-out loading zones, that means that if you park there at 3.00 am you can be reported. This is an absolutely absurd situation. If I supply a list of these parking areas to the gentleman, would he be kind enough to take it on notice and do something about it?

MR DUBY: I should point out that there are service contractors and people like that who need to have access to buildings and places at very strange hours of the morning. For example, I am sure Mr Stevenson will be able to attest to the requirement to service and clean this building at weird hours, for example, 3.00 am. Nevertheless, I can assure him that the hour restrictions which are placed on signs such as the ones he mentioned are taken into account by officers of the department.

Mr Stevenson: There are no restriction hours.

MR DUBY: I can assure him that those hours are limited, and if the hours are there they are there for a purpose. However, if Mr Stevenson wishes to provide me with the details of particular circumstances which he feels do not warrant such stringent restrictions, I will be only too happy to take them on board.

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Pay Television

MRS NOLAN: Mr Speaker, my question is to the Deputy Chief Minister and Attorney-General and the question relates to media reports. Can the Minister advise me what the situation is in relation to media reports that pay television pornography could be transmitted throughout Australia from Canberra if Telecom decided next month to contract part of its Discovery service to pornography?

MR COLLAERY: I thank Mrs Nolan for the question.

Mrs Grassby: The only question he gets is on pornography; he is really in trouble.

MR COLLAERY: I am about to tell you what can be transmitted through television, Mrs Grassby.

MR SPEAKER: Order!

MR COLLAERY: Certainly, Senator Harradine did raise the question as to whether the Telecom Discovery contract comprised a listing of video titles available by mail order. It was suggested, I believe, by Senator Harradine that the Canberra X-rated mature video audience could be widened by this process. I am advised that access is restricted to a closed user group, for which proof of age is required. I am advised that there is no connection between Discovery, which is a Telecom service, and any proposed pay television network.

I have been further advised that a decision on the implementation of pay television is yet to be made by the Commonwealth. Current proposals envisage one operator with a four-channel system, none of which would screen restricted material, and of course it goes without saying, Mr Speaker, that it is highly unlikely that material classified with an X rating would have access to such a network. The overseas experience has shown that the most restricted category allowed on the pay television system is the R classification.

So, Mr Speaker, if we have interpreted Senator Harradine correctly, there is no basis for the suggestion that Canberra would play any such role in a pay television system, if it were to be introduced.

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

PRIVATE MEMBERS' BUSINESS - ORDER
Statement by Speaker

MR SPEAKER: I would like to make a statement at this stage. It has been put to me that not all members received advice of the order of private members' business prior to the issue of the notice paper on Wednesday morning. I will ensure that in future independent members and all party groupings are supplied with a copy of the order of business as soon as the decision is taken by the Administration and Procedures Committee. It may be preferable, and to the benefit of all members, if private members' business is called on a Wednesday afternoon or a Thursday morning, and I will be putting that proposition to the Administration and Procedures Committee.

PAPERS

MR COLLAERY (Attorney-General): Mr Speaker, pursuant to section 35, subparagraph (2) of the Criminal Injuries Compensation Act 1983, I table for the information of members the following paper:

Criminal Injuries Compensation Act - Criminal Injuries Compensation Scheme - Report for 1989-90.

Mr Speaker, I also table the following paper:

Civic Swimming Facilities Study, prepared by G. Prosser, dated October 1989.

PRIVILEGE
Statement by Speaker

MR SPEAKER: On 27 September, the Chairman of the Planning, Development and Infrastructure Committee, Mr Jensen, and Mrs Nolan, each gave written notice of a possible breach of privilege concerning the unauthorised release of a draft report of the Standing Committee on Planning, Development and Infrastructure. Both a photocopy of the newspaper article headed, "\$1.5m slug revealed to enforce Canberra's no-front-fence policy", and a copy of the Canberra Times newspaper for that day have been attached to the letters.

Under the provisions of standing order 71, I must determine whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision, and the member who raised the matter - in this case, either of the members who raised the matter - may then move a motion without notice forthwith to refer the matter to the Standing Committee on Administration and Procedures.

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Assembly standing order 241 provides:

The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or any other person, until the report of the committee has been presented to the Assembly: Provided always that the publication or divulging of any evidence, documents, proceedings or report confidentially to any person or persons by the committee or by any member of the committee for the execution of any clerical work or printing, or to the Speaker, a Member, or, if it be necessary, in the course of their duties, to the Clerk or other officers of the Assembly, shall not be deemed to be a breach of this standing order.

Under section 24 of the Australian Capital Territory (Self-Government) Act, the Assembly and its members and committees have the same powers, including privileges and immunities, as those for the time being held by the House of Representatives and its members and committees. Publications of draft reports of committees before their presentation to the House of Representatives have been pursued as matters of contempt. I must point out that, as Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence.

Having considered the matter presented to me, I am prepared to allow precedence to a motion of referral. However, I wish to draw the attention of the Assembly to the consequences of certain provisions of the standing orders in this instance. Standing order 71 makes provision for the member who raised a matter of privilege to move a motion without notice forthwith to refer the matter to the Standing Committee on Administration and Procedures. I draw the Assembly's attention to the fact that the membership of that committee is made up of me, as Speaker, and Mr Berry, Mrs Nolan and Mr Jensen.

In the House of Representatives it is the practice that a member, on being elected Speaker, withdraws from the Privileges Committee. Also, in this case, the two members who raised the matter are both members of the Administration and Procedures Committee and the Standing Committee on Planning, Development and Infrastructure. The third member of the planning committee, Mr Berry, is also a member of the Administration and Procedures Committee.

In view of these unusual circumstances, it may not be appropriate that the matter be referred to the Administration and Procedures Committee. A more preferable course could be, if the Assembly so wishes, for it to be referred to a select committee that it established to investigate and report on this matter. I therefore suggest that, as members may wish to consider the questions I have

raised, no action be taken immediately. I am prepared to grant precedence to a motion on the matter at a later time. I table the following papers:

Privilege - Alleged breach - Letters, dated 27 September 1990 to the Speaker from - Mrs R. Nolan, MLA, together with a copy of an article from the The Canberra Times, dated 27 September 1990.

Mr N. Jensen, MLA, together with a copy of The Canberra Times, dated 27 September 1990.

REDEVELOPMENT OF THE FORMER CANBERRA TIMES SITE Ministerial Statement

MR DUBY (Minister for Finance and Urban Services): I seek leave to make a ministerial statement on the Government's response to recommendation 3 of the Standing Committee on Planning, Development and Infrastructure on the redevelopment of the former Canberra Times site.

Leave granted.

Mr Wood: Goodness. After all this time. How many months has it been?

MR DUBY: It has been a long time; there is no question about that. That is why it is so important that this statement is made today, Mr Wood.

In its October 1989 report on the redevelopment of the former Canberra Times site, the Standing Committee on Planning, Development and Infrastructure recommended, in part, that the Government undertake an assessment of the impact of the sale of country grade leaded petrol and, if a significant reduction in the level of airborne lead can be achieved, that metropolitan standards be imposed in the ACT.

During the debate on the Canberra Times site in this house on 5 June the Chief Minister advised that the question of leaded petrol was being pursued separately. As the Minister responsible for transport matters and also environmental issues, I now provide our Government's response to the standing committee in relation to that particular recommendation.

Mr Speaker, the relevant Air Pollution Act of 1984 does not prescribe a maximum limit for lead in super grade petrol supplied to Canberra. For technical reasons, the petroleum industry's upper limit for lead in super grade petrol is 0.84 grams per litre. This is the amount of lead permitted for New South Wales country areas. Due to Canberra's location, the ACT has become a market for country grade leaded petrol - being a distribution centre for various country centres in the surrounding region.

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In terms of air pollution, particularly in Civic, the situation is not nearly as environmentally problematic as one might infer from my previous statements. Metropolitan grade petrol has an upper limit of 0.4 grams of lead per litre, which I might add is less than half that of country grade petrol. I have recently been informed by the Environment Protection Service that, while there is no legislation limiting the sale of country grade petrol in the ACT, 95 per cent of leaded petrol now received in the ACT is of metropolitan grade. Mr Speaker, that figure was based on a 1989 survey of petrol outlets.

Research conducted in June-July of this year by the Environment Protection Service corroborates the earlier advice. An analysis of random samples of super grade petrol supplied from outlets in Canberra during those two months revealed that lead levels ranged from 0.28 grams per litre to 0.65 grams per litre, with an average level of 0.45 grams per litre for that petrol sold in Canberra, and 29 per cent of these samples were below the 0.4 grams per litre level, which is the upper limit specified for the Sydney metropolitan area.

As to the implications of leaded petrol, historically, airborne lead has been an environmental concern beside heavily trafficked arterial roads in parts of Canberra such as Barry Drive and Northbourne Avenue, particularly during winter months. There has never been any concern about lead levels in residential or less trafficked areas of the ACT. Civic air pollution is monitored by the ACT Department of Health. Since the introduction in 1985 of Australian Design Rule 37, which made it compulsory for all new cars to use unleaded petrol, there has been a drastic reduction of about 60 per cent in the 90-day lead concentrations in Civic and immediate regions.

Unleaded petrol appears to have captured around 30 per cent of the market in Canberra, and as old vehicles continue to be replaced by new models that figure is expected to rise to 45 per cent within the next 12 months. That percentage could rise even further if drivers of vehicles manufactured before the introduction of Australian Design Rule 37 were to use unleaded petrol, which, of course, there is nothing to stop them from doing.

Over the last two winter periods, the National Health and Medical Research Council guideline of 1.5 micrograms of lead per cubic metre of air, assessed over a 90-day average, has not been exceeded in Canberra or any part of the ACT. Mr Speaker, in general, our position is acceptable and far better, of course, than metropolitan Sydney, Melbourne or, for that matter, Brisbane. The current situation is clearly a vast improvement over that of a few years ago, and demonstrates the success of the controls contained in the Air Pollution Act.

While some questions remain about the effect of the favourable weather conditions on the results mentioned previously, and about the possibility of pockets in Civic where levels of airborne lead may exceed the National Health and Medical Research Council guideline, the situation continues to be monitored with a view to clarification.

There is no urgent imperative for further Government action in regard to levels of lead in petrol and consequent air pollution. Much of the leaded petrol sold in the ACT already falls within the desired 0.4 grams per litre metropolitan limit. A reduction in the levels of lead in air has already been achieved without the imposition of metropolitan standards in the ACT. I have agreed that such imposition is not appropriate at this time. However, this Government accepts its commitment to environmental protection in that regard.

I have been advised that the National Health and Medical Research Council is considering reducing the acceptable level of airborne lead to one microgram per cubic metre. It is therefore imperative that efforts continue to further reduce existing levels of lead in air in Canberra. Should the sale of country grade leaded petrol be resumed in Canberra, this Government would review its position most urgently. Mr Deputy Speaker, I present the following paper:

Planning, Development and Infrastructure - Standing Committee - Report on the Redevelopment of the former Canberra Times site - Government response to recommendation 3 - Ministerial statement, 17 October 1990.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

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

MS MAHER: I present reports Nos. 15 and 16 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the reports.

Leave granted.

MS MAHER: The reports I have just tabled detail the committee's comments on the Nature Conservation Amendment Bill 1990, the Motor Traffic (Amendment) Bills (No. 3) to (No. 6) 1990, the Pawnbrokers (Amendment) Bill 1990, the Second-hand Dealers and Collectors (Amendment) Bill 1990

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and the Truck (Amendment) Bill 1990; together with 11 pieces of subordinate legislation and two Government responses.

Report No. 15 was circulated to members on 2 October 1990 in accordance with the committee's resolution of appointment. I commend the reports to the Assembly. I would like to take the opportunity, through the Attorney-General, to thank the Law Office for providing the committee with such comprehensive and well researched answers to questions we have asked, especially relating to door-to-door trading.

LEAVE OF ABSENCE TO MEMBER

MR COLLAERY (Deputy Chief Minister) (3.17): I move:

That leave of absence from 18 October to 1 November inclusive be given to Ms Maher on the grounds of private business overseas.

Mr Moore: On a point of order, Mr Deputy Speaker: We have already had a precedent set here by Mr Collaery and it is appropriate that he remove the grounds.

MR COLLAERY: I am quite happy to do that. I move:

That leave of absence from 18 October to 1 November inclusive be given to Ms Maher.

Mr Moore: If you want to explain, that is fine.

MR DEPUTY SPEAKER: Would you like to explain, to put it on the record?

MR COLLAERY: Firstly, there is some divergence developing in terms of precedent in the Assembly. I understand that this was the verbiage used when Mrs Grassby was granted leave last year and the Clerk's office proposed to me that this be the terminology; but on reflection I think I agree that the later rule is the better one, since I moved the change to it.

Mr Deputy Speaker, Ms Maher is travelling abroad to the United States, not on anything other than private business. I wish her well on that trip.

Question resolved in the affirmative.

ESTIMATES COMMITTEE
Membership

MR JENSEN: Mr Deputy Speaker, in view of the motion that has just been agreed to by the house, I formally move:

That Ms Maher be discharged from attendance on the Select Committee on Estimates and, in her place, Mr Stefaniak be appointed a member of the committee.

MR CONNOLLY (3.19): Mr Speaker, obviously, the Opposition is quite happy to accept the first part of this motion, which is that Ms Maher be excused. Obviously, she is travelling and is unable to be present next week. But we are unable to accept that, in a situation like this, a substitute be appointed. The Estimates Committee is an essential part of the process of accountability of government. Often, as many of us would know, it sits into the late hours of the evening, taking evidence from Ministers and senior officials.

The evidence given by Ministers and senior officials is taken seriously by the committee. Failure to give truthful evidence carries the appropriate penalties - not that we suggest that such a thing would have occurred. The committee has full powers to demand papers. It takes its business very seriously. It has sat, I think, for about eight days, often until midnight. It has produced a transcript of evidence some six inches high. The serious part of the committee's business is the taking of evidence, the examination of witnesses, the opportunity of members to question and, effectively, to cross-examine Ministers and officials.

I find it extraordinary that, when the committee is near the end of its evidential procedures, when it has one evening and one day to go to complete evidence from Mr Collaery and from Mr Humphries, the Government would effectively swap members and produce a new member - namely, you, Mr Deputy Speaker - who has not once taken the opportunity available to all members to attend the committee, has not seen any of the evidence being given and has not seen fit to ask any questions.

The purpose of the committee, as I say, is to examine Ministers and officials. To attend merely at the stage when a vote is to be cast seems to me to make a mockery of the procedure. If Ms Maher is unable to attend proceedings, that is an unfortunate situation; but to swap for Ms Maher a new vote, in effect, a person who has attended no meetings, seems to me to make a mockery of the proceedings of the committee and also to make a mockery of the idea that the committee has seriously taken evidence and asked questions. Mr Deputy Speaker, the Opposition is just unable to accept this proposed change of membership.

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MR WOOD (3.21): Mr Deputy Speaker, I support Mr Connolly on this matter. About an hour ago, the Chief Minister in his place here was making somewhat critical comments about members in committees who, perhaps, were not attending committee meetings. He was suggesting how important it was for members to play a role in committees.

I think Ms Maher has attended in full every session of that Estimates Committee. I do not think there is any doubt about that. She has given fine service to it. With some sensitivity, Mr Stefaniak, I suggest that the proposed replacement, which is you, though a fine and upstanding member of this parliament and one who is dedicated to his work, understandably has not attended any meeting of the committee because he was not expected to do so.

It seems to me to be an incredible arrangement that someone who has not been to one of the sessions so far should be proposed to replace a member. I can see no logic in that proposition. With every respect to you, I think it is a very poor way to go. I know that, if you had put your mind to it earlier, you would have done quite well.

I think that the proposal simply cannot be supported. It is not the proper way to go. It is an insult to the committee, and it raises precedents that we should in no way establish. Let us oppose this motion.

MR MOORE (3.23): Mr Deputy Speaker, in some ways I am going to echo the comments of Mr Connolly and Mr Wood. Surely, when we have sat for what must be over 100 hours at this stage - we have had eight or nine days of sitting at over 12 hours a day, so it must be of that order - I think it would be entirely inappropriate to lose one member who has attended the great majority of the meetings and the taking of evidence and to propose you to replace her.

Mrs Nolan: But, Michael, there are transcripts.

MR MOORE: Mrs Nolan interjects that there are transcripts. Of course, one of the things you miss with - - -

Mrs Nolan: It is this big.

MR MOORE: Yes, I know how big they are. Some of the things you miss with transcripts, of course, are the nuances and the inferences and so forth that have gone on - not that that makes it impossible. It would still be possible, of course, to get a sense of what had gone on in those meetings. However, I must say to you, Mr Deputy Speaker, since it is you who is proposed for that committee, that you were not involved in establishing the direction of the committee, nor were you involved in those hearings. I think that the direction of the committee has been well established. I think that it may be appropriate for you to consider whether you should make yourself available for this position or not.

I realise that it has probably come as some surprise to you that we should take this approach. Let me emphasise that in no way do I mean any disrespect to you, as I have worked with you on other committees and have no difficulty with that. It is not a personal comment; it is just inappropriate at this stage to take one member off and put another member on when it is not necessary to put another member on.

I think the most appropriate thing to do is to leave Ms Maher off as she will miss only one session with Mr Humphries and a small session with Mr Collaery. The result of that is that, if she has leave, when she returns she can look at the report and determine whether she has any difficulties with it, or suggest input into it before she leaves.

Failing that, if she feels that she does not have enough time, we should leave the committee - after all, it is an estimates committee; it is not as though it is a critical committee in terms of government policy - with the number at two. It is not a critical committee in terms of government policy. What it is, of course, is an absolutely critical committee in terms of the democratic nature of the Assembly and the role that the Assembly plays in government. I must say that, thanks to the generous offer of Ms Follett, I am delighted to have had the opportunity to participate fully in that committee and I will continue to do so.

What I am suggesting is that we would be far better off having a committee with the members that are left and the Government need not feel any great threat about that because the recommendations of the committee still have to go through a normal vote. For any motion to be negatived requires only an even vote. Anyway, if there is something that is of great difficulty or great dissent, clearly that would be put down in a minority report. So, I do not see that there is any great threatening situation to the Government in this situation. Clearly, the best result, if it is appropriate, and Ms Maher wishes to withdraw, is to allow her to withdraw and not replace her with anybody.

MRS GRASSBY (3.27): Mr Deputy Speaker, I also rise to support my colleague Mr Connolly. May I say at this time that I congratulate Ms Maher for the fact that she sat until very late in the morning, as did other members of the committee. I think they put in a lot of very hard work and a lot of time. But now, at the end of it, with Ms Maher going away, I do not think it would make any difference if the committee sat as it was. If anybody else was to be congratulated for sitting most of the time on that committee, it would be Mr Berry. I would say that, other than the members of the committee, Mr Berry spent more time on that committee than anybody else. As I say, I congratulate the members of the committee who did sit every night until very late hours and Mr Berry who spent a lot of time there too.

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As other speakers have said, I cannot see any justification for putting another member on that committee even though it be you, Mr Deputy Speaker. I have nothing against you and, as Mrs Nolan says, there are transcripts to read. But I do not think it is quite the same as being there and understanding what was said. I know that myself from when I attended the committee and I read some of the things later; it was not quite the same as sitting there and knowing exactly what was going on.

Therefore, as Mr Connolly and other speakers have said, I do not think that there is any need for another person to be sitting on the committee for this short time. It is very short; it is towards the end of the estimates meetings. I think we have all learnt a lot out of the estimates meetings. We as an Opposition have learnt a tremendous amount which has been of great advantage to us and which I am quite sure we will be able to use for the next 12 months in this house. However, I cannot support the motion and another member being put on the committee for such a short time.

MR COLLAERY (Deputy Chief Minister) (3.30): Mr Deputy Speaker, as far as I am concerned the Opposition's objection to this arrangement takes me by surprise. I understood that in discharging Ms Maher we had a compact in relation to the replacement. So, clearly I was mistaken and certainly, Mr Deputy Speaker, when the decision was made in our joint party room it was understood that there would be agreement on the other side. Clearly I was mistaken in that.

Mrs Grassby: You had not asked us. You cannot expect us to agree to things when you do not ask us.

MR COLLAERY: Well, my understanding was that this would be agreed to. But, certainly, Mr Deputy Speaker, the standing orders provide that committees be constructed in proportion to those elected to this Assembly. There is a clear indication in standing order 221, and it is on that basis, of course, that committees are constructed. It is only proper, to put it very shortly, that committees remain in that proportion in their spokesperson role in the Assembly.

Mrs Grassby: They do not have to.

MR COLLAERY: Mrs Grassby says that they do not have to. The fact of the matter is that the Opposition and, indeed, Mr Moore are approaching this with this gamesmanship idea of having the numbers. Mr Deputy Speaker, Mr Moore wishes to reflect on an earlier vote of the Assembly that set up the committee. I am not going to go back through that process. All I say is that all the Government is going to do - and we will do this, of course, because with respect, Mr Deputy Speaker, we are going to proceed to place you on that committee - is ensure that the membership of committees, as stated in standing order 221, is composed of

representatives of all groups and parties in the Assembly as nearly as practicable in proportion to their representation in the Assembly.

Clearly, it would be quite proper and appropriate for you, Mr Deputy Speaker, in your membership of the Alliance grouping here, to be appointed to that committee to maintain the balance already achieved by democratic vote in this Assembly. So, the unctuous and holier than thou propositions put about - "There is no point in altering it now, everything is okay" and "You cannot read the transcripts and inform yourself", for reasons unstated - are nonsense, with respect.

The fact is that we are simply availing ourselves, as would any other assembly in the country. Once again this group - who call themselves an Opposition but play no rules at all, as we saw this morning, and show no balance or taste half the time - want to play games.

Mrs Grassby: Ms Maher should not be going away if she wants to be on the committee; she should be staying here.

MR COLLAERY: Mr Deputy Speaker, Mrs Grassby says, "Why should she go away?". Well, of course, this house graciously gave Mrs Grassby leave to go off with her bonbons that she got from MLC.

Mrs Grassby: I was not on a committee.

Mr Jensen: No; you were a Minister, though, Mrs Grassby.

MR DEPUTY SPEAKER: Order! Let us not have the interchange across the chamber.

MR COLLAERY: Thank you for protecting me, Mr Deputy Speaker. I am, after all, trying to assist you on to the committee. Mr Deputy Speaker, I will just summarise - if I can do so over the voices. Firstly, we rely on standing order 221 to reflect the proportional balance in the committee. Secondly, I ask whether anyone in the Opposition can really give an honest answer as to why they oppose your appointment to that committee. I think the honest answer is that they see an opportunistic chance to grab the numbers, because this is the masterful numbers team opposite us. Mr Deputy Speaker, once again the other side play the numbers game. They play the opportunistic game which they played this morning to the disgrace of themselves and in so doing disgraced the Assembly.

Certainly, Mr Deputy Speaker, I commend the motion before the Assembly as being only procedural and proper and reflecting the standing orders that we operate by. If the Opposition want to get to their feet now and argue against standing order 221, I would like to hear them. We want to hear them. Let them make their comments about standing order 221. Let them move to alter that and we will take that on board. But, in the meantime, whilst we are

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governed by some rules - and, of course, the Opposition do not know any - we will abide by standing order 221. Ms Maher has contributed to that committee. The transcripts will show the evidence and provide you with assistance, Mr Deputy Speaker, when you are a member of that committee, and it is only normal and proper that you be appointed to it.

MRS NOLAN (3.35): I want to make only a couple of statements. I certainly support the motion before the house. I would like to place on record that yesterday afternoon, when I discussed it with the Labor Party, it was my impression that, in fact, there was no objection. However, I was not clearly informed one way or the other. This afternoon I did, in fact, inform the Leader of Government Business in the house that in fact they were not supporting the motion. I object strongly to being told that that was not the case and I would like it withdrawn.

Mr Duby: Withdrawn by whom?

MRS NOLAN: By the Deputy Chief Minister.

Mr Collaery: Nonsense!

Mrs Grassby: No, it is not nonsense, Bernard.

MR DEPUTY SPEAKER: Order, Mrs Grassby!

MR COLLAERY (Deputy Chief Minister): Mr Deputy Speaker, I seek leave to make a short personal statement by way of explanation.

MR DEPUTY SPEAKER: Yes, Deputy Chief Minister.

MR COLLAERY: Mr Deputy Speaker, I will refer to my earlier comments. I indicated that it was my understanding that this matter would be agreed to by the Opposition. I then said that it was my understanding in the joint party room, when we discussed this, that it would be agreed to by the Opposition. They are the words, Mr Speaker. I clearly corrected the possibility of a misapprehension by indicating that when this was last discussed with us as a group I understood that the other side would agree.

Mrs Nolan: Did I inform you earlier today?

MR COLLAERY: Yes. Certainly, Mr Deputy Speaker, for the record, I learnt on the floor today, shortly before this motion came on, that the Opposition did not agree with it.

Mr Moore: I learnt about the motion on the floor.

MR COLLAERY: Yes, indeed. I am not going to comment on the role of the Whip here, of course. I will elsewhere.

MR BERRY (3.37): Again we have seen an example of Mr Collaery seeking to grab any opportunity to spread rumour and the big fib about members of the Opposition and, in particular, the Labor Party. Mr Speaker, I want to place on record the issue of negotiations between me and Mrs Nolan in relation to the order of business today and to put the facts on record. The fact of the matter is that Mrs Nolan advised me of the Government's intention in relation to the Estimates Committee and I took her advice on board. I did not advise her that the Opposition would be opposing the Government's position; neither did I advise her that we would be agreeing with it.

As anybody with any understanding of politics and the political nature of the parties within this place would understand - and Mr Collaery has apologised on many occasions for his lack of understanding of it - there have to be negotiations and discussions with one's colleagues and if there was any information to be conveyed to the Government as a result of those negotiations or discussions it would have been conveyed.

Today, Mrs Nolan approached me in this place and said that she expected that we would oppose the position that was being put by the Government. I agreed that we were going to oppose it. My understanding now is that that was conveyed somewhere along the line to the Deputy Chief Minister.

Mr Speaker, I will take the opportunity at any point to expose the flaws of the Government members opposite, particularly when they rise to attack on such a hollow base. This issue, I think, fully exposes the folly of the Government's opposition to what was proposed by the Labor Party in the first place in relation to the Estimates Committee and what was proposed when the Follett Government was in place in relation to the Estimates Committee, and that was that all of the members of the Assembly, except those on the Executive, of course, could be part of the Estimates Committee.

I think this demonstration from the Government members opposite has clearly pointed to the hypocrisy of the opposition to that which was proposed for the 1990 round of discussions before the Estimates Committee. In fact, they have been hoisted. When one has a look at the standing orders, I think it would have been quite appropriate for the Estimates Committee to have been made up of all of the membership of this Assembly. I must say, Mr Speaker, that because of the size of this Assembly it is difficult to maintain a representation on the Estimates Committee at all times. For that very reason it would be convenient for most members if they were able to participate in the process. This would, in fact, subject the Government to more scrutiny than is the case with the restricted numbers which have been imposed by the Government.

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It is good for members to be able to participate freely in the process in an informal way; but that just does not have the same feeling, I have to say, as being involved in the committee in a formal way and being part of the deliberative process. Merely asking the questions is not good enough, in my view. It would have been better for all of the people in this place to be part of a process which formed the views of that committee to be later considered by this Assembly. So I think, Mr Deputy Speaker, that Mr Collaery has been exposed again. He has tried to spread the yarn - - -

Mr Collaery: I have not been exposed; I have been stabbed in the back.

Mr Connolly: Mr Deputy Speaker, on a point of order: that is a reflection on a member of the Government from a Government Minister.

MR DEPUTY SPEAKER: Order! I do not think there is a point of order. Mr Berry, please continue.

MR BERRY: Thank you, Mr Deputy Speaker. The fact of the matter is that Mr Collaery tried to spread a vicious story in relation to discussions between the parties and between the relevant Whips. Now, I can say from my point of view, and with no disrespect at all for Mrs Nolan, that in future I will make very clear the position of the Government and the Opposition in relation to matters which we have negotiated - and I am sure Mrs Nolan will too - so that we are not again caught in this embarrassing position where the Opposition has to suffer a tirade from the Deputy Chief Minister.

Mr Kaine: I do not know who is suffering the tirade now, Mr Deputy Speaker.

MR BERRY: Well, you are not suffering it too well.

Mr Kaine: No; you are right. I am sick and tired of it.

MR BERRY: Well, it was not meant to please you, Mr Chief Minister. It was meant to get the point across. It was meant to get the message across about the future deliberations of the Assembly's Estimates Committee. Mr Deputy Speaker, this motion will be opposed by the Opposition. In the first place we argued that it should be a committee of the whole, except for the Executive. I think our proposition then was as good as the original proposition by the Government members when they were in Opposition.

I think it is worthwhile, from our point of view, to pursue participation by all of the members of this place in what is a legitimate role for the Estimates Committee, and that is the close scrutiny of the Government's Budget. The Government, of course, does not like that and would prefer not to have itself in a position where it might be

embarrassed by a report of the committee; but it will, nevertheless, have to suffer the embarrassment of a minority report if it continues to maintain the numbers. I think it is hairsplitting in relation to the future deliberations of the Estimates Committee, but what is most important is that the Government has been shown to diminish the role that Assembly members can play in producing that report. It has shown that it is prepared to allow its Deputy Chief Minister to spread a yarn on the issue of renegeing which did not occur.

Mr Collaery: You will be asked to answer a question in a minute.

MR BERRY: Mr Collaery says that he will be asking me some questions; but, of course, as we have found out with Mr Collaery, he does not answer questions which are asked legitimately of him. He is not in a position to question my performance in this place. The fact of the matter is that the Opposition has questioned his performance. He has been found out on this issue and so has the Government. We will be opposing the motion.

MR DUBY (Minister for Finance and Urban Services) (3.46): Mr Deputy Speaker, I am amazed that this has turned into a major debate. The simple fact is that Ms Maher is required to go overseas for a short period on urgent private business and the status of the Estimates Committee has already been determined by the Assembly. It is a quite normal occurrence, I believe, in any situation where a member, through sickness or for whatever reason, for personal business or whatever, has to leave or depart from a committee, that they are replaced with somebody of the same political complexion.

Look at the great debates that the Labor Party has entered into in the past over the replacement of sick and retiring members of legislatures. We all know how they feel about the replacement of sick, retired or deceased senators by people who do not reflect the original political complexion.

Mr Wood: That is more than stretching it. Replacing one whole person as against a person on a committee - - -

MR DUBY: Now, just one moment. I am going to continue this argument right through, Mr Wood. I will show you how this man is going to be hung by his own rope. First of all he says that the matter of committees has to be a matter of careful and close negotiation between the Government and the members of the Opposition. Mr Deputy Speaker, the simple fact is that it does not at all. I am talking to someone from the loony left of the Labor Party. You know perfectly well that I do not have to negotiate anything with you. We have the numbers; we can do what we like. The fact is, though, that we are good enough to invite you to be part of the arrangements. This is the way that you would like to run the operation. I would like members here

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to think about what it would be like if we had 10 people from your faction on this side and seven from whatever other combination on that side. How much cooperation would be proffered by people whose idea of negotiation conformed with that of Mr Berry?

Mr Wood: You do not know much about the parliamentary system, do you?

MR DUBY: I also know a little bit about the way Mr Berry likes to debates issues, and the way Mr Berry reneges on a whole variety of things. Talking of reneging, the question is, Mr Berry: did you or did you not lead our party Whip to believe that you would go along with this arrangement?

Mr Berry: No.

MR DUBY: Did you or did you not? Did you or did you not? I repeat the question. I have seven minutes and 10 seconds to go. I can ask you again and again and again.

Mrs Nolan: I have already made my statement. It was true and accurate.

MR DUBY: Thank you; but we want to get it out of this man's mouth. Did you or did you not lead our party Whip to believe that you were quite satisfied, on behalf of the Labor Party, with the arrangement that was put to you by the party Whip last evening? The answer, of course, is: yes, you did. No matter what you say about it - whether you say, "I did" or "I did not" or "I might have" or "I might not have", or "maybe" or "yes" or "no" - you did.

Mr Berry: On a point of order, Mr Deputy Speaker: There is a clear imputation that I have lied to the Assembly, Mr Deputy Speaker. I think my comments are on the record and so are Mrs Nolan's.

MR DEPUTY SPEAKER: I do not believe there is a clear imputation there, Mr Berry, but - - -

MR DUBY: No, there is no imputation at all. I am repeating - - -

MR DEPUTY SPEAKER: Mr DUBY, I ask you, and I ask other members in this debate, to address your remarks through the Chair. Let us not have criss-cross debate.

MR DUBY: I am sorry. Have you finished with your ruling, Mr Deputy Speaker?

MR DEPUTY SPEAKER: Yes, I have. Continue now and address your remarks through the Chair, not directly to Mr Berry.

MR DUBY: Well, Mr Deputy Speaker, can you ask him, "Did he or did he not?". That is the point of the question. It is an issue because it is typical of the sort of malarky we get from this other side of the Assembly - the absolute

other side of the Assembly. We know what renegeing is all about. We have seen what you have done to your so-called colleagues. We have had the farce of Mrs Grassby sitting there saying, "But we are a party; we stick together". I remember certain occasions, certain headlines, about a certain party conference that was held within the last two months where this man was acknowledged as the master shafter of the whole Labor Party, where he manipulated the Left into tricking people, people with undoubtedly good intentions. They all had good intentions. But negotiations have been entered into and then, of course, we hear, "Well, we did or we did not; we are not too sure".

Talking about committees, I think, Mr Berry, that you have shown your colours completely. We have this fantastic rhetoric about the importance and the value of committees, the importance of this, the importance of how it is a demonstration of the actions of the whole Assembly. And who, I ask you, has stayed away en masse from Assembly committees? The very members of this troop over here - Mr Berry, Ms Follett, Mrs Grassby - - -

Mrs Grassby: I have not stayed away from a committee, I beg your pardon. Withdraw that. I have never stayed away from a committee. Mr Deputy Speaker, I want it withdrawn.

MR DEPUTY SPEAKER: Are you raising a point of order, Mrs Grassby.

Mrs Grassby: Yes, Mr Deputy Speaker, I am.

MR DUBY: I am referring to committees in general not the Estimates Committee. Mr Wood is the only member that I know - - -

Members interjected.

MR DUBY: We are talking about since the establishment of this Government, Mrs Grassby.

MR DEPUTY SPEAKER: Just a second, Mr Duby. Mrs Grassby, I understand the point Mr Duby is making and I think I understand the point you are making. Are you saying that the only committees you are on, and have been on in Opposition, you have attended?

Mrs Grassby: I attend all the meetings; right.

MR DEPUTY SPEAKER: I think that might be correct, Mr Duby.

MR DUBY: May we, perhaps, then say that this party is the party that boycotts membership of committees and refuses to go on some committees, two very important committees?

Mr Moore: On a point of order, Mr Deputy Speaker - - -

MR DUBY: Mr Deputy Speaker, I would just like to stress this point of order caper. I am going to seek an extension of time.

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MR DEPUTY SPEAKER: Let us hear his point of order first, Mr DUBY.

Mr Moore: I draw your attention, Mr Deputy Speaker, to the fact that Mr DUBY has just said the same thing round and round again quite a few times. Standing order 62 covers irrelevance or tedious repetition. On both points you could ask him to sit down and terminate his speech.

MR DUBY: I have not said the same thing round and round at all. I am pointing out facts which are close to the bone and which you, of course, and your best mates in those five chairs, do not like to hear.

Mr Berry: On a point of order, Mr Deputy Speaker: the issue is not whether the Labor Party will participate on committees which are chaired by - - -

MR DEPUTY SPEAKER: What is your standing order, Mr Berry?

Mr Berry: No. 62, relevance. The issue is not whether the Labor Party participates on committees that are chaired by Executive Deputies; it is the structure of this Estimates Committee which is now considering the Government's ill-fated Budget.

MR DEPUTY SPEAKER: Just a second, Mr Berry. I think we have probably almost exhausted the subject and are starting to go around in circles. I do not necessarily accept your point of order. I think there has been a wide-ranging discussion going across the whole question of committees. I think we are starting to repeat ourselves, so perhaps you could bear that in mind, Mr DUBY.

MR DUBY: Yes, by all means. As I said, these are the people who refused to go on committees and now we have them showing their colours, because they say this is a very important committee. I must point out - - -

Mr Moore: I raise a point of order, Mr Deputy Speaker. He has gone on exactly with what you just instructed him not to. I refer to standing order 202(e).

MR DEPUTY SPEAKER: Thank you, Mr Moore. If he continues to do that I will pull him up, but he is now getting back to what I regard as being the point we are discussing here. Please stick to it, Mr DUBY.

MR DUBY: Thank you, Mr Deputy Speaker. I must point out that Mr Berry showed his colours when he said that the composition of this particular committee, the Estimates Committee, is vitally important and, "Come what may, we are going to put in a minority report". The committee has not yet even judged the issues that it is going to report about; but he said, "We will be putting in a minority report". So he has indicated that the whole - - -

Mrs Nolan: He is not on the committee.

MR DUBY: He is the master-blaster, he is the numbers man for this faction, and he is the one who has determined what the Opposition's report is going to be all about. He has already predicted. Will it not be amazing when the reports do come out? Does anyone want to bet that there will not be a minority report, or a majority report? I have never heard such a load of codswallop as in this discussion in all my days. The fact is that agreement was reached; the Opposition, for its own personal reasons, has reneged, as usual - the thing you can expect from Mr Berry because he has thought about it overnight. He has thought: "Hang on, I can get a couple of points on this". I have never heard such a load of malarky.

In the replacement of people on committees, it is quite customary for them to be replaced by people of the same political ilk, and you know it. We would not attempt to renege on an agreement that we had reached with you people. If one of you folk falls over and breaks your leg, I can assure you that we will happily let you replace that person on a committee with another one of the same political persuasion. This is just simply stonewalling and it just does not work. It is sour grapes as well. As Mr Collaery said yesterday, we have a great case here of collective bile coming to the gullet or 10 months after being kicked out of government. Frankly, it is about time those people on that side of the house got down and did a bit of work.

MR DEPUTY SPEAKER: The question is that the motion be agreed to. Those of that opinion say aye - - -

Mr Jensen: I presume I am allowed to make some final closing remarks.

MR DEPUTY SPEAKER: Yes. You are the chairman of the committee.

Mr Jensen: I actually moved the motion.

MR DEPUTY SPEAKER: You did indeed. I am quite sorry.

MR JENSEN (3.56), in reply: I think it is the reason why I am actually seeking to speak now. Mr Deputy Speaker, I just wish to make a couple of comments in relation to this particular issue. I remind the members of the Assembly that members are able, in fact - it clearly has been identified - to participate in the questioning and to have access to all transcripts and additional information. That, Mr Deputy Speaker, has been an opportunity taken up by many members of the Assembly. The only role that members do not have, in fact - - -

Mr Wood: And Mr Stefaniak?

MR JENSEN: Mr Wood, may I be allowed to continue my remarks uninterrupted, please?

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MR DEPUTY SPEAKER: Order, members!

MR JENSEN: Thank you, Mr Deputy Speaker. The only role that members are unable to participate in, under the standing orders, is the deliberative stage of the committee. However, I have no doubt, Mr Deputy Speaker, that the members opposite who have attended some aspects of the committee's deliberations will ensure that any points they wish to raise will be taken by their colleagues into the committee deliberations if that is their wish.

I also have no doubt, Mr Deputy Speaker, that if they desire to bring forward a minority report they will do so. I do not propose to go down the track at this stage and attempt to pre-empt what might or might not be in the report, other than to say that, clearly, that is a possibility. It happened last year and I suspect that it may happen this year, but time will tell.

On the other issue, it was clearly my view that the proposal put forward in my name on the notice paper today would go through without any problems. It is not difficult to see, I would suggest, that when a member of the committee is unable to attend the only way that that member can be replaced on that committee, particularly at this stage of the process, is for him or her to be formally discharged and replaced.

Mr Deputy Speaker, in this particular case a member of a particular grouping within the Assembly is to be replaced by a member of that same grouping. I mean the Alliance grouping as opposed to particular parties or groups within the Assembly. Mr Deputy Speaker, it is clearly not inappropriate, I would suggest, for that particular person who is unable to participate further at this stage to be replaced by a member of the same grouping. I do not believe that is a problem and it is clearly something that in fact happens in the other place. In fact, when members are replaced in some cases in the other house, they are replaced on the nomination of the party Whip of that particular organisation. Clearly, in our standing orders we have a situation where there is a requirement for the member to be formally discharged and replaced on the committee.

As I said before, it was my clear understanding that this matter would not be a problem. I did discuss briefly with the Clerk, the Chief Minister and Mrs Nolan the possibility that because I was the chairman of the committee it may be more appropriate for someone else to move the motion, but it was suggested to me at the time that in fact there would not be a problem. On that basis I decided that I would proceed with the motion that I originally had intended to move.

So, on that basis, Mr Deputy Speaker, I find it most unfortunate that the Opposition has seen fit to play political games on this very important issue rather than accept the situation as it applies, namely, that a member who is unable to participate further in the committee should, in fact, be replaced by a member of a similar grouping. In my closing remarks I express regret at the attitude taken by the Opposition and I commend the motion to the members of the Assembly.

MR MOORE: Mr Deputy Speaker, I refer to standing order 46. I seek to make a personal explanation. Mr Duby, at the end of his speech, indicated that it was time for members on this side of the house to get down and do some work on committees. I find that comment absolutely appalling. Anybody who has been involved in the Estimates Committee, on whatever side of the house - Mr Duby himself should recognise this, as indeed have the Ministers; and I include them - would recognise the extensive amount of work that has been done, both in preparation and in the times of the sitting of the committee. I consider that comment to be appalling.

MR BERRY: I seek leave, pursuant to standing order 46, to make a personal statement.

MR DEPUTY SPEAKER: Yes, Mr Berry.

MR BERRY: Mr Duby repeatedly suggested and said that I was in some way responsible for renegeing on a deal. I am afraid, Mr Deputy Speaker, that Mr Duby has caught the complaint which causes Mr Collaery's conspiracy enriched existence, because here he seeks to spread a malicious and destructive story which of course has no basis in fact. I am not calling him a liar, because I know that there are only two people in this Assembly who know the true story and they are Mrs Nolan and me. Mr Duby does not know, and what he does not know anything about he should not talk about. That is the golden rule. The fact of the matter was - - -

Mr Kaine: You break that one every day of the Assembly.

MR DEPUTY SPEAKER: Order!

MR BERRY: Thank you, Mr Deputy Speaker. The fact of the matter is that there was no deal, as has been supported by Mrs Nolan, and there has been no deal renegeed upon. The record needs to be put straight in that respect. I fear that Mr Duby has failed to understand what a lie is. I suppose his past performance in this place in relation to his promise to the electorate is a clear demonstration of that. But the fact of the matter is that there was no deal.

MR DUBY (Minister for Finance and Urban Services): Mr Deputy Speaker - - -

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MR DEPUTY SPEAKER: Yes, Mr Duby. What are you raising - standing order 46 as well?

MR DUBY: Mr Deputy Speaker, you have picked it in one. Mr Moore recently rose and made a statement in which he said that I had addressed the Assembly generally and said that people on that side should get down and do some work in committees. Quite rightly, and quite rightfully, he said that he felt that it was not fair that he should be picked out to be included in that class or category. I must apologise to Mr Moore. I must admit that the general thrust of my address had been directed at Mr Berry and the other members of the Labor Party, and accordingly I would want to let the record show that Mr Moore has been an assiduous member of the Estimates Committee. Indeed, let the record show that many of our Ministers have come back and said, "He is too hardworking, particularly in regard to the Estimates Committee". So, if there was any interpretation of my remarks that Mr Moore was not a hardworking member of either the Estimates Committee or any other committee, please let me correct that situation.

Once again, though, in terms of the other area where I claim to be misrepresented, I repeat the question which I have asked and asked, and I will ask again, of Mr Berry: did he or did he not give the impression to Mrs Nolan that a certain arrangement had been entered into?

MR DEPUTY SPEAKER: I do not think that is really an explanation, but we will not have to go to that. Thank you, Mr Duby.

Question put:

That the motion (**Mr Jensen's**) be agreed to.

The Assembly voted -

AYES, 11

NOES, 6

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

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

Question so resolved in the affirmative.

TOBACCO (AMENDMENT) BILL 1990

Debate resumed from 6 June 1990, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR BERRY (4.09): This legislation, Mr Deputy Speaker, is very important for the future of health services in the ACT. It coincides in one degree or another with initiatives that have been taken in other parts of this country. I think we have to accept that there are few of us who have not had a relation or a friend who has suffered the ill effects of tobacco consumption. These days there are varying reports, but I think the most authoritative ones state that there are about 23,000 Australians who die before their time because of the consumption of tobacco products in one form or another. It is also reported that 280 or so ACT residents die before their time as a result of consumption of that dreaded weed. That is approaching one a day. So that is something that we can very easily focus on as Territorians.

In his introductory statement the Minister said that the cost to the people of Australia is about \$2 billion annually. Some of the complaints that people suffer from, the most notable of which is heart disease, impact heavily on families, the population generally, and the delivery of health services across Australia. They take up an undue time and an undue resource provided by the community across Australia. Of course, there are other cancers and complaints which form part of a long list; but some that I can recall are the oral cancers, lung cancer and vascular disease. We often hear, too, of people who lose limbs as a result of poor circulation, which in one degree or another is attributed to the consumption of tobacco products. That is a pretty terrifying prospect for anybody. It is bad enough to suffer the loss of a limb as a result of an accident, but it is terrible indeed to suffer the loss of a limb as a result of the consumption of a product which has been considered for so long as merely leisure. As has been done in other States, we have to act. It is time to act. The Labor Opposition will be supporting the enactment of legislation to reduce the consumption of tobacco products in the community.

Mr Deputy Speaker, it is a fact that many people give up the habit, many people are giving up the habit, and many people die before their time as a result of the habit. Of course, that leads to a reduction in the tobacco consuming public unless more can be encouraged to take up the habit. There are not too many people of mature years who are prepared to begin smoking, so the focus of those who have an interest in the sale of tobacco products - and it is that focus which is of most concern to the community - is the young, because it is in the interests of the tobacco companies and the tobacco industry generally to promote the commencement of the consumption of tobacco amongst our young. We have all seen the means by which the tobacco

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industry has sought to do that. For many years it has been seen as a legitimate part of life for the tobacco industry to promote the consumption of tobacco products among our young.

According to the last reports I have seen, about 30 per cent of young people between the ages of 16 and 18 consume tobacco products, mostly by way of smoking the stuff. For many years, the hearts and minds of youngsters were won over by the movie industry. We would all remember the wisps of smoke in that lovely old nostalgic film, *Casablanca*, and we would all remember what Sam did, but the main player, Humphrey Bogart, was a smoker and, as I recall, he died of cancer. That is something for us to remember. Many of us who have a few more years on our record would remember the days when the smoking of tobacco was seen as an all right leisure activity. That is why Labor, in office, moved to do something about tobacco consumption in the community. That is why we moved to introduce legislation which would reduce the consumption of tobacco in the community, and particularly amongst our youngsters.

I should say at this point, Mr Deputy Speaker, that amongst that 30 per cent which I mentioned a moment ago there is a high percentage of young women who are taking up tobacco consumption. I am told that it is probably higher than the males' percentage. It is a problem for young women as well, and it is a problem for women's health. It impacts on a productive life in the community for all sexes and ages as it affects health. And there is the loss of breadwinners, the loss of family members and so on.

After the new Government took over on 5 December, I moved to send in drafting instructions to the drafting counsel in the Government Law Office, because it was a priority of the Labor Opposition. As the record will show, we were refused those facilities to prepare legislation for early introduction into this place. We were refused on the basis that the Government was going to introduce that legislation, and therefore it would be a waste of resources for the Labor Party's request to be agreed to. That was over 10 months ago, and it has taken this long for us to get to a point where the legislation could be dealt with. It is also a matter of concern that much of the delay was caused by what was claimed to have been the need to consult. I suggest, Mr Deputy Speaker, that that consultation was another round of consultation with the tobacco industry, and I suspect that it was the very same round of consultation which had gone on with the Labor Party when it was in office before it committed itself to introduce the legislation.

We have been vocal about those delays and I think we were justified in being so, because for every month that we delay the introduction of that legislation there are just a few more youngsters who take up the habit. As those of us who have given up the habit in the past know, those people will find it difficult to give up the consumption of tobacco products.

Mrs Nolan: Wayne, you wanted to delay it further today.

MR BERRY: I have not finished yet. This legislation, of course, contains a number of provisions which will most importantly, we hope, bring about a reduction of consumption amongst youngsters. Particularly, it will prohibit the sale of tobacco products to people under the age of 18 years of age, and it will provide for stiffer penalties for those who are found guilty of disobeying the law. One of the difficulties, of course, in relation to increasing that age is that, if one introduces a law which prevents the consumption or the sale of tobacco under a certain age, there will be a number of young people who will have been caught by the habit and will have the product withdrawn from them. That is an element of prohibition which I think is something that members of the Assembly ought to be concerned about - at least those who are concerned about the principle of prohibition.

I raised that today with Minister Humphries - and this is the point, Mrs Nolan - and he, too, is concerned about the complications that might flow from an element of prohibition being imposed on young people who are already availing themselves of tobacco products. There is a need to sort that problem out. Whether we adopt the proposal which is now in the legislation or something different is a matter for future discussion and I would hope that it should be sorted out before next week. I expect that later on the debate will be adjourned at the in-principle stage and the matter of the exact arrangements for the imposition of that new age limit will be dealt with in the detail stage, after negotiation. There is a problem and there will be a slight delay, but I still go back to my point that the delay overall has been too long; it has been almost 10 months. Of course, we have complained loud and long about it.

Mr Humphries: Yes. Now, you have taken advantage of it.

Mrs Nolan: Why did you not speak to us two months ago?

MR BERRY: Whose turn is it?

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Order, members! Speak through the Chair.

Mr Kaine: Then he would have had to renege on it.

Mr Berry: I raise a point of order, Mr Temporary Deputy Speaker. I think that needs to be withdrawn. It is a clear imputation.

MR TEMPORARY DEPUTY SPEAKER: I am sorry; I did not - - -

Mr Berry: The Chief Minister said that I would renege on it.

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MR TEMPORARY DEPUTY SPEAKER: I did not hear that, Mr Berry; I am sorry.

Mr Berry: Isn't that strange? Selective deafness, perhaps, Mr Temporary Deputy Speaker?

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I request that you withdraw that.

Mr Berry: I withdraw that. I was compelled to defend myself against the Chief Minister's statement which you did not hear, Mr Temporary Deputy Speaker; my apologies.

MR TEMPORARY DEPUTY SPEAKER: Your apology is accepted, Mr Berry.

MR BERRY: It is an important issue. There will be a slight delay. It is not a delay of our doing. I think the Government has to accept some of the responsibility for this matter not being properly sorted out before the matter was drafted. The Government did say - and this is a criticism - that it needed to consult, and that is why there were delays in relation to the issue. I have seen no evidence that there has been consultation with the youth sector. Maybe it would have picked up that issue had that been the case.

That aside, it is an issue that has to be addressed. It is regrettable that I have not been able to bring it to the Minister's attention before today. I am looking forward to the position where the matter can be settled in a bipartisan way before we bring the matter back into the Assembly next week.

Mr Collaery: You are leading us to believe that, are you?

MR BERRY: The fact of the matter is that there is something which has to be sorted out. In his wildest dreams, Mr Collaery would not be able to negotiate a settlement on most issues in this place, so I guess he has given up attempting to do it and that is why he has suggested that perhaps that might not be the case in relation to this matter.

There is one other issue that is of concern, and that is the possibility of contrived arrangements due to exemptions for staff of tobacco companies and their relatives. I think that remains to be seen, but it is something which I would like to place on record and which the Government ought to take notice of because it is something of importance. The Government would need to ensure that that does not occur.

One other matter of concern which has received some publicity has been the Government's position in relation to non-smoking space in public eating places. The Government has said that it will allow the industry to self-regulate.

The Government's position has been that it will allow the industry to draw up a set of regulations by itself to cover the issue of smoking in restaurants.

Mr Humphries: No. We have said that they can try to be self-regulating.

MR BERRY: Yes, and if they cannot manage it themselves, the Government will regulate. Labor's proposal, of course, was for 50 per cent of the seating area. My understanding of the Liberal proposal is that it would be 30 per cent. I will be watching it very closely and I hope that we can end up with a position where there are fewer people smoking in restaurants. Some prominent restaurateurs have indicated that they will not have anything to do with it, so I suspect that the self-regulation approach might be difficult to achieve. The Government will, of course, be faced with the prospect of imposing some regulation.

Mr Temporary Deputy Speaker, that is all I have to say on the matter. The Labor Party will be supporting the Bill at its in-principle stage, and we will have more to say in the detail stage in relation to the section which refers to the age limits below which people cannot be sold tobacco products.

MR STEFANIAK (4.27): I am delighted to support Mr Humphries' Bill in relation to tobacco legislation. Like Mr Berry, I understand that the number of Australians killed each year is, in fact, more around the figure of 23,000 rather than 17,000 which, I think, was mentioned earlier. Indeed, Mr Humphries has indicated that that is his understanding too.

I am aware, and have read medical papers and indeed have had some personal experience through members of my family and close relatives, that smoking does cause lung cancer, heart disease, bronchitis, emphysema, stroke, arterial disease, oral cancer, and cancer of the bladder, the kidney and the stomach. In fact, in relation to arterial disease, two people who were very close to me - one of them my father - suffered through being heavy smokers in relation to the blood flow in their legs. In one case, a relative stopped smoking at about age 55 because a doctor suggested that he give it up. As a result of that, the problems of flow of blood in his legs decreased and he lived on for about another 20 years with no problems in relation to the flow of blood to his legs. My father smoked until three months before he died. I have some very vivid memories of a very active man, who died at 75 and was still playing golf at 65, suddenly having problems walking. In his last few years, I can recall him having difficulty in going more than about 150 metres without having leg problems. Clearly, talking to his doctors, that was as a result of heavy smoking from the age of about 18 through to about 75, when he died.

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Mr Speaker, smoking is the single major preventable cause of death and disease in Australia. From the figures I saw its history shows that since 1946 we have made some progress, because there were about 3.5 million smokers then in a very small population. I understand that now the figure is about four million; so there has been a turnaround and certainly, in recent years, a turnaround in attitude. However, there are some disturbing statistics and they show that in some areas it is increasing, most noticeably amongst young women.

I want to base most of my comments in relation to a couple of major advantages I see coming out of this particular Bill. Apart from the health advantages, I want to base my comments on the fact that some of the moneys from the ACT tobacco licence fee will be used very productively to promote anti-smoking and health messages. I note that the ACT tobacco licence fee is now 35 per cent. I understand that it was increased in September 1989.

Debate interrupted.

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.

TOBACCO (AMENDMENT) BILL 1990

Debate resumed.

MR STEFANIAK: As I was saying, Mr Speaker, I note that our tobacco licensing fee is now 35 per cent. I note that in most States it is now around 50 per cent. We do have a problem with New South Wales as it has 35 per cent and there is that question of a cross-border trading. I certainly hope that that will be solved in the near future so that we can fall into line with other States and go up to 50 per cent, so that more of that money can be used to promote healthy activities.

I am pleased to see, despite some criticisms from Mr Berry that this Government has taken some time in introducing this Bill, that money from that tobacco licence fee has already been put to good effect. Some moneys from the Health Promotion Fund have already been distributed. I am told that approximately \$1m per year of the licence fee

will go into the ACT Health Promotion Fund which is used to increase and enhance health promotion activities and replace existing tobacco sponsorship.

My understanding is that about \$70,000 per annum of sports sponsorship was sponsored by tobacco companies in the ACT in the past, and I believe that even includes racing events. That is not a very significant sum. There is probably about \$50,000 per annum of other indirect tobacco sponsorship. I am pleased to see that the break-up of our fund is very similar to that of other States, and that is a minimum of 15 per cent spent on the arts, a minimum of 30 per cent spent on sport, 40 per cent for a general health message, 5 per cent, I understand, for research and 10 per cent for administration. I think it is important to keep the costs of administration down to a bare minimum in all those things. I would certainly commend to the health Minister - and I have had a number of discussions with him in relation to this fund - that it is important in the formative stages of this fund for it to be set up to operate at maximum efficiency.

I believe that it is very important for the health message to get through, and I think that one of the greatest ways of doing that is by promoting sporting events. In Western Australia their legislation has a similar break-up to ours. It will be passed very shortly in that State. The amount it will be spending on sport will range from 30 per cent up to 50 per cent.

When we look at that 40 per cent for a general health message, I would certainly hope, and would like to see it happen, that the greater percentage of that will be spent promoting that health message through sport, because sport and smoking simply do not mix. Any good sports man or woman will tell you that, though there might be odd exceptions. I think young people are much influenced by role models and role models quite often are sporting heroes, rather than perhaps an official from the health department going around and giving them what tends to be a rather more boring message. They will take much more notice, for example, of Herb McEachin, from the Cannons, going around preaching an anti-smoking message than they will of a health department official.

Also, Mr Speaker, it is interesting to note that another avenue where the message can get through, especially to young people, is through the use of certain popular TV shows. I am pleased to see that the teenage mutant ninja turtles, who some people criticise for having a bad effect on kids - some kids go down drains because it is "cool" to be in drains and because the turtles come out of drains in New York city - also saying that it is "cool" not to smoke. That is certainly going to - - -

Mr Berry: I do not watch them, Bill.

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MR STEFANIAK: It is a top show, Wayne; you should. It is good to see the turtles - - -

Mrs Grassby: Bill features in the leading role, don't you, Bill?

MR STEFANIAK: What, head turtle, Ellnor? It is good to see the turtles saying in some recent shows that it is "cool" not to smoke and it is "cool" not to drink, too. I am pleased to see that that occurs, because I think that has a very great effect on impressionable youngsters.

In relation to the Health Promotion Fund, I think it is important that groups who will be using the fund - and some groups will simply be in a buy-out situation - are able to push the health message, be it an anti-smoking message, be it an anti-cancer message, be it some other health message, and push it themselves. Whatever the grant is, that grant should be assessed on a regular basis by the committees to see how effectively the groups are using it. Basically, they should go out there and push that message, using the money they have been given. The money also goes as general sponsorship to assist their activities because we have a number of groups in this town, especially in the sporting area, and we are very able to push a sponsorship message. Let us face it, this is a health sponsorship message, and I think the health Minister is very aware of that fact and, indeed, supportive of that view too.

Finally, Mr Speaker, I again commend the Bill to the Assembly. I commend the health Minister and all of those who have worked in bringing this very necessary piece of legislation before this house.

MR WOOD (4.35): Mr Speaker, I want my comments to be brief. I give encouragement to those who are proposing this legislation, started by Mr Berry and being concluded by Mr Humphries. I give praise to those people in the community - the people from ASH, for example - who have pursued the anti-smoking campaign so vigorously. Their success is demonstrated here today and by the increasingly greater acceptance of non-smoking. I want to support this legislation, but particularly wish to suggest means in the future of further discouraging smoking and preventing the ill-health that flows from it.

I have one particular concern, and that is the level of smoking that is so high in the clubs in this town. I suppose there are few people in Canberra who do not, at some stage, walk into a club to use the various facilities the clubs offer. For some reason or other, smoking seems a greater part of the life of those frequently attending clubs than for the community at large. Certainly most of the clubs I see are filled with smoke, perpetually so, and the air-conditioning systems are such that that smoke is recycled.

If you are an ordinary citizen and you walk into a club, I guess you know what to expect, and you have to put up with it. Well, perhaps we do not have to put up with it. I think there should be legislation to prevent it. But, in particular, the people who work in those clubs have little choice. They need the employment and are trained in the work associated with the club. I believe they have the right in their working environment not to suffer the damage that passive smoking brings to them.

I would expect that people who work eight to 10 hours a day in some of the clubs in this town are doing themselves considerable damage because of the smoke that they have to inhale. They are in a situation over which they have no control. It is, therefore, up to legislators to see that some control is exerted.

I would suggest to people, certainly to the next Labor Government that is not too far away now, that this is the next area for improving the health of our young people. We have to look at the club scene and make some recommendations in this area. It is not a simple task, perhaps; but we ought now to be attending to it so as to protect those people who have no choice but to work in that environment.

MR COLLAERY (Minister for Housing and Community Services) (4.38): I wish to make some brief comments. I, of course, support the Bill moved by my colleague Mr Humphries. It is an excellent piece of legislation. At a time when, as Minister for Health and Education, he is engaged in strong debate on all fronts, I think it is good for Mr Humphries and for his hardworking departmental staff, particularly the people in the health bureaucracy who put this together, that they see that this is a Bill supported on a bipartisan basis. It is a Bill that will save lives. I thought it was very eloquent and moving of my colleague Mr Stefaniak to refer to his late father. Surely that type of endorsement can only receive the support of all who sit in this house.

Mr Speaker, the vast majority of smokers become addicted when they are teenagers or younger; so this legislation engages our moral duty to the youth of our country. It is most appropriate that perhaps the youngest person in this Assembly has introduced this Bill. It is a very good development for the ACT. It is a good model for Australia, and I am certain that this will add to the image of this Assembly and the image of our law makers in the health arena.

Mr Berry: It will not cover up the mistakes, though.

MR COLLAERY: Unfortunately, Mr Speaker, we always have any good act associated with the churlishness of the Opposition. Certainly Mr Berry is a non-smoker; but, even so, he is beyond redemption in my view. He has taken a point off Mr Humphries by talking about the tragedy of

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those who have committed themselves to smoking while this Bill has been out for further consultation. At the same time, of course, he has not denied an interjection across the floor. He did not choose to address that interjection either. It is the second time he has chosen not to address an important interjection, which is part of the lifestyle of this Assembly. He did not respond to Mr Humphries' interjection that he had taken advantage of the delay to move an amendment or proposed amendment. I trust that at the end of this week the Opposition can go away and determine whether they have added to the strength of debate in the Assembly and done much for the image of the Assembly. But, tender mercies, Mr Speaker; they have supported this Bill.

Mr Berry, to give him his justice, has consistently sought to remove smoking from the hallmarks of our community. We will give him that much. We hope and pray that Mr Berry can learn some graciousness even about things with which he can agree with our Government.

Mr Speaker, the wider concerns that this Bill addresses are really the issues of penalties, the issues of passive smoking, and the issue of the civil liberties of those people who are forced to ingest the smoke from this dreaded weed. I am sure that even smokers recognise our duty to the young in this community and that they recognise their profound susceptibility to advertising and the very real and genuine efforts of Mr Humphries and his department and those who advise him in the community, particularly those good people that Mr Wood recognised for their efforts. When this Bill comes back to the Assembly I trust that it will get a better debate than the ratty commencement of this one, starting with Mr Berry. I believe that this will be seen to be a triumph for self-government as I doubt that we would have had it under the Commonwealth aegis. This is a pending triumph for self-government and it will be well and good for all in this community if we can bring it forward as soon as possible and with the least possible shine being taken off this great achievement of Mr Humphries.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Residents Rally

MR MOORE (4.43): I thought that in the adjournment debate, Mr Speaker, I might comment on a couple of matters that have appeared in the paper. The most recent of them is a letter by Dr Kinloch in this morning's paper. I decided not to comment on the sycophantic nature of the particular letter - some people have described it as gush - but rather to refer to some of the comments in it. It is a letter in which Dr Kinloch describes his colleagues Bernard and Norm as "men of idealism" or, to use Gus's term, "moral conscience". Of course, the only way the Residents Rally can get a letter like this in the paper is to write it themselves.

He was responding to an advertisement that Gus Petersilka put in the Canberra Times a little while ago, on 9 October, where Gus Petersilka suggested that if the other members of the Residents Rally themselves were realistic "they would concede that without Hector Kinloch there would be no Residents Rally in power". Depending on your definition of "power", if Gus Petersilka means power in the Assembly, well, that is simply nonsense. I think one could say that about Bernard Collaery certainly, or about me, certainly; but Dr Kinloch, as far as the Residents Rally and the political party are concerned, was an afterthought that was discussed between Mr Collaery and me for some time as to whether or not we would include him in the political party. When he did come in, of course, his contribution was significant. Gus Petersilka goes on in that advertisement to say:

Perhaps Hector should stand as an independent and give the voters a chance to show whether ...

and so forth. Well, of course, Hector will not be able to stand like an independent because he would not have anybody to tell him what to do in political terms - not to take away from his very strong stance on education. That brings me to this comment that he made in his letter:

All three of us are keenly involved in matters relating to education.

At an earlier point he talked about how they had followed their policies. I will just read this one: "The Rally remains committed to the idea of neighbourhood schools". The definition of "neighbourhood" is clearly set out in the Metropolitan Policy Plan and also in the Gungahlin Policy Plan of 1989; so they know what a neighbourhood school is. So the statement that "all three of us are keenly involved in matters relating to education" hardly seems true, Dr Kinloch, when Mr Collaery can say that they have no intention now of commenting on education matters, as I heard him say, I think on the radio, some time ago. When Mr Collaery closes the debate I would be delighted to hear how he will suggest what he has actually said and how he is going to take on that matter.

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Dr Kinloch starts by saluting Gus Petersilka, a former Canberran of the Year - a little bit of that, "Okay, you pat me on the back, I will pat you on the back, and we are all lovely" - and acknowledges his longstanding efforts in opposition to attempts to demean the national capital, whether by making it the centre of export of pornography or by introducing a gambling casino in the heart of the city.

As far as Dr Kinloch is concerned, the only two major issues that might possibly demean the national capital are pornography and the gambling casino. I really wonder whether that sets out his whole views on this matter. I really wonder whether it is time for Dr Kinloch to really consider whether those issues are enough for him to remain in the Assembly, especially since the casino is a foregone conclusion, thanks to his moves and to the number of people who were prepared to elect him to this Assembly. It will be very interesting to watch and see the sort of moves he will be able to make as a man of conscience.

Residents Rally

MR DUBY (Minister for Finance and Urban Services) (4.47): Mr Speaker, I was not going to speak in the adjournment debate tonight but Mr Moore's comments made me rise. I think I speak for all the other members of this Assembly now when I say to Mr Moore that - - -

Mr Berry: Not me.

MR DUBY: I am sure I speak for you, Mr Berry. The other members of this Assembly frankly, are getting a little bit tired of hearing about the great split between Mr Moore and the Rally. It is very reminiscent of going to a party. At a party, of course, you always avoid the recently separated man or woman because you know perfectly well that all you are going to get all through the evening is a terrible tirade about what he or she used to do; their dreadful habits; "How could they do that?"; "Why would they leave me for that person?"; or whatever. Then, of course, after about six months, it generally dies down and they settle down. By that time, of course, they are in the middle of the *decree nisi*.

After 12 months, if you are going to another party, you know to avoid them again because it has then risen to the top of their emotional sphere of influence. Again all they want to talk about is how pleased they are that they are no longer involved with that person; once again, that they used to do this, that and the other; and how very, very happy they are. Invariably they are always very happy that it has gone ahead and it is now final. All they want to talk to you about for about an hour or so is how pleased they are they have made the break from somebody else. Of course, they do not want to talk about anyone except that person from whom they have made the break.

Every time Mr Moore gets up and involves himself with his usual tirade against the influences of Dr Kinloch or Norm or Bernard, it is always on a first name basis. You will notice that.

Mr Moore: I was quoting from the article.

MR DUBY: It amazes me. Look, Mike, Mr Moore, we accept you have split. We understand that. We do not want to know why any more. We have felt for you through those months and given you support. We have patted you on the back. The fact is that the nisi period is over; it is now absolute. Now that it is absolute, it is amazing how true to life it is, because, have you noticed, having completely divorced himself from his old partners, he is now looking for new ones? Have you noticed how well he is finding them? No matter what the issue or what the objective, right or wrong, he is going to back those people in the Labor Party all the way.

Well, I have bad news for Mr Moore. It turns out that, particularly with men, second marriages usually last a lot shorter than the first. I guarantee that it will be exactly the same with Mr Moore. So I would say this to Mr Moore, and I am talking from experience here: Look, we all accept it. They had their chance. You have split up. You have gone your separate ways. Let us leave it that way. We do not want to get involved in these petty, bitchy, little squabbles.

Residents Rally

DR KINLOCH (4.52): Mr Speaker, I do welcome the power of the Canberra Times. If there had been any reporters here from the Canberra Times I think they would be delighted to know that people are reading that column. They are reading Gus's advertisements and repeating Gus's advertisement and repeating the letter. I am grateful to Mr Moore for restating this so that we are getting the letter into Hansard.

Question resolved in the affirmative.

Assembly adjourned at 4.53 pm

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MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Roadworks

QUESTION NO. 221

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) What contracts have been let for roadworks in the last six months?
- (2) In each case (a) who were the contractors; (b) how much was each contract worth; (c) how much has been spent on each contract; and (d) how much remains to be spent on each of these contracts?
- (3) How much more is expected to be spent on roadworks in 1990/91?

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

- (1) Thirty-four contracts for roadworks have been let since 1 February 1990.
- (2) Details of all contracts as at 22 August 1990 are provided in the following schedule.

CONTRACTS FOR ROADWORKS AWARDED AFTER 1 FEBRUARY 1990.

DOLLAR AMOUNTS AS AT 22 AUGUST 1990

WNT PACXR VARIETA OF EXPEND 17MM BALANCE OF

CONTRACT TO am CONTRACT

C B EXCAVATION PTY Lm

Kaleen

Ellenborough St/

Maribymong Street

Intersection Improvements 102 092.45 82 011.30 20 081.15

SUB TOTAL 102 092.45 82 011.30 20 081.15

3771

CONTRACTOR	VALUE OF CONTRACT	EXPENDITURE TO DATE	BALANCE OF CONTRACT
<u>BTH CONSTRUCTIONS PTY LTD</u>			
William Hovel Drive/Bindubi Street Intersection Improvements	106 624.00	33 710.00	72 914.00
SUB TOTAL	106 624.00	33 710.00	72 914.00

B & L EXCAVATIONS PTY LTD

WODEN			
Yamba Drive Reconstruction	851 844.00	162 386.00	689 458.00
JERRABOMBERRA			
Long Gully Road Improvements	482 292.00	148 676.00	333 616.00
SUB TOTAL	1 334 136.00	311 062.00	1 023 074.00

CANBERRA CONTRACTORS PTY LTD

MCKELLAR			
William Slim Drive - Intersection Improvements	247 085.50	219 202.07	27 883.43
SUB TOTAL	247 085.50	219 202.07	27 883.43

CONTRACTOR	VALUE OF CONTRACT	EXPENDITURE TO DATE	BALANCE OF CONTRACT
<u>FLYNN EXCAVATIONS PTY LTD</u>			
CITY			
Limestone Avenue Reconstruction Anzac Parade to Ainslie Avenue	1 169 351.93	44 860.00	1 124 491.93
Black Mountain Drive Reconstruction of Failed Sections	57 580.00	0.00	57 580.00
SUB TOTAL	1 226 931.93	44 860.00	1 182 071.93

CONTRACTOR	VALUE OF CONTRACT	EXPENDITURE TO DATE	BALANCE OF CONTRACT
<u>GUIDELINE (ACT) PTY LTD</u>			
CITY			
Limestone Avenue Reconstruction Ainslie Avenue to Girrawheen	1 649 714.02	16 489.00	1 633 225.02
Uriarra Crossing Remedial Works	120 182.86	12 691.70	107 491.16
FYSHWICK			
Traffic Control Devices & Parking Arrangements	90 392.56	0.00	90 392.56
Ginninderra Drive/Haydon Drive Intersection Improvements	96 191.58	29 146.71	67 044.87
CITY			
Barry Drive/Clunies Ross Street Intersection Improvements	202 030.80	0.00	202 030.80
CURTIN			
Carruthers/Strangways & McCulloch Streets Roundabout	195 302.44	0.00	195 302.44
SUB TOTAL	2 353 814.26	58 327.41	2 295 486.85
<u>J W A & C A TODD</u>			
BRADDON			
Lonsdale Street Parking Improvements	155 852.25	79 027.91	76 824.34
MACQUARIE			
Canberra High Pedestrian Safety Improvements Bindubi Street	66 900.00	0.00	66 900.00
Minor Roadworks			
Barry Drive/North Road/McCaughey Street	102 544.00	27 720.00	74 824.00
BELCONNEN TOWN CENTRE			
Cameron Avenue/Chandler Street Intersection Improvement	74 015.50	0.00	74 015.50
SUB TOTAL	399 311.75	106 747.91	292 563.84

CONTRACTOR	VALUE OF CONTRACT	EXPENDITURE TO DATE	BALANCE OF CONTRACT
<u>P J & L A KEEFFE</u>			
Tuggeranong Parkway Emergency Telephones	88 037.16	39 340.00	48 697.16
SUB TOTAL	88 037.16	39 340.00	48 697.16
<u>KENOSS PTY LTD</u>			
CANBERRA OAKS ESTATE Road Upgrading Stages 1 & 2	454 803.00	0.00	454 803.00
SUB TOTAL	454 803.00	0.00	454 803.00
<u>G & J LORKIN PTY LTD</u>			
SWINGER HILL Reconstruct Horbury, Mansfield & Alsop Place	93 070.00	27 773.00	65 297.00
CITY Ainslie Avenue/Ballumbir Street Intersection Improvements	79 106.00	0.00	79 106.00
SUB TOTAL	172 176.00	27 773.00	144 403.00
<u>LASOBOOK PTY LTD</u>			
Rural Roads - Various Guardrails	129 719.50	59 731.00	69 988.50
SUB TOTAL	129 719.50	59 731.00	69 988.50
<u>NYHOLT CONSTRUCTIONS PTY LTD</u>			
BARTON Bowen Drive Reconstruction	612 359.00	57 130.00	555 229.00
Gold Creek Tourist Area Access Road	370 295.50	324 945.50	45 350.00
SUB TOTAL	982 654.50	382 075.50	600 579.00

CONTRACTOR	VALUE OF CONTRACT	EXPENDITURE TO DATE	BALANCE OF CONTRACT
<u>RIDGE CONSOLIDATED PTY LTD</u>			
TUGGERANONG Monaro Highway/Isabella Drive Intersection Improvements	2 832 162.00	0.00	2 832 162.00
FYSHWICK Ipswich Street/Newcastle Street Intersection Improvements	110 000.00	106 762.50	3 237.50
SUB TOTAL	2 942 162.00	106 762.50	2 835 399.50
<u>R & G SHELLEY PTY LTD</u>			
Intersection Improvements Limestone Avenue/Majura Avenue/ Wakefield Avenue	202 265.00	13 500.00	188 765.00
FORREST National Circuit/Canberra Avenue Intersection Improvements	183 469.98	0.00	183 469.98
SUB TOTAL	385 734.98	13 500.00	372 234.98
<u>T & S SIMEONOV PTY LTD</u>			
Bus Stops/Terminal Reconstruction - Various Areas	312 428.14	0.00	312 428.14
YARRA GLEN Southbound Carriageway Improvements	261 157.79	27 387.21	233 770.58
Fairbairn Avenue/Northcott Drive Intersection Improvements	248 326.50	236 500.50	11 826.00
SUB TOTAL	821 912.43	263 887.71	558 024.72
<u>STOKES CONTRACTORS</u>			
Intersection Improvement Beasley Street/Yamba Drive Traffic Signals	163 807.00	0.00	163 807.00
SUB TOTAL	163 807.00	0.00	163 807.00

CONTRACTOR	VALUE OF CONTRACT	EXPENDITURE TO DATE	BALANCE OF CONTRACT
<u>URBAN CONTRACTORS PTY LTD</u>			
YARRALUMLA Reconstruct embankment on Adelaide Avenue	66 855.90	0.00	66 855.90
SUB TOTAL	66 855.90	0.00	66 855.90
<u>A & R ZAKMAN</u>			
LYNEHAM Flemington Road Natex Centre/ Carparks Access Improvements	42 330.00	42 330.00	0.00
SUB TOTAL	42 330.00	42 330.00	0.00
<u>GRAND TOTAL</u>	<u>12 020 188.36</u>	<u>1 791 320.40</u>	<u>10 228 867.96</u>

- (3) Additional expenditure on contracts for major roadworks in 1990/91 is expected to be around \$27million. There will be further expenditure on routine maintenance activities.

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

"Summernats"

QUESTION NO. 272

Mr Wood - asked the Minister for Finance and Urban Services:

- (1) Will the Street Car Summernats again be held in Canberra;
- (2) if so what arrangements are now in hand to prevent a repetition of the undesirable disturbance to residents of nearby suburbs..

Mr DUBY - the answer to the members question is as follows:

- (1) Yes, the Summernats will be held in Canberra again this year from December 26 - 28.
- (2) My Department is aware of the concern of many local residents about this event. The unsociable behaviour emanated from a minority of those attending, and it is my view that this small number should not be allowed to spoil the event for the majority.

In line with the recommendation of the ACT Legislative Assemblys Standing Committee on Social Policy, NO CAMPING signs have been placed along Northbourne Avenue adjacent to Watson and Downer.

During the event temporary NO PARKING signs and temporary fencing will be placed along Northbourne Avenue adjacent to NATEX. These measures will be enforced by the Australian Federal Police, Parks and Conservation Rangers and parking inspectors.

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